

**MINUTES  
LAND USE COMMITTEE  
MAY 22, 2023 @ 4:00 P.M.  
ROOM 403**

**MEMBERS PRESENT:** Paul Rosenbohm – Chairperson, Linda Daley – Vice Chairperson, Eden Blair, James Dillon, Terry Ruhland, Sharon Williams, Matt Windish, Daniel Kelch

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Jennie Cordis Boswell - State's Attorney's Office; Scott Sorrel, Shauna Musselman, Nick Ruybalid, Gretchen Pearsall, - County Administration; Heather McCord – Finance; Brooke Sommerville – County Clerk; Scott Mettill – Court Security; Kathi Urban, Andrew Braun - Planning & Zoning

**Call to Order:**

Mr. Rosenbohm called the meeting to order at 4:08 p.m.

**Approval of Minutes:**

A motion to approve the Land Use Committee minutes from April 24, 2023, was made by Ms. Daley and seconded by Dr. Blair. A vote was taken on the motion and carried. (8-0)

**Reports/ Other Minutes/Updates:**

Tri-County Regional Planning Commission Minutes: No questions or comments.

Unsafe Structures: No questions or comments.

Development Summary: No questions or comments.

Mr. Rosenbohm motioned to receive and file the reports.

**Zoning Cases:**

ZBA-2023-020, Ravikumar A. Patel

Ms. Williams made a motion to approve the special use request and was seconded by Ms. Daley.

Mr. Rosenbohm stated that he would allow members of the public that wanted to speak, to speak for 5 minutes each, prior to opening the case.

Ms. Cordis Boswell addressed the members of the committee and stated that the Zoning Board of Appeals was the fact finder for special use cases, and they receive testimony. The ZBA are the one's that make the findings of fact and the Land Use Committee and County Board take those facts and determine if criteria are met. Ms. Cordis Boswell stated that those that are speaking must limit their comments to the testimony that was given at the ZBA hearing and no new points can be made.

Mr. Rosenbohm called the first speaker. Kris McClelland gave her name and Ms. Urban stated that Ms. McClelland did not speak at the ZBA hearing. Mr. Rosenbohm stated that if she hadn't spoken at the ZBA hearing she couldn't speak today. Ms. McClelland stated that she didn't speak at the

ZBA hearing because she was not allowed to speak. Mr. Rosenbohm stated that there was nothing that could be done about it and that rules require her to have spoken at the ZBA hearing.

Mr. Rosenbohm called the next speaker.

Michael Jaggard of 1508 W. Woodside Dr., Dunlap IL. Mr. Jaggard stated that the bus stop, that has been used for decades, is right in front of Unit K. There is nowhere to move the stop that wouldn't require the bus to go past Unit K. Mr. Jaggard stated that child safety is one of his top priorities and should be of the utmost importance considered at all levels of government.

Mr. Rosenbohm asked if there was anyone else that wanted to speak and there was no one.

Ms. Urban summarized the case. 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. The parcel is located in Medina Township. There are 56 objections and 2 consents on file.

The petitioner intends to operate a wine bar with a gaming lounge in Unit K of the Lake of the Woods Plaza. Unit K is 1,994 square feet in size and is located in the southern end of the complex, adjacent to Crestwood Townhomes and the Lake of the Woods Estates. The unit is approximately 21 feet from the "R-3" zoning district, and the nearest residential dwelling is located approximately 105 feet to the south. Brighton Woods Apartments is located to the north of the property and is zoned "R-3", high-density, multi-family residential. An additional apartment complex, Crestwood Townhomes, is located to the east and is also zoned "R-3". Lake of the Woods Estates is located to the south and east of the property and consists of single-family dwellings. The corporate limits of the City of Peoria are located to the west. The proposed hours of operation are from 9 a.m. to 12 a.m. and the store signage would be similar to other businesses in the plaza. Current businesses in the plaza include Dollar General, a barber shop, a toy store, Ocean Spa massage, a gas station, and an ATM.

The petitioner's request is consistent with the existing mixed commercial uses of Lake of the Woods Plaza. Gaming machines are regulated by the State of Illinois. They are not part of the special use request. The State Video Gaming Act requires that a licensed retail establishment for video gaming be a place where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. Accordingly, the operation of a gaming lounge requires a liquor license. Chapter 3 of the Peoria County Code of Ordinances regulates liquor licenses and is enforced by the County Clerk's office. A zoning certificate granted by the Peoria County Planning and Zoning Department will be required prior to applying for a liquor license. Any renovations or alterations of the unit would require a building permit through the Department of Planning and Zoning. The Lake of the Woods Plaza may be accessed from either North Brentfield, Brentfield Drive, or North Woodcrest Drive, with Unit K being closest to North Woodcrest Drive. The existing parking lot accommodates 100 plus vehicles. The petitioner's request to operate a tavern should not have a negative impact on local traffic patterns. The petitioner states that he has allowed Dunlap School District School Bus to pick up children in front of Unit K of the subject property but is currently working with the school district to relocate the bus stop. Mr. Patel is not opposed to allowing the bus stop elsewhere on his plaza property. The petitioner's request is consistent with Smart Growth theme of the County's Land

Use Plan which encourages growth, which is located within, or adjacent to, areas of existing development and along major transportation corridors. The petitioner's request is to operate in an existing unit in an existing strip mall. The strip mall consist of mixed commercial uses and the City of Peoria municipal limits are adjacent to the property across Route 40, a state highway. Medina Township Planning Commission has also recommended approval on this request. Staff recommended approval with the following restriction, that the special use shall only apply to the location shown on the petitioner's site plan submitted with the special use application. For the petitioner's site plan, the location is identified as Unit K. The ZBA recommended approval with a vote of 6-0 with the same restriction.

Mr. Rosenbohm asked if there were any questions for Ms. Urban and there were none.

Ms. Cordis Boswell stated that general public comment was on the agenda for later in the meeting, but it was the chairman's prerogative to move public comment up and allow those that didn't get a chance to speak on this case to do so now. Ms. Cordis Boswell reminded the committee members that they could only consider previously heard testimony when making their decision.

Kris McClelland of 1515 Grand Ridge Drive, Dunlap, IL. Ms. McClelland stated that she lives about four blocks from the Lake of the Woods Plaza. She stated that she was at the Medina Township meeting and the decision was passed off to the County and there was very little discussion. She also stated that many of the residents didn't know about the hearings because they are renters. Ms. McClelland stated that the biggest concern is the safety of the children at the bus stop. There is no other place for the bus stop because of the cul-de-sac.

Nicole Snyder Garrison of 1514 West Grand Ridge Drive, Dunlap. Ms. Garrison stated that her son's best friend lives across the street from Unit K and he rides his bike to her house. Her biggest concern is the safety of the children.

Mr. Rosenbohm asked if there was anyone else that wanted to speak and there was no one. Mr. Rosenbohm stated that public comment was now closed and asked if anyone had questions for Ms. Urban.

Ms. Daley asked if there had been a restaurant called The Woodcutter in the plaza. Ms. Urban stated that there had been and then Bernardi's was there after The Woodcutter closed. Ms. Daley asked if Bernardi's served alcohol. Ms. Urban stated that there was testimony at the ZBA hearing from the petitioner that stated that Bernardi's served alcohol and had gaming machines.

Mr. Ruhland asked who is responsible for issuing the liquor license and if there was a subclass that would be required in order to have outdoor service or a beer garden. Ms. Urban stated that the County Clerk's office is where applications would be made for a liquor license. The Liquor Commissioner would be the one to approve the liquor license, but all of the processing and enforcement is done through the County Clerk's office. Ms. Urban stated that according to the petitioner's special use application, he is seeking a Class F license, which would be for wine and beer. There are subclasses that would be required for outdoor alcohol consumption.

Mr. Ruhland asked if it was safe to assume that the liquor license will be reviewed for outdoor service of liquor. Ms. Urban stated that she believed there needed to be guidance from the State's Attorney's Office on what types of outdoor uses and whether entertainment was a requirement for

the outdoor subclass. Ms. Urban reiterated that liquor licenses are handled and enforced through the County Clerk's office and the liquor commissioner. A zoning certificate would be required from the Department of Planning and Zoning, stating that the zoning use was compatible (i.e. they have the tavern special use and whether or not there were any restrictions). During an initial liquor license proposal a staff report from Planning and Zoning is submitted with other key information the county clerks office is looking for.

Mr. Ruhland asked Ms. Cordis Boswell whether the Board could decide anything relative to the liquor license as the county clerks' office is responsible for that. Therefore the Land Use Committee is not offering the approval of an outdoor beer garden, as that is decided by the County Clerk's office. Ms. Cordis Boswell stated that this case is only regarding the special use designation of tavern and the liquor license will be totally separate and is handled by the liquor commission. Ms. Cordis Boswell also stated that staff manpowers the Clerk's office, but the liquor commission makes the decision.

Mr. Ruhland asked if they were ready to vote on the motion as he had some items that might make the request more palatable to the neighbors. Mr. Ruhland continued that the owner of the plaza was willing to modify the hours of operation from 9 a.m. to midnight instead of until 2 a.m. as allowed by the license. Mr. Ruhland also stated that Mr. Patel has agreed not to sell vaping products, at that location, as originally proposed.

Mr. Ruhland made a motion to amend to add the following restrictions and was seconded by Ms. Daley.

Mr. Rosenbohm asked if Mr. Patel would like to speak prior to the vote.

Mr. Dillon wanted to clarify that the restriction on the sale of smoking and vaping products would be limited to the business in Unit K only. Mr. Ruhland stated that was correct.

Mr. Rosenbohm asked for clarification on the language of the new restrictions. Ms. Urban stated that the wording was as follows:

1. Limit operating hours within the timeframe of 9 a.m. to midnight, as per the petitioner's testimony of his model plan.
2. Prohibit additional businesses related to tobacco and vape related products, in conjunction with this tavern proposal in Unit K of the Lake of the Woods Plaza.

Mr. Rosenbohm asked if this sounded good to Mr. Patel. Mr. Patel stated that it did and that they didn't have any current plans for a beer garden.

Steve Reichert stated that he had a few comments as this was his district. Mr. Reichert stated that he appreciated citizens reaching out with their concerns and he also appreciates the owner giving some concessions and working with the neighbors.

Mr. Windish asked if the owner has approved of the additional restrictions. Mr. Rosenbohm stated that the owner was okay with the amendment. Mr. Patel confirmed that he was. Mr. Windish stated that he would support the amendment as long as the owners were agreeable to them.

Mr. Ruhland stated that he appreciated Mr. Patel working with the neighbors and also encouraged him to continue working with Dunlap School District to ensure that a new place was found for the bus stop.

Mr. Rosenbohm asked if there were any more questions, and there were none.

A vote was taken on the amendment adding the two restrictions and the motion carried. (8-0)

A vote was taken on the motion, as amended, and carried (8-0)

**Public Comment;**

No additional public comment.

**Miscellaneous:**

There was no business under miscellaneous.

**Adjournment:** Mr. Rosenbohm adjourned the meeting at 4:37 p.m.