



**TO:** The Honorable Mayor and City Council

**FROM:** Ty Livingston, Director of Planning & Community Development

**DATE:** July 13, 2022

**SUBJECT:** Petition of Jeff Ruppel of Ruppel Iowa LLC for a Special Use to permit an accessory structure in the front yard on property located at 200 S. Main Street, 01-01-32-405-014 & 017.

**BACKGROUND:** This case was first heard at the ZBA's May meeting where the petitioner's representative was asked to come back to the board to propose a location adjacent to the building since the first request was to leave the free-standing freezer where it currently resides in the parking lot.

The proposal here is for the freezer to be adjacent to the building next to the other similar units. It will be placed on the sidewalk and a portion of an existing parking space. The unit will have a similar exterior to the other units on site and will be painted to match them.

While moving the freezer from its current location is an improvement, staff still has concerns about the appearance here as it will be in front of the rest of the building. For this proposal, the island adjacent to the cooler's placement could have some arbor vitae or other screening-type vegetation installed. At their meeting, the ZBA recommended at least 15 additional points of landscaping to be installed in the island next to the freezer.

The ZBA recommends approval (4-0) of the Special Use with the condition that an additional 15 points of landscaping be added to the island next to the freezer. If 5-6 new bushes here prove to be too many for that compact space, then the remaining bushes may be placed along frontage of the property.

**RECOMMENDATION:** Approval, with the condition as noted.

**ORDINANCE NO. 4663**

**AN ORDINANCE AUTHORIZING A SPECIAL USE  
FOR PROPERTY LOCATED AT 200 S. MAIN STREET  
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

**WHEREAS**, Jeff Ruppel of Ruppel Iowa LLC, doing business as Wendy's (the "Petitioner"), has petitioned for a special use to allow placing an accessory structure in the front yard of property zoned "B-3, Business Service District" and located at 200 S. Main Street, as shown and described at "Exhibit A" attached hereto and incorporated herein by reference (which property as so described hereinafter referred to as the "Property"); and

**WHEREAS**, after hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed Special Use subject to certain conditions hereinafter set forth;

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

**Section 1.** A Special Use to allow placing an accessory structure in the front yard of the Property is hereby approved.

**Section 2.** The establishment and continuation of the special use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. Petitioner shall place the accessory structure permitted by the Special Use approved by this Ordinance, being a freezer to be located adjacent to the principal structure and next to the other similar freezer units on the Property, in accordance with a site plan (the "Site Plan") prepared and submitted by the Petitioner, attached hereto as Exhibit B and incorporated by reference.

2. Petitioner shall install at least 15 additional points of landscaping in the island next to the freezer accessory structure on the Property as approved by the Director of Planning and Community Development, by no later than October 15, 2022.

3. The accessory structure (freezer) unit shall have a similar exterior to the other adjacent freezer units on the Property and shall be painted to match the other adjacent freezer units.

4. The additional landscaping required by this Ordinance shall be continuously maintained after installation as provided by this Ordinance.

Upon the violation of or failure to comply with the forgoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may, after providing reasonable notice and an opportunity for a hearing, terminate the Special Use hereby approved.

**Section 3.** 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 4.** 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 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 \_\_\_\_\_, 2022.**

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**EXAMINED AND APPROVED:**

\_\_\_\_\_  
Corporation Counsel

**EXHIBIT A**

**Map of Location of Special Use for 200 South Main Street**

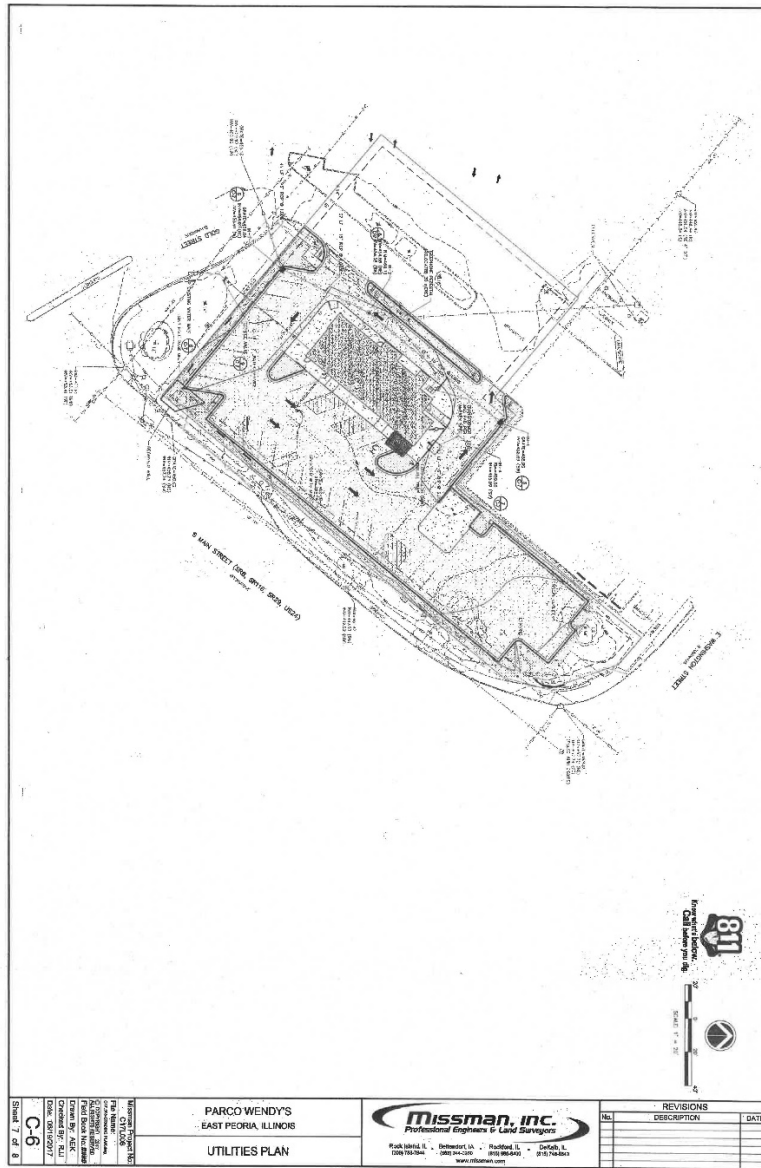
**200 S MAIN ST.**

**P.I.N. - 01-01-32-405-017, 01-01-32-405-014**



# EXHIBIT B

## Site Plan for 200 S. Main Street



SHEET NO. <b>C-6</b> OF 8	PROJECT NO. <b>100010001</b> PROJECT NAME <b>PARCO WENDY'S</b> EAST PEORIA, ILLINOIS	 <b>Missman, Inc.</b> Professional Engineers & Land Surveyors Peoria, IL • East Peoria, IL • Rockford, IL • DeKalb, IL 309.696.3400 • 309.696.3400 • 309.696.3400 • 309.696.3400 www.missman.com	REVISIONS	
			No.	DATE
UTILITIES PLAN		DESCRIPTION		DATE