

Pekin Planning Commission Meeting

Council Chambers

111 South Capitol Street, 2nd Level

December 9, 2020

5:30pm

Present:

Bill Craig, Chair
Donald Hild
Daryl Dagit
Tim Bonnette

Chris Deverman
James Ruth
Amy Wilson

The regular meeting of the Pekin Planning Commission was called to order and a quorum was declared. Staff present: Matt Fick, Economic Development Director. Also present Katherine Swise, Miller Hall and Triggs.

MOTION by Commissioner Bonnette to approve the December 9, 2020 agenda seconded by Commissioner Deverman. On roll call vote, Craig, Hild, Dagit, Bonnette, Deverman, Ruth and Wilson.

MOTION by Commissioner Hild to approve the minutes for November 18, 2020. Seconded by Commissioner Ruth. On roll call vote, Craig, Hild, Dagit, Bonnette, Deverman, Ruth and Wilson.

Council Action Report:

Approved special use for the Phase II of the Villas at Holly Brook.

Approved the rezoning of 1111 Broadway Street from B-1 to B-3.

The public hearing was started at 5:39pm.

CASE SU 2020-08

A Special Use Petition submitted by Leaves N Beans Coffee to allow for a drive through window in the B-3 General Business district for property located at 3208 Court Street.

Mr. James Cross, owner of Leaves N Beans, appeared before the Commission via zoom and described his request to use the endcap of an existing commercial building as a new coffee shop and that he wanted to include a drive through window component.

Commissioner Bonnette stated that he had seen delivery vehicles parked in what would be the drive through area and he felt the drive aisle was too narrow to allow for another car to pass, effectively blocking access to the rear which was needed by customers of the other retail tenants to exit behind the back of the building. He felt this was potentially a safety issue.

Mr. Cross stated that they had measured the width of the drive aisle and it was at least 20 feet wide and that he felt it wasn't going to be a problem. He further stated that there was plenty of parking in the back and that the parking lot would be restriped by the landlord to help facilitate traffic flow.

Commissioner Deverman asked if the City Engineer had approved the plan and Planning and Zoning Director Fick answered yes, but only in respect to how it would impact the traffic on Court turning in and out of the site, not in relation to the width of the drive through aisle.

Chairman Craig stated that he noticed a few missing fence panels behind the building and he indicated a condition of approval should include the requirement that the panels be reinstalled. Mr. Cross stated that the landlord was aware of this and had indicated he would have them put back up.

Motion by Commissioner Hild, seconded by Commissioner Ruth, to approve the request for a drive through with the condition the missing fencing panels were reinstalled. Motion carried with Commissioner Bonnette voting nay.

CASE SU 2020-09

A Special Use Petition submitted by Screaming Eagle Properties, LLC for the modification of an existing Special Use to allow for the use of public right-of-way, pending City Council approval, as outdoor sales space for exclusive sale of new or used automobiles, motorcycles and recreational vehicles and to eliminate the requirement for fencing in the B-3, General Business district at certain property located at 602 N 5th Street.

Chairman Craig described the request and asked if there was anyone from the public who wished to make comments. Mr. Mike Wrhel, 520 State Street, stated that he felt this business was not in compliance with City codes, that they were illegally parking on City right of way and that the lights on the building were pointed in a manner that negatively impacted his residence. There were no other comments from the public.

It was explained that City staff had spoken with the adjacent owner and they had indicated they did not want a fence installed because they liked it open and felt like it was actually more of a potential safety hazard which was why the request to have that condition removed was being considered. It was further explained that the 5th Street right of way is actually a part of the existing parking lot that services the commercial multi-tenant building and had been used for parking for over 70 years but the issue wasn't discovered until recently. The City and property owner are also contemplating entering into a right of way lease agreement which would allow the owner's tenant to park his for sale vehicles there.

Commissioner Dagit questioned whether or not the Planning Commission had the right or ability to waive a code requirement (fence) or grant the use of public right of way. Legal counsel Swise stated that the Commission was not voting on the agreement, just making a recommendation to approve subject to Council approval. She further stated that she didn't think the Commission could waive code requirements but the Council could.

Commissioner Ruth made a motion to amend the special use to remove the condition that the tenant cannot park in the right of way, seconded by Commissioner Bonnette. Motion carried with Commissioner Dagit voting nay.

Following further discussion regarding the fence requirement Commissioner Craig made a motion to deny the request to remove the requirement for the privacy fence, seconded by Commissioner Deverman. Motion carried.

CASE SUBD 2020-01

A Subdivision Petition submitted by the City of Pekin to subdivide an approximately .29-acre parcel of ground in the B-3 General Business district for property located at 228 Margaret Street.

It was explained that the City was looking to purchase a portion of the building at 228 Margaret and tear it down to create a new public parking lot. The remaining portion of the building would be retained by the current owner and potentially used to house a business. The lot created around the remaining building did not meet the minimum lot size for a B-3 zoning district and therefore a variance was also being requested and heard by the Zoning Board of Appeals.

Commissioners asked questions about parking requirements and access and felt that the subdivision plat really needed to be redrawn to take these items into consideration before they would be comfortable approving it.

Commissioner Dagit made a motion to approve the subdivision, seconded by Commissioner Ruth. On roll call motion was defeated due to concerns listed above.

CASE SUBD 2020-02

A Subdivision Petition submitted by the City of Pekin to subdivide an approximately .25-acre parcel of ground in the B-3 General Business district, for property being located in the 100 block of Elizabeth Street.

Legal counsel Swise explained the need for the subdivision of the property was to clean up an encroachment issue on the east side by SEICO who had inadvertently constructed an outbuilding over the property line and to create a new parcel which the City intended so sell or lease to another party.

A question was asked if a side yard variance would be needed and a statement made that the lot sizes in a lot of the B-3 zoning districts were not realistic and that the City should contemplate rezoning them to B-2 where there are no minimum lot size requirements or setbacks.

Motion by Commissioner Hild, seconded by Commissioner Ruth to approve the subdivision request. Motion carried.

Public hearing concluded at 6:55 pm.

Legal Counsel Swise offered clarification on the placement of conditions on special uses and the role of the Planning Commission.

There were no other comments.

Meeting adjourned at 6:58.