



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: September 12, 2023

SUBJECT: Petition of Timothy Mauntel of VRG Properties Company, for a Special Use to allow for the continuation of operation of a Multi-Phase Extraction System on property located at 1343 East Washington Street, 01-01-34-104-010.

BACKGROUND:

The petition here is to extend the Special Use for the operation of this remediation system (for the former Clark station) for an additional 18 months. While staff understands the need to continue this operation until full site remediation has been achieved, the petitioner should be willing to agree to some additional conditions to mitigate this effort. Those conditions include the following:

- Screen the portion of the property with the trailer on it from Washington Street.
- Better maintain the property as it's in need of more regular mowing and weed maintenance.
- Employ steps to mitigate the sound emitted. While staff is unaware of any complaints from neighboring property owners, it does emit an audible buzz that can be heard from Washington Street.

At their meeting, the ZBA voted 5-0 to recommend approval of the proposed Special Use extension without conditions. The petitioner assured the board that maintenance will be managed more attentively in the future and there's very little options to attenuate the sound. The board was concerned about the benefit of additional screening.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4749

**AN ORDINANCE AUTHORIZING FIRST AMENDMENT TO
SPECIAL USE FOR PROPERTY LOCATED AT 1343 EAST WASHINGTON STREET
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, pursuant to Ordinance No. 4572 approved on May 4, 2021 (“Ordinance No. 4572”), the City Council authorized a special use (the “Special Use”) for the purpose of allowing outdoor storage and outdoor placement of equipment on property zoned “B-3, Business Service District” and located at 1343 East Washington Street, as shown and described at "Exhibit A", attached hereto and incorporated herein by reference (which property is hereinafter referred to as the “Property”); and

WHEREAS, the Property is the site of a former Clark gas station, and Ordinance No. 4572 granted this Special Use to set up the necessary equipment to undertake remediation work on the Property that will allow future redevelopment of the Property; and

WHEREAS, Ordinance No. 4572 granted this special use for the Property for a maximum period of eighteen (18) months, which has now been exceeded by several months; and

WHEREAS, Timothy Mauntel, on behalf of VRG Properties Co. (the “Petitioner”), who received the Special Use under Ordinance No. 4572, has now petitioned for an eighteen (18) month extension of the Special Use granted by Ordinance No. 4572 in order to allow the continued clean up and remediation of the Property; and

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

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

Section 1. An Amendment to the Special Use extending the Special Use for the Property for an additional eighteen (18) months is hereby approved as provided herein.

Section 2. The extension of the Special Use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following additional special conditions:

1. Petitioner shall maintain the Special Use during the extension period 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. All prior conditions and requirements established under Ordinance No. 4572 for the Special Use shall remain in place with the exception of the time period for the Special Use, which is being extended for an additional 18 months from the date of this Ordinance. A further extension of this Special Use may only be granted upon submission of a new petition to the Zoning Board of Appeals requesting such extension and City approval of the requested extension.

3. Petitioner shall further screen the trailer on the Property such that it will not be seen from E. Washington Street.

4. Petitioner shall conduct regular and periodic mowing and weed maintenance on the Property to ensure that such grass and weeds do not become overgrown. This maintenance schedule shall be more consistent and thorough than previously conducted by Petitioner on the Property.

5. Petitioner, in cooperation with direction and consent from the Director of Planning and Community Development (or his designee), shall undertake additional screening efforts that will potentially mitigate sound and noise levels emitted from equipment on the Property.

Upon the violation of or failure to comply with the forgoing conditions, or the continuing conditions and terms established in Ordinance No. 4572, 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 _____, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

Map of Location of Special Use (1343 E. Washington Street)

Address: 1343 E. Washington Street

P.I.N. 01-01-34-104-010



ZBA Case # 23-SU-30

