



Post Office Box 299  
Peru, Illinois 61354

**August 14, 2020**

Mayor Scott J. Harl,  
Peru City Clerk, and  
Aldermen of the City of Peru

RE: Petition of Teran Properties, Inc.  
2702 May Road, Peru, IL

Gentlemen:

Pursuant to legal notice published in the News Tribune in the manner provided by law, the Planning/Zoning Commission of the City of Peru convened for a public hearing on Wednesday, August 13, 2020, at 5:00 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of Teran Properties, Inc. (hereinafter "Petitioner") concerning property located at 2702 May Road in the City of Peru, legally described as follows:

That part of the East 25 acres of the North 50 acres of the West Half of the Northwest Quarter of Section 5, Township 33 North, Range 1, East of the Third Principal Meridian, lying and being North of the North Boundary Line of Interstate Route 80, being more particularly described as follows: Commencing at the Northwest corner of the said Northwest Quarter of Section 5, thence North 89 degrees 52 minutes 16 seconds East along the North line of said Northwest Quarter of Section 5 for a distance of 974.96 feet to the point of beginning; thence continuing North 89 degrees 52 minutes 16 seconds East, along said North line, 192.07 feet, thence South 00 degrees 19 minutes 14 seconds West 363.00 feet; thence North 89 degrees 52 minutes 16 seconds East 154.49 feet to a point on the East line of the West Half of the Northwest Quarter of said Section 5; thence South 00 degrees 32 minutes 47 seconds West along said East line 329.00 feet to a point on the North Right-of-Way line of Interstate 80; thence South 89 degrees 40 minutes 22 seconds West along said North Right-of-Way line, 342.67 feet; thence North 00 degrees 06 minutes 19 seconds East 693.16 feet to the point of beginning, except coal and minerals and the right to mine and remove the same; situated in LaSalle County, Illinois.

P.I.N.: 17-05-110-000 (hereinafter "Property").

Petitioner requests a variance from Section 11.09D.4.c. of the City's Subdivision and Site Development Regulations Ordinance to allow for an detention pond with an aggregate base. The Property is located in B-4 Highway Business District.

Planning/Zoning Commission Members Miller, Atkinson, Lucas, Kalsto, and Brady were present at the hearing. Members Grabowski and Moreno were absent. Due to COVID-19, this meeting was also streamed live on the internet.

After first being duly sworn, Robert Grivetti appeared on behalf of Petitioner and testified the variance request has two purposes. The first is to allow for the outside storage and display of 30' long reach arm attachments. The second purpose is to provide a defensive barrier around the perimeter of the Property, which has been hit by semi-trucks twice in the past several years.

In response to questioning from Member Atkinson, City Engineer Eric Carls stated that the City's ordinance requires the base of detention areas be sodded. In response further questioning from Member Atkinson, Engineer Carls stated the purpose of the variance request is not cost, but for an additional equipment storage and display area that is easily maintainable. Engineer Carls noted the Planning/Zoning Commission favorably recommended a similar request by Petitioner earlier this year for a separate area of the Property, but aggregate surfacing of the detention area was not discussed.

In response to further questioning from Member Lucas, Engineer Carls stated that he did not foresee any drainage problems with storage of such attachment equipment in the detention area. However, Petitioner is well aware that if there are any maintenance or drainage issues created as a result, the City would require Petitioner to remove those attachments. The same thing was represented and agreed to by Petitioner at the previous hearing.

Mr. Grivetti stated that when we received 10" of rain back in May, he did not notice any drainage issues or standing water in the detention area. In response to Mr. Grivetti, Engineer Carls confirmed that the ca7 aggregate may, depending on the type and depth of rock, act like a French drain and improve permeability and drainage.

City of Peru Corporate Counsel noted the City had received documents earlier that day. A letter from Attorney Joseph H. Cantlin dated August 13, 2020, a copy of which is attached hereto as "Exhibit A", was received and read into the record by Attorney Schweickert. Attorney Cantlin wrote that he represents the owners of 2700 May Road, Gerald Wesbecker and Doug Arneson, and states their objection to the Petition on the basis that his "clients suspect that the 'display area' in place and the work outline in the petition exceeds one acre and requires a SWPPP (Storm Water pollution Prevention Plan) accompanied by drawings of a licensed civil engineer." Also received into the record was an aerial of the Property purporting to show the square footages of the storage areas, a copy of which is attached as "Exhibit B", and a warranty deed for the Property recorded July 6, 1999 as Doc. No. 99-17411, a copy of which is attached as "Exhibit C".

A call for public comment and objectors was made.

After first being duly sworn, Jonathan Chamlin testified that Petitioner represented at the first hearing on January 30, 2020, that the total disturbed area for outside storage and display of equipment would be less than one acre. Disturbing one acre (43,560 sq. ft.) or more of earth requires a Storm Water Pollution Prevention Plan (SWPPP), which is under the jurisdiction of the Illinois Environmental Protection Agency. Mr. Chamlin stated the storage area within the fence on the north side of the Property is approximately 55,000 sq. ft. In his opinion, Petitioner should have obtained a SWPPP, which would have required a licensed engineer to draw a drainage plan for the display area and

application to the IEPA for a permit. With the addition of Petitioner's current request, the total area affected is 76,000 sq. ft.

In response to Mr. Chamlin, City Engineer Carls confirmed a SWPPP was not included with the Petition. Mr. Chamlin noted that Property drains to the storm water detention basin across his partners' property at 2700 May Road. He added that 2700 May Road property was the first development and was later subdivided to share stormwater detention and an ingress/egress access easement with the Property. The access easement was to be maintained by the owners of the Property. Mr. Chamlin concluded stating Petitioner's request may also fall under the jurisdiction of the IEPA and asked that the City require a SWPPP.

City Engineer Eric Carls stated that, while certain developments may be required to obtain permits from outside agencies, the City of Peru Ordinances do not require an applicant prove they obtained said permits. Rather, it is expected they obtain all necessary permits and provide courtesy copies of them to the City. Engineer Carls stated they will work with the Petitioner to determine if they have applied for a SWPPP and obtain a copy. However, Engineer Carls noted he does not have authority to require Petitioner to obtain a SWPPP, which is under the jurisdiction of the IEPA. If the IEPA wants to review this matter, they certainly can do that. Engineer Carls said the lack of a SWPPP does not change his recommendation but reiterated that his department would follow up with Petitioner the following day to see if SWPPP exists and obtain a copy.

In response to questioning from Member Brady, Engineer Carls stated he has not seen any drainage easement or other evidence that the detention area at issue is shared by both the Property and 2700 May Road.

Attorney Schweickert noted the City includes a standard provision in any ordinance granting variances stating that nothing in the ordinance shall be construed to preempt any private covenants and restrictions that may be applicable to the Property. Therefore, if there is a shared drainage easement that exists, that would be a private dispute that should be resolved between the parties outside of the City.

In response to Chairman Miller, Engineer Carls confirmed that a SWPPP does not have any bearing on whether or not to grant the requested variance under the City's Code.

In response to Member Kalsto, Engineer Carls stated the elevation of the detention area is not significantly lower than the other paved areas on the Property.

In response to Mr. Chamlin, Engineer Carls stated he is unaware of other aggregate base detention areas in the City. Such requests would be determined on a case by case basis.

There were no other public comments or objectors.

The Planning/Zoning Commission found the requested variance will not alter the essential character of the locality; will not be detrimental or injurious to other properties in the area; will not impair an adequate supply of light or air to adjacent properties, or increase the danger of fire, or endanger the public safety, or diminish or impair property values and will not increase street congestion and, therefore, recommends to the City Council that the variance be granted.

Member Lucas moved, and Member Atkinson seconded, to favorably recommend to the City Council that they approve Petitioner's request for a variance from Section 11.09D.4.c. of the City's Subdivision and Site Development Regulations Ordinance to allow for an detention pond with an aggregate base . The motion passed unanimously: 5 aye, 0 nay, and 2 Members absent.

Respectfully submitted,

---

CARY MILLER, Chairman of the  
Planning/Zoning Commission