



Post Office Box 299
Peru, Illinois 61354

August 6, 2020

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

RE: Petition of Andrew Lamps
Property located North of 38th Street and East of Progress Boulevard, Peru, IL
Continuation of hearing held May 20, 2020

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 5, 2020, at 5:25 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of the Andrew Lamps (hereinafter "Petitioner") concerning property generally located North of 38th Street and East of Progress Boulevard, Peru, IL, legally described as follows:

Lot 1 in the Re-Subdivision of Progress Park Third Addition to the City of Peru, according to the Plat thereof recorded February 2, 1993 as Doc. #93-02754, (except coal and other minerals and the right to mine and remove the same), situated in the City of Peru, in LaSalle County, Illinois.

PIN: 17-04-321-005 (hereinafter, "Property").

This public hearing was a continuation of the Planning/Zoning Commission hearing held on May 20, 2020. Minutes from the May 20 hearing are attached hereto as "Exhibit A." Petitioner's revised Petition requests the following relief:

- (1) A special use under Section 11.05(d)(15) of the Zoning Ordinance to allow for the construction of an indoor sports and recreational facility;
- (2) A variance to reduce the side yard setbacks from not less than 20 feet as required under Section 11.05(h)(3) of the Zoning Ordinance, to not less than 5 feet; and
- (3) A waiver from Section 7.04(c) of the Zoning Ordinance requiring concrete wheelstops or a continuous curb around the perimeter of open off-street parking areas, to allow for wheelstops and curb only where the off-street parking area abuts the building.

The Property is located in a B-4 Highway Business District.

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

Petitioner and his attorney, Nick Balestri, appeared in-person at the hearing and were duly sworn. Attorney Balestri testified that Petitioner made significant efforts to address the comments and recommendations made by the Planning/Zoning Commission at the May 20th hearing. Attorney Balestri said the issues identified at the prior hearing involved the type and location of the proposed facility. Petitioner hired an architect and spent time and money to design an aesthetically pleasing building that would be a nice addition to the City. Attorney Balestri provided a conceptual rendering of the proposed facility, which was received into the record and is attached as "Exhibit B."

In response to questioning from Member Lucas, Petitioner confirmed that the conceptual rendering shows the front entrance of the facility.

In response to questioning from Member Grabowski, Petitioner testified that the facility would be pole barn construction rather than structural steel. The facility will feature metal siding with a 3' high cultured stone veneer at the base.

In response to questioning from Member Lucas, City Engineer Eric Carls said he did not believe the facility would cause any water runoff issues. Petitioner's preliminary site plan provides for a runoff holding area in the front and rear of the Property. Engineer Carls stated drainage will be evaluated further upon permit review.

In response to questioning from Member Moreno, Petitioner testified that he had spoken to area coaches and others interested in using the facility including LP Highschool head baseball coach Glupczynski, whom plans to use the facility for his players and for clinics. Petitioner said he has also spoken with, and received interest from, Peru Little League, Aftershock and LP Cavaliers travel teams.

In response to questioning from Member Kalsto, Petitioner testified there is an asphalt drive between the proposed facility and the storage building immediately to the east of the Property. In response to further questioning from Corporate Counsel Schweickert, Petitioner confirmed curbs and wheelstops will be provided where the parking area abuts the facility.

Attorney Schweickert called for public comment and objections.

Attorney Jon Brandt appeared on behalf of his clients, whom own the two lots immediately west of the Property, and objected to the Petition. After first being duly sworn, Attorney Brandt addressed Petitioner's responses to the questions on the City's Application for Variance. Attorney Brandt rejected Petitioner's "Yes" answer to Question 1) – "The property cannot yield a reasonable return if allowed to be used only under the conditions allowed by the regulations in the district in which it is located" and "No" answer to Question 3) – "The variation, if granted, will not alter the essential character of the locality."

Attorney Brandt also rejected Petitioner's "No" response to Question 4e) – "The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located." Attorney Brandt stated the two lots to the West of the Property owned by his clients are each worth approximately \$500,000. Brandt noted the Goodwill property to the west sold for \$430,000 in 2017. Further west on the corner

of 38th Street and IL Route 251, the former Dairy Queen property sold last month for \$1.1 million. Attorney Brandt argued the proposed facility would cause the value of his clients' properties to plummet. Attorney Brandt then requested Attorney Schweickert include a copy of the 5/20/20 hearing Minutes in these Minutes for the City Council's review and consideration.

After first being duly sworn, Alderman Aaron Buffo appeared and reiterated his support for the Petition. Alderman Buffo argued the facility would be a great thing for the City and stated his approval of the proposed location, noting that parents could drop off their kids at the facility and then go shop and eat nearby. Alderman Buffo said the proposed design of the facility looks beautiful, noting it is similar if not better looking than the new Goodwill building.

After first being duly sworn, Andy Arnold appeared and voiced support for the Petition. Mr. Arnold disagreed with comparing the value of the two lots owned by Attorney Brandt's clients to the sale of the former Dairy Queen property for over \$1 million, noting the IL Route 251 corner is not the same as Progress Boulevard where everything is metal construction. Mr. Arnold argued the proposed facility would be an improvement to the area, remarking that nearby Rural King to the west has goods displayed throughout the parking lot and is not very aesthetically pleasing. If Petitioner is willing to take a chance and build this facility, he should be allowed to, Mr. Arnold concluded.

The Planning/Zoning Commission found that the requested special use 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 special use be granted.

Member Moreno moved, and Member Lucas seconded, that the special use as prayed for be favorably recommended to the City Council. The motion passed: 5 aye, Member Brady voting nay, and 1 Member absent.

The Planning/Zoning Commission found the requested variances 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 variances be granted.

Member Lucas moved, and Member Moreno seconded, that the requested variance to reduce the side yard setbacks from not less than 20 feet, to not less than 5 feet, be favorably recommended to the City Council. The motion passed: 5 aye, Member Brady voting nay, and 1 Member absent.

Member Moreno moved, and Member Lucas seconded, that the requested waiver from Section 7.04(c) of the Zoning Ordinance to allow wheelstops and curbs only where the off-street parking area abuts the building be favorably recommended to the City Council. The motion passed: 4 aye, Members Brady and Grabowski voting nay, and 1 Member absent.

Respectfully submitted,

CARY MILLER, Chairman of the
Planning/Zoning Commission



Post Office Box 299
Peru, Illinois 61354

May 21, 2020

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

RE: Petition of Andrew Lamps
Property located North of 38th Street and East of Progress Boulevard, 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, May 20, 2020, at 5:15 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of the Andrew Lamps (hereinafter "Petitioner") concerning property generally located North of 38th Street and East of Progress Boulevard, Peru, IL, legally described as follows:

Lot 1 in the Re-Subdivision of Progress Park Third Addition to the City of Peru, according to the Plat thereof recorded February 2, 1993 as Doc. #93-02754, (except coal and other minerals and the right to mine and remove the same), situated in the City of Peru, in LaSalle County, Illinois.

PIN: 17-04-321-005 (hereinafter, "Property").

The Petitioner requests a special use under Section 11.05(d)(15) of the Zoning Ordinance to allow for an indoor sports and recreational facility on the Property. Petitioner further requests the following waivers and variances, to wit:

- (a) A waiver of the stormwater drainage requirements of Section 11.09 of the Subdivision and Site Development Regulations Ordinance;
- (b) A variance to reduce the side yard setbacks from not less than 20 feet as required under Section 11.05(h)(3) of the Zoning Ordinance, to not less than 5 feet;



- (c) A variance from Section 7.04(a) of the Zoning Ordinance to allow grindings as a temporary off-street parking area surface; and
- (d) For such other and further relief as the Planning/Zoning Commission deems appropriate.

The Property is located in a B-4 Highway Business District.

Planning/Zoning Commission Members Miller, Grabowski, Atkinson, Lucas, Kalsto, Brady, and Moreno were present at the hearing. No members were absent. Due to COVID-19, this meeting was also streamed live on the internet.

Petitioner Andrew Lamps and his attorney, Nick Balestri, appeared and were duly sworn. Petitioner provided the P/Z Commission with a conceptual site plan, a copy of which is attached hereto.

Petitioner testified that he wants to construct a sports training facility on the Property. He stated that he had changed his plan from what was originally submitted to the City. Petitioner's revised proposal involves a one long 60' x 180' building situated in a north/south direction on the Property. The front training facility section will be 60' x 80' and have a height of 10'. Petitioner stated there is a local youth art and fitness training business interested using the front section for dance and other activities.

Petitioner testified further that he intends to use the rear 60' x 100' section as a multisport training facility for indoor soccer, baseball practice, and lessons. Petitioner said he is on the Peru Little League Board and will offer the facility for Peru Little League free of charge to use during the Winter. Petitioner is also affiliated with LP travel baseball and said that travel teams and high school kids will be able to use the facility. Petitioner has already spoken to the LP baseball coach and he is interested in using the facility during the Winter.

In the future after business gets going, Petitioner plans to construct outdoor batting cages and a soccer training area in the back of the Property. Petitioner plans to host birthday parties, which he said is a need in the community.

Petitioner testified further that, with the revised plan, he only needs a variance to reduce the East side yard setback from not less than 20 feet as required under Section 11.05(h)(3) of the Zoning Ordinance, to not less than 6 feet. The revised plan incorporates a runoff holding area in the front and rear of the Property, so the requested waiver from the stormwater drainage requirements is no longer needed. Petitioner stated there was confusion regarding the requested variance to allow grindings as a temporary off-street parking area surface. Petitioner does intend to surface the parking lot with asphalt within a year after construction is completed so that variance request is not needed. Petitioner noted the concept site plan does not show any handicap parking spots, but there would be handicap parking near the front entrance.

Petitioner stated that he believes the area needs an indoor sports training facility and he picked the City of Peru because he lives here, dedicates his time to Peru Little League baseball, and coached LP travel teams. It will be a place for not only local kids to go, but also provide local college athletes with a place to train back home.

In response to questioning from Member Brady, Petitioner stated that the facility would be a metal pole building.

Chairman Miller stated he thought Petitioner's proposal was a good idea but said he had concerns with the building. The area surrounding the Property is ripe for development. Chairman Miller said the City certainly wants to see that area develop but wants those developments to have a desirable look and appearance. While there are other metal buildings nearby, those are older buildings and there isn't anything the City can do about it now. Looking at Petitioner's drawings, Chairman Miller stated that Petitioner's building looked like a simple barn without landscaping or much street appearance. Chairman Miller stated he did not have a problem with the setback variance but reiterated his concern with the type of building proposed by Petitioner.

Member Kalsto stated she shared Chairman Miller's concerns and was concerned about the building complying with applicable building codes. Petitioner plans to have team practices and host birthday parties at the facility, which means there will be large volumes of people on the premises. Member Kalsto said it would be difficult for the building to meet accessibility requirements, energy codes, and would require large bathrooms.

In response to Chairman Miller regarding the stormwater drainage, City Engineer Eric Carls stated that this was the first time that he had seen the revised concept site plan but there does appear to be some areas for stormwater runoff. If Petitioner is granted zoning approval, Engineer Carls stated his office would work with Petitioner through building and site permitting, where they would make sure Petitioner is meeting those requirements.

In response to questioning from City Attorney Scott Schweickert, Petitioner testified that the future outdoor training area and batting cages situated in the rear of the Property would not involve any buildings or structures that would require setback variances.

In response to Member Brady, Member Kalsto said that, unlike unoccupied storage buildings, this building would need to comply with more rigorous building and energy codes. Petitioner stated that he intends to do spray foam insulation to meet the applicable code requirements.

Chairman Miller made a request for public comment. Alderman Aaron Buffo was present at the hearing and stated that he believes an indoor sports complex would be beneficial to the City of Peru. In his dream scenario, the complex would allow for games to be played indoors but this would be a great start. Alderman Buffo said he coaches for Peru Little League and having a place for kids to practice during the Winter is priceless. It would attract people from surrounding communities to drop their kids off and dine and shop at nearby Peru businesses. Alderman Buffo stated he did not have a concern with the look of the proposed metal building on the Property because it wasn't directly off Route 251 or on a corner lot. Alderman Buffo stated it would also be

nice to have another location to host birthday parties, especially in the Winter. Alderman Buffo said Petitioner's proposal was a great idea and offered his support in favor.

Petitioner's attorney, Nick Balestri, testified that Petitioner would address the appearance of the building if given the opportunity. Attorney Balestri noted the location of the Property was near Interstate 80 and would attract people from surrounding cities to drop off their kids to take batting practice, to attend birthday parties, or be involved in youth art. Attorney Balestri believed the Property was a good location for the facility and would be an asset to the City.

Chairman Miller called for objections. Attorney Jonathan Brandt, after being duly sworn, stated that he represents the Barbara Vickrey Trust, Mr. and Mrs. Mark Stoneking, and Madison Medical Partners LLC. Attorney Brandt said the presentation of the Petition demonstrates it is premature, noting everything had changed from what was originally proposed. Attorney Brandt objected to the requested setback variance. The two lots to the west of the Property are prime real estate for future sales tax generating developments and are worth almost \$400,000. If Petitioner constructs a pole building with outdoor batting cages on the Property as proposed, it will destroy the value of those lots.

Attorney Brandt testified that 38th Street to Airport Road is going to be another gateway to Peru with prime development. His clients own approximately 140 acres in that area. Petitioner may have thought the Property was a good location next to the storage units, but that was a mistake from 40 years ago that shouldn't be repeated here to kill prime retail sales tax development. Attorney Brandt added that he loves the idea but said it should be located in an industrial park or north of I-80 where they can make all the noise they want, not here. He wants the prime retail to develop and generate sales tax revenue for the City so it can continue to have the best schools and low real estate taxes.

Attorney Brandt testified that, although he does not represent Dr. Garg, he can't imagine he would be thrilled with the noise generated by outdoor batting cages. He suggested that if Petitioner could not afford to construct an asphalt parking lot at the onset, Petitioner is never going to be able to afford the cost of meeting code and safety requirements. Attorney Brandt reiterated that a tin building with an unfinished parking lot, the only one of its kind north of Shooting Park Road, would have a chilling effect and discourage future development of the entire corridor of 38th Street to Airport Road.

There were no other objectors at the hearing or online.

Petitioner testified that, with respect to the parking lot, he initially requested that because he didn't know when construction of the building would be completed. Petitioner has allowed for funds through North Central Bank in Ladd for a parking lot. Upon completion of the building and favorable weather, Petitioner said he would construct a parking lot. Petitioner stated he would work with the City on improving the appearance of the building. He designed the building based on the appearance of surrounding buildings, noting there is another metal building being constructed right now by Witzak Brothers on Progress Boulevard. Petitioner said the building would be well insulated and he was not concerned about noise.

Attorney Balestri testified that Petitioner bought the Property on January 13, 2020 for \$70,000.00. Prior to that, it was listed on November 10, 2017 for \$154,900. Petitioner stated that, while it is prime land, surrounding property values have declined considering the previous owner sat on the Property for almost three years. Attorney Balestri stated Petitioner would work with the City to make the Property appealing and noted that, with two adjacent storage sheds and Rental Pros on the corner, there isn't too much nearby that is appealing. Petitioner wants to have something there that will attract people to that location, including people from other communities that will spend money in Peru.

Chairman Miller stated he agrees the concept would be a great thing for the City of Peru. However, in his opinion, the proposal wasn't enough to make a recommendation at this point. Chairman Miller stated he would like to see the Petition commit to paving the parking lot and address the appearance and building code issues.

Member Brady said there is plenty of cleaning up that needs to be done in that area but constructing another pole building isn't going to help. Member Brady thought the concept was great but said he could not approve another pole building.

Member Lucas stated he agreed with the other P/Z Commission Members. The concept is nice, but he needs to see a nicer building. Member Grabowski concurred.

Chairman Miller moved, and Member Lucas seconded, that the Petition as prayed for be not be recommended to the City Council. The motion passed: 6 aye, Member Moreno voting nay, and 0 Members absent.

Respectfully submitted,

CARY MILLER, Chairman of the
Planning/Zoning Commission



