

## DANVILLE PLANNING AND ZONING COMMISSION MINUTES

**February 1, 2018**

A meeting of the Danville Planning and Zoning commission was held on Thursday February 1, 2018, in the Community Room, 17 West Main Street, Danville, Illinois.

**MEMBERS IN ATTENDANCE:** Tracy Taylor  
Adam Brown  
Pete Goodwin  
Kent King  
Ted Vacketta

**MEMBERS NOT PRESENT:** Dale Carlton  
Katasha Butler  
Jane Campbell  
Minni Seth

**OTHERS IN ATTENDANCE:** Christopher Milliken, Cole Jackson, Lisa Robinson  
Lenard Leavell, Reggie Phillips, James and Linda Baldwin  
16 Other Individuals  
2 News Media

Chairman Tracy Taylor called the meeting to order at 5:25 p.m. (Was awaiting the arrival of enough members to have a quorum)

**Roll Call:** Tracy Taylor, Adam Brown, Pete Goodwin, Ted Vacketta and Kent King present. A quorum was present.

**Advisory to City Council:** Announcement made, City Council will hear the petitions on Tuesday, February 20, 2018, at 6:00pm.

**Approval of the Minutes:** Ted Vacketta made a motion to approve the minutes of the November 2, 2017 meeting, as presented. Seconded by Kent King. Unanimously approved by voice vote.

**Items of Information:** Christopher Milliken advised that due to the agenda items and for the interest of time these would be presented after the petition hearings.

**General Oath of Audience was given.** 8 individuals who indicated that they were going to speak were sworn-in.

**Public Hearing(s):**

**Zoning Petition #260 – Lenard Leavell is requesting that property at 2305 East Main Street be rezoned from R2 to B3 General Business to allow for operation of an appliance store at that location.**

**Petitioner: Lenard Leavell** advised that he is a native of Danville, Illinois born and raised here. Mr Leavell stated that he is the Manager of an appliance store in Springfield, Illinois. He advised that his family, children and grandchildren lives here and he will be moving back to Danville, to be closer them and would also like to bring his business from Springfield, Illinois, here as well. He stated that he has looked around the City to find a location for his appliance store and advised that the rental of the buildings were way too high and that he had found a location, 2305 East Main, that would be perfect for what he is proposing, and that it was almost the exact same size as his current business now that he operates out of the Springfield, location. Mr Leavell advised that he would be focusing only on sales and not repairs of the appliances; as that would be done at a separate location. He also informed the commissioners that he himself went to the neighboring residents to advise them of what his intentions were and that they were very supportive of his efforts.

**Supporting the Petition** – None

**Opposition to the Petition** – Attorney Ed Barney, representing BN Rentals, which have apartments and houses in the area that houses DACC Students, Athletes and International Students, indicated that the area is mainly residential and they would like to keep the neighborhood that way and not allow a business there, and fear that the appliance store will take away from that and eventually become an outside storage area and an eyesore for the neighborhood. He stated that his client is concerned about the potential safety for the college students and residents in the area due to the increase of traffic. The appliance store is just not suitable for the neighborhood. He indicated that his client has 15-units and houses and would like very much to keep it residential and they are opposed to this petition.

Adam Brown: What was the building before?

Ed Barney: At one point it was a residence, but it was used for a meeting place for the Danville Police.

Mr Leavell: The building is not a residential building, the Police Association advised that they were just using it as there meetings; He also stated that his property is like 10ft from my property and actually it is like 30ft away and there is actually an alley that goes through the back of my building and his property that he is speaking of; and then the housing of the appliances will be stored inside of the building and the exiting of the appliances is not going to disrupt the neighborhood at all.

**Questions or Comments from the Commission:**

Tracy Taylor: What will be the hours of operation?

Mr Leavell: The hours would be 9am-5pm, 6-days Monday thru Saturday, closed on Sunday.

Kent King: What's the size of the building?

Mr Leavell: He stated around 1000 sq ft. and that he would be selling both New and Used appliances.

Kent King: So there will not be any appliances lying around outside?

Mr Leavell: No, not at all. The only use of this building would be for sales of the appliances.

Pete Goodwin: What type of appliances are you looking to sell?

Mr Leavell: Washer, Dryers, Refrigerators and Stoves, New and Used.

Tracy Taylor: How many employees do you anticipate on having?

Mr Leavell: I will have about 4-employees and have 5-parking spots and 1-handicapped space as required by the City. Actually it is big enough for 15-spaces.

Tracy Taylor: When do you plan on opening?

Mr Leavell: If approved would like to open to store around mid-March. The appliances are already sitting there in Springfield just waiting for me.

**Department Recommendation:** Christopher Milliken – Please note that that this does conform to the 2007 Future Land Use Map Designation as that Main Street corridor up to Nebraska St, which is just East of this property is all designated for commercial. The petitioner is correct that there is an alley there that separates the two properties. There was an East Main Street Corridor Plan completed a few years back that was adopted by the City that had similar usage for developing commercial businesses along Main Street. In doing so, the intent was to make it complimentary to DACC, the VA and the facilities that were there. The concern would be if you rezone now, it will allow for an appliance store, but it would also allow for other types of business use in the B3 zoning later, which could potentially be negative. In allowing this we do have to think long-term and not just the use of the appliance store. Mr Leavell was gracious on reaching out to the surrounding neighbors. From the City’s perspective we do not want to see any outside storage at this location. There is some improvements that will need to be made to the parking lot such as lighting, landscaping and there are things on the exterior as well that would need to be addressed regardless. It should be noted that those are things that the petitioner stated that he would be willing to do, but I think the bigger concern for the department is changing the property to B3, and what that could create going forward.

Tracy Taylor: What are some of the things that could possibly be used under the B3 classification?

Christopher Milliken: B3 is the least restrictive classification - liquor store, bars etc. Again we have an opportunity to get occupied a building sitting vacant, but there is definitely a concern if it were to be rezoned and what may be there in the future. Due to the size of the building there is a good possibility that the petitioner outgrows this property.

Kent King: One of my biggest concerns is that you would out grow your business.

Tracy Taylor: Advised that her only concern was if the property get rezoned to B3 General Business that it would open the door for other types of business in the future should you decide you no longer want to be at that location due to out-growing your business or for other unforeseen reasons.

Mr Leavell advised that he plans on remaining at this location through-out his life span. He also stated that he is content with this size and don’t have a desire for a larger location, as this size is what’s manageable for him.

**Motion made by** Adam Brown to accept the preliminary findings of facts as presented and approve Zoning Petition #260.

**Seconded by** Ted Vacketta

Roll Call: Yes: Adam Brown, Tracy Taylor

No: Ted Vacketta, Kent King, and Pete Goodwin

Abstain:

Absent: Dale Carlton, Katasha Butler, Jane Campbell and Minni Seth

**Motion failed:** Zoning Petition #260 Denied

**Zoning Petition #262 – Phillips Investments LLC, is requesting that the property commonly known as 2211 N Bowman Ave., be rezoned from AG to R4 Multi-Family Residential to allow for the construction and operation of an assisted living facility at that location.**

**Petitioner:** Reggie Phillips, stated that he would like to build a state of the art Assisted Living & Memory Care Facility in this area and has chosen the site next to the New Life Church, located on Bowman Avenue, He stated that they have conducted a study for this area, they come highly recommended by doctors and they have other properties located in Chatham, Charleston, Bloomington, Gibson City, IL area as well as in Brazil, Indiana. Advised that his dad lives in one of the facilities and stated he enjoys it very much. They will provide transportation for those that wanting to move around town.

**Questions or Comments from the Commission:**

Ted Vacketta: How would you tie into the sewer and water systems?

Reggie Phillips: We would tie in at the Bowman/Winter Avenue intersection. We are willing to do whatever it would take to make this project happen and would be very cooperative with the cities suggestions.

Tracy Taylor: How long would this take to build?

Reggie Phillips: It would take possibly up to 12-months, opening sometime in 2019. We would staff approximately 60-70 with an upper salary range between \$60,000.00 to \$65,000.00 and other positions starting out with a minimum rate of approximately \$10.50hr, with full benefits.

Adam Brown: How will this affect the Bowman Estates facility down the street?

Reggie Phillips: This should not have any real impact as we are an Assisted Living facility.

Kent King: What about the speed zone for that particular area as it goes from 35 to 55, with a hill or possible blind spot for the traffic entering into your facility?

Reggie Phillips: Upon a traffic study, or possible turning lane there, we are hoping that the city could work with us possibly addressing those issues and working out some kind of traffic safety approach that would possibly allow us to build at that location. That area or land is currently outside the city-limits, allowing us to build here we would be able to annex that land and provide additional revenue with using the city's water, sanitary and cable utilities. We will work with the city on potential right-away or turning lane accessibility.

**Supporting the Petition:** None

**Opposition to the Petition:** Lisa Miller with Liberty Village, she was concerned with the enterprise zone assistance and the tax breaks. She stated that Liberty Village has been in the City for nearly 20-years and that their facility has 60 assisted living beds with only 30 of them being occupied at this time. She stated that allowing this petition would cause them to become uncompetitive.

**Questions or Comments from the Commission:**

Kent King: Again my only concern would be the traffic coming from the north over that hill, will people trying to turn into your facility.

Reggie Phillips: We are here and whatever we can come up with working with the City will be fine with us, as we are here to work with the City. Also, the actual traffic will be limited as for the assistant living residents their travel will be limited to our transportation vehicles.

**Department Recommendation:** Christopher Milliken: The site is currently vacant and is utilized as farmland. The proposed change for this property from AG to R4, and subsequent use would make this compatible with the low density residential future land usage. The proposed change and subsequent development would encourage growth on the Bowman Avenue corridor. The sanitary sewer would need to be extended to service the site with the nearest connection currently at Bowman and Winter Avenue. The City recommends approval of the Petition to have that property rezoned from AG to R4 Multi-Family Residential and to allow for the construction and use as an assistant living and memory care facility subject that the property be annexed into the city. It should be noted that they have already filed a separate petition to have the property annexed into the City of Danville city limits.

**Motion made by** Kent King to approve petition #262 for rezoning 2211 N Bowman from AG to R4 and to adopt the preliminary finding of facts as presented.

**Seconded by** Pete Goodwin.

Roll Call: Yes: Ted Vacketta, Kent King, Adam Brown, Pete Goodwin and Tracy Taylor

No:

Abstain:

Absent: Dale Carlton, Katasha Butler, Jane Campbell and Minni Seth

**Motion carried:** Zoning Petition #262, Approved

**Special Use Permit #230 – James and Linda Baldwin is requesting a special use permit to allow for placement of a mobile home at 242 S Griffin Street, in the AG Agriculture Zoning District.**

**Petitioner(s):** James and Linda Baldwin, would like to request a special use permit to put a single wide mobile home at 242 South Griffin, advising that it would be placed on top of a foundation, will be skirted and finished. They stated that they could not find or build a manufactured home to conform with the city's ordinances.

**Supporting the Petition:** Everett Rodgers stated that he has helped the Baldwin's clear out the land and that his cousin lives in back of this location and that the cousin did not have a problem with them putting the trailer there as well.

**Opposition to the Petition:** None

**Questions or Comments from the Commission:**

Kent King: Explained to them that putting a trailer there would not be acceptable fit for the area and that they would have to place a manufactured home there instead with current date-stamped approved by HUD.

Linda Baldwin: Stated that they do not have the money to afford a manufactured home.

Kent King: Explained to them that the trailer is not going to be allowed there due to doing so would greatly depreciate the property values.

Linda Baldwin: Stated that the land belongs to them and this is where they want to put the single trailer, because they cannot afford a manufactured home or building another type of home.

**Department Recommendation:** Christopher Milliken- Advised that the City's Comprehensive Plan stipulates that all future mobile home placements should be restricted to mobile home parks in order to protect existing neighborhoods. To allow for a mobile home within the City Limits, outside of mobile home parks is not acceptable or appropriate. The City does not support this petition. If we allow for this petition then this would also open the doors for other petitioners to apply for special use permits to put mobile homes anywhere within our city limits. I appreciate their efforts, but if they want to live in mobile home then it should be located within the mobile home parks which have plenty of lots available. A mobile home is just not appropriate for this particular location. They can still build a manufactured home there if they so desire.

Tracy Taylor: Stated that the Commission understood their situation, but also we have to look at the future impact of allowing this special use, as this would open the door for us to allow others to put trailers all over the city. That is why we have designated areas specifically for trailers that it would not hinder the value of other properties of homes within our city limits.

**Motion made by** Ted Vacketta to adopt the preliminary findings of fact as presented and approve Special Use Permit #230.

**Seconded by** Adam Brown

Roll Call: Yes: Adam Brown

No: Ted Vacketta, Kent King, Pete Goodwin and Tracy Taylor

Abstain:

Absent: Dale Carlton, Katasha Butler, Jane Campbell and Minni Seth

**Motion failed:** Special Use Permit #230 Denied

**Discussion on Possible Zoning Ordinance Changes:** Chris Milliken described areas of the zoning ordinance where staff was still looking at making changes and indicated that Cole Jackson recently put together revised parking requirements that would reduce/eliminate minimum parking requirements. Also, some changes to the Administrative section of the code were being contemplated, including changing where Zoning petitions need to be filed at, and looking at combining the Planning and Zoning Commission and the Zoning Board of Appeals.

**Items of Information:** The City and DATS have been working on a Greenway and Trail Plan, which will guide the design and development of pathways, shared use paths, Kickapoo Rail Trail, DHS Campus, and how they will be connected with a presentation forthcoming at the next meeting.

Milliken indicated that while there currently aren't any vacancies on the Commission, with the constant struggle for quorum if anyone has any ideas on anyone willing to serve on the Commission they are encouraged to pass along names.

The meeting was adjourned at 6:35pm.