The City of Peru
(Settled in 1835)

Post Office Box 299
Peru, Illinois 61354

November 11, 2026

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

RE: Continuation of October 28, 2026, Planning/Zoning Hearing
Petition of MCC Network Services LLC
1226 Peoria Street, Peru, IL (PIN: 17-17-250-005)

Gentlemen:

The Planning/Zoning Commission of the City of Peru reconvened on Tuesday, November 10, 2026, at 5:00 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, for the continuation of October 28, 2026, public hearing on the Petition of MCC Network Services LLC ("Petitioner") concerning property commonly known as 1226 Peoria Street in the City of Peru, Illinois, legally described as follows:

> The North One-Half (N. ½) of Lot One (1) in Block One Hundred and Seventy-three (173) in Brewster's Addition to Ninewa, in the Town, now City of Peru, excepting and reserving the underlying coal and mining rights as the same have been heretofore severed from the fee thereof, said real estate being situated in the County of LaSalle and State of Illinois.
>
> PIN 17-17-250-005 (the "Subject Property")

Petitioner desires to construct a fenced, 10' x 20' fiber telecommunication building upon the Subject Property. The Subject Property is zoned B-1, Neighborhood Shopping District.

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

City of Peru Corporation Counsel, Scott Schweickert, acknowledged that Petitioner had submitted an Amended Petition for Special Use and Variance to the Planning/Zoning Commission, which Amended Petition was received into the record. A copy of the Amended Petition is attached hereto and incorporated herein as **Exhibit A**.

Attorney Schweickert noted Petitioner's Amended Petition slightly modifies the relief requested to address the objections and comments made at the October 28th hearing. Petitioner still requests approval of a special use for the fiber telecommunication building pursuant to Section 11.02(d)(2) of the Zoning Ordinance but is no longer seeking a variance to reduce the minimum transitional yard on the west side of the Subject Property. Instead, Petitioner has shifted the footprint of the proposed site improvements to the east and now requests a variance to reduce the front yard setback on the east side of the Subject Property from not less than 25', as provided in Section 11.02(f)(1) of the Zoning Ordinance, to not less than 19'.

The modified site plan, a landscaping plan, and an illustrative photograph of the proposed improvements are attached as exhibits to Petitioner's Amended Petition. Attorney Schweickert noted that Petitioner, to address concerns about noise, has flipped the building layout so that the HVAC units are on the north street side of the proposed building, further away from the adjacent properties. The landscaping plan shows dense arborvitae trees screening the entire length of the fence on the south and west sides. The illustrative photograph shows an example of the solid vinyl fence that would be installed by Petitioner.

Attorney Jane Wagner and Sean Vogel appeared on behalf of Petitioner and were duly sworn. Attorney Wagner testified she is attorney for MCC Network Services, which also does business as Metro Communications and Conxxus. Conxxus has been constructing a fiber to the home network to serve 3,300 residences and businesses in the City of Peru. They are now beginning the fourth and final phase of that project. Petitioner will be ready to "light up" the fiber to ¾ of the City once the fiber building is built and ready to go. The fiber building houses the electronics and backup power for the network. Petitioner chose the Subject Property for the fiber building because it is centrally located and able to serve the entire community. The network was designed, permitted, and built-up with the fiber building planned at this location. Petitioner has spent $1.5 million to date and expects a total investment of $3.9 million upon completion of the project.

Attorney Wagner noted the Subject Property is zoned B-1, and Petitioner is seeking a special use pursuant to Section 11.02(d)(2) as the fiber telecommunications building is the modern equivalent of a telephone exchange and comparable to a public service facility. Attorney Wagner said Petitioner reconfigured the shelter to address the concerns raised at the October 28th hearing. She reiterated that Petitioner relocated the HVAC units to increase separation from the neighboring properties to address noise concerns, will maintain the full 15' transitional yard, replace the existing driveway from 9th Street with concrete, install a solid fence, and landscape a full hedge around the south and west side of the building. The building will be unstaffed, so there will be no issues with traffic.

Sean Vogel testified that the reconfiguration of the site also allowed him to move the generator up onto the apron of the building pad and shift everything further north and east upon the Subject Property. The new layout increased the distance of the fence from the south property line from 5' to 11', and the distance of the building from the south property line from 10' to 23'.

Mr. Vogel said the illustrative photograph included in the Amended Petition was from one of Petitioner's sites up in Dixon. His fencing contractor has a product he is recommending for this project, and the photo shows what it would look like overlaid over the fence at the Dixon site. Petitioner will plant arborvitaes for soft screening and noise dampening.

Attorney Schweickert stated that the City had recently received a "Formal Opposition to Proposed Variance" letter from Mary Manzella, who owns the property to the south at 1212 Peoria Street and objected at the October 28th hearing. Schweickert received Ms. Manzella's letter dated November 2, 2026, and read it into the record. A copy of the letter is attached hereto and incorporated herein as **Exhibit B**. Attorney Schweickert noted that many of the objections expressed by Ms. Manzella in her letter have been addressed by Petitioner's Amended Petition and reconfiguration of the site.

Addressing the last bullet point of Ms. Manzella's letter regarding the scope of relief requested, attorney Schweickert said the "for such other a further relief deemed necessary or appropriate" language is standard language included in all of the City's hearing notices to provide flexibility for minor oversights or changes that pop up based on public input and comments, exactly like what occurred with the instant Petition. The final ordinances passed by the City Council do not contain this language and only identify the specific items of relief which are approved. It is not an open-ended thing for people to later take advantage of.

Attorney Wagner discussed the case of *Illinois Bell Telephone Co. v. Fox,* 402 Ill. 617 (1949). In that case, Illinois Bell wanted to build a telephone exchange building on a corner lot in a fully residentially zoned neighborhood in Chicago. The neighbors raised similar concerns to those being raised here. The Illinois Supreme Court acknowledged that, while there might be other locations within the city the telephone exchange building could go, there is a public convenience and necessity standard that has to be addressed. They were not required to reconfigure the entire telephone network just because a neighbor didn't like it. The telephone exchange in that case would have employed 90 people in a residential district, as opposed to MCC's proposed unstaffed telecommunications building on property zoned as a business district.

Attorney Wagner testified further regarding the public benefit of Petitioner's fiber network, noting AT&T received regulatory approval to phase out its copper services beginning in Spring of 2027. If approved, Petitioner's network will be ready to provide an alternative for those services in the community. If not approved, Petitioner would need to find a new location, re-engineer, re-permit, and decide whether it is worth the additional investment.

The Planning/Zoning Commission called for public comments and objections.

Mary Manzella appeared and said she had not had time to read through the entirety of Petitioner's Amended Petition, but appreciated the changes that have been made. Ms. Manzella said she was concerned that the digging or trenching on the Subject Property would kill the tree on her property and hurt her property value. She contested Mr. Vogel's prior comments about Petitioner's Pontiac and Dixon sites being in residential areas. Dixon City Hall gave her the address of 1613 Fulfs. Mr. Vogel responded that he did not say the Dixon site was in a residential area; he said Petitioner did landscaping around that location. Mr. Vogel said the special use permit for a residential area was in Pontiac. They have others in Tuscola, Olney, and Mount Sterling.

Ms. Manzella objected to the location, stating half of Peoria Street is empty or owned by the City on the block between 5th and 6th Street and would be better located there. She remains opposed.

In response to questioning from Attorney Schweickert, Ms. Manzella confirmed she does not reside at 1212 Peoria Street. Ms. Manzella is not a resident of the City of Peru. The property at 1212 Peoria Street is not a rental. The property is vacant.

Mr. Vogel stated the trenching for the footing on the south side with the new layout would be 26' away from the south line of the Subject Property.

Member Lucas noted the Subject Property is a small, half-lot. In response to questioning from Member Lucas, Ms. Manzella said she does not know if she would be opposed to the possibility of someone building a two-car garage on the Subject Property. She added that when the gentlemen that operated the autobody shop across 9th Street owned the Subject Property, she wasn't opposed to anything he was doing despite the noise and traffic. Member Lucas noted Petitioner's use would be quiet. It would have a fence around it. It is located in a business district. Lucas acknowledged that everyone would love to have vacant lots next door, but that is unrealistic. Nobody wants a party house next door, but Petitioner's use is the opposite. It is quiet, there will be no traffic, they will do landscaping, and they will be a good neighbor. Ms. Manzella acknowledged the P/Z Commission's prior comments that Petitioner's use is not the worst-case scenario.

Member Lucas commented further on the value of the service Petitioner will provide to the community, noting it has been needed for a long time after many years of being at the mercy of Comcast. If Petitioner's use was busy and noisy, Lucas said he would side with Ms. Manzella but that is not the case here. He does not see the proposed use as problem. With all the activity up and down Peoria Street, Lucas also does not see the use affecting Ms. Manzella's property value. If Petitioner does something that kills Ms. Manzella's tree, Lucas noted she would have legal recourse. Member Lucas said he didn't see what the problem is here and believes the Subject Property is the perfect little lot for what Petitioner wants to do and what the City needs.

Randy Schlesinger appeared and said he is a general contractor that recently worked on Sarah Goetz property located west of the Subject Property at 1810 9th Street. Mr. Schlesinger said he knows it is only a 10' x 20' building and everything always sounds good at the beginning, but his concern is with the storage of materials within the fence and the long-term maintenance of the landscaping and facilities. Although there has been no talk of a communication tower, he voiced concern a tower would be added later.

In response to questioning from Mr. Vogel, Mr. Schlesinger said he saw a photograph of one of Petitioner's sites that had a tower. Ms. Manzella said the site was in Pontiac off 4H Road. Mr. Vogel said that was a site constructed, owned and operated by MTCO, a company that Petitioner acquired at the beginning of this year. Mr. Vogel said Petitioner does not build towers with its sites. MTCO built that site and leased the tower to two Christian radio stations to broadcast from. Mr. Vogel testified everything they do is buried underground and there is no reason that Petitioner would ever have a tower at the Subject Property. Attorney Schweickert added that the City has regulations for communication towers and small cell facilities, which would require a separate request and approval.

In response to questioning from Attorney Schweickert, Mr. Schlesinger said he had no comment on the condition or upkeep of Ms. Manzella's property.

In response to Mr. Schlesinger's concerns regarding upkeep, Mr. Vogel said Petitioner will regularly maintain the Subject Property. Any material storage seen on other sites owned by Petitioner were in commercial zoning and are utilized for network repair and outage response. There will be no material storage on the Subject Property because it is a special use. Petitioner has been utilizing laydown yards elsewhere in the city for material storage. There is no need for storage on the Subject Property, and even if there were, there is not enough room to store materials inside the fenced area and safely work around and access the generator, HVAC equipment, and fiber vault.

Mr. Vogel responded further that there would be no grass inside the fenced area. Petitioner will lay down a weed barrier and cover the area with pea gravel or washed ¾" gravel to prevent weeds and vegetation. Petitioner would also spray in the Spring and periodically as necessary to control any vegetative growth within the fenced area. The grass on the outside of the fenced area will continue to be maintained by a lawn service company as Petitioner has done since purchasing the Subject Property. Vogel said they won't be there to throw parties, and said the neighbors could use the concrete drive for additional parking if they aren't on site.

Attorney Wagner added that Petitioner is based out of Sullivan, Illinois, has made this investment in Peru, and wants to be good member of the community.

Sarah Goetz, 1810 9th Street, also appeared and asked about the HVAC units. In response, Mr. Vogel said the HVAC units operate at about 65 decibels at 10' distance. The HVAC units will be located 20'+ east of the property line. The units are just like the ones people have at their homes. The only difference is they are turned to the side due to limited space. The generator is also a residential generator.

There were no other public comments or objections.

Member Lucas moved, and Member Brady seconded, to favorably recommend that the City Council approve the requested special use and variance consistent with the conditions, site plan and landscaping plan set forth in the Amended Petition. The motion failed to secure the required concurring vote of four Members with Members Lucas, Jones, and Brady voting "aye", Members Kalsto, Grabowski, and Becker voting "nay", and Chairman Miller absent.

Attorney Schweickert asked if there was another motion. Hearing none, Attorney Schweickert asked if there was another condition that would sway a Member's vote.

In response to questioning from Attorney Schweickert, Member Grabowski said that, although he wouldn't want this building next to his house, he appreciated the efforts Petitioner has made to accommodate the City and the P/Z Commission. Member Grabowski noted that he is swayed a bit by the fact that Ms. Manzella does not reside next to the Subject Property. Grabowski indicated that he would be changing his vote.

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.

Member Grabowski moved, and Member Lucas seconded, to favorably recommend that the City Council approve the special use and variance sought by Petitioner consistent with the conditions, site plan and landscaping plan set forth in the Amended Petition for Special Use and Variance. The motion passed 4 aye, 2 nay, and 1 Member absent (Members Lucas, Jones, Grabowski, and Brady voting "aye", Members Kalsto, and Becker voting "nay", and Chairman Miller absent).

Respectfully submitted,

_____
CARY MILLER, Chairman
Planning/Zoning Commission

EXHIBIT A

BEFORE THE PLANNING/ZONING COMMISSION AND CITY COUNCIL
CITY OF PERU, LASALLE COUNTY, ILLINOIS

In re Petition of MCC Network Services, LLC
1226 Peoria Street, Peru, Illinois | PIN 17-17-250-005

AMENDED PETITION FOR SPECIAL USE AND VARIANCE

Introduction

MCC Network Services, LLC d/b/a Metro and Conxxus ("Metro") seeks approval for the facility that will put Peru's new fiber optic communications network into service. The network's installed routes converge at 1226 Peoria Street, where an unstaffed, nine-foot shelter will house the electronics and backup power needed to serve approximately 3,314 Peru homes and businesses at full buildout. Metro has invested approximately $1.46 million in Peru to date and anticipates approximately $3.9 million in total project investment. Denial would leave the installed network unable to serve customers as designed and require Metro to find and equip another site, redesign routes and rework installed fiber before service could begin.

The City's Zoning Ordinance expressly provides for telephone exchanges and comparable public service facilities as special uses in the B-1 district. §§ 11.02(d)(2), 15.12(a). Illinois law provides for approval on evidence that the local standards are met and permits conditions tailored to those standards. 65 ILCS 5/11-13-1.1. Metro's shelter performs the same distribution function as the exchange the Illinois Supreme Court approved in *Illinois Bell Telephone Co. v. Fox*, 402 Ill. 617, 629–31 (1949). Metro is presenting a revised design that addresses the two adjoining owners' concerns by preserving the full 15-foot landscaped west buffer, moving equipment farther from the south residence and screening the facility behind a solid fence. The solid security and screening fence shown on Exhibit A requires a six-foot front-yard variation to fit on the parcel while preserving the entire west buffer. The shelter wall itself is shown approximately 27 feet from the street lot line.

I. Relief Requested

Metro owns 1226 Peoria Street, Peru, Illinois, PIN 17-17-250-005 (the "Property"). Metro respectfully submits this Amended Petition for a special use under § 11.02(d)(2) of the Peru Zoning Ordinance to operate an unstaffed fiber-optic equipment shelter in the B-1 Neighborhood Shopping District. Metro also requests a front-yard variation under § 11.02(f)(1) to permit the solid enclosure shown on Exhibit A to stand 19 feet from the Peoria Street lot line. Metro withdraws its prior request to reduce the 15-foot transitional yard under § 11.02(g).

II. Background and Revised Site Plan

Metro acquired the Property in 2025 as the equipment site for its Peru fiber network. The routes converge at this location. The shelter will house the electronics that connect the local fiber to upstream networks and distribute internet, voice, data and video service. The shelter will protect that equipment from weather and provide cooling and backup power. Metro reports that

construction is substantially advanced and that the completed network is designed to reach approximately 3,314 homes and businesses. Relocating the equipment site would require redesign and rework of installed routes and delay activation.

Investment in Peru

Metro has completed construction across approximately three-quarters of the planned build area and begun the final section. Of the estimated $3.9 million total project budget, approximately $1.46 million has been invested. Metro acquired the Property, obtained construction permits for network work in the public right-of-way and posted a $100,000 performance bond with the City in June 2026.

Metro consulted the City in 2025 and submitted preliminary drawings in summer 2026. At the City's request, Metro moved the shelter west to preserve the front setback, which led to the original request to reduce the west transitional yard from 15 feet to 5 feet. At the October 28, 2026 hearing, the west neighbor objected to the reduced buffer, appearance and potential effects on property value. The south neighbor raised appearance, property-value and equipment-noise concerns. The City's Counsel proposed preserving the full west buffer and moving the facility east. A motion to recommend approval with a 15-foot front-yard minimum, solid fencing and landscaping received three affirmative votes and two negative votes and did not carry. The Commission voted unanimously among the members present to continue the hearing to November 10, 2026, at 5:00 p.m.

Metro has further adjusted the location of the Shelter and now presents as Exhibit A the revised layout. Specifically, the approximately 10-by-20-foot, 9-foot-high concrete shelter shifts east. Its two 3-ton HVAC units face north, away from the south residence. The 20-kW standby generator moves onto the building apron and the 250-gallon LP tank sits behind the shelter. Consolidating the equipment allows the shelter and fence to move approximately six feet farther from the south lot line. The plan maintains a full 15-foot west buffer and provides a six-foot solid-panel fence with evergreen screening on the west and south. The existing 9th Street driveway will be replaced with concrete for off-street service access.

III. The Shelter Qualifies as a Public Service Facility

Section 11.02(d)(2) identifies telephone exchanges and comparable nonmunicipal public service facilities as B-1 special uses. The shelter performs the modern equivalent of an exchange's local distribution function. Metro holds Illinois Commerce Commission telecommunications authority in Docket No. 17-0248. The facility therefore fits § 15.12(a)(1) as a regulated communications use serving the public. Peru's listing of these facilities as special uses reflects their general compatibility with B-1, subject to review of the particular proposal. *City of Chicago Heights v. Living Word Outreach Full Gospel Church & Ministries, Inc.*, 196 Ill. 2d 1, 16–17 (2001).

The Peoria Street site serves the same network function as the exchange in Fox

In *Illinois Bell Telephone Co. v. Fox*, 402 Ill. 617, 619–21, 629–31 (1949), Illinois Bell proposed an automatic telephone exchange on a corner lot in a Chicago residential district. Neighbors objected that the building would detract from the neighborhood, depress property values and could be placed on nearby commercial land. The company's engineers explained why the

proposed corner mattered: it was the wire center of the service district, and moving the exchange would lengthen more lines than it shortened. The Court affirmed the judgment directing approval. In applying Chicago's public-convenience standard, it held that a reasonably convenient or expedient site could qualify even if another site was possible. *Id.* at 630–31. The appellate court later applied that same construction in *Cosmopolitan National Bank v. Village of Niles*, 118 Ill. App. 3d 87, 90–91 (1st Dist. 1983).

The evidence here presents the same engineering rationale. Metro selected 1226 Peoria Street because of its central location in the network layout, and the fiber already installed in Peru converges there. The shelter will house the equipment that turns those routes into an operating network. A different lot would require rerouting and rebuilding portions of the installed network and would delay service. The site's relationship to the network thus explains both why Metro selected it and why approval there serves the public. The facility in *Fox* was expected to employ about 90 people in a residential district. *Fox*, 402 Ill. at 619–21. Metro proposes an unstaffed, nine-foot shelter on a B-1 parcel where the ordinance expressly contemplates comparable facilities.

In *Kotrich v. County of Du Page*, 19 Ill. 2d 181, 184–87 (1960), the Illinois Supreme Court cited *Fox* as a typical example of special-use zoning and explained how conditions allow a community to secure the benefit of a use while protecting its neighbors. Illinois law likewise authorizes conditions reasonably necessary to meet municipal special-use standards. 65 ILCS 5/11-13-1.1. Here, the revised plan responds directly to the objections heard on October 28. It preserves the full landscaped separation from the west residence, directs the cooling units away from the south residence and uses a solid fence and evergreen plantings to screen the equipment. These measures support approval under § 15.12 subject to the conditions in Section V. The setback request is addressed separately under Peru's variance standards in Section IV.

The same facts address § 15.12(a)(2) if the City evaluates the shelter as a privately operated use under that provision. The convergence of installed routes creates a specific location need, the shelter enables communications service to the public, and the equipment orientation, screening and testing limits address the effects that warrant site-specific review.

The Shelter Will Help Keep Peru Connected as Copper Service Is Phased Out

Fiber is essential communications infrastructure. The Shelter will house the equipment needed to deliver broadband and voice service, including access to 911 through Metro's voice service. These connections also support telehealth, schoolwork, remote work and day-to-day business operations. Metro's planned service area includes households south of Shooting Park Road, and the network is designed to reach approximately 3,314 homes and businesses in Peru at full buildout.

The transition away from traditional copper landlines makes that additional service option especially valuable. The Citizens Utility Board reports that AT&T notified affected Illinois residential customers that its traditional copper landline service would be discontinued on or after March 15, 2027. *See* Citizens Utility Board, CUB Q&A: AT&T Letters Announce End of Landline Service in 2027 (Mar. 16, 2026). As residents who rely on copper look for replacement

service, a local fiber network gives them another way to stay connected and retain access to voice service.

That public benefit depends on putting the network into operation. The fiber already installed in Peru converges at 1226 Peoria Street. The Shelter will house the equipment that connects those routes to upstream networks and the standby power that supports continued operation at the site during outages. Approving the special use and the limited front-yard variation will allow Metro to activate that infrastructure with the full landscaped west buffer and solid screening shown on Exhibit A. The City can protect the adjoining homes while enabling an additional communications option for Peru residents and businesses.

Consequences of denying the special use.

Without the special use, Metro cannot operate the network's equipment at the point where its fiber routes converge. The shelter is where the local fiber connects to upstream networks and where the electronics generate and distribute the signals customers use. The installed fiber therefore cannot carry customer service as designed until that equipment is in place and energized. To pursue service from another site, Metro would have to secure a suitable property, redesign the connections, reconstruct affected segments and obtain the approvals required for the new location. That would add expense and defer service to Peru residents and businesses while leaving completed work idle or requiring it to be redone.

The revised layout protects neighboring use and enjoyment. The full west buffer, solid fence, evergreen hedge and neutral exposed-aggregate finish limit views of the equipment and building. At the October 28 hearing, Metro reported an HVAC equipment rating of 65–68 dBA at ten feet. The revised plan directs those units north and increases separation from the south residence. Routine generator testing will be brief and limited to once a week. The generator otherwise operates during outages. The facility is unstaffed, has no customer visits and needs only periodic service access. Its low profile, limited activity and screening support compatibility with the surrounding properties and minimize effects on their use and value.

The uses Peru already permits in B-1 provide a practical measure of compatibility. Section 11.02(b) allows package liquor stores, grocery stores, laundries and qualifying restaurants, subject to applicable requirements. See § 11.02(b)(19), (23), (24), (29). Those uses can generate recurring customer trips, deliveries, parking demand and activity throughout their business hours. The shelter has no employees stationed on site, no customers coming and going and no retail deliveries. Its routine activity is limited to periodic maintenance and brief generator testing. Together with the solid fence and landscaped buffer, that operating profile makes the shelter a comparatively low-impact use at the edge of the residential district.

The facility uses street access from 9th Street and electric service as shown on Exhibit A. Its small footprint and limited trips allow surrounding properties to continue to be used and developed under their existing zoning. Metro will submit final plans for City review of access, drainage, fencing, equipment clearances and applicable safety requirements before construction.

IV. The Front Yard Variation Satisfies Section 15.08(d)

The variation is necessary to implement the revised plan developed in response to the City's request. Section 11.02(f)(1) requires a 25-foot front yard. Section 11.01(e)(2)(b) allows decorative fencing as an obstruction in that yard. The proposed solid fence serves as a security and screening enclosure. Preserving the full 15-foot west transitional yard under § 11.02(g) leaves only 20 feet between that buffer and the required front setback. The enclosure needs 26 feet. A six-foot adjustment at the Peoria Street end provides exactly that space while keeping the shelter wall approximately 27 feet from the lot line. The variation is limited to the enclosure shown on Exhibit A.

The revised plan supports the three findings required by § 15.08(d)(1)–(3). The six considerations in § 15.08(d)(4) guide the Commission's assessment of practical difficulty or particular hardship. *See Kimball Dawson, LLC v. City of Chicago Department of Zoning*, 369 Ill. App. 3d 780, 786–88 (1st Dist. 2006) (applying materially similar findings and hardship factors).

§ 15.08(d)(1) — The existing yard requirements prevent a reasonable return from the Property's practical use.

The Commission must determine whether the Property can yield a reasonable return under the district regulations. The reasonable-return inquiry considers whether feasible conforming alternatives can yield a reasonable return. *Kimball Dawson*, 369 Ill. App. 3d at 786–88. With the variation, Metro can put this half-lot to productive use as the operating site for its Peru network. The fiber routes already converge here, and the shelter would enable Metro to deliver service over that infrastructure. With the full 25-foot front yard and 15-foot west buffer, the 60-foot parcel leaves only 20 feet for the 26-foot enclosure. The missing six feet are needed for the screened layout that houses and secures the shelter and ancillary equipment.

That geometry also limits other potential uses of this small parcel. The Commission should assess whether any conforming alternative can actually fit and operate on this site and yield a reasonable return. Metro submits that the parcel's restricted usable area and its particular utility as the network connection point support granting the limited adjustment necessary to put the Property to productive use.

§ 15.08(d)(2) — The difficulty arises from circumstances unique to this parcel.

The Commission must find that the owner's plight is due to unique circumstances. This corner half-lot combines a shallow east–west dimension with a residential boundary requiring a landscaped buffer opposite the Peoria Street frontage. Those opposing yard requirements leave a six-foot shortfall for the revised enclosure. The convergence of installed fiber at this parcel makes that physical constraint consequential for the operation of the Peru network.

§ 15.08(d)(3) — The variation preserves the essential character of the locality.

The Commission must find that the variation will preserve the locality's essential character. As noted by the City's Counsel, buildings along this side of Peoria Street stand close to their front lot lines. Exhibit A places the fence 19 feet from that line and the shelter wall approximately 27 feet back. The screened, unstaffed facility is consistent with the commercial frontage, and the full landscaped west buffer preserves separation from the adjoining residence.

§ 15.08(d)(4)(a) — The parcel's physical conditions create a practical hardship.

The Commission considers whether the parcel's physical conditions make strict compliance a particular hardship beyond inconvenience. Strict compliance would prevent Metro from building the screened equipment layout while preserving the full west buffer. Denial would require a different enclosure and equipment arrangement, if feasible, or relocation of the shelter and rework of installed fiber. The half-lot's dimensions create the shortfall, and the resulting redesign, reconstruction and service delay show its practical consequences.

§ 15.08(d)(4)(b) — The conditions are particular to the Property.

The Commission considers whether the same conditions generally apply to other B-1 properties. The request arises from the combined effect of this parcel's half-lot dimensions, corner frontage and shared boundary with a residential district. It can be resolved by relief limited to the enclosure shown on Exhibit A.

§ 15.08(d)(4)(c) — The variation serves a purpose beyond increasing the Property's return.

The Commission considers whether the request is driven solely by a desire to increase the financial return from the Property. The adjustment makes room for the enclosure needed to secure and operate the facility at the junction of Metro's installed fiber. It also preserves the entire west buffer requested by the City. The resulting layout serves both the Peru network and the adjoining residence.

§ 15.08(d)(4)(d) — The hardship arises from existing lot conditions.

The Commission considers whether Metro or a prior owner created the hardship. The half-lot configuration and adjoining residential zoning predate Metro's acquisition. Metro's revised plan responds to the City's request to maintain the full west buffer. The asserted hardship stems from the interaction of that existing geometry and the applicable yard requirements. The circumstances of the original lot division remain relevant to the finding concerning prior ownership.

§ 15.08(d)(4)(e) — The variation protects public welfare and neighboring property.

The Commission considers whether granting relief would harm public welfare or injure neighboring property or improvements. The adjustment preserves the full landscaped west buffer and allows the revised layout to place the equipment farther from the south residence, with the HVAC facing north. A solid fence and evergreen screening address appearance, and daytime limits on routine generator testing address operating noise. These conditions protect the neighbors while allowing Metro to activate the fiber network.

§ 15.08(d)(4)(f) — The variation protects light, air, traffic, safety and property values.

The Commission considers whether the variation would impair light or air, substantially increase street congestion, increase fire danger, endanger public safety or substantially impair neighborhood property values. The six-foot fence and low shelter leave ample light and air. The unstaffed facility generates occasional maintenance trips using an off-street driveway. Electrical, generator and LP tank installations remain subject to applicable fire and safety review. The full

west buffer, evergreen screening, limited activity and revised equipment placement support a finding that this limited fence adjustment will preserve neighborhood property values.

Metro therefore requests a finding that the proposed variation satisfies § 15.08(d), with relief limited to a 19-foot minimum setback for the solid enclosure shown on Exhibit A.

V. Proposed Conditions and Prayer for Relief

Metro requests approval subject to the following conditions.

1. Construct and operate the unstaffed shelter and associated equipment substantially as shown in Exhibit A, subject to final City review. Maintain at least 19 feet between the enclosure and the Peoria Street lot line. Keep the HVAC units facing north, the generator on the apron and the LP tank behind the shelter.

2. Maintain the full 15-foot landscaped west transitional yard. Install and maintain evergreen screening on the west and south and a solid-panel vinyl enclosure no more than six feet high, as illustrated in Exhibit A.

3. Replace the existing 9th Street driveway with concrete and use it for off-street service access. Limit routine generator testing to one brief daytime cycle per week. Permit emergency operation during outages.

4. Limit the special use to the shelter and associated ground-level equipment shown in Exhibit A.

WHEREFORE, Metro respectfully requests that the Planning/Zoning Commission make findings on the evidence and recommend approval, and that the City Council grant the special use under § 11.02(d)(2) and the limited front-yard variation under § 11.02(f)(1) for the solid enclosure shown on Exhibit A, subject to the conditions above.

Dated November 6, 2026

Respectfully submitted,

MCC NETWORK SERVICES, LLC



Jane Wagner, General Counsel
8 South Washington Street, P.O. Box 555
Sullivan, Illinois 61951

Exhibit A-1 Annotated Site Plan

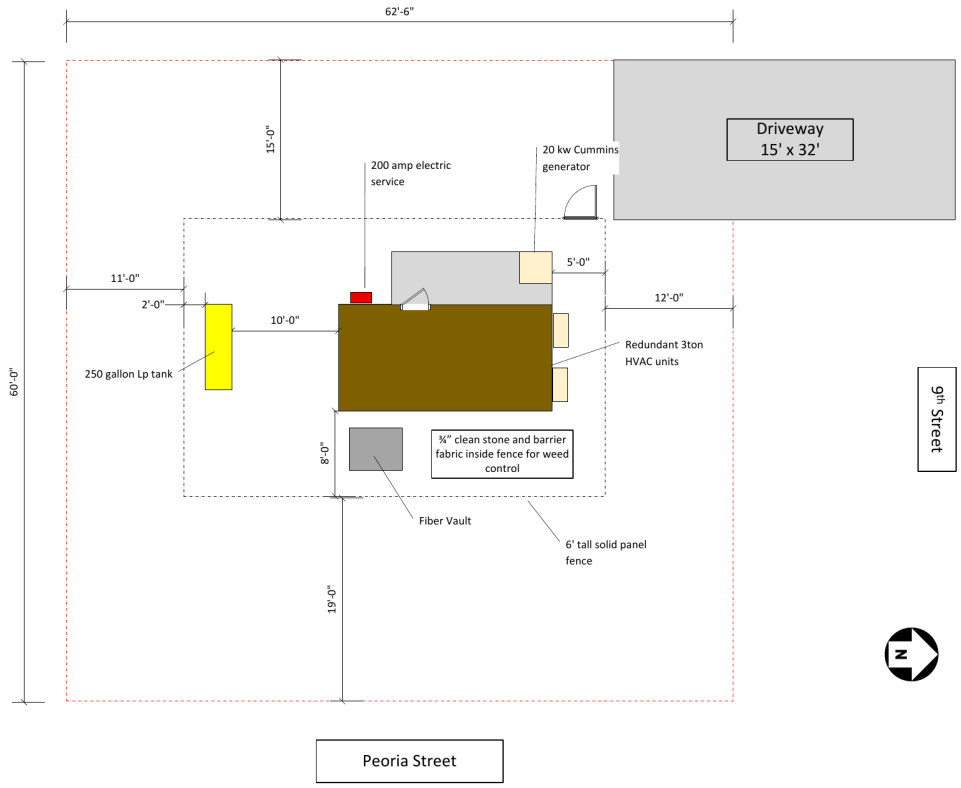


Exhibit A-2 Aerial Overview

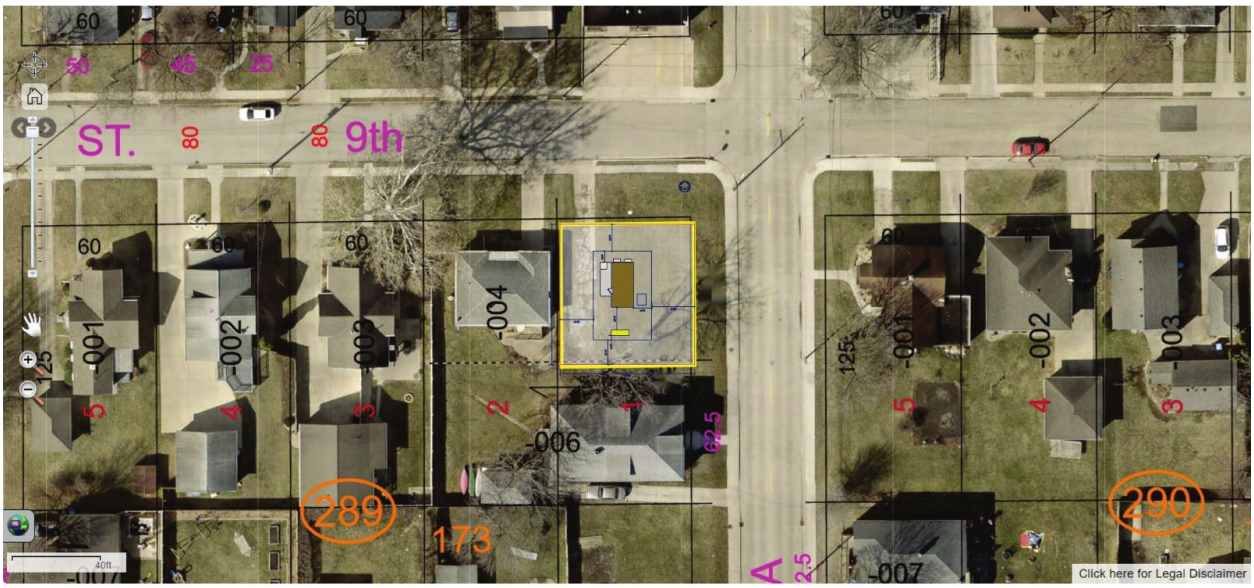


Exhibit A-3 Enlarged Site Layout



Exhibit A-4 Landscaping Plan

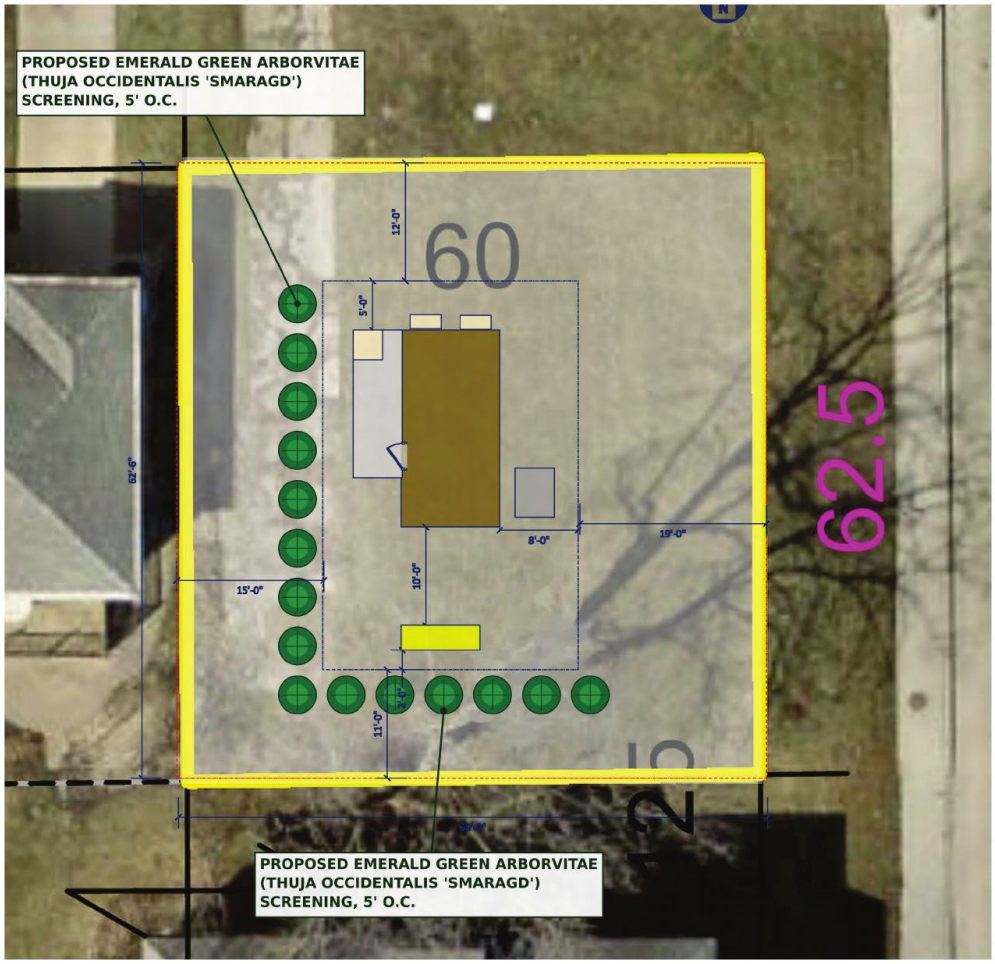


Exhibit A-5 Illustrative Solid Fence Rendering



EXHIBIT B

November 2, 2026

Planning and Zoning Commission of the City of Peru
1901 Fourth Street
Peru, IL 61354

Re: **Formal Opposition to Proposed Variance – MCC Network Services LLC**
Property: 1226 Peoria Street, Peru, IL 61354 (Brewster's Addition, N ½ of Lot 1, Block 173, Section 17-33-1)

Members of the Planning and Zoning Commission:

I am the property owner of 1212 Peoria Street, immediately adjacent to the property at 1226 Peoria Street, that is the subject of the proposed variance and companion Special Use Permit application. I attended the hearing on October 28 and voiced my opposition.

I am writing to formally request that the Planning and Zoning Commission deny the Special Use Permit application for a public service facility and the proposed Variance request based on the following points:

- **Neighborhood Character:** While the property carries a B-1 Neighborhood Shopping District zoning designation, this specific block of Peoria Street remains predominantly residential. Of the surrounding lots, three are strictly residential, and the two commercial properties on the opposite side of Peoria Street retain a residential aesthetic. Both properties which share boundaries with 1226 Peoria Street, my property 1212 Peoria Street, and 1810 9th Street, are residential. The proposed structure does not align with this established neighborhood character.
- **Transitional Yard Variance:** The petitioner has requested "a variance to reduce the minimum required transitional yard from not less than 15' as provided in Section 11.02(g) to not less than 5'." Review of the submitted site plan indicates that the proposed structure could be accommodated within the property boundaries without necessitating this variance. Municipal setback regulations are established to protect adjacent property owners. Decreasing the 15" buffer forces a structure deemed unsuitable for the primary street corner closer to both neighboring residential lot lines.
- **Impact on Light, Air, Safety, and Property Values:** The petitioner's assertion of "no impairment of light, air, safety, or values" is contradicted by the engineering plans.
    1. **Noise and Air Quality:** The installation of dual 3-ton HVAC units directed toward the adjacent property line at 1212 Peoria Street will generate

consistent noise and exhaust, directly disrupting the use and enjoyment of the residential backyard.

2. **Property Value and Expansion Precedent:** There is insufficient data to prove this facility will not diminish surrounding property values. The petitioner's reference sites in Dixon and Pontiac are in non-residential areas designed for industrial expansion, making them invalid points of comparison for a residential neighborhood.
3. **Environmental and Landscape Damage:** The required trenching and excavation along the south property line presents a severe threat to the root system of a mature tree on my property. Mature landscaping is documented to positively influence residential property values, and its loss would represent a distinct financial detriment.

- **Acquisition Circumstances:** The petitioner highlights the 2025 acquisition date as a unique circumstance. However, property acquisition should be contingent upon due diligence and adherence to existing municipal zoning ordinances, rather than relying on retroactive variances to accommodate a purchase.
- **Financial Gain Argument:** The petitioner asserts the project is "not for financial gain." While the infrastructure may offer municipal utility, the operating model inherently involves leasing or selling usage rights to third-party telecommunications providers, constituting a commercial, revenue-generating enterprise.
- **Scope of Relief Requested:** The petitioner's request for "such other and further relief deemed necessary or appropriate" introduces ambiguity regarding the final scope of the project. This broad phrasing creates potential for future unvetted modifications, adjustments, or expansions. Full transparency is required regarding the immediate and long-term construction plans for this site, as the proposed placement in the rear corner might suggest an intent for future expansion.

For the reasons outlined above, I respectfully urge the Planning and Zoning Commission to deny the Special Use Permit application and Variance request by MCC Network Services, LLC.

Thank you for your consideration,

Mary Manzella
1212 Peoria Street
Peru, IL 61354
(314) 591-5319