



Zoning Board of Appeals

6 PM, October 12, 2020

Civic Plaza, 401 West Washington

AGENDA

1. Call to Order

2. Roll Call:

Jim Weber

Michael Kelley

Deno Ori

Ed Zosky

Gina Driscoll

Don Tippet

Belinda Young

3. Approval of Minutes from the meeting held on September 14, 2020.

4. Public Hearings:

a. Case 20-SU-31 Petition of Anthony Salemi for a Special Use to permit automotive repair and outdoor storage on property located at 3601 E. Washington Street.
P.I.N.: 01-01-25-110-033

b. Case 20-A-32 Petition of the City of East Peoria to amend Title 5, Chapter 7.1, Section 5(a) of the East Peoria City Code addressing the separation of Adult-use cannabis dispensing organizations from casino gaming facilities.

c. Case 20-A-33 Petition of the City of East Peoria to amend Title 5, Chapter 11, Section 10(e) of the East Peoria City Code addressing the timing for Special Uses to proceed to the City Council if the application is recommended for denial by the ZBA.

5. Regular Business:

a. Deliberations:

b. Old Business:

c. New Business:

6. Citizens' Opportunity to Address ZBA on non-agenda items

7. Adjournment

**East Peoria Zoning Board of Appeals
September 14, 2020**

MINUTES

Called to order: 6:03PM

Attendees: Deno Ori, Gina Driscoll, Ed Zosky, Don Tippet Belinda Young (via remote participation)

Absent: Jim Weber, Mike Kelley

Minutes:

Minutes from the August meeting were motioned for approval by Ed Zosky and seconded by Gina Driscoll. The motion passed 5-0.

Case 20-A-22 Petition of the City of East Peoria to amend Title 5, Chapter 8, Section 2 of the East Peoria City Code addressing Special Uses in Conservation and Residential Estate District Zoning.

The City in this case was represented by Ty Livingston spoke on behalf of the petition here. He provided an overview of the code changes. Gina Driscoll suggested the 10-acre requirement to be contiguous property.

Case 20-SU-23 Petition of Derek and Holly Greving for a Special Use to allow tree farming on property located off of Brenyn Court.

The petitioner, Derek Greving spoke about the proposal. He clarified what tree farming is and how it doesn't fully describe his proposed activity as the effort is more about conservation than anything. Deno Ori asked about the access to the property as well as the equipment to be used for the proposed use. Ed Zosky asked to have the width of the easement clarified. The petitioner didn't have that information immediately available but can get it. He also asked how far the nearest house is to this proposed operation – it's about 400 feet. Don Tippet asked about the frequency of activity coming in and out of the property. A timber harvest will occur every 10-15 years. The proposal includes a sizeable building to house related equipment and timber. His goal is to enjoy the property. Belinda Young asked about activities that have or are occurring. The petitioner shared with the group they've had a chain saw and skid steer with a back-up alarm. Deno asked about once valuable trees are harvested what's next. The petitioner indicated there's no goal to harvest them all, the plan is to continue to have growth of new trees. Gina Driscoll asked about the condition of the easement and any plans to improve it. At this point there are not any plans to improve it as it functions well, as is. She also asked about security. The building is to address some of that issue but the area is difficult to contain with any sort of fencing. She also asked about number of vehicles per week – it will be very few – mostly just himself entering and exiting the property. Sounds are also of concern – duration, frequency, etc... The petitioner indicated it would be very infrequent. Ed Zosky asked if No Trespassing signs would be posted. They are along with purple markings to indicate private property. Don Tippet asked about employees – it's just him and his wife. He also asked about other plans for access. He's inquired with the Fondulac Township regarding access via their property off of Washington St.

Allison Smith of 104 Brenyn Ct. who owns the property where the easement crosses. She has questions about the easement if the Greving's have legal rights to it. She indicates there's damage that occurs to her yard when vehicles access this easement. The width of the easement and how well it supports all of the proposed activities. How is this being regulated in the future? Deno asked her if they've had issues with the activities there since 2014. The answer was "no". Ryan Beck of 102 Continental asked if the Special Use would continue if a new owner buys it. If continuously operated, it would be but the use could not be intensified without a change in the Special Use. The conditions imposed would need to be followed. A neighbor from Terry Lamprecht of 111 Patriot Dr indicated they do hear the beeping of the bobcat backing up.

Mr. Greving has the easement from 2007 which is up to 50 feet in width, as well as one from 2010. It's not paved

that wide right now but could be if needed. Ed Zosky suggested the easement needs to be staked-out for all to see. Don Tippet asked to clarify how far the easement runs, but the paperwork does not appear to show it all the way to the street. Mr. Greving mentioned the last speaker from Patriot has had issues with him. Mr. Lamprecht indicated he has not returned to the property since he was told to stay off.

Case 20-SU-24 Petition of Sam Mach on behalf of Pho Noodle House for a Special Use to all for the outside placement and operation of a food trailer on property located at 206 W. Camp St.

The petitioner did not appear.

Case 20-V-25 Petition of Rodney Slusher of C&G Concrete on behalf of Richard & Judy Kaps for a setback variance of 2ft to allow for the placement of a paved area on property located at 100 Longview Ct.

The petitioner, Mr. Slusher of C & G Concrete of 426 Neumann Drive spoke on behalf of the request. They installed a new driveway which was extended all the way to the lot line where it meets a neighbor's property to the west. He's never gotten a permit before for a driveway in the City before – mostly because they do work for the City. Also, past practice has never dictated the need for a permit.

Deno Ori asked about the new drive impacting the water flow off of the property. The petitioner indicated no. The property owner is handicapped and needs a paved surface. Gina Driscoll asked about the retaining walls being a part of this project – they were not. The petitioner indicated the paving has made the house much more accessible for the owners. Gina mentioned concerns about water runoff caused by this project on the neighbor. The petitioner indicated those water issues were already there. The additional paving up to the lot line is for mowers to be able to access another part of the yard. Don Tippet asked for clarification on the 2 feet on the side of the house is for the lawncare service – not so much for the owners. The petitioner confirmed this to be the case, but he noted that the owners could now take their dogs out to the front yard to play and potty.

Case 20-V-26 Petition of Joseph & Rebekah Malaschak for a setback variance to allow for the placement of a privacy fence in the front yard on property located at 122 S. Euclid Ave.

The petitioner, Rebekah Malaschak of 122 Euclid spoke on behalf of the petition which is to bring a privacy fence up to the front corn of their lot. This is needed because her neighbor has a poorly maintained yard with debris. She also has an order of protection from the neighbor. Deno mentioned there's a large separation already from her home to the neighbor's lot line. He's unclear of the hardship. Gina asked if the current privacy fence is as close as code allows. At this point, it is not but it would not provide them sufficient relief to just bring it up to the front of their home. Sight distances could be compromised by bringing the fence up to the right-of-way. Ed Zosky asked if the fence could be turned back to the house. It can be but the petitioner does that believe that to be helpful in their situation. The petitioner asked if the fence could come up to the ditch. Don Tippet asked for clarification for how much further the fence could be extended by code – another 35 feet is possible.

Jim Raines of 119 S. Euclid spoke and asked if the fence could come up to the front of the neighbor's house. The property is very messy and needs to be screened. The further out the fence comes the better. Steve Harrison of 123 S. Euclid expressed concerns about extending the fence out sets a dangerous precedence just because the neighbors don't get along. Stephanie Boyle of 103 Medina Ct. is concerned for safety to allow fences to come closer to the street – at least up to the street is too close. She also confirmed the home at 123 is vacant. The concern is the fence coming up to the street. Joseph Malaschak clarified the fence will be 11 feet from the road. This is a problem property and the neighbor is a threat to their safety. Deno asked about other options that have been considered but none are viable. Mark Lacefield of 124 S. Euclid agrees the fence will be an improvement.

The neighbor's dogs are a problem, as is the view. Ken Roll of 125 S. Euclid mentioned 123 is vacant. Code enforcement needs to address the neighbor's property, but he does support the privacy fence as proposed.

Case 20-R-27 Petition of Jeff Giebelhausen of 4G EP LLC for the rezoning of properties from B-3 Business Service District to R-4 Multiple-family dwelling district located at 2480 Washington Rd.

The petitioner, Jeff Giebelhausen of 1105 Fondulac Drive spoke about the project. This is the former Cue Works which he proposes to convert it into a multi-family development – likely a small, efficiency unit complex. He would use existing footprint with the potential for growth in the future. Gina Driscoll asked about how many units are proposed – the plan 5 units to start. She asked for clarification on what's being approved – it is just the zoning.

Case 20-SU-28 Petition of Elijah Parker for a Special Use to allow for the construction of an accessory structure that exceeds the total allotted square footage for accessory structures on property located at 200 Neumann Ln.

The petitioner, Elijah Parker of 200 Neumann Lane spoke on behalf of the project. He's proposing a larger than allowed accessory structure about 20' from the easement which crosses the back of his property. Gina Driscoll asked about the use – the petitioner indicated that he has 3 boys with "a lot of stuff". He's looking to include a batting cage and to address other space needs. There are no plans for HVAC or sewer/water. Don Tippet asked about the requested Special Use, which is for the size of the building. He was concerned about the height, as it would need a Special Use if it was taller than the height of the home. The petitioner confirmed his home is taller. Also, the exterior will be of a similar nature the house. He also mentioned the building specs seemed a little off with respect to the foundation.

Case 20-SU-29 Petition of Roy Sorce of Sorce Enterprises to allow for the operation of an adult-use cannabis dispensary on property located at 300 S. Main St.

Jared Vogel of Mickel Parkway in Washington spoke on behalf of the petition for a new location for a proposed dispensary here. Gina asked about where they are going to go in the building. At this point, it's limited to just a portion of the building, but there's a plan to lease to buy the entire building. The tenant in the house out front is a not part of the plan but the tenant is month to month. Don Tippet asked about what space is being used for this proposal. Jeff Giebelhausen spoke about the plan for the space. Deno asked about how much parking would be needed – the entire front lot will be available.

Case 20-V-30 Petition of Rex & Jolyn McMorris for a setback variance of 2ft to allow for the placement of a paved area on property located at 101 Regal Ln.

Rex McMorris, the petitioner, has a 3-stall garage and a boat/trailer. He wants to expand the driveway to the lot line to permit his boat to be parked along the side of the garage and screened from view of the street. He moved in a little over a year ago. Dino indicated he didn't see a hardship here as the property was purchased recently and there's no indicating of topographic or other issues here. The petitioner indicated he would likely park the boat in the road. Gina Driscoll expressed concerns about drainage issues being caused with more pavement. There's no hardship. Ed Zosky agrees with the assessment, but the house maybe isn't sized correctly for their use. Don Tippet was able to witness the issue over the weekend. There's about 11 feet to the lot line. He can do 9 feet w/o a variance, and they may be more than the just the boat here. He's not sure what's the difference of another 2 feet.

Deliberations:

Case 20-A-22

After deliberations, Ed Zosky motioned, and Don Tippet seconded to recommend approval of the proposed text

amendment with the addition of “contiguous” to the 10-acre requirement. The board voted 5-0 to recommend approval as presented.

Case 20-SU-23

After deliberations and finding of fact, Ed Zosky motioned, and Belinda Young seconded to recommend approval of the Special Use. The board voted 5-0 to recommend approval with the following conditions: the easement needs to be verified by a surveyor and staked out.

Case 20-SU-24

The petitioner did not appear.

Case 20-V-25

After deliberations and finding of fact, Gina Driscoll motioned, and Don Tippet seconded to deny the variance. The board voted 3-2 to deny.

Case 20-V-26

After deliberations and finding of fact, Don Tippet motioned, and Gina Driscoll seconded to recommend approval of the variance up to the front plane of the neighbor’s home, approx. 40 feet from the front lot line. The board voted 3-2 to approve.

Case 20-R-27

After deliberations and finding of fact, Ed Zosky motioned, and Gina Driscoll seconded to recommend approval of the map amendment. The board voted 4-1 to recommend approval.

Case 20-SU-28

After deliberations and finding of fact, Gina Driscoll motioned, and Belinda Young seconded to recommend approval of the Special Use. The board voted 5-0 to recommend approval with the following conditions: the siding of accessory structure complements the house in color.

Case 20-SU-29

After deliberations and finding of fact, Belinda Young motioned, and Deno Ori seconded to recommend approval of the Special Use. The board voted 3-2 to recommend approval.

Case 20-V-30

After deliberations and finding of fact, Gina Driscoll motioned, and Ed Zosky seconded to deny the variance. The board voted 5-0 to deny.

Old Business:

None presented.

New Business:

Mr. Livingston presented staff’s proposal to send packets via email but have printed packets for pick-up at City Hall. He also talked about limiting the number of cases in any given month since we have 9 cases for this month.

Meeting Adjourned at 8:47PM

Respectfully Submitted,



Ty Livingston, Director

TO: Chairman Jim Weber and Zoning Board of Appeals Members
FROM: Ty Livingston, Director of Planning & Community Development
DATE: October 1, 2020
SUBJECT: October ZBA Recommendations

The ZBA will meet on October 12th at 6:00 p.m. at the Civic Plaza located at 401 West Washington St. to review and recommend action on the following cases. Please let Glen or I know if you'll be able attend and if remote participation is required.

Case 20-SU-31 Petition of Anthony Salemi for a Special Use to permit automotive repair and outdoor storage on property located at 3601 E. Washington Street.

Analysis: The petitioner, is requesting a Special Use to operate an automotive repair shop on this property along with associated outdoor storage. Initially, this will be a lease arrangement with the current owner. While some areas of the lot are paved, the graveled area between the entrance to the paved area in front of the garage doors needs to be paved along with any parking areas for customers and anticipated employees. Also, as there's 200 feet of frontage, 150 points of landscaping needs to be installed. Given the time of year, staff is ok deferring some, or all, of the paving and landscaping until next spring, should the petitioner request it and board chooses to accept. However, a specific date to have this work completed (June 1, 2021?) along with a bond/letter of credit need to be required.

Recommendation: Approval, as presented with the conditions the lot is paved and landscaping be installed as per code.

Case 20-A-32 Petition of the City of East Peoria to amend Title 5, Chapter 7.1, Section 5(a) of the East Peoria City Code addressing the separation of Adult-use cannabis dispensing organizations from casino gaming facilities.

Analysis: The petition here is to provide an ample separation between the casino and any adult-use cannabis organizations as it's in the best interest of the City to not have these uses in close proximity to one another. This code change achieves that desired goal.

Recommendation: Approval, as presented.

Case 20-A-33 Petition of the City of East Peoria to amend Title 5, Chapter 11, Section 10(e) of the East Peoria City Code addressing the timing for Special Uses to proceed to the City Council if the application is recommended for denial by the ZBA.

Analysis: The petition here is to provide official guidance to ZBA petitioners whose cases are recommended for denial. Past practice has been not to move these cases forward unless the petitioner requested it. This code changes provides a specific process to follow when that situation occurs.

Recommendation: Approval, as presented.

20 SU 31

ILLEGIBLE OR INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CITY OF EAST PEORIA, ILLINOIS

401 West Washington Street
East Peoria, IL 61611
(309) 698-4750
www.cityofeastpeoria.com

Department of Planning and Community Development

**ZONING BOARD OF APPEALS (ZBA):
APPLICATION FOR PUBLIC HEARING**

Date Received: _____ Initials: _____
Date Certified Complete: _____ Initials: _____

1. TYPE OF REQUEST

- a) Map Amendment (Rezoning)- *Site Plan not required*
Current Zoning District: _____
Proposed Zoning District: _____
- b) Text Amendment- *Attach the Proposed Amendment*
- c) Special Use- *Site Plan required*
- d) Variance- *Site Plan required*
- e) Special Use: Signs – *Site Plan and sign elevations required*
- f) Planned Unit Development (PUD)- *Attachments required*

2. PROPERTY INFORMATION

Not required for Text Amendments

Address(es): Attach sheet if necessary

Parcel ID Number(s): Attach sheet if necessary

Legal Description(s): Attach sheet if necessary

B-3
Zoning District Area of parcel(s) - acres or square feet

3. OWNER INFORMATION

PEORIA SMOKERS
Name Company (if applicable)

3601 WASHINGTON ST. EAST PEORIA, IL 61611
Address, City, State, ZIP

309-202-2911 _____
Phone Email

Thomas Webb
Signature of Owner - required

4. APPLICANT, or REPRESENTATIVE OF APPLICANT, INFORMATION – if different from owner

Anthony Salemi Unlimited Repair
Name Company (if applicable)

3613 E Washington ST East Peoria IL 61611
Address, City, State, ZIP

309 669 8085 Salemi.anthony83@gmail
Phone Email

Thomas Webb
Signature of Owner - required

4. DEVELOPMENT INFORMATION

Complete this section for Special Use and PUDs.

a) Use: Storage/food prep / Auto Repair
Existing Use / Proposed Use

b) Building Area (square feet): 1500

c) Building Height (feet): 17 FT

d) Parking Spaces Provided: 1 / 2 Right now, Future 3/6

Parking Spaces Required: _____ / _____
Total Accessible / Total Regular

e) Please describe the proposed project or change (Attach sheet if needed):

Would like to convert a storage garage into a Automotive Repair Shop. myself and another Auto Repair Shop are adjacent Existing Buildings. Car Count Estimate 20,200 Daily

5. SUBMITTAL REQUIREMENTS

Initial each item to indicate the item is complete or is included with the application. **All items listed must be provided.**

FOR ALL APPLICATIONS:

_____ Completed Application -- *Illegible or Incomplete applications will not be accepted.*

_____ Filing Fee

- Map Amendment, Text Amendment, Special Use: \$150
- Off-Premise Sign, Variance: \$100
- Planned Unit Development: \$200

_____ Application for appropriate City License as per Chapter 2 of Title 3 of the City Code (see City Clerk's Office).

_____ One Stop Shop meeting attendance by petitioner prior to ZBA hearing for all commercial projects submitting for a Special Use or variance. Meetings are held Mondays at 9AM. **Call (309)698-4717 to be placed on an agenda.**

a) MAP AMENDMENT (REZONING)

_____ Legal Description (attached)

b) TEXT AMENDMENT

_____ Proposed amendment language

c) SPECIAL USE

_____ 10 **folded** full-size site plans – **sufficiently sized to provide detail of project** (see next page)

_____ 1 site plan (8.5"x11")

_____ Building Elevations (if applicable) in Adobe PDF format or other acceptable electronic format

_____ Site Plan & Elevations in Adobe PDF format or other acceptable electronic format

_____ Legal Description (attached) and in MS Word format or other acceptable electronic format

_____ Estimated Traffic Generation (Refer to I.T.E. standards)

d) PLANNED UNIT DEVELOPMENT (PUD)

_____ All required steps and procedures in Chapter 12 of the Zoning Code.

e) SPECIAL PERMIT SIGNS

_____ 10 **folded** full-size site plans showing the location of the sign, property lines, parking areas, and buildings (see next page)

_____ 1 site plan (8.5"x11")

_____ Sign Elevations / Illustrations

_____ Site Plan & Elevations in Adobe PDF format or other acceptable electronic format

_____ Legal Description (attached) and in MS Word format or other acceptable electronic format

f) VARIANCE

_____ 10 **folded** full-size site plans (see next page)

_____ 1 overall site plan (8.5"x11") hard copy and in Adobe PDF format or other acceptable electronic format

_____ Description of hardship – reason for requested variance

SITE PLAN REQUIREMENTS

Site plans are required to be **folded**.

All site plans shall show the following items (based on the type of request):

SPECIAL USE

- (1) All proposed and existing structures – **distances from and to**
- (2) Points of ingress and egress for the proposed development
- (3) Parking plan (indicate number of spaces, aisle width and typical space dimensions)
- (4) Sign plan (directional, way-finding signs, signs which require a waiver from ordinance requirements)
- (5) Landscaping, screening, and buffering elements
- (6) Lighting plan (Photometric plan)
- (7) Boundary Lines / Property Lines (bearings, distance, and acreage) – **distances from and to existing and proposed structures**
- (8) Easement locations and purposes (if any exist)
- (9) Adjacent streets – indicate street names
- (10) North Arrow, Development Name, Map Scale, Date of Preparation, Preparer's Name
- (11) Legal Description (can be provided as an attachment)
- (12) Land Use of all adjacent parcels
- (13) Any other information as required by the Zoning Administrator to allow an accurate and complete review.

OFF-PREMISE SIGN

- (1) The proposed location of all signs (indicate type of sign)
- (2) All existing structures / buildings
- (3) Parking areas
- (4) Landscaping (required for off-premise signs)
- (5) Boundary Lines / Property Lines (bearings & distances) – **distance from sign to these**
- (6) Adjacent streets – indicate street names
- (7) North Arrow, Development Name, Map Scale, Date of Preparation, Preparer's Name
- (8) Legal Description (can be provided as an attachment)
- (9) Land Use of all adjacent parcels
- (10) Any other information as required by the Zoning Administrator to allow an accurate and complete review.

VARIANCE

- (1) Variance being requested
- (2) Unique character of your property that prevents it from meeting the requirements of your zoning district.
- (3) What is your hardship?
- (4) Is this hardship unique to your property only?
- (5) If granted, will the variance be detrimental in any way to adjoining properties?
- (6) Boundary Lines / Property Lines (bearings & distances) – **to existing and proposed structures**
- (7) All existing and proposed structures
- (8) North Arrow, Development Name, Map Scale, Date of Preparation, Preparer's Name
- (9) Legal Description (can be provided as an attachment)
- (10) Land Use of all adjacent parcels
- (11) Any other relevant information

PLANNED UNIT DEVELOPMENTS (PUD)– *As specified in Chapter 12 of the Zoning Ordinance*

Due to the nature of this review, it is required that the applicant refer to Chapter 12 of the Zoning Ordinance for all application procedures and submittal requirements. Please call 309-698-4750 with questions.

FILING INSTRUCTIONS

1. The Zoning Board of Appeals has regularly-scheduled meetings the second Monday of each month at 6PM at the Civic Plaza Council Chambers, **Room 111** 401 West Washington Street, East Peoria, Illinois.
2. The deadline for submitting applications for regularly scheduled Zoning Board of Appeals meetings is not less than fifteen (15) days prior to the meeting. A copy of the Board's schedule and submission deadlines is available at City Hall and on the City's website www.cityofeastpeoria.com/328/Zoning-Board-of-Appeals.
There are no exceptions to these dates.
3. Planning and Community Development Department staff must certify that an application for a public hearing is complete (received by the filing deadline, completely filled-out, includes all required attachments and associated filing fee) to be processed and scheduled for the next regularly scheduled meeting. All required site plans must be folded if on paper larger than 8.5 x 11. Incomplete or illegible applications will not be accepted.
4. Prior to the hearing, the Planning and Community Development Department will mail notices of the hearing to the owners of all property within 250 feet of the subject property. The applicant or applicant's representative is required to post a sign, provided by the City, on the subject property notifying of the public hearing at least seven (7) days prior to the hearing. Notice will be provided to the applicant or applicant's representative when the sign is ready to be picked-up at City Hall and posted on the subject property.
5. The basic format for each public hearing is:
 - a. Chairman opens hearing.
 - b. Swearing-in of applicant and other persons wishing to testify.
 - c. Applicant presents testimony and answers any questions from the Board.
 - d. Public input - audience presents testimony to the Board and answers any questions from the Board.
 - e. Public hearing closes.
 - f. Deliberations by the Board, no public or applicant input during this portion of the meeting.
6. Following the Public Hearing:
 - All Special Use and text/map amendment cases must be presented to the East Peoria City Council for final approval. This process takes two readings at two separate City Council meetings prior to approval being granted.
 - All variance cases are final. No further approval is required.
 - All Special Use cases requiring the conditions including, but not limited to, hard-surface paving, screening, and/or landscaping must provide a letter of credit to the City of East Peoria in an amount to cover a professional's estimate of the work to be performed prior to receiving approval from the City Council.
7. Application and inquiries should be submitted to:

**City of East Peoria
Planning and Community Development Department
401 West Washington Street
East Peoria, Illinois 61611
Phone: (309)698-4750**

Steep Hill

Ravine / Canal

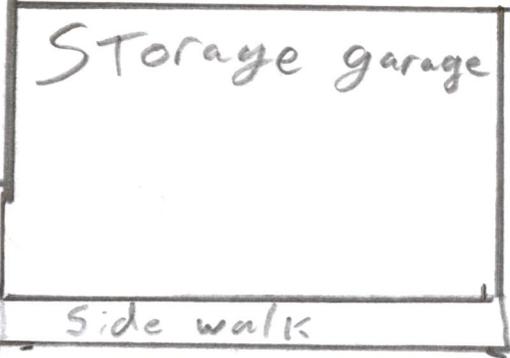
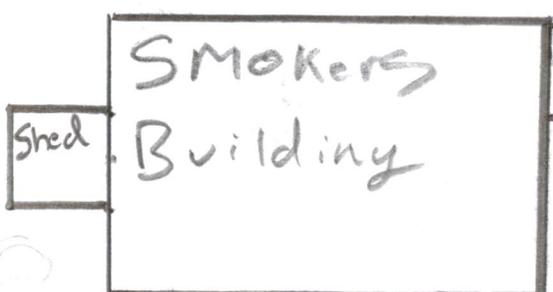
Steep Hill

Wooded Area

Property Line

Bill Board

Property Line



Concrete Parking Area

Gravel

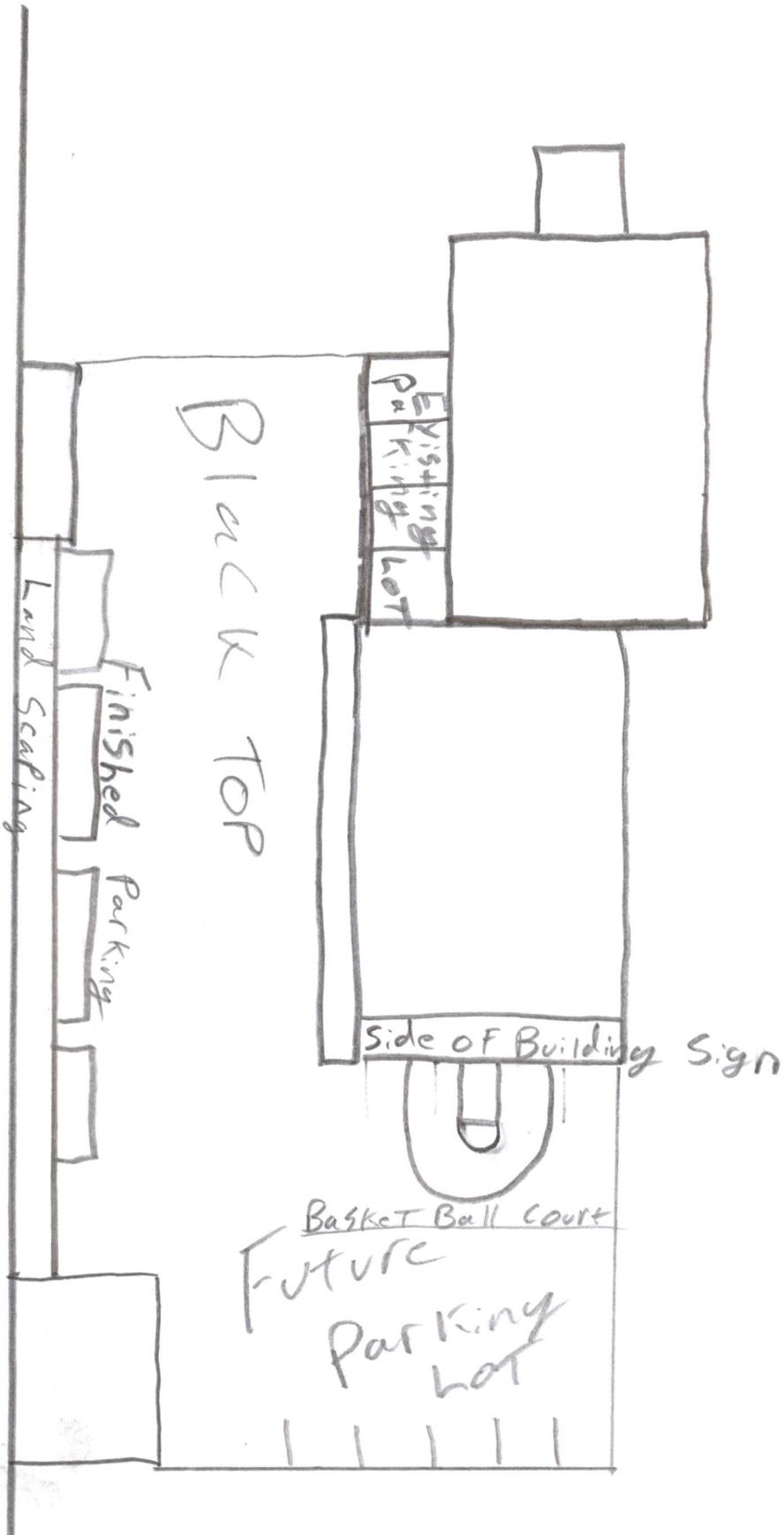
Gravel

Concrete Easement

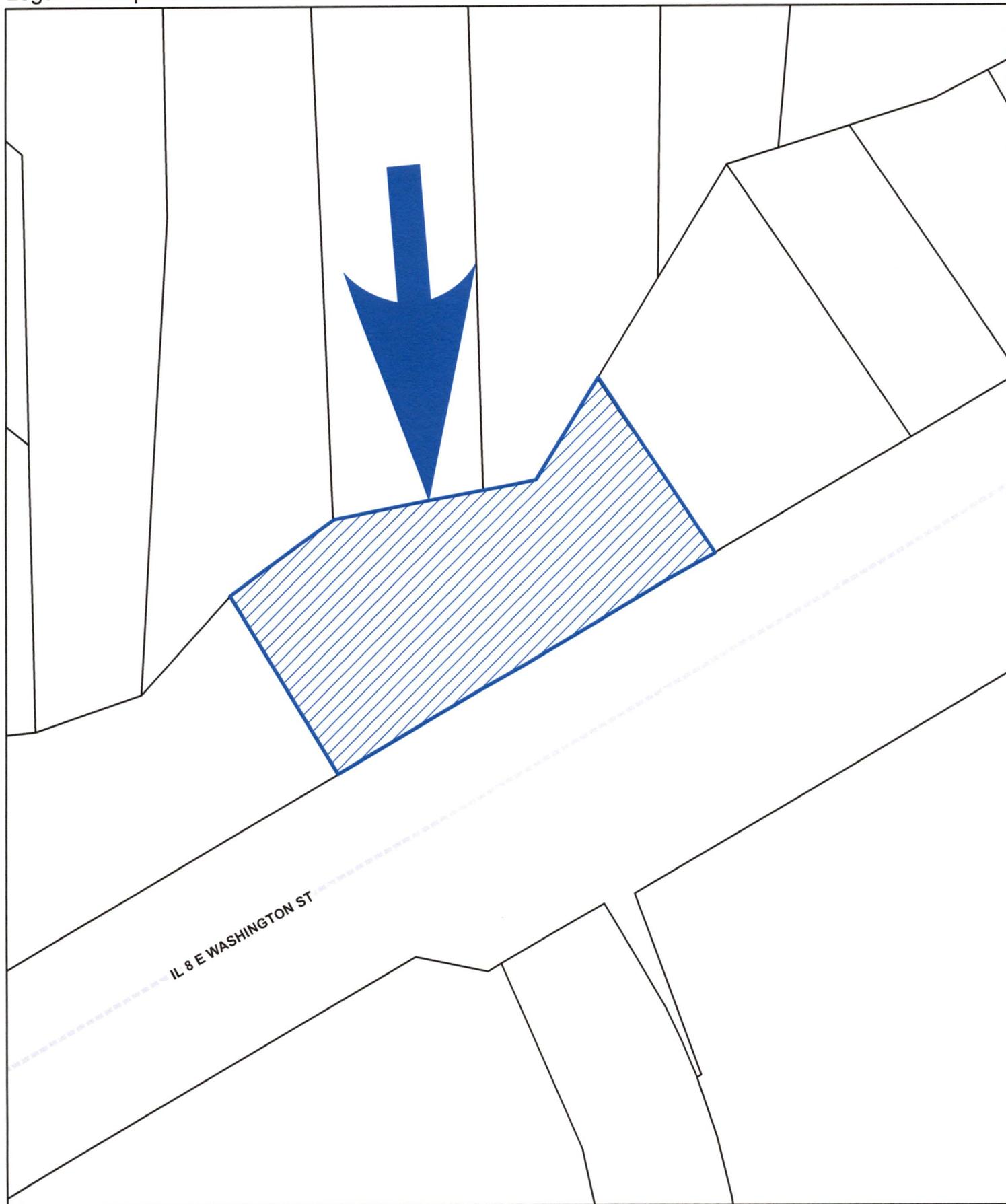
Concrete Easement

Side walk

E Washington ST



Legal Description: P.I.N.:01-01-25-110-033



ORDINANCE NO. 45___

**AN ORDINANCE AMENDING LOCATION REQUIREMENTS
FOR RECREATIONAL CANNABIS DISPENSARIES UNDER THE
CITY OF EAST PEORIA ZONING CODE**

WHEREAS, the City of East Peoria has proposed amendments to certain zoning regulations related to recreational cannabis dispensaries found at Title 5 of the East Peoria City Code, which proposed amendments are hereinafter set forth; and

WHEREAS, the City Council has determined that additional distance limitations on the location of a recreational cannabis dispensary are in the best interests of the City of East Peoria and the citizens of the City; and

WHEREAS, after holding a public hearing on October 12, 2020, pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed amendment; and

WHEREAS, the City Council finds that adoption of the proposed amendment to the City's zoning regulations would serve the best interests and the public good of the City of East Peoria and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Title 5, Chapter 7.1, Section 5(a) is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

5-7.1-5. Adult-use cannabis dispensing organization.

In those zoning use districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- (a) Facility may not be located within 1,000 feet of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, licensed day care home, or licensed residential care home, or within 2,500 feet of a casino gaming facility, as measured from building to building. Learning centers and vocational or trade centers shall not be classified as a public or private school for purposes of this Section. A casino gaming facility as used herein shall include any casino facility holding and operating under a state gaming license, but shall not include locations or businesses with video gaming operations as permitted under Title 3, Chapter 21 of this City Code.

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

ORDINANCE NO. 45___

**AN ORDINANCE AMENDING THE ZONING REGULATIONS
IN TITLE 5 OF THE EAST PEORIA CITY CODE FOR
REVIEW OF SPECIAL USE APPLICATIONS**

WHEREAS, the City of East Peoria has proposed amendments to certain zoning regulations related to the review process for special use application found at Title 5 of the East Peoria City Code, which proposed amendments are hereinafter set forth; and

WHEREAS, the City Council has further determined that clarification of the special use approval process is appropriate and necessary to ensure that all applications for special uses receive proper consideration by the City, the East Peoria Zoning Board of Appeals, and the City Council; and

WHEREAS, after holding a public hearing on October 12, 2020, pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed amendment; and

WHEREAS, the City Council finds that adoption of the proposed amendment to the City's zoning regulations would serve the best interests and the public good of the City of East Peoria and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Title 5, Chapter 11, Section 10(e) is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

5-11-10. Special uses.

- (e) *Authorization.* After conducting a public hearing on a special use application, the board shall make a recommendation as to whether the special use application should be approved or denied. For each application for a special use permit that receives a recommendation of approval from the board, the board ~~may~~ shall report to the city council such the stipulations or additional conditions and guarantees, that such conditions will be complied with when they are for the proposed special use that the board has deemed necessary for the protection of the public interest. ~~The~~ Upon receiving a recommendation of approval from the board, the city council may grant or deny any application for a special use by a majority vote; provided, however, that in the event of written protest against any proposed special use, signed and acknowledged by the owners of twenty (20) percent of the frontage immediately adjoining the property proposed for a special use, or by owners of twenty (20) percent of the frontage across the alley or

directly opposite therefrom, such special use shall not be granted except by a favorable vote of three-fourths of the city council. The city council may adopt any stipulations or additional conditions and guarantees that are recommended by the board upon approving an application for a special use and may adopt further stipulations or additional conditions and guarantees the city council deems necessary for the protection of the public interest.

If a special use application does not receive four (4) votes from the board as required under Section 5-11-3(e) of this Zoning Code, the board's recommendation will be considered a denial of the application. When the board's recommendation is the denial of the special use application, the applicant may appeal the denial to the city council by providing written notice to the Zoning Administrator within fifteen (15) days of receiving written notice of denial that the applicant seeks to appeal the denial of the special use application to the city council. If the applicant fails to provide notice to the Zoning Administrator as provided herein, the decision to deny the application will become final and shall be considered the final administrative decision of the City subject to judicial review as provided by law. Upon presentation of the denial appeal to the city council, such special use shall not be granted except by a favorable vote of three-fourths of the city council.

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel