

Pekin Planning Commission Meeting
Council Chambers
111 South Capitol Street, 2nd level
January 9, 2019
5:30pm

Present:

Don Hild, Vice Chair
Ron Knautz
Amy Wilson

Chris Deverman
James Ruth
Tim Bonnette

The regular meeting of the Pekin Planning Commission was called to order and a quorum was declared.

Staff present: John Lebegue, Building Inspections/Development Director, and Josh Herman, City Attorney .

MOTION by Ron Knautz to approve the January 9, 2019 Agenda, Seconded by Chris Deverman. On roll call vote, all present voted AYE. Motion approved.

MOTION by Chris Deverman to approve the minutes of December 12, 2018, Seconded by Ron Knautz. On roll call vote, AYE: Don Hild, Ron Knautz, Chris Deverman, Amy Wilson, Tim Bonnette; ABSTAIN: James Ruth. Motion approved.

Council Action Reports:

No report was given.

Application #1: Continuation of the consideration of a Special Use Petition submitted by Semmco, Inc for a the establishment of a commercial, metal fabrication shop use in the B-3, General Business District at certain property located at 716 Court Street with a Legal Description of SEC 2 T24N R5W Colts Addn. Lot 25 NW ¼ in Tazewell County, Illinois, with the following P.I.N.# 04-10-02-106-003.

Open Public Hearing: 5:40 p.m.

Chairman Don Hild opened the discussion and asked if there was anyone here to speak in regard to the issue.

Juanita Vanbuskirk, 717 Hillyer, appeared before the members of the Plan Commission and stated that she had 3 concerns in regard to the proposed metal fabrication shop use. Ms. Vanbuskirk explained that she did not want to see an increase in traffic in the alley as a result of the use, wanted to see an 8 foot fence installed to screen public view of any materials stored at the exterior of the property and had concerns that a fence not be installed near the City alley at the rear of the property as she felt that the fence would adversely impact light in that area.

John Neuman, 720 Court Street, appeared before the members of the Plan Commission and stated that he feels that the metal fabrication use should be approved but that a fence be installed along the west, side property line to screen their view of the property. Mr. Neuman continued by stating that screening fencing could be installed to screen view of materials stored at the exterior of the building and that the fencing would not impact access to 716 Court Street or the property to the west. Mr. Neuman concluded by stating that additional lighting could be installed on the property to improve security and visibility in the area.

Rick Williams, representing Semmco appeared before the members of the Plan Commission and provided testimony as to the nature of the proposed metal fabrication use being conducted at 716 Court Street. Mr. Williams explained that the business consisted of the custom fabrication of metal parts and components by order. Mr. Williams further explained that fabrication materials were temporarily stored at the exterior of the building, but the materials were moved to the interior of the building to complete fabrication, which is only performed on the interior of the property.

Close Public Hearing: 5:47 p.m.

Don Hild, Chairman, entertained a motion for discussion.

Motion made by Ron Knautz, seconded by Chris Deverman, to open discussion.

Commissioner Jim Ruth asked the applicant if he was renting the entire building at 716 Court Street. Mr. Williams answered by stating Semmco was renting the front of the building and the owner was using the rear of the building for cold storage.

Commissioner Chris Deverman asked if the waste dumpster on the property would have to be screened.

Building Inspections / Development Director, John R. Lebegue stated that yes, the waste container would have to be screened from public view, as required by the City Code for commercial properties that abut a residential zoning district and a condition of the Special Use as well.

Chairman Don Hild asked if screening fencing would be required at the rear of the property.

Building Inspections / Development Director, John R. Lebegue answered by stating that commercial uses in the B-3 commercial zoning district that abut a residential zoning district are required, as a condition of the Special Use, unless deemed unnecessary. Mr. Lebegue continued by stating that even though a screening fence does not currently exist at the rear of the property at 716 Court Street, a solid, 6 foot fence exists at the rear of the residential property directly across the City alley.

Commissioner Amy Wilson asked if fencing installed at the rear of the property would create a problem.

Building Inspections / Development Director, John R. Lebegue stated that if the fencing were installed in close proximity to the alley it would have a greater likelihood of being struck by vehicles and could be a problem for snow plowing.

Commissioner Jim Ruth then asked the applicant how much traffic comes to the property.

Mr. Williams answered by stating that they currently have 3 employees who come to the site and occasional deliveries of materials and the pickup of completed projects. Mr. Williams continued by stating that access to the property is made from the Court St. entrances.

Commissioner Ron Knautz asked the applicant if they were aware that they had required a Special Use permit to operate the metal fabrication shop before they began conducting the business at 716 Court Street.

Mr. Williams answered by stating that they were told by the owner of the property that since the fabrication use was similar to the former Meineke use, they could just use the property.

Commissioner Amy Wilson asked the applicant if he would object to installing a screening fence on the property.

Mr. Williams answered by stating that he would try to comply with what the City requires, but that they could limit the amount of materials stored at the exterior of the building and move materials to the interior of the property as quickly as possible.

Chairman Don Hild stated that given the arrangement of the property at 716 Court Street he felt that the installation of a screening fence would create more problems than it would solve and would encourage more exterior storage.

Upon consideration of the petition for Special Use to establish a commercial metal fabrication shop use at 716 Court Street, the members of the Plan Commission found the commercial metal fabrication shop use an appropriate use for the property at 716 Court Street. Chairman Don Hild then called the question on the request of Semmco Inc. for a Special Use to establish a commercial metal fabrication shop use at 716 Court Street, and by a unanimous vote, the members of the Pekin Plan Commission recommended approval of the Special Use request.

Application #2: Consideration of a petition submitted by Preston-Hanley Funeral Homes & Crematory, LLC for the Re-Zoning of property currently zoned RM-3 (Multiple Family Residential) to P-1,(Vehicular Parking District)for the purpose of constructing additional parking for the funeral home use at certain properties located at 416 Catherine Street and 422 Catherine Street, with Legal Descriptions of Sec. 35 T25N R5W Original Town SE 30'

of Lot 3 and all of Lot 4 Blk. 76 SW ¼ in Tazewell County, Illinois and Sec35 T25N R5W Original Town SW ¼ Sec. 34 Lot 5 & W 40' of Lot 6 Blk. 76 SW ¼ , in Tazewell County, Illinois with the following P.I.N.#s 04-04-35-318-013 and 04-04-35-318-002.

Open Public Hearing: 5:54 p.m.

Chairman Don Hild opened the discussion and asked if there was anyone here to speak in regard to the issue.

Buster Hanley, representing Preston-Hanley Funeral Homes appeared before the members of the Plan Commission and explained that the requested re-zoning from RM-3, Multiple Family Residence District to P-1, Vehicular Parking District was to allow the expansion of the existing parking lot located at the corner of N. 4th Street and Catherine Street. Mr. Hanley continued by stating that Preston-Hanley Funeral Homes had purchased the properties at 416 and 422 Catherine Street and had demolished an apartment building that had existed on the property as preparation for the request for re-zoning. Mr. Hanley concluded by stating that a retention area is being created as part of the parking lot expansion to manage the stormwater generated by the new parking lot and that all new lighting installed on the lot would be directed toward the parking lot and not toward neighboring residential properties to the south.

Close Public Hearing: 5:57 p.m.

Don Hild, Chairman, entertained a motion for discussion.

Motion made by Ron Knautz, seconded by Chris Deverman, to open discussion.

Commissioner Chris Deverman stated that the proposed parking lot expansion and re-zoning makes sense and will provide needed off-street parking spaces.

Upon consideration, the members of the Plan Commission found the requested re-zoning of the properties at 416 and 422 Catherine from RM-3, Multiple Family Residence District to P-1, Vehicular Parking District to be an appropriate action for the subject properties. Chairman Don Hild then called the question on the request of Preston-Hanley Funeral Homes for the re-zoning of property currently zoned RM-3 (Multiple Family Residential) to P-1, (Vehicular Parking District) for the purpose of constructing additional parking for the funeral home use at certain properties located at 416 Catherine Street and 422 Catherine Street, and by a unanimous vote, the members of the Pekin Plan Commission recommended approval of the re-zoning request.

Application #3: Consideration of a Special Use Petition submitted by Peoria Monument for the establishment of a commercial monument sales use, with the exterior display of burial monuments in the B-1, Local Business District at certain property located at 3302 Court Street with a Legal Description of SEC 7 T24N R5W Pekin Heights Subd. Lots 12 & 13 (Exc. State) NW ¼ in Tazewell County, Illinois, with the following P.I.N.# 11-11-07-105-002.

Open Public Hearing: 6:00 p.m.

Chairman Don Hild opened the discussion and asked if there was anyone here to speak in regard to the issue.

Bill Steubinger, representing Peoria Monuments, appeared before the members of the Plan Commission and explained that the Special Use request was being made so that the McAvoy Monument business currently being conducted at 431 Henrietta Street can be re-located to the property at 3302 Court Street, and that the Special Use was required due to the exterior display of burial monuments. Mr. Steubinger further explained that the property at 3302 Court Street is a larger property and better suited for the burial monument sales use than the property at 431 Henrietta Street.

Close Public Hearing: 6:02 p.m.

Don Hild, Chairman, entertained a motion for discussion.

Motion made by Amy Wilson, seconded by Ron Knautz, to open discussion.

Upon consideration of the Special Use request for the establishment of a commercial burial monument sales use, with the exterior display of burial monuments at the exterior of the building at 3302 Court Street, the members of the Plan Commission found the use appropriate for the property at 3302 Court Street. Chairman Don Hild then called the question on the request for Special Use authorization for the establishment of a commercial monument sales use, with the exterior display of burial monuments in the B-1, Local Business District at certain property located at 3302 Court Street, and by a unanimous vote, the members of the Pekin Plan Commission recommended approval of Special Use request.

Application #4: Review and consideration of a petition for Special Use Authorization to Establish a Sober Living Home Use at 1120 S. Capitol Street.

Hearing #4 (#01-1928): Consideration of a Special Use Petition submitted by Wendy McCready, on behalf of Fight the Fight, to establish a sober living home use at a property located at 1120 S. Capitol Street, with a Legal Description of SEC 3 T24N R5W Chestnut Addn. Hecker & Lashbrook Subd. Lot 4 Block 16 SE ¼ in Tazewell County, Illinois, with the following P.I.N. # 04-10-03-409-010.

Open Public Hearing: 6:03 pm

Chairman Don Hild opened the discussion and asked if there was anyone here to speak in regard to the issue.

Wendy McCready, representing Fight the Fight, appeared before the Plan Commission and explained that her group had been working for 3 years on plans for the sober living home and provided information as to statistics on drug overdose and explained the need for such a use in the City of Pekin.

Ms. McCready continued by explaining that the presence of a sober living have had no impact on the sales of homes in Peoria, where other sober living homes exist, and that homes in the area sold for 96% of the asking price. Ms. McCready also stated that the property at 1120 S. Capitol Street is well suited for the proposed sober living home, as 4 to 5 cars could be parked in the driveway, and the lack of available parking would no longer be an issue. Ms. McCready then stated that she had provided the members of the Plan Commission with a copy of the federal laws pertaining to people with disabilities and the federal fair housing act and stated that she felt that the proposed sober living home should not be required to get a Special Use and be allowed as a permitted use.

Alan Johnson, 1130 S. 4th Street, appeared before the members of the Plan Commission and stated that he is a life-long resident of Pekin and is representing 50 people that were in opposition to the proposed sober living home. Mr. Johnson then read a written statement that summarized their concerns. Mr. Johnson further stated that they were concerned that the proposed sober living home would not be a state certified facility and had concerns as to how many residents would occupy the home. Mr. Johnson concluded by stating that given their concerns, the home at 1120 S. Capitol Street was not a good location for a sober living home.

Lisa Lynch, a Pekin resident, appeared before the Plan Commission and stated that she had been following this situation and stated that she did not feel that the sober living home use could be denied because of parking concerns. Ms. Lynch concluded by stating that Wendy is trying to make a difference and the proposed sober living home would not harm home values and might save a life.

Samantha Ingolia, 1105 S. 4th Street, appeared before the Plan Commission and stated that she is a mother of 4 kids and while she feels what Wendy is doing is admirable, she does not feel that the proposed sober living home is appropriate for the neighborhood. Ms. Ingolia further stated that she had concerns for the safety of her children and all other children in the neighborhood.

Michael Mathews, 1115 S. Capitol Street, appeared before the Plan Commission and stated that he felt the proposed sober living home was really a boarding house for addicts and asked if he would need a permit to turn his home into a boarding house. Mr. Mathews concluded by stating that he felt that the proposed sober living home was a commercial enterprise and should be located in a commercial district and does not belong in a residential area.

A Pekin resident named April appeared before the Plan Commission and stated that given the serious addiction problem that there were not enough sober living homes or resources for recovering addicts. She continued by stating that she understands the neighborhood's fears but that it is a community problem and the community has to work together to fix it.

Andrew Vickers, 909 S. 4th Street, appeared before the Plan Commission and stated that he commended Wendy for her efforts to establish a sober living home, but did not feel that the home belonged in this neighborhood. Mr. Vickers continued by stating that it is not true when

it's stated that residents of the home would not have relapses. Mr. Vickers concluded by asking if State of Illinois licensing standards would apply to the proposed sober living home.

Rick Hilst, 1110 S. Capitol Street, appeared before the Plan Commission and stated that he was in opposition to the proposed sober living home and felt that it did not belong in a residential neighborhood. Mr. Hilst continued by stating that sober living home is being presented as a community residence, but in his opinion does not meet the licensing requirements and standards established in the City Code for a community residence. Mr. Hilst further stated that the proposed occupancy of 10 residents and 1 manager exceeded the allowed 8 residents and 2 staff member limits detailed in the City code for a community residence. Mr. Hilst then stated that the Special Use for the sober living home must meet 7 findings of fact and the applicant must explain how the Special Use meets each of the 7 findings of fact. Mr. Hilst stated that he did not understand the finding that the use is necessary for public convenience at this location. Mr. Hilst continued by stating that when the Plan Commission recommended denial of the Special Use request to establish the sober living home at 912 Broadway Street, they based the denial on the lack of State of Illinois certification, potential for residents of the home creating problems for the neighborhood, danger to the health, safety and welfare of the residential neighborhood, potential diminution of property values and possible overloading of the city sewer system, and Mr. Hilst felt that the same findings apply to the current request. Mr. Hilst concluded by stating that when the Special Use request for the establishment of a sober living home at 912 Broadway Street was considered by the City Council, one of the impacts if the request was denied in the board packet was that denial of the petition would protect the health, safety and general welfare of the neighborhood by preventing the establishment of a use that was found incompatible with the established residential neighborhood.

Wendy McCready appeared a second time before the Plan Commission and showed the members of the Plan Commission a coat that had the names of those lost to addiction and stated that every neighborhood had drug and alcohol addicts and that these people needed help. Ms. McCready further stated that she has received a great deal of backlash on social media that she doesn't live in Pekin, but stated that she grew up in Pekin. Ms. McCready concluded by stating that Pekin needed to step up to the plate and that a sober living home needed to be in a residential neighborhood, not in a center.

Close Public Hearing: 6:45 pm.

Don Hild, Chairman, entertained a motion for discussion.

Motion made by Chris Deverman, seconded by Ron Knautz, to open discussion.

Commissioner Ron Knautz asked if the proposed sober living home required a State of Illinois license to operate the facility.

Building Inspections / Development Director John R. Lebegue answered by stating that he was not certain if the State of Illinois required the operator or residence to be licensed and that the matter would have to be looked into to provide an answer to the question.

Commissioner Knautz replied that it was very important to him to know whether State licensing was a requirement.

Commissioner Amy Wilson then wanted to know why a sober living home use was a Special Use.

Building Inspections / Development Director John R. Lebegue answered by stating that since the sober living home use was being presented as an unlicensed facility, the use did not meet all of the requirements of a community residence as detailed in Section 9-4A-2C of the City Code, therefore the sober living home use was being considered under Section 9-4A-3, (N) of the City Code, which addresses community residences that do not meet the requirement of Section 9-4A-2C. A community residence under Section 9-4A-2C constitutes a Special Use and that is why the matter is being considered by the Plan Commission. Mr. Lebegue concluded by stating that the proposed sober living home use did not constitute an alcohol / drug rehabilitation home use, which is not a community residence use, as the sober living home does not function as a rehabilitation facility.

Commissioner James Ruth then stated that what was essentially being considered for approval was a multiple family dwelling in a single family residential district.

Building Inspections / Development Director John R. Lebegue stated that yes, the use would constitute a multiple family use that would be allowed to be established in a single family zoning district if the Special Use was approved.

Chairman Don Hild then asked why the sober living home use was brought to the Plan Commission.

Building Inspections / Development Director John R. Lebegue answered by stating that the sober living home use was brought to the Plan Commission as a Special Use due to the fact that it constituted a community residence use that did not fully conform to the requirements of a community residence allowed as a permitted use.

Alan Johnson, 1130 S. 4th Street, stated there was a discrepancy in the size of the home as shown on the Tazewell County website and the real estate listing for the property at 1120 S. Capitol Street. Mr. Johnson concluded by asking how do we know how many legal bedrooms exist in the home.

Commissioner Amy Wilson then stated that as Special Use the sober living home it had to meet 7 findings of fact, and that she didn't feel that the proposed sober living home use meets all 7

required findings of fact. Commissioner Wilson further stated that she felt that the use did not meet the second finding of fact, the use and residents of the proposed sober living home were contrary to the morals and expectations of a residential neighborhood.

City Attorney Josh Herman stated that he felt it necessary to make a clarification that the proposed use is what must meet the standards and not the residents themselves and what is being considered by the Plan Commission is whether the proposed sober living home use is an appropriate use in a single family residential district.

Commissioner Wilson stated that we would have no idea of the number of people who will come into the neighborhood as a result of the sober living home use or how much traffic would be created.

Commissioner Knautz then stated that given the long, single lane nature of the driveway at the property at 1120 S. Capitol Street, congestion would be created by the stacked vehicles and in the jockeying required to remove vehicles parked on the driveway.

Commissioner Tim Bonnette stated that he had concerns about the licensing requirement for the proposed sober living home and wanted more information in regard to that matter.

Chairman Don Hild then asked if the home at 1120 S. Capitol Street had enough area for 10 residents.

Building Inspections / Development Director John R. Lebegue stated that if the information provided in the real estate was accurate, the home at 1120 S. Capitol Street did appear to possess enough bedrooms and square footage for 10 residents, but the size and number of bedrooms would have to be verified with an in-field inspection to make a final determination.

Chairman Don Hild then called the question on the request of Wendy McCreedy, representing Fight the Fight, for Special Use Authorization to establish a sober living home use at a property located at 1120 S. Capitol Street. On a roll call vote, AYE: Donald Hild, Ron Knautz and Chris Deverman NAY: James Ruth, Amy Wilson and Tim Bonnette. As a result of a 3 to 3 tied vote, no recommendation is made.

No public input.

Motion made by Ron Knautz, seconded by James Ruth to adjourn. On roll call vote, all present voted Aye. Motion approved. Meeting adjourned at 7:02 p.m.

Respectfully submitted:

John R. Lebegue, Building Inspections / Development Director