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December 15, 2023

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

**RE: Petition of the City of Peru for Zoning Ordinance Text Amendments
& Rezoning of Certain Territory**

- Prohibition of Wind Farms and Electric-Generating Wind Devices Text Amendment
- M-2 Manufacturing District Allowed Use Text Amendment
- Creation of A-2, Agricultural Transition District Text Amendment
- Rezoning of Territory to A-2, Agricultural Transition District (PINs: 17-08-431-000, 17-08-100-000, 17-08-205-000, 17-05-114-000, 17-05-305-000, 17-05-311-000, 17-05-306-000, 17-05-313-000, 17-05-312-000, 17-05-103-000, 17-05-112-000, 17-06-401-000, 17-06-408-000, 17-06-407-000, 17-06-203-000, 17-06-200-000, 17-05-100-000)

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, December 13, 2023, at 5:00 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of the City of Peru, an Illinois home rule municipal corporation (“Petitioner” or “City”), seeking certain text amendments to the City’s Zoning Ordinance and the rezoning of certain territory generally located south of Interstate 80, east of Plank Road, west of Peoria Street, and north of Midtown Road.

Petitioner requests the following relief, to wit:

- (1) A text amendment to the Zoning Ordinance providing for the prohibition of wind farms and electric-generating wind devices within the corporate limits of the City of Peru and within the 1.5-mile radius surrounding the corporate limits of the City of Peru pursuant to 65 ILCS 5/11-13-26;
- (2) A text amendment to the Zoning Ordinance amending Section 12.03(b) to add the following allowed use in M-2 Manufacturing Districts: “Manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing, storage and sale of building and roofing materials and products including, but not limited to: (i) thermoplastic polyolefin membranes (TPO) and polyisocyanurate (ISO) insulation, (ii) photovoltaic and other solar shingle materials, (iii) coatings and waterproofing materials and products, and (iv) recyclable roofing materials and products other than asphalt shingles.”;

- (3) A text amendment to the Zoning Ordinance to provide for the creation of “Section 13.02, A-2 Agricultural Transition District”; a new zoning district for land currently used for agricultural purposes but located in the path of development and transition to higher intensity land uses, including mixed use residential, recreational, office, service, and business uses. The purpose and intent of A-2, Agricultural Transition District is to permit land use activity that preserves, maintains, and is compatible with the existing rural character and agricultural use of land, until such time that a land use other than A-2, Agricultural Transition District is more appropriate;
- (4) Upon creation of the A-2, Agricultural Transition District, to rezone the following parcels from M-1 or M-2 Manufacturing District to A-2 Agricultural Transition District: 17-08-431-000, 17-08-100-000, 17-08-205-000, 17-05-114-000, 17-05-305-000, 17-05-311-000, 17-05-306-000, 17-05-313-000, 17-05-312-000, 17-05-103-000, 17-05-112-000, 17-06-401-000, 17-06-408-000, 17-06-407-000, 17-06-203-000, 17-06-200-000, 17-05-100-000; and
- (5) For such other and further relief as deemed necessary and appropriate

Planning/Zoning Commission Members Miller, Kalsto, Jones, Brady, and Becker were present at the hearing. Members Lucas and Grabowski were absent.

City of Peru Corporation Counsel, Scott Schweickert, appeared on behalf of the Petitioner and was duly sworn. Attorney Schweickert testified that Petitioner’s first request, a text amendment to the Zoning Ordinance providing for the prohibition of wind farms and electric-generating wind devices within the corporate limits of the City of Peru and within the 1.5-mile radius surrounding the corporate limits of the City of Peru, is expressly authorized by section 11-13-26 of the Illinois Municipal Code. Recently, there have been some proposals for wind farms in the area with turbines that exceed 600’ in height, much taller than existing nearby wind farms people are familiar with.

Attorney Schweickert said everyone is likely familiar with the common arguments in opposition of wind farms relating to their appearance and impact on the environment and wildlife, but one concern to the City is they would restrict or act as a deterrent to future growth and development. The City has seen significant growth and development recently, and more is anticipated. The 1.5-mile radius surrounding the corporate limits of the City of Peru really isn’t all that much. Schweickert noted that the properties annexed by the City last year as part of the GAF development and creation of the MVP TIF District span .8 miles from east to west.

Another concern held by the City pertains to the City-owned Illinois Valley Regional Airport. Schweickert said the City has made a huge investment in the airport since it was constructed in the mid-1980s, and it represents a very valuable asset that has a major economic impact on the Illinois Valley region as a whole. Attorney Schweickert displayed a copy of the airport’s approach plan. Schweickert noted the 40:1 approach surface identified on the approach plan extends almost 7.5 miles to the south of the airport. While the FAA is primarily responsible for evaluating and regulating airspace from an aviation safety standpoint, Schweickert argued it is in the best interest of the City to preserve the airport’s airspace and keep it free from any significant obstructions the best it can in the interest of safety. Schweickert then asked if there were any questions from the Planning/Zoning Commission or members of the public in attendance.

Chairman Miller commented that FAA regulations are basically minimums. From a pilot’s perspective, a 600-foot tower within close proximity to the airport gives rise to concern, especially if they are IFR instrument flying. In response to questioning from Chairman Miller, Attorney Schweickert said he did

not know why they were proposing 600'+ turbines but assumed it had something to do with greater electricity generation capacity.

Chairman Miller called for public comment. In response to questioning from Steve Michelini, Attorney Schweickert said the text amendment would not affect the construction of a proposed substation. A woman in attendance said her concern was how far south the 1.5-mile radius extended. She explained there was a big wind farm in the planning stages on the south side of the river and thought a few of the 14 planned turbines would be very close to the City's 1.5-mile radius based on the maps she had seen. She said Cedar Point had also enacted its right to protect its 1.5-mile radius and thought the radius of the two municipalities would be close to overlapping. She added that the turbines are 650' tall. She lives just south of the City and said she can practically wave to some of the pilots flying over her house to land at the City's airport.

Attorney Schweickert displayed the City's corporate boundaries on the LaSalle County Supervisor of Assessments GIS program and displayed a 1.5-mile buffer from the southernmost parcel. In response to Mr. Michelini, Schweickert said the hashed line provides a fairly accurate representation of the extent of the City's 1.5-mile radius to the south.

Member Brady moved, and Member Jones seconded, to favorably recommend that the City Council approve a text amendment to the Zoning Ordinance providing for the prohibition of wind farms and electric-generating wind devices within the corporate limits of the City of Peru and within the 1.5-mile radius surrounding the corporate limits of the City of Peru pursuant to 65 ILCS 5/11-13-26. The motion passed unanimously: 5 aye, 0 nay, and 2 Members absent.

Attorney Schweickert then turned his attention to Petitioner's second request: a text amendment to add the following allowed use in M-2 Manufacturing Districts: "Manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing, storage and sale of building and roofing materials and products including, but not limited to: (i) thermoplastic polyolefin membranes (TPO) and polyisocyanurate (ISO) insulation, (ii) photovoltaic and other solar shingle materials, (iii) coatings and waterproofing materials and products, and (iv) recyclable roofing materials and products other than asphalt shingles."

As way of background, Schweickert explained he received a request from GAF to clarify that its existing manufacturing facility is an allowed use and, presumably, to ensure that an allowed use is in place for a potential 2nd facility that manufactures another one of its products. He noted the established legislative intent of all manufacturing districts, as written in the Zoning Ordinance, is "*to accommodate manufacturing activities which are most appropriate when located apart from or well buffered from residential development...*". The intent of the M-1 Manufacturing District, sometimes referred to as the "light manufacturing district," is to "provide for activities involving the manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing, and storing of materials, products, and goods *in completely enclosed buildings.*" The intent of the M-2 Manufacturing District, sometimes referred to as the "Heavy Manufacturing District," is similar except that it is intended to "provide for **all** activities involving the manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing, and storing of materials, products, and goods *with some outdoor activities and storage allowed when in conformance with the screening requirements.*"

Of the fifteen enumerated allowed uses within the M-1 Zoning District, Attorney Schweickert noted only one - "*building material sales and storage - including milling planing, jointing, or manufacture of millwork*" - directly relates to the stated intent of "*providing for activities involving the manufacturing,*

fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing, and storing of materials, products, and goods... ”. The allowed uses within M-2 Manufacturing Districts are the same as those in M-1, with the addition of two enumerated transportation related uses: “air, rail, or motor truck freight terminals, cartage facilities, railroad switching and classification yards, repair shops, and roundhouses” and “river docks, including loading and loading of commodities and materials.”

Attorney Schweickert explained that, when providing for an additional allowed use in a particular zoning district, that use becomes available to and affects all property zoned as that district throughout the City. Upon review of the City’s Zoning Map, Schweickert noted that nearly all the annexed property within the “Triangle” located south of I-80, east of Plank Road, west of Peoria Street, and north of Midtown Road, is zoned either M-1 or M-2.

Attorney Schweickert testified that this “Triangle” has become a major focus of the City’s economic development team, and the City has made substantial infrastructure investments in that area over the past several years to support its future growth and development. The Triangle encompasses nearly 500 annexed acres, but only about 20 of those acres have been developed in any way. Schweickert noted the property within the Triangle is owned by only a handful of property owners, many of whom were in attendance. Schweickert said the Triangle presents a massive opportunity. The Triangle has I-80 frontage with an undeveloped exit to the north, the airport and Veteran’s Park to the west, a large retail area to the east, and high-quality residential development to the south. The Triangle is a blank slate that could be developed as anything, even as its own model or sustainable city of the future.

Attorney Schweickert said they have drawn up some preliminary concepts for future development within the Triangle and envision it becoming Peru’s city center in the future. Peru has had a couple downtown areas over the course of its storied history beginning with Water Street, which has flooding issues, and now along Route 6, which presents issues due to being a state-controlled highway. The future city center within the Triangle would have higher density mixed-use development, be less car dependent, and offer many quality-of-life amenities such as the recreational paths already being constructed in that area. Development of the Triangle will be spurred by major “anchor” developments. The City’s new Public Safety Complex is already in place. Following the unexpected abrupt closure of the local community hospitals earlier this year, the City’s economic development team heavily marketed the Triangle as a site for a regional hospital facility capable of providing a wider range of health services and supporting the region with immediate access to the interstate. Other potential anchor developments could include a regional sports complex, trade school, community center, or attraction.

Attorney Schweickert said the City has invested upwards of \$20 million in infrastructure and capital improvements over the past several years to support future growth and development of the Triangle and north of I-80. Plans are already in motion for more infrastructure improvements, including the deep sewer project, the reconstruction and widening of Plank Road, the construction of the pedestrian bridge over Route 251 and expansion of the recreational path.

Schweickert testified further that development of the Triangle will require master planning and coordination with the property owners and expressed the City’s desire and willingness to do so. In reference to the instant Petition, Schweickert said they are not trying to prevent development, but rather promote smart and orderly development of property within the Triangle to ensure compatibility with surrounding land uses and to preserve the land value of the remaining properties. It should not be developed piecemeal without thought. One thing that is going to be required is regional stormwater detention, so we do not encounter the same issues we have along Progress Boulevard where there are a bunch of metal buildings with little detention provided.

Returning to the legislative intent for manufacturing districts, Schweickert reiterated the Zoning Ordinance acknowledges that manufacturing activities “are most appropriate when located apart from or well buffered from residential development.” He noted there isn’t any buffer here. I-80 acts as a buffer between the Triangle and the City’s primary industrial/manufacturing area that has developed north of the interstate. Maybe you’d like to see some zoning district other than manufacturing act as a buffer between I-80 and residential development within the Triangle, or between the airport and residential development within the Triangle, but we do not know how the Triangle will develop until some anchor development occurs. Until then, the City’s interest is to keep the existing land use in a holding pattern to maintain some level of oversight and ability to use its zoning powers to guide development within the Triangle such that it is compatible with surrounding land uses and does not result in a diminishment in the value of the remaining properties. While the Zoning Ordinance does provide the City some additional protections with respect to things like noise, odor, smoke, and particulate matter; a freight terminal or manufacturing facility could be constructed with minimal oversight as an allowed use and bring unintended consequences with it which results in the diminishment of the surrounding properties or ruin the masterplan of development within the Triangle.

Schweickert reiterated that they are not trying to prevent development, but instead encourage smart and orderly development that capitalizes upon the opportunity before us. He acknowledged the need for more master-planning. While the economic development team has created some concepts for the Triangle, the City’s last comprehensive plan was completed in 1970. Schweickert displayed the City’s Physical Development Plan from that comprehensive plan. He noted that the Physical Development Plan shows a parkway in the area of 38th Street and a major throughfare in the area of Wenzel Road both cutting through the Triangle east to west. It also shows “low density residential” development within the Triangle south of the Wenzel Road extension and “agricultural & low density residential” north of the Wenzel Road extension except for a commercial area along Plank Road southeast of the I-80 intersection. While the comprehensive plan was completed prior to construction of the airport, the City has largely developed consistent with the 1970 Physical Development Plan. In particular, he pointed to the industrial area located north of the interstate and retail business area east of the Triangle. Schweickert said the City is actively seeking out grants to complete a new comprehensive plan.

Schweickert said he looked at rezoning the Triangle from manufacturing to another existing zoning district under the Zoning Ordinance, but they all had the same issue where there was an allowed use that could be detrimental to the remaining balance of property. He researched how other communities dealt with this situation and is proposing the creation of a new zoning district. The “A-2, Agricultural Transition District” is for land currently used for agricultural purposes but located in the path of development and transition to higher intensity land uses, including mixed use residential, recreational, office, service, and business uses. The purpose and intent of A-2, Agricultural Transition District is to permit land use activity that preserves, maintains, and is compatible with the existing rural character and agricultural use of land, until such time that a land use other than A-2 Agricultural Transition District is more appropriate. The legislative intent of A-2, stated another way, is to “permit land use activity that is compatible with existing agricultural land use in areas which are in the path of development and transition to a higher intensity zoning classification. It is intended to encourage preservation of large blocks of farmland from premature subdivision and development.” Attorney Schweickert said this was simply his draft language and encouraged recommendations and input from everyone, because this is our community and opportunity to create something special.

In response to questioning from Chairman Miller, Attorney Schweickert provided additional background information regarding the proposed M-2 allowed use text amendment. Schweickert said when they were negotiating the GAF development, they did their due diligence and came across news articles concerning odor and emissions from its asphalt shingle plant in Texas. The City made it clear

they did not want to see an asphalt shingle plant. As a result of the City's efforts, Schweickert said the new GAF facility, which will manufacture polyisocyanurate (ISO) insulation, is a great addition to the community. It is a very clean process at a state-of-the-art facility. When GAF proposed language for the text amendment, it included basically everything in its product line, including asphalt shingles and recyclable asphalt shingles. The language proposed in the City's Petition has been negotiated to its current state. Schweickert said this all relates back to the need for rezoning the Triangle so the City does not encounter a situation where a manufacturing facility creates odor, pollution, or other negative impacts next to residential development.

Chairman Miller called for public comment regarding the text amendment to the M-2, Manufacturing District.

In response to questioning from Member Brady, Attorney Schweickert agreed it would be better to first act on the text amendment providing for the creation of the A-2, Agricultural Transition District, and then the rezoning of property.

Attorney Schweickert asked the P/Z Commission and public in attendance if there were any comments or suggestions on the proposed language and uses of the A-2, Agricultural Transition District. Schweickert said the proposed allowed uses were limited to things that would not create any long-term detriment to the future masterplan or development of the area. For example, instead of "agriculture", which is undefined in the Zoning Ordinance, an allowed use for "crop cultivation" was provided consistent with existing land use. He argued you wouldn't want a hog farm in that area.

Schweickert then reviewed the proposed allowed uses for the A-2 Agricultural Transition District: (1) Single-family detached dwellings in conjunction with farm use existing as of January 1, 2024; (2) Crop cultivation; (3) Accessory structures common or incidental to agricultural use; (4) Greenhouses, wholesale, and retail; (5) Temporary stands for the sale of agricultural non-livestock products produced on the premises, if provisions are made for parking and traffic control; (6) Home occupations (in accordance with Section 6.04 of this Ordinance); Public utility uses and structures; (8) Public buildings erected by a governmental entity; (9) Public parks, athletic fields, and recreation areas; and (10) Private amusement park, ballpark, racetrack, or similar uses. Schweickert said these allowed uses include every existing land use within the Triangle and uses that would not result in long term impediments to development. If there was some other existing use of property not covered under an allowed use, that use would be allowed to continue as a legal, non-conforming use upon rezoning of the property.

Attorney Schweickert again asked if there were any recommendations or suggestions. Hearing none, he reviewed the proposed special uses for the A-2 Agricultural Transition District: (1) Kennels, stables, and riding facilities; (2) Indoor recreational facilities; (3) Schools, public and private -- day or nursery, elementary, junior high and high, and post-secondary; (4) Commercial activities in conjunction with farm use; (5) Commercial grain elevators; (6) Golf courses; (7) Apiaries; (8) Aviaries; (9) Day care facilities; (10) Hospitals and healthcare facilities; (11) Agritourism; and (12) Swimming pools (commercial and public). Schweickert noted that these proposed special uses include some of the desirable anchor developments for the Triangle.

Schweickert testified that following rezoning, if a development were to be proposed that falls outside of the allowed or special uses, it would need to come before the Planning/Zoning Commission as a petition for text amendment and approval of that use, or as a request to rezone the property to a more appropriate zoning district. Schweickert noted this process would not be much different than what is currently required for M-1 and M-2 Zoning Districts given the limited number of allowed uses

available in those zoning districts, but it is more about the intent of the zoning district and the City's ability to maintain a level of oversight.

Member Brady commented that he believed development will continue from south to north up to Wenzel Road first. If 40 years go by and you don't get development north of Wenzel Road, you would always have the opportunity to come back and request rezoning. Member Brady said a proposed development would need to go through Planning/Zoning anyways, so not much is changing other than the City having a bit more oversight.

Chairman Miller called for public comment. Thomas Ernat asked if there was any leeway with the proposed lot and building requirements. Attorney Schweickert responded yes, and explained that, given the size of the parcels, he anticipates much of the area being developed as planned unit developments or subdivisions which would require the approval of plats and rezoning like normal. If some development like Panera Bread were proposed, a request for rezoning to a business district, such as B-4, would likely be appropriate and would then be subject to the building and lot requirements for that zoning district and variances could be requested.

Chairman Miller again called for public comment. Hearing none, Member Brady moved, and Member Jones seconded, to favorably recommend that the City Council approve the text amendment to the Zoning Ordinance providing for the creation of "Section 13.02, A-2 Agricultural Transition District." The motion passed unanimously: 5 aye, 0 nay, and 2 Members absent.

Attorney Schweickert asked if there was any further public comment on the request for rezoning of property. Hearing none, Chairman Miller moved, and Member Jones seconded, to favorably recommend that the City Council rezone the properties identified in the Petition to A-2, Agricultural Transition District. The motion passed unanimously: 5 aye, 0 nay, and 2 Members absent.

Chairman Miller asked if there was any other public comment on the requested allowed use text amendment to the M-2, Manufacturing District. Hearing none, Member Jones moved, and Member Becker seconded, to favorably recommend that the City Council approve a text amendment to Section 12.03(b) of the Zoning Ordinance adding the following allowed use to M-2, Manufacturing District: "Manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing, storage and sale of building and roofing materials and products including, but not limited to: (i) thermoplastic polyolefin membranes (TPO) and polyisocyanurate (ISO) insulation, (ii) photovoltaic and other solar shingle materials, (iii) coatings and waterproofing materials and products, and (iv) recyclable roofing materials and products other than asphalt shingles." The motion passed unanimously: 5 aye, 0 nay, and 2 Members absent.

Respectfully submitted,

CARY MILLER, Chairman of the
Planning/Zoning Commission