

MINUTES
Zoning Board of Appeals
Linda O'Brien, Chairperson
July 8, 2021

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, July 8, 2021, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by Chairperson Linda O'Brien, at 9:00 a.m.

PRESENT: Linda O'Brien – Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT: Andrew Keyt – Vice Chairperson, Justin Brown, John Harms

STAFF: Kathi Urban – Director
Andrew Braun – Assistant Director
Taylor Armbruster – Planner I
Jennie Cordis-Boswell – Civil Assistant State's Attorney
Sarah Cox – ZBA Administrative Assistant

Mr. Happ made a motion to approve the minutes from the June 10, 2021 hearing and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (6-0)

Case No. ZBA-2021-000026 at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **HOKIN-JACOBS ENTERPRISES, INC., acting on its own behalf, a SPECIAL USE** request from Section 20-5.8.2.1.n.1 of the Unified Development Ordinance, which allows for a Tavern, not exceeding a floor area of five thousand (5,000) square feet, if located closer than five hundred (500) feet from any residential district, religious institutions, or school in the "C-2" General Commercial Zoning District. The petitioner proposes to operate a tavern located closer than five hundred (500) feet from a residential district.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on June 22, 2021, and *Limestone Independent News* on June 16, 2021. The Peoria County Health Department stated that the facility is served by public utilities and they could find no reason to deny the request. The Peoria County Highway Department has deferred to Illinois Department of Transportation. No comments were received from IDOT. Limestone Township Planning Commission approved the request. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Commercial). The site plan and two videos of the property were shown. The property is zoned "C-2".

Mark Walton of 416 Main Street, Suite 1125, Peoria, IL, Bethany Murphy of 17276 Cottonwood Lane, Carlinville, IL, and Rachel Jacobs of 1914 S Airport Rd, Peoria, IL were sworn in.

Mr. Walton stated that he represents Hokin-Jacobs, the owner of the Madison Park Shopping Center. The petitioner is looking to allow the tenant to open a gaming café at the end unit of the shopping center. The property owners are trying to keep the shopping center as full as possible. The operations will be a typical gaming café.

Ms. Murphy stated that the company is called Goldmine Gaming, and they have 8 gaming cafés throughout the state of Illinois. This location would employ 5-8 people and can have 6 gaming machines. The café would serve beer and wine only, no hard liquor. It wouldn't be a large gaming setting and not a typical tavern scene. They want a comfortable atmosphere for gaming.

Mr. Fletcher asked what the hours of operation would be. Ms. Murphy stated that the hours would be based around the liquor license. She wasn't sure what Peoria County liquor license regulations are.

Mr. Happ asked if there would be an actual bar to sit at. Ms. Murphy said there would have to be a bar according to the gaming board, but they discourage people from just sitting at the bar and drinking.

Mr. Fletcher asked how many seats would be at the bar. Ms. Murphy said it would be dependent on the size of the bar. Some of their locations only have one seat and some 3-4.

Mr. Fletcher asked if they had plans for the layout of the location. Ms. Murphy said that they were not set in stone. Mr. Fletcher asked if there was an estimate of how many seats there would be. Ms. Murphy said no more than 4.

Mr. Happ asked if there would be games at the bar. Ms. Murphy stated that they like to keep the gaming area separate from the bar.

Mr. Fletcher asked if they would serve food. Ms. Murphy stated that they wouldn't have food but would offer free snacks for people that were gaming. Things like chips that are pre-bagged.

Mr. Happ asked how many games they are allowed to have. Ms. Murphy stated that they are allowed to have six machines.

Ms. O'Brien asked if there was anyone that would like to speak in favor or opposition of the request.

Mr. Ernest Barden of 3225 W Shoff Circle was sworn in. Mr. Barden stated that he is opposed to the café. There is already a casino across the street, and if they are going by the liquor license, it could be 2 or possibly 4 o'clock in the morning, with a potential for noise and trouble. It is 100 feet away from his bedroom window.

Zabrina Harper of 3229 W Shoff Circle, Peoria, IL was sworn in. Ms. Harper stated that she was also opposed to the café. There is already a gaming café across the street. Her house is in the back of the shopping center and she doesn't want the nuisance it could cause.

Ms. O'Brien asked if there was anyone else that wanted to speak in opposition of the request. There was no one. Ms. O'Brien asked if there had been any problems with the gaming café across the street.

Mr. Barden said that the noise it creates is a problem. Motorcycles and cars with loud exhaust systems leaving late at night.

Mark Stone of 3241 W Shoff Circle was sworn in. Mr. Stone stated that he lives directly behind the proposed location. He would prefer a pharmacy or grocery store. He doesn't think they need a tavern in that area. There is already too much crime.

Mr. Fletcher asked if he was aware of any problems from the gaming café across the street. Mr. Stone stated that not yet, but they've only been there a month. Mr. Stone complained that when Kroger was there, there was always litter that ended up in his yard, and when Kroger left, so did the litter.

Ms. O'Brien stated that if the gaming facility across the street wasn't there, there would be another business, and there would still be noise and traffic. Mr. Barden stated that it wouldn't be 100 feet from his bedroom window until 2-4 in the morning.

Ms. Murphy stated that just because they would go off the liquor license as far as closing time, they wouldn't necessarily stay open that late. They would try to compete with the café across the street, and they don't stay open that late. She has never heard anything about staying open until 4. In regard to traffic, there would still be a flow in the plaza. As far as trash and loitering, they don't want a tavern setting. There can only be 6 people playing at a time and they don't want people drinking and partying. They provide a quiet and discrete venue for the players.

Ms. O'Brien asked if there had ever been problems at other facilities with people loitering outside. Ms. Murphy said they have never had that issue. They keep the inside and outside very neat and tidy.

Ms. O'Brien asked if there were any other questions from the Board. There were none.

Mr. Happ made a motion to close and deliberate and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (6-0)

Case No. ZBA-2021-000025 at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **MARY M. SCHULER, acting on behalf of Matt Koener, III, a REZONING** request from "A-2" Agriculture to "R-R" Rural Residential. The petitioner proposes to rezone 8.839 acres in order to create a buildable lot.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on May 20, 2021 and *The Weekly Post* on May 26, 2021. The Radnor Township Road Commissioner recommends denial. Staff also recommends denial. On June 10, 2021, the Board voted to continue the case.

Ms. O'Brien stated that the Board was going to discuss this case, and she had asked everyone to review the planner's report.

Ms. Cordis-Boswell clarified that the Board is still in deliberations and this is the same as a Board member asking staff for additional information.

Mr. Braun gave a detailed presentation including a brief history of the parcel, technical adequacy, environmental impacts, transportation impacts, and land use form.

Mr. Asbell stated that the Environmental Corridor is a bobcat study and asked Mr. Braun if that was correct. Mr. Braun stated that he didn't know where Mr. Asbell got that information. Mr. Asbell said from the County. Mr. Fletcher and Ms. O'Brien both asked what a "bobcat study" was. Mr. Asbell stated that they are trying to reintroduce the bobcat. Ms. Urban asked if that information came from the Land Use Plan. Mr. Asbell stated that he got everything from Peoria County. Ms. Urban asked if Mr. Asbell had read the Land Use Plan. Mr. Asbell stated that he had and that all three tiers allowed for Rural Residential.

Ms. Urban stated that all of the language came from the County's Comprehensive Land Use Plan. The Land Use Plan was adopted by the County Board after many public hearings, which discussed all of the items that are being discussed in reference to this case, including habitat, but also floodplains, natural bluffs, and timber land. There are many items that are in the Environmental Corridor form that are not related to habitat. Mr. Asbell stated that the Environmental Corridor is a bobcat study. Ms. Urban stated that they are discussing the Comprehensive Land Use Plan definition of Environmental Corridor and those are the items listed here in regard to the slopes, bluffs, and floodplain areas and their purpose in the corridor.

Ms. O'Brien thanked Mr. Asbell for his comments and asked if any of the other Board members had any comments or discussion.

Mr. Happ commended Mr. Braun and staff for the detailed presentation and information. Mr. Happ stated that if this rezoning passed, the parcel could be subdivided eight additional times. Ms. O'Brien stated that she feels a rezoning is a lot different than a variance, and there is a reason it is zoned the way it is. Mr. Happ stated that denying the request would actually be a win for Ms. Schuler, as it would prohibit anyone from developing there. Ms. O'Brien agreed.

Mr. Bateman stated that there is residential property just north and south of the subject parcel, and adding another house or 4 or 5, wouldn't be a big deal. Ms. O'Brien disagreed, and stated that the houses to the north are in Indian Ridge Subdivision, and unless those individuals are going to Kickapoo, they would not be taking Voorhees Road. A potential development would be along Voorhees and access would have to be from that road.

Mr. Happ stated that this would be completely different if the parcel hadn't already been subdivided one other time.

Mr. Asbell stated that if you look at the map, rural residential is what surrounds the property. There is nothing stating that it cannot be rezoned to Rural Residential.

APPROVED 08/12/2021

Ms. O'Brien stated that all surrounding zoning is A2 agricultural. Mr. Asbell said that it can be Rural Residential. Ms. O'Brien stated that the board's job is a fact finding board, and that the ZBA doesn't have to grant every request.

Ms. O'Brien asked if there was any other discussion. There was none.

Mr. Happ made a motion to adjourn and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (6-0)

Meeting adjourned at 10:14 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant