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September 21, 2023

Mayor Ken Kolowski,
Peru City Clerk, and
Aldermen of the City of Peru

RE: Petition of Abygroups, Inc.
1839-1841 May Road, Peru, IL (PINs 11-32-404-001 & 11-32-404-005)

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, September 20, 2023, at 5:00 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of Abygroups, Inc. ("Petitioner") concerning property commonly known as 1839-1841 May Road in the City of Peru, Illinois, legally described as follows:

PARCEL 1:

LOT 1 IN LUCAS ENTERPRISE SUBDIVISION TO THE CITY OF PERU, BEING A PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 34 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 31, 2003 AS DOCUMENT NO. 2003-38075, IN THE CITY OF PERU, SITUATED IN LASALLE COUNTY, ILLINOIS;

And

PARCEL 2:

LOT 2 OF THE RE-SUBDIVISION OF LOTS 2 AND 3 OF LUCAS ENTERPRISE SUBDIVISION TO THE CITY OF PERU, LASALLE COUNTY, STATE OF ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 2007 IN THE OFFICE OF THE RECORDER OF DEEDS OF LASALLE COUNTY AS DOCUMENT NO. 2007-16394, SITUATED IN LASALLE COUNTY, ILLINOIS

PINs: 11-32-404-001 & 11-32-404-005 (hereinafter, collectively, "Property").

Petitioner, as contract purchaser, desires to construct a 2,515 sq. ft. quick serve drive-through restaurant on the Property and seeks the following relief, to wit:

- (1) Approval of a Plat of Consolidation combining the Property into a single parcel;

- (2) A variance to reduce the number of required parking spaces from not less than 26, as provided under Section 7.03(b)(7) of the City's Zoning Ordinance, to not less than 20;
- (3) A waiver from the stormwater drainage requirements under Section 11.09 of the City's Subdivision and Site Development Regulations Ordinance;
- (4) A variance from Section 8.05(b)(1)d.iv. to increase the maximum allowable height for a freestanding sign from not more than 65', to not more than 100'; and
- (5) For such other and further relief deemed necessary or appropriate.

The Property is zoned B-4 Highway Business District.

Planning/Zoning Commission Members Miller, Lucas, Kalsto, Jones, Grabowski, Brady, and Becker were all present at the hearing. No Members were absent.

Corporation Counsel Scott Schweickert stated that request (4) to increase the maximum allowable height for a freestanding sign was recently added to the Petition. Attorney Schweickert noted the Property is in the City's least restrictive sign zone "D", which restricts the maximum height of a freestanding sign to 65'. The new QuikTrip development near the Property on the east side of Route 251 is also in sign zone D and was recently approved for a variance to increase the height to 100'.

Jacob Cooke, P.E., from Woolpert, Petitioner's civil engineering consultant, appeared on behalf of Petitioner and was duly sworn.

Attorney Schweickert provided the Planning/Zoning Commission with additional background information, explaining that the Property is currently owned by the City and consists of two parcels. The City has received preliminary site plan drawings for a Popeye's restaurant that is proposed to be constructed primarily be on Parcel 2 (1839 May Road). However, the parking area for the development encroaches upon the other parcel. The reason for the Plat of Consolidation is to eliminate the internal setbacks between the two parcels and treat the Property as a single parcel. The City has also obtained a draft consolidation plat, but is working with its engineering consultants to finalize it. If Petitioner moves forward with purchasing the Property from the City, it plans to find end users to develop the remaining balance of the Property and then subdivide the consolidated Property into multiple lots to accommodate those future developments.

Engineer Cooke testified that Petitioner engaged Woolpert to build a proposed 2,515 sq. ft. Popeye's restaurant. For a restaurant this size in the post-covid era, Petitioner finds that 20 parking stalls is sufficient. Petitioner is seeking relief to reduce the parking requirements to 20 stalls and relief from the City's stormwater management requirements. Mr. Cooke explained, with the current proposed development and future site improvements, there will be a significant reduction of the impervious area that currently exists on the Property by providing for new landscaped areas along the exterior setbacks.

In response to questioning from Member Grabowski, Mr. Cooke confirmed that the reduction in parking stalls is largely due to most of the business being drive-through rather than dine-in, and also to increase the amount of pervious landscaped areas. In response to further questioning from Member Lucas, Mr. Cooke stated that the 20 parking stalls would also be utilized by employees, of which there are six working during peak hours. City Director of Engineering and Zoning, Eric Carls, added that his office is seeing an increase in requests to reduce parking requirements for developments post-covid. Engineer Carls noted the City's parking requirements ordinance does not distinguish between employees and customers, adding that he had no objection and recommended approval of that request.

With respect to the remainder of the Petition, Engineer Carls stated he concurred with the testimony regarding the pervious area of the site. Petitioner's plans provide for more green space and a detention area which will reduce the existing impervious area of the site. City Corporation Counsel Scott Schweickert noted the Property was formerly developed and is largely covered with impervious concrete. Schweickert further noted the plans show the detention area located on the east side of the Property.

Engineer Carls said he had no issues with Petitioner's request to increase the sign height, noting that the City's sign ordinance will still regulate other aspects of the sign. However, Engineer Carls recommended adding a condition to the approval of the sign height variance that Petitioner seek approvals from the FAA and IDOT Division of Aeronautics to ensure there are no conflicts with the City's municipal airport airspace.

In response to questioning from Member Lucas, Engineer Carls agreed the requested sign height would be comparable to those nearby signs for McDonalds, BP, Kohls, Arbys, and QuickTrip. However, given the Property is a little bit closer to the airport airspace, he wants to make sure they obtain those clearances.

In response to further questioning about ingress/egress from Chairman Miller, Engineer Carls said he had no objection to that proposed on the preliminary site plan drawings. Until the remaining balance of the Property is developed, the internal east/west access road will terminate southwest of the restaurant. Carls added that he was also in favor of the consolidation of the Property, and that he and Attorney Schweickert were correcting a few clerical items on the plat.

There were no public comments or objections.

The Planning/Zoning Commission found the requested relief 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, favorably recommended that the City Council grant the relief as prayed for in the Petition.

Member Grabowski moved, and Chairman Miller seconded, to favorably recommend the City Council approve the Petition as prayed for except that approval of the variance from Section 8.05(b)(1)d.iv. to increase the maximum allowable height for a freestanding sign from not more than 65', to not more than 100'; be subject to the condition that Petitioner obtain clearance approval from the FAA and IDOT Division of Aeronautics as recommended by Engineer Carls. The motion passed unanimously: 7 aye, 0 nay, and no Members absent.

Respectfully submitted,

CARY MILLER, Chairman of the
Planning/Zoning Commission