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December 7, 2023

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

RE: Petition of Kimley-Horn and Associates, Inc. on behalf of Peru Route 251, LLC
5253 IL Rt. 251, Peru, IL (Kohl's) (PIN# 11-33-300-008)

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 6, 2023, at 5:00 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of Petition of Kimley-Horn and Associates, Inc. on behalf of Peru Route 251, LLC (collectively, "Petitioner") concerning property commonly known as Kohl's located at 5253 IL Rt. 251 in the City of Peru, Illinois, legally described as follows:

LOT 8 ON THAT CERTAIN FINAL PLAT FOR PERU MARKETPLACE COMMERCIAL SUBDIVISION FIRST ADDITION TO THE CITY OF PERU, PREPARED BY CHAMLIN & ASSOCIATES, RECORDED WITH THE LASALLE COUNY RECORDER'S OFFICE ON OCTOBER 29, 2004 AS DOCUMENT NUMBER R2004-29567.

PIN: 11-33-300-008 (hereinafter, "Property").

Petitioner, having a contractual interest, desires to subdivide the Property and construct 10,083 sq. feet of new retail space to be leased to Five Below, Inc. between Kohl's and PetSmart, and seeks the following relief under the City's Zoning Ordinance, to wit:

- (a) Approval of the Final Plat for the Subdivision of Lot 8 in Peru Marketplace Commercial Subdivision First Addition, consisting of two lots;
- (b) A variance to reduce the minimum lot width from not less than 150', as provided in Section 11.05(f), to not less than 81' to allow for the proposed structure's walls to abut the existing Kohl's and PetSmart stores;
- (c) A variance to reduce the side yard setback from not less than 20', as provided in Section 11.05(h), to not less than 0'; and
- (d) 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, Brady, Jones, Grabowski and Becker were all present at the hearing. No Members were absent.

No one was present at the hearing on behalf of the Petitioner. City Corporation Counsel, Scott Schweickert, advised that was expected and that he and the City's Director of Engineering and Zoning, Eric Carls, have been working closely with the team at Kimley-Horn and Associates on the proposed development project.

In response to questioning from Chairman Miller, Engineer Carls stated the development was straightforward. They will be filling the vacant area between Kohls and PetSmart. Engineer Carls said that he and Attorney Schweickert did look closely at the parking requirements. The City has received some plans and an ALTA survey, but there has been some delays by Petitioner with respect to the proposed plat. Engineer Carls requested that the Planning/Zoning Commission provide a conditional approval of the plat upon his receipt, review and approval. Engineer Carls explained that Petitioner will be subdividing the Kohls property to create a small parcel where the Five Below store will be located.

With respect to parking, Engineer Carls noted that Petitioner's site plan submittal provides a parking summary which accounts for the removal of the parking area where the Five Below store will be constructed, and the additional square footage of the store. When considered as a whole, Kohl's and the proposed Five Below store will have 489 parking spaces, well above the 314 spaces required by the City's Zoning Ordinance. Additionally, there will collectively be 12 ADA accessible spaces, while the Zoning Ordinance only requires 8. There will be a pedestrian access route just north of the Five Below entrance.

Engineer Carls said his office is working through a few items with Petitioner on the civil side. The building plan submittal has not yet been received. He is working with Petitioner on how they will handle stormwater and roof drains from the adjacent buildings, and how that will be directed to the existing stormwater drainage system in the rear. Additionally, the City is working through ingress/egress access, drainage easements, and improvements such as the addition of a new ADA ramp in the front. Five Below's utilities and trash enclosure will all be in the back of the building. Engineer Carls had no objections to the requested variances.

Chairman Miller commented that, if you look online, all of the Five Below stores have a very similar appearance. Chairman Miller also noted there is a light post located in the footprint of the proposed store that will need to be removed, and that Engineer Carls will be working with Petitioner with respect to lighting in the rear of the building.

Adding to Engineer Carls comments, Attorney Schweickert stated there are recorded "Amended and Restated Easements with Covenants and Restrictions Affecting Land" that apply to the Peru Marketplace Commercial Subdivision. Those provide, in pertinent part, "Kohl's, as the owner of Tract 2, agrees that at all times there shall be independently maintained on Tract 2 parking area sufficient to meet the requirements of applicable governmental ordinances or regulations, subject to such variances as Kohl's, as the owner, user or lessee of Tract 2 may obtain. Schweickert noted Tract 2 is the same as Lot 8 on the Final Plat for Peru Marketplace Commercial Subdivision First Addition. The City has directed Petitioner to prepare the Final Plat for the Subdivision of Lot 8 in Peru Marketplace Commercial Subdivision First Addition such that the two lots are identified as "Lot 8A" and "Lot 8B" and to include

a “Shared Parking Summary” table, which is more than sufficient to meet City requirements as discussed earlier.

In response to questioning from Member Lucas, Chairman Miller indicated the proposed store would abut, but not tie into, the adjacent Kohl’s and PetSmart buildings. There will not be any access through the side walls. Attorney Schweickert commented that the variance requests are simply what B-4 requirements are, and the 0’ setbacks will also be reflected on the final plat.

Chairman Miller asked the P/Z Commission if there were any other questions or comments. Member Grabowski said it was straightforward.

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 Brady moved, and Member Jones seconded, to favorably recommend that the City Council approve the Petition, with approval of the Final Plat for the Subdivision of Lot 8 in Peru Marketplace Commercial Subdivision First Addition being subject to review and approval by the City’s Director of Engineering and Zoning. The motion passed unanimously: 7 aye, 0 nay, and no Members absent.

Respectfully submitted,

CARY MILLER, Chairman of the
Planning/Zoning Commission