



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (prepared by Josh Naven)
DATE: July 6, 2017
CASE NO: PZ 17-27

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Ted Clark for approval of an Annexation Petition and Annexation Agreement, a Preliminary Subdivision Plat, to rezone property from a Class R-3 (Single-Family Residential) District to a C-1 (General Commercial) District, and to obtain a Special Use for Outdoor Recreation for the property located on the eastern side of Orange Prairie Road and addressed as W Grange Hall Rd, Peoria, Illinois. The property is also identified as Parcel Identification No. 08-35-100-033 (Council District 5).

SUMMARY OF PROPOSAL & REQUESTED WAIVERS

Annexation & Rezoning

The petitioner is requesting to annex approximately 9.3 acres with the following terms of the proposed agreement:

- 1) The Development (front 620 feet of even width from Orange Prairie Road – approx. 5 Acres) shall be zoned Class C-1 General Commercial District and the remainder of the Property shall default to the Class R-3 Single-Family Residential District.

The property is contiguous to the corporate limits of the City and will be annexed upon approval.

Subdivision Plat

The petitioner is proposing to subdivide approximately 5 acres from the current property into a one lot commercial subdivision.

Special Use

The petitioner is requesting a Special Use for Outdoor Recreation which will include the following attractions: Miniature Golf, Batting Cages, Go-Kart and Dune Buggy Tracks, Bumper Boats, and a Playground. These attractions are subject to change with administrative review before implementation.

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Parking	75 total spaces, 3 of total are handicap accessible, 10 space bike rack provided	None	Please see Public Works Comments. Conditions have been added to Staff's recommendation.
Mechanical & Utility Screening	Must be screened from view of the public right-of-way.	None	Must provide documentation of compliance prior to issuance of a building permit. Conditions have been added to Staff's recommendation.
Landscaping	Front yard and parking lot landscaping provided on site plan.	None	Final landscape plan must be submitted and approved prior to development. Conditions have been added to Staff's recommendation.
Signs	Freestanding and wall signage	None	The site must comply with all sign regulations. A separate

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
			permit application is required for sign approval.
Exterior Lighting	Applicant is requesting a light pole height waiver from the pedestrian requirement of 15 feet to 45 feet. Proposal is lacking light specifications with respect to Section 8.5. of the UDC.	None presented	No objection. Conditions have been added to Staff's recommendation concerning the remaining requirements for Site Lighting.
Setbacks & Yards	Proposal complies with 20-Foot requirement	None	None
Height	Proposal complies with 35-Foot requirement	None	None
Access & Circulation	Access provided from Orange Prairie Road.	None	Please see Public Works Comments. Conditions have been added to Staff's recommendation.
Materials	See attached elevation exhibit to Annexation Agreement	None	Final building materials must be submitted and approved by the Zoning Administrator. Decision appeals may go to the City Council.

BACKGROUND

Property Characteristics

The subject property contains approximately 9.3 acres of land and is currently developed agriculturally. The property is zoned County A2 Agricultural District and surrounded by the following classifications:

North	County A2 Agricultural District	South	City C-1 General Commercial District
East	County A2 Agricultural District	West	County A2 Agricultural District

History

The property is currently within the jurisdiction of Peoria County. No previous history with the City.

DEVELOPMENT REVIEW BOARD ANALYSIS

The Community Development Department examines each rezoning application against the standards that resulted from the case of LaSalle National Bank of Chicago V. Cook County and Peoria's Comprehensive Plan.

Standard	Standard Met per Community Development Dept. Review
<u>LaSalle Factor #1</u> : Existing uses of and zoning of nearby property	The subject property is adjacent to commercial zoning to the south.
<u>LaSalle Factor #2</u> : Extent to which property values are diminished by the particular zoning	Property values should not be diminished by the rezoning to C-1 (General Commercial) District.
<u>LaSalle Factor #3</u> : Extent to which the destruction of property values of the complaining party benefits the health, safety, or general welfare of the public.	None

Standard	Standard Met per Community Development Dept. Review
<u>LaSalle Factor #4</u> : Relative gain to the public as compared to the hardship imposed on the individual property owner.	The rezoning will allow for the establishment of the proposed use once annexed into the City of Peoria.
<u>LaSalle Factor #5</u> : Suitability of the property for the zoned purpose.	The subject parcel is suitable for C-1 (General Commercial) District.
<u>LaSalle Factor #6</u> : Length of time the property has been vacant as zoned, compared to the development in the vicinity of the property.	Not Applicable
<u>LaSalle Factor #7</u> : Public need for the proposed use.	None
Comprehensive Plan Future Land Use Designation	The Future Land Use Designation is Agricultural.

The Community Development Department examines each Special Use application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

Amendment Standard	Standard Met per DRB Review	DRB Condition Request & Justification
No negative impact on existing uses within general area of property	Yes	None
The zoning classification is within the general area	Yes	None
Suitability of property to uses permitted in existing classification	Yes	None
Trend of development	Yes	None
Suitability of property to uses permitted in proposed classification	Yes	None
Objectives of the Comprehensive Plan	Yes	None
Investigation of other suitable ways to accomplish intended purpose	Yes	None
No detriment to public health, safety, or general welfare	Yes	None
Enjoyment of property by neighbors for intended use	Yes	None
Comprehensive Plan Critical Success Factors	Grow Employers and Jobs	N/A
City Council Strategic Plan Goals	Smart Population Growth	N/A

Special Use Standard	Standard Met per DRB Review	DRB Condition Request & Justification
No detriment to public health, safety, or general welfare	Yes	None
No injury to other property or diminish property values	Yes	None
No impediment to orderly development	Yes	None
Provides adequate facilities	Yes	None

Special Use Standard	Standard Met per DRB Review	DRB Condition Request & Justification
Ingress/Egress measures designed to minimize traffic congestion	Yes	None
If a public use/service, then a public benefit	N/A	N/A
Conforms to all district regulations	No	Compliance with Section 8.5. Site Lighting
Comprehensive Plan Critical Success Factors	Grow Employers and Jobs	N/A
City Council Strategic Plan Goals	Smart Population Growth	N/A

DEVELOPMENT REVIEW BOARD RECOMMENDATION

The Development Review Board recommends approval of the request with the following conditions for the Special Use for Outdoor Recreation:

Community Development:

1. A compliant final landscaping plan (per Section 8.2.4.) must be submitted and approved prior to the issuance of building permits.
2. All rooftop and ground level mechanical equipment must be screened from street view and residentially zoned districts.
3. All proposed refuse disposal areas must be screened on all four sides by a solid fence or wall with a minimum height of six feet, not to exceed seven feet.
4. The site must adhere to all requirements of Section 8.5. Site Lighting, except for the noted light pole height contained within the Annexation Agreement.
5. Final site plans, elevations, and building materials shall be submitted to the Zoning Administrator for review and approval through an administrative review process prior to building permit issuance. The applicant may appeal the Zoning Administrator’s decision to the City Council if they disagree with the determination.

Fire Department:

1. FD needs fire-flow calculations from IL-AWC to determine the number and distribution of fire hydrants. Building construction Type (s) are also needed.
2. Fire apparatus access roads shall meet requirements of International Fire Code 2012 Appendix D.

Public Works:

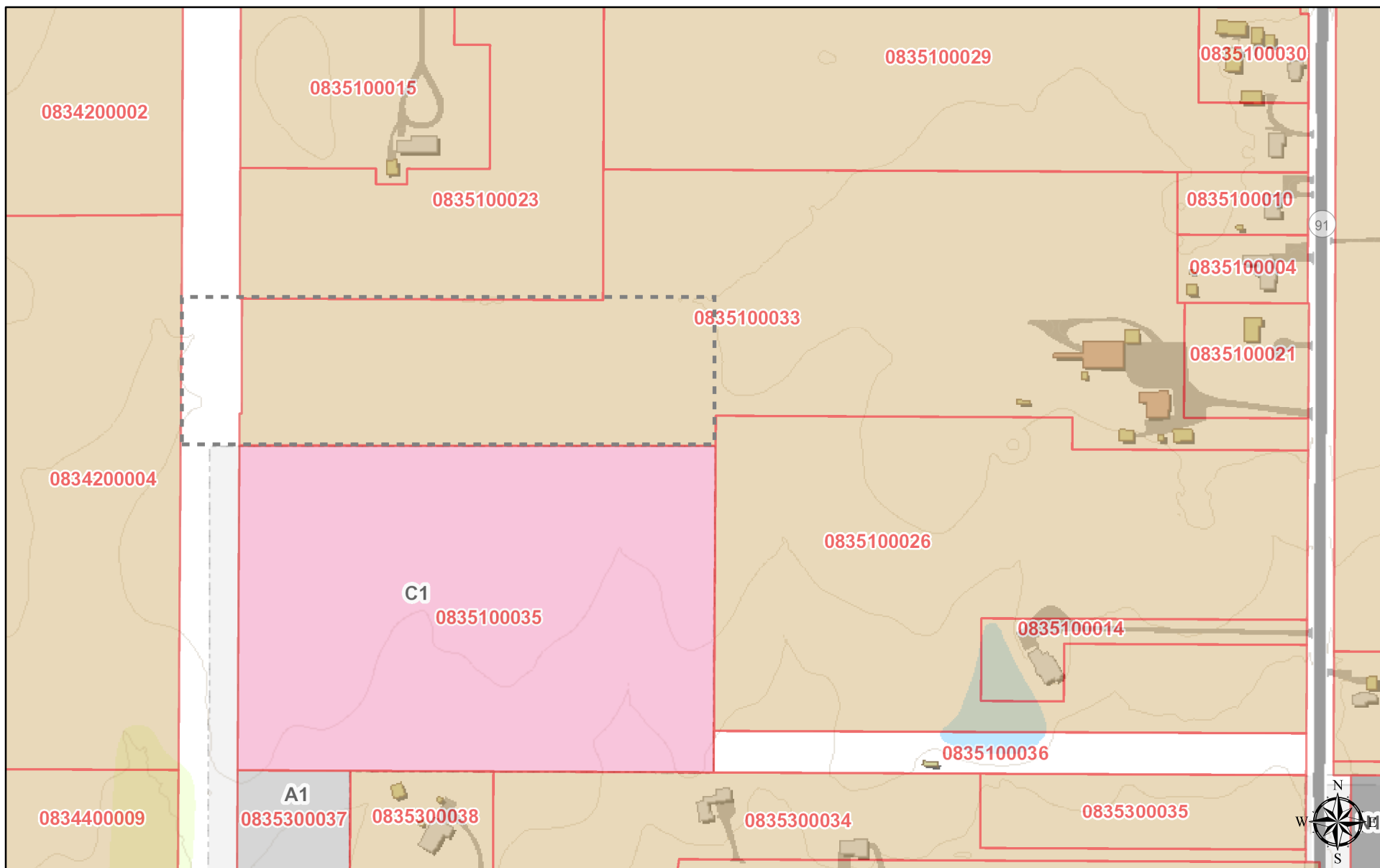
1. Orange Prairie is a controlled access roadway. Access must be coordinated with the City of Peoria traffic engineer in order to determine an acceptable driveway location. This coordination will also determine whether the site requires median cuts on Orange Prairie, turn lanes, shared access with adjacent properties, etc.

NOTE: If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meetings all applicable code requirements through all phases of the development.

ATTACHMENTS

1. Surrounding Zoning
2. Annexation Petition
3. Annexation Agreement
4. Annexation Map
5. DRB Advisory Comments

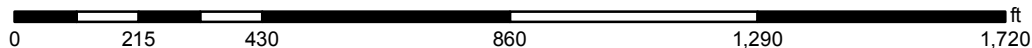
Peoria County, IL



Peoria County, IL, HERE, USGS

1 inch = 333 feet

----- Subject Area



Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division



PETITION FOR ANNEXATION -
PEORIA COUNTY

PREPARED BY: Ted Clark
225 Deer Lakes Dr.
Goodfield Illinois, 61742

RETURN TO:

CITY OF PEORIA
Community Development Department
419 Fulton Street, Room 300
Peoria, IL 61602-1217

PETITION FOR ANNEXATION

This Petition, dated this thirtieth day of May, 2017, is made by Mark Larson, (hereinafter referred to as the "Owner"), to the City of Peoria, an Illinois municipal corporation (hereinafter referred to as the "City").

RECITALS

WHEREAS, the Owner is the sole owner of certain property located in Peoria County, Illinois, which is legally described on attached Exhibit A and shall hereinafter be referred to as the "Property"; and

WHEREAS, the Property is an uninhabited parcel of land contiguous to the City; and

WHEREAS, the Property is not presently situated within the limits of any municipality; and

WHEREAS, there are no electors residing within the Property; and

WHEREAS, the Owner desires to annex the Property into the City.

PETITION

NOW, THEREFORE, the owner hereby petitions the City as follows:

1. Subject to the approval by the City of the Annexation Agreement attached hereto as Attachment A, the Owner hereby petitions the City to annex the Property into the City.

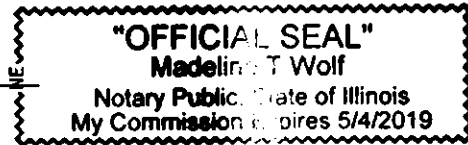
2. The Owner requests that the City undertake such actions as may be required to permit acceptance of this Petition and the attached Annexation Agreement, including, without limitation, conducting public hearings, providing notification to required individuals and governmental entities, etc.

DATED THIS THIRTIETH DAY OF MAY, 2017.

By: Mark A. Larson

Attest:

By: Madeline T. Wolf



STATE OF ILLINOIS)

) SS.

COUNTY OF PEORIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that MARK A. LARSON, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 31 day of May, 2007.

Madeline T. Wolf

Notary Public

ANNEXATION PETITION LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 35, THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, (BEARINGS ARE FOR DESCRIPTION PURPOSES ONLY) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 778.47 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 24 SECONDS EAST, A DISTANCE OF 70.00 FEET, TO THE EAST RIGHT OF WAY LINE OF ORANGE PRAIRIE ROAD AND THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING; (THE FOLLOWING 3 COURSES ARE ALONG SAID EAST RIGHT OF WAY LINE) THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 76.51 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 22 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 276.02 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 23 SECONDS EAST, A DISTANCE OF 1,146.09 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 24 SECONDS WEST, A DISTANCE OF 352.35 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 24 SECONDS WEST, A DISTANCE OF 1151.09 FEET, TO THE POINT OF BEGINNING, CONTAINING 4.985 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT OF WAY OF RECORD.

Change to 9.3



This Document Prepared By:

Ted Clark, Architect
225 Deer Lakes Dr.
Goodfield, IL 61742
309-242-2047

Mail To:

City of Peoria
Community Development Department
419 Fulton Street, Room 300
Peoria, Illinois 61602-1217

ANNEXATION AGREEMENT

THIS AGREEMENT (hereinafter referred to as the "Annexation Agreement") is made this Thirtieth day of May, 2017, by and between THE CITY OF PEORIA, ILLINOIS, an Illinois municipal corporation, located in Peoria County, Illinois (hereinafter referred to as the "City") and Mark Larson (hereinafter referred to as the "Owner").

RECITALS

WHEREAS, the owner is the sole owner of record of the following described property attached hereto as "Exhibit A" (hereinafter referred to as the "Property").

WHEREAS, the owner is the sole owner of record of the following described property attached hereto as "Exhibit B" (hereinafter referred to as the "Development") and is included within the Property.

WHEREAS, the Property is located within the County of Peoria, Illinois ("County") and is contiguous with the corporate boundaries of the City; and

WHEREAS, there are no electors residing within the Property; and

WHEREAS, this Annexation agreement was submitted to the corporate authorities for public hearing as required by law; and

WHEREAS, due notice as required by law has been sent to and received by all entities entitled to such notice as required by law; and

WHEREAS, all conditions precedent to entering into this Annexation Agreement have been undertaken and satisfied as required by law; and

WHEREAS, the corporation authorities of the City after due deliberation have, by resolution or ordinance, duly adopted and approved this Annexation Agreement as required by law.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements provided for herein, it is hereby agreed as follows:

1. Annexation. The City shall adopt such resolutions or ordinances as are required to annex the Property as provided for under the laws of the State of Illinois. No other request or petition for annexation shall be required as to this Property to complete the annexation.

2. Zoning. Upon the annexation of the Property to the City, the Property shall be classified in the following described zoning classification as set forth in the Zoning Ordinance of the City according to the terms of the Zoning Ordinance that exists on the date hereof.

A. The Development shall be classified as C1, General Commercial. The remainder of the Property shall be classified as R3, Single-Family Residential District.

3. General Provisions.

A. The provisions of this Annexation Agreement shall control over the provisions of any Ordinances, Codes or Regulations which are in conflict herewith.

B. This Annexation Agreement shall be binding upon the successor owners of

record of the Property, electors residing within the Property, and upon successor municipal and governmental authorities.

- C. Non-agricultural development of the site will require connection to public water and public sewer, adherence to County and/or City erosion, sediment, and storm water control regulations, and other regulations affecting property within the City, i.e. building codes and subdivision requirements.
- D. This Annexation Agreement and the rights of the parties hereto shall be interpreted, construed and enforced in accordance with the laws of the State of Illinois. Any litigation concerning this Annexation Agreement shall be commenced in Peoria County, Illinois.
- E. In the event that either party or their successor should find it necessary to retain an attorney for the enforcement of any provisions hereunder occasioned by the default of the other party, the party not in default shall be entitled to recover reasonable attorney's fees and court costs incurred whether the attorneys' fees are incurred for the purpose of negotiations, trial, appellate or other services.
- F. This Annexation Agreement may be enforced as provided by law and the parties may by civil action, mandamus, injunction or other proceedings, enforce and compel performance of this Annexation Agreement.
- G. The parties shall execute and deliver such additional documentation as may be necessary to implement this Agreement.
- H. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, grantees and assigns.
- I. This agreement may be amended by mutual consent of the parties.

J. This annexation agreement shall be in effect for a period of twenty (20) years from the date hereof.

DEVELOPMENT

K. **Subdivision Plat.** The ~~PROPERTY~~ shall be developed in accordance with a Final Plat that shall be submitted to and approved by the CITY OF PEORIA in accordance with the legal requirements of the CITY. The Final Plat shall retain the characteristics of the approved Preliminary Plat and shall be in substantial compliance with Exhibit C.

DEVELOPMENT

L. **Special Use.** The ~~PROPERTY~~ shall be developed as a Special Use for Outdoor Recreation that shall be submitted to and approved by the CITY OF PEORIA in accordance with the legal requirements of the CITY. The PROPERTY shall be in substantial compliance with the proposed Exhibits Labeled D, E, F & G and Details as itemized below. The parties agree that the building materials listed on Exhibit E and the items listed below shall be reviewed by the Zoning Administrator and approved through administrative review before implementation. Should the Owner not agree with the administrative decision, the Owner may appeal the administrative decision to the City Council.

- a. The "Secured Play Area" can be used for a Toddler Kart Track, Inflatable Attraction, SuperSlide, PlayGround, Climbing Gym, and Obstacle Course.
- b. The "Batting Cages" can be expanded into the Secured Play Area defined by dashed lines on Exhibit D.
- c. Kart Track layouts may be modified but their paved areas will not exceed 48,000 square feet.
- d. The Dune Buggy Course is not paved and is defined by a wood barrier

system.

- e. The Batting Cages may include a canvas panel over the Batter's Plate instead of the netting shown in the illustration, Exhibit F.
- f. Waiver for a side yard fence height limitation for the 17' tall Batting Cage enclosure that is approaching 6 feet from the property line.
- g. Waiver for the Light Pole Height at the Go Kart and Dune Buggy Tracks to be equal to the 40' Light Pole Height limitations for the Parking Lot.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

THE CITY OF PEORIA, a Municipal Corporation

By: _____

Attest:

By: _____

Examined and approved by:

Corporation Counsel

STATE OF ILLINOIS)
) SS.
COUNTY OF PEORIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid. DO HEREBY CERTIFY that _____, personally known to me to be the Mayor of the City of Peoria, and _____, personally known to me to be the City Clerk of the City of Peoria, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk, they signed and delivered the said instrument as Mayor and as City Clerk of said Municipal Corporation, and caused the seal of said Municipal Corporation to be affixed thereto, pursuant to authority given by the corporate authorities of the City of Peoria for the uses and purposes therein set forth.

Given under my hand and notarial seal, this ____ day of _____, 20__.

Mark A. Larson

Notary Public

Mark Larson, Owner of Record:

By: *Madeline T. Wolf*

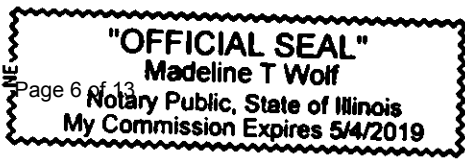
STATE OF ILLINOIS)
) SS.
COUNTY OF PEORIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that MARK A. LARSON, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 31 day of May, 2017.

Madeline T. Wolf

Notary Public



ANNEXATION AGREEMENT LEGAL DESCRIPTION

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Change to 9.3

REZONING, SUBDIVISION PLAT AND SPECIAL USE LEGAL DESCRIPTION

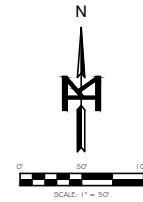
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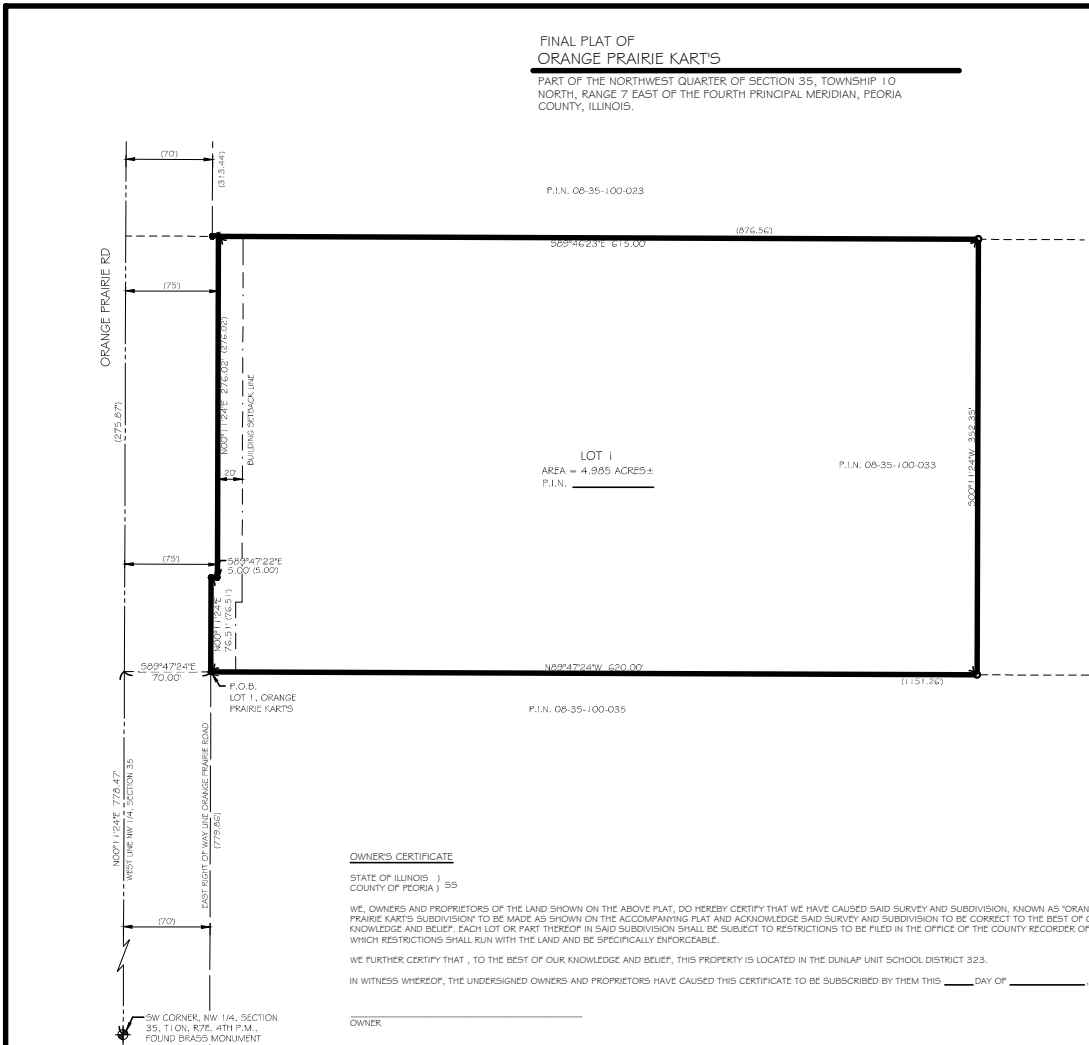
**FINAL PLAT OF
ORANGE PRAIRIE KARTS**

PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS.



LEGEND

- DEED LINE
- SECTION LINE
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- BUILDING SETBACK LINE
- MEASURED BEARING & DISTANCE
- RECORD DISTANCE
- FOUND IRON ROD / PIPE / REBAR
- SET IRON ROD 1/2\"/>



NOTES:

1. PROPERTY BEING SUBDIVIDED IS PART OF P.I.N. 08-35-100-033.
2. BEARINGS ARE ASSUMED FOR PURPOSE OF DESCRIPTION ONLY.
3. TOTAL AREA SURVEYED IS 4.985 ACRES±.
4. THIS PROPERTY IS ZONED C-1.
5. OWNER/DEVELOPER IS: MARK LARSON, 300 E. COURTLAND ST., MORTON, IL 61550.
6. PROPERTY OWNERS IN THIS SUBDIVISION MAY NOT PARTICIPATE IN THE CITY OF PEORIA'S DRAINAGE ASSISTANCE PROGRAM.
7. THIS PROPERTY IS LOCATED IN FLOOD ZONE 'C', AREAS OF MINIMAL FLOODING BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL No. 170533-0125 B, WHICH BEARS A REVISED DATE OF JUNE 1, 1983.
8. IT IS NOT WARRANTED THAT THIS FINAL PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT OF WAYS, BUILDING SETBACK LINES OR OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION A TITLE OPINION OR OTHER COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.

DESCRIPTION OF 'ORANGE PRAIRIE KARTS'

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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FROM THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; (THE FOLLOWING 3 COURSES ARE ALONG SAID EAST RIGHT OF WAY LINE) THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 76.51 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 22 SECONDS EAST, A DISTANCE OF 5.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 276.02 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 23 SECONDS EAST, A DISTANCE OF 615.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 24 SECONDS WEST, A DISTANCE OF 392.35 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 24 SECONDS WEST, A DISTANCE OF 620.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 4.985 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT OF WAY OF RECORD.

COMMUNITY DEVELOPMENT CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

I HEREBY CERTIFY THAT THIS FINAL PLAT OF 'ORANGE PRAIRIE KARTS' SUBDIVISION IS APPROVED THIS ____ DAY OF _____, 2017.

DIRECTOR OF COMMUNITY DEVELOPMENT

PEORIA COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

I HEREBY CERTIFY THAT I FIND NO DELINQUENT TAXES, UNPAID CURRENT TAXES, DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST ANY OF THE REAL ESTATE EMBRACED IN THE ATTACHED FINAL PLAT OF 'ORANGE PRAIRIE KARTS' SUBDIVISION' AND DESCRIPTION.

GIVEN UNDER MY HAND AND SEAL THIS ____ DAY OF _____, 2017.

PEORIA COUNTY CLERK

PEORIA COUNTY DEPUTY CLERK

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

WE, MOHR & KERR ENGINEERING AND LAND SURVEYING, P.C. DO HEREBY STATE THAT WE HAVE SURVEYED AND SUBDIVIDED A PART OF THE NORTHWEST QUARTER OF SECTION 35 IN TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS, TO BE KNOWN AS 'ORANGE PRAIRIE KARTS' SUBDIVISION' AND WE FURTHER STATE THAT THE ABOVE SURVEY IS LOCATED WITHIN THE CORPORATE LIMITS OF AN INCORPORATED CITY, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS NOW OR HEREAFTER AMENDED. WE FURTHER STATE THAT THIS SUBDIVISION IS NOT WITHIN 500 FEET OF ANY DRAINAGE COURSE DRAINING 640 ACRES OR MORE AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY AS DRAWN TO A SCALE OF 1 INCH = 50 FEET.

WE FURTHER STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 7th DAY OF JUNE, 2017.

MOHR & KERR ENGINEERING AND LAND SURVEYING, P.C.

JEFFREY E. FRANKLIN
ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR #035-3230
MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
5901 N. PROSPECT RD., SUITE 6B, PEORIA, IL 61614
PHONE: (309)692-8500, WEB SITE: WWW.MOHRANDKERR.COM
JEFFRANKLIN@MOHRANDKERR.COM



OWNERS CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

WE, OWNERS AND PROPRIETORS OF THE LAND SHOWN ON THE ABOVE PLAT, DO HEREBY CERTIFY THAT WE HAVE CAUSED SAID SURVEY AND SUBDIVISION, KNOWN AS 'ORANGE PRAIRIE KARTS' SUBDIVISION TO BE MADE AS SHOWN ON THE ACCOMPANYING PLAT AND ACKNOWLEDGE SAID SURVEY AND SUBDIVISION TO BE CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. EACH LOT OR PART THEREOF IN SAID SUBDIVISION SHALL BE SUBJECT TO RESTRICTIONS TO BE FILED IN THE OFFICE OF THE COUNTY RECORDER OF DEEDS, WHICH RESTRICTIONS SHALL RUN WITH THE LAND AND BE SPECIFICALLY ENFORCEABLE.

WE FURTHER CERTIFY THAT, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THIS PROPERTY IS LOCATED IN THE DUNLAP UNIT SCHOOL DISTRICT 323. IN WITNESS WHEREOF, THE UNDERSIGNED OWNERS AND PROPRIETORS HAVE CAUSED THIS CERTIFICATE TO BE SUBSCRIBED BY THEM THIS ____ DAY OF _____, 2017.

OWNER

OWNER

NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS) ss
COUNTY OF PEORIA)

I, THE UNDERSIGNED, NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE, AFORESAID, DO HEREBY CERTIFY THAT THE ABOVE UNDERSIGNED ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED, SEALED AND DELIVERED THE SAID INSTRUMENT AS THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES SET FORTH, AND ON THEIR OATH STATED THAT THEY ARE DULY AUTHORIZED TO EXECUTE SAID INSTRUMENT.

GIVEN UNDER MY HAND AND SEAL THIS ____ DAY OF _____, 2017.

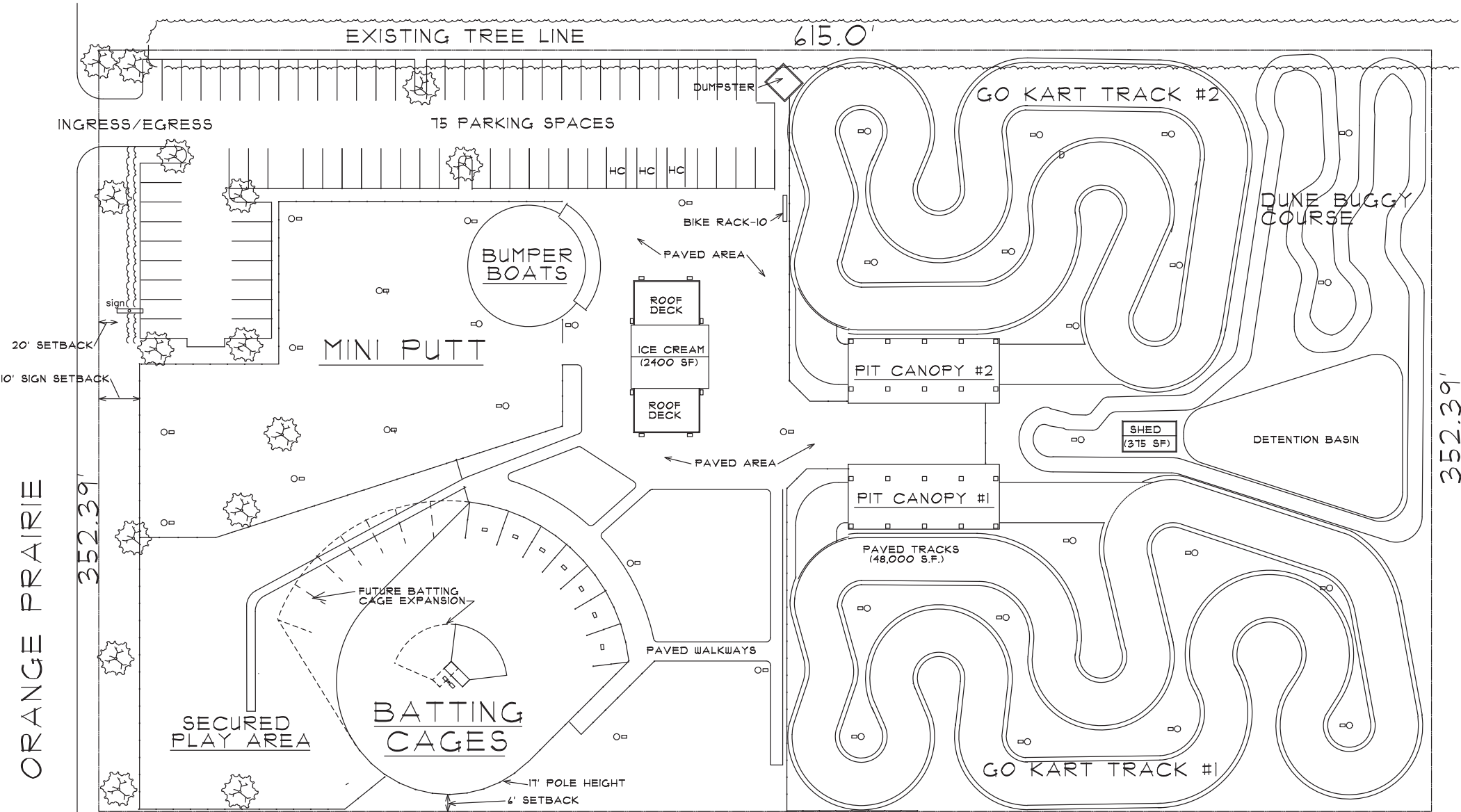
NOTARY PUBLIC

COMMISSION EXPIRES _____

DATE	17437	ORANGE PRAIRIE KARTS	DATE	06/07/17
BY	JEFFREY E. FRANKLIN	NAME OF SURVEYOR	CHECKED	MWM
SCALE	1" = 50'	DATE	06/07/17	

CLIENT:	MARK LARSON
DRAWN:	JEFF
CHECKED:	MWM
SCALE:	1" = 50'
DATE:	06/07/17

TITLE:	FINAL PLAT OF ORANGE PRAIRIE KARTS
PROJECT NO.:	17437
SHEET NO.:	1 OF 1
DRAWING NO.:	1



ORANGE PRAIRIE

352.39'

352.39'

EXISTING TREE LINE

615.0'

INGRESS/EGRESS

15 PARKING SPACES

DUMPSTER

GO KART TRACK #2

DUNE BUGGY COURSE

BUMPER BOATS

PAVED AREA

ROOF DECK

ICE CREAM (2400 SF)

ROOF DECK

MINI PUTT

PAVED AREA

PIT CANOPY #2

SHED (375 SF)

DETENTION BASIN

PIT CANOPY #1

PAVED TRACKS (48,000 S.F.)

PAVED WALKWAYS

FUTURE BATTLING CAGE EXPANSION

BATTLING CAGES

SECURED PLAY AREA

GO KART TRACK #1

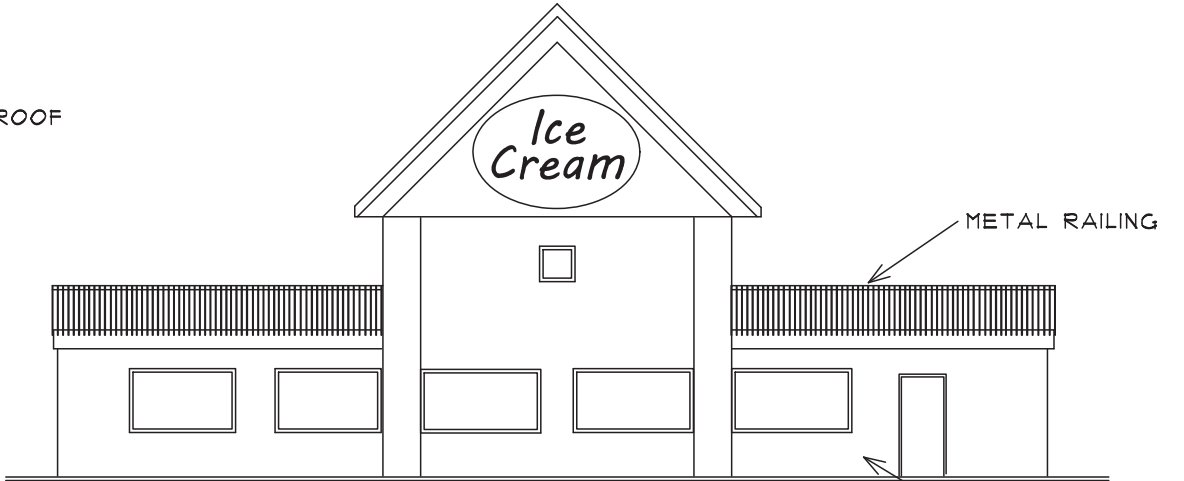
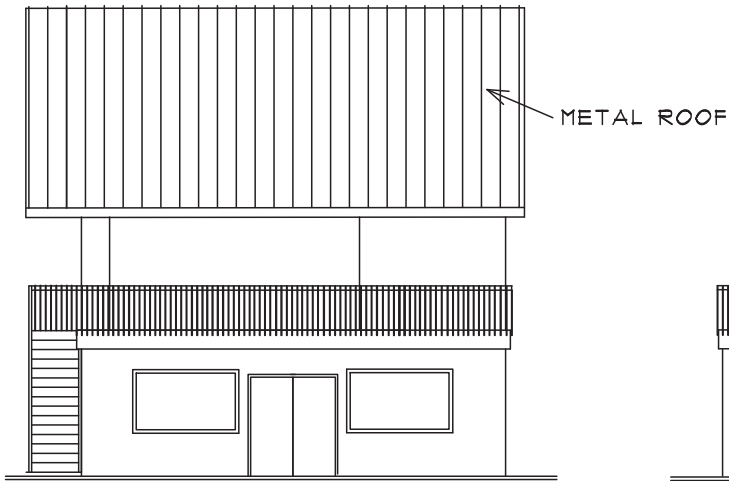
17' POLE HEIGHT
4' SETBACK

SCALE: 1" = 40'



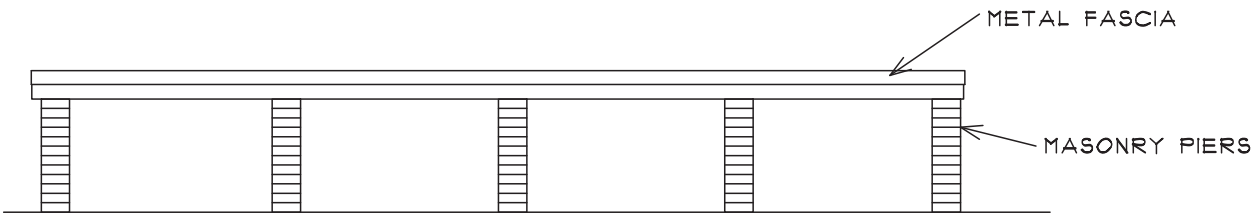
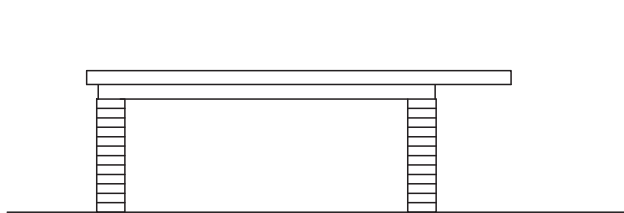
AMUSEMENT PARK with
GO KART, BATTLING CAGES,
MINI-PUTT and ICE CREAM

EXHIBIT D

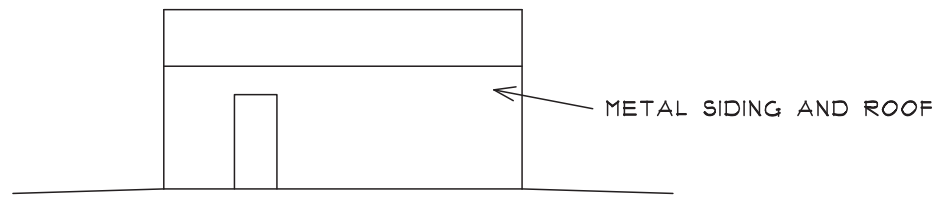
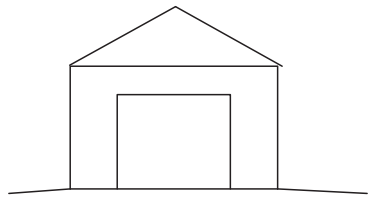


ICE CREAM/SALES (30' X 10')

STUCCO WALLS



PIT CANOPY (30' X 66')

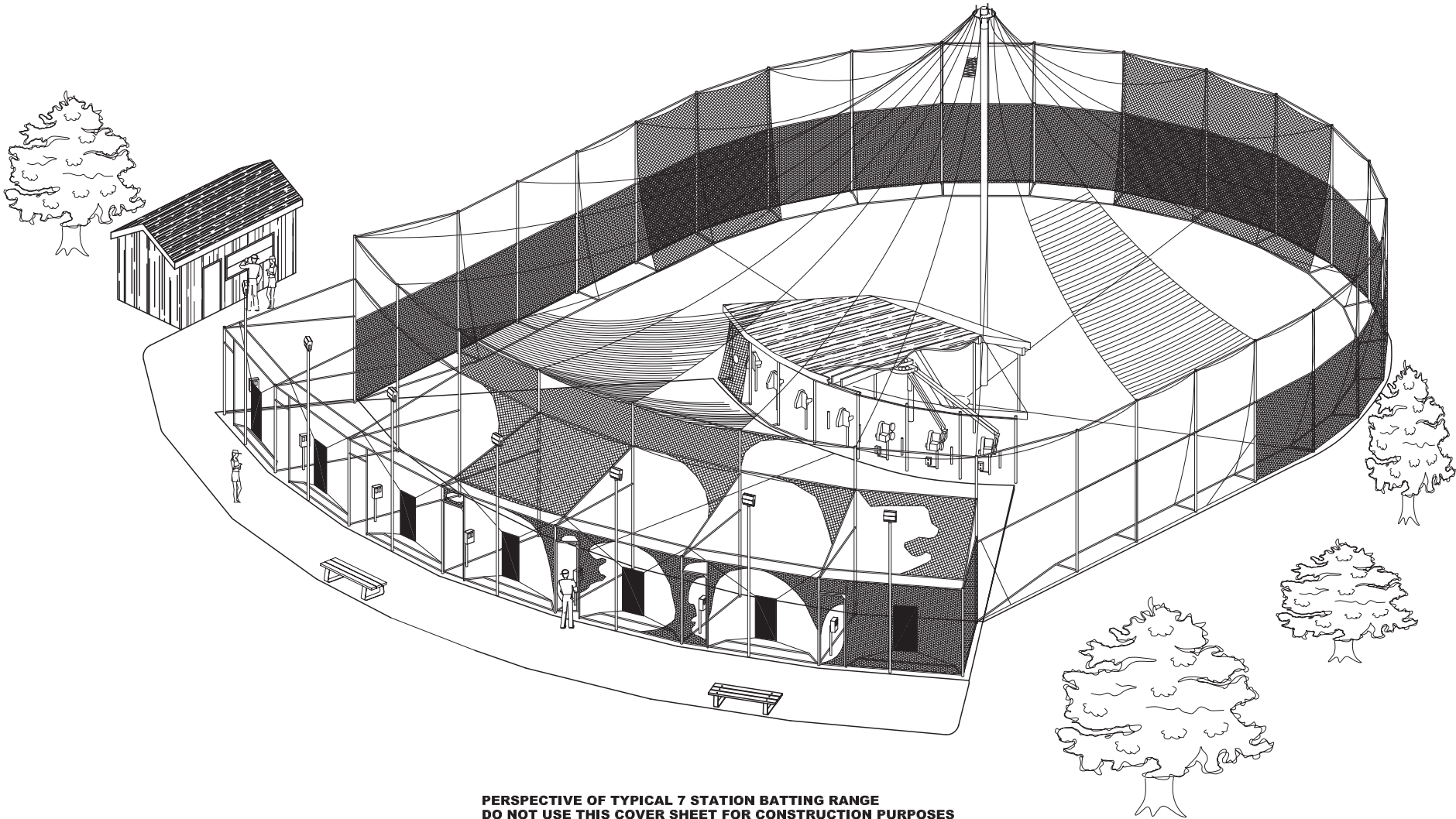


MAINTENANCE SHED (15' X 25')

EXHIBIT E



**9 STATION
BATTING RANGE**
WITH ELEVATION CONTROL



**PERSPECTIVE OF TYPICAL 7 STATION BATTING RANGE
DO NOT USE THIS COVER SHEET FOR CONSTRUCTION PURPOSES**

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REVISION **K**

DESIGN	ABC
DRAWN	ABC
JOB NO.	
DATE	4/15/2015

AUTOMATED BATTING CAGES
8811 HUFF AVE NE, SALEM, OR, 97303
PHONE: 503-390-5714, FAX: 503-390-4974

CUSTOMER INFO:

<p>1 7</p> <p>9 STATION RANGE</p>

Site Plan Data Summary, Amusement Park

EXHIBIT G

Lot Size: 5 Acres

Setbacks

Front: 20'
Sides & Rear 0'

Parking:

Provided Spaces: 75
Spaces at 8 1/2' x 18 1/2' 72
Accessible Spaces 3
Aisle width 24'
Bike Spaces 3+

Calculation Summary:

2100 SF Ice Cream = 21 spaces
Staff = 4 spaces

Patrons:

Mini Putt 72
Batting Cages 18
Karts 60
150 / 3 = 50 spaces

Total Required Spaces = 75

Landscaping

Front $352.39' / 2 = 176$ points required
Intermediate Shade Trees 15 pts x 12 = 180 pts
30" tall hedge at parking
Parking Lot: 75 points required
Shade Trees 20 pts x 4 = 80 pts

Lighting Requirements:

Parking Lot:
Surface Minimum 1/2 fc
Average-to-Minimum uniformity ratio 5:1
Pedestrian Areas:
Average at ground level: 3 fc
Canopy maximum lighting: 25 fc
Maximum Level at Lot Line: 1/2 fc

Luminaire Control Specification:

-Pole-Mounted: "Full Cut-Off"
-40' max. at Parking Lot and Kart Tracks
-15' max. at pedestrian walkways & activities
-Wall Packs:, "Shielded"

Estimated Traffic Generation:

-35 Car Arrivals/Hour
-35 Car Departures/Hour

**ANNEXATION MAP
CITY OF PEORIA, IL**

Exhibit B to Ordinance

ANNEXATION NO. _____

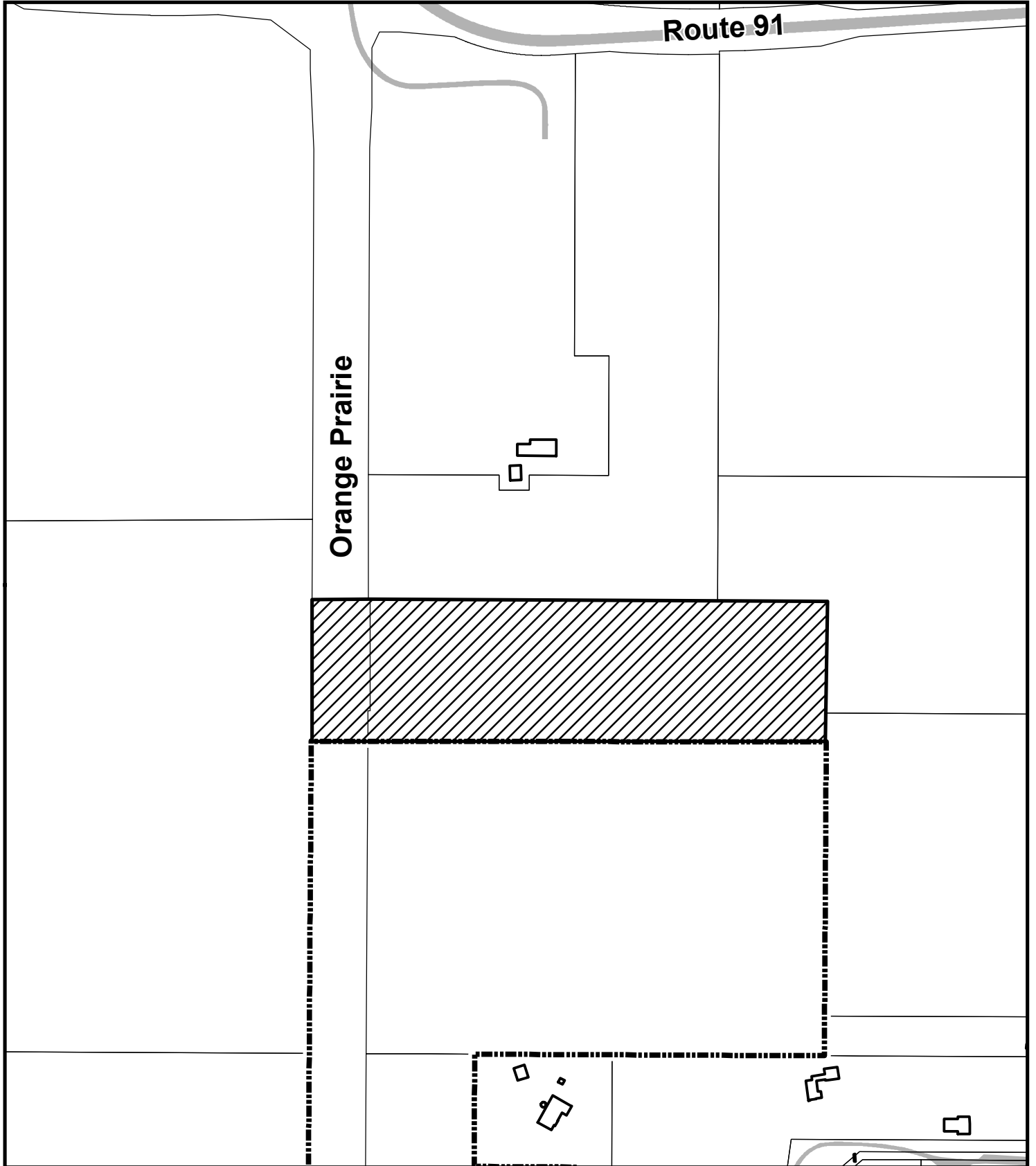
ORDINANCE NO. _____

DATE: _____



AREA ANNEXED: 9.3 ACRES

PREPARED BY: John K. [Signature]





DEVELOPMENT REVIEW BOARD COMMENTS

Address / PIN / General Location: Orange Prairie Rd

Building Job ID: 17-27 PZ

Project Description: Go Karts etc,

Project Status: ACTIVE

Department: Fire

Comment Date: 6-15-17

CONDITIONS OF APPROVAL REGARDING THE PLANS AND APPLICATION

FD needs fire-flow calculations from IL-AWC to determine the number and distribution of fire hydrants. Building construction Type (s) are also needed.

Fire apparatus access roads shall meet requirements of International Fire Code 2012 Appendix D.



DEVELOPMENT REVIEW BOARD COMMENTS

Address / PIN / General Location: W Grange Hall Rd

Building Job ID: Project # 17-92

Project Description: Annexation – Preliminary Plat

Project Status: ACTIVE

Department: Public Works

Comment Date: June 14, 2017

CONDITIONS OF APPROVAL REGARDING THE PLANS AND APPLICATION

1. Submit a site plan, to-scale, showing proposed parking layout. Include dimensions of stalls (width and length), driving aisles, and entrance.
2. Turn in address request form – a temporary address will be issued for tracking purposes until such time that all Public Works permits have been applied for and paid in full. Address will then become permanent.
3. Orange Prairie is a controlled access roadway. Access must be coordinated with the City of Peoria traffic engineer in order to determine an acceptable driveway location. This coordination will also determine whether the site requires median cuts on Orange Prairie, turn lanes, shared access with adjacent properties, etc.
4. Any paving or resurfacing of the parking lot shall be completed by a contractor who is licensed and bonded with the City of Peoria. All re-stripping of lots must comply with the current code including:
 - a. Accessible parking spaces must be 16' in width and 18.5' in length and be striped with an 11' parking area and a 5' aisle on the right hand side, or alternatively, with an 8' parking area and 8' aisle. Accessible spaces shall be signed with an R7-8 sign and an R7-101 \$350 fine plate.
 - b. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance (generally the closest parking space to the accessible door).
 - c. Parking spaces must be a minimum of 18.5' in length by 8.5' in width and striped to be independently maneuverable.
 - d. Provide 1 accessible parking space per 25 patron/employee space.
5. Driveways shall be constructed in accordance with current City Standards (including concrete thickness, apron dimensions and slopes). Depressed curb shall be installed (or maintained) through the driveway (curb should not follow the driveway flares).
6. Verify that no portion of the parking lot is draining across the public right of way.
7. Stormwater Management is required in accordance with the City's recently revised Erosion, Sediment and Stormwater Control Ordinance. For any project that increases impervious area by more than 0.5 acre, cumulative over the last 5 years, volume control, detention and 100-year floodrouting are required.
8. The City strongly encourages the use of sustainable Best Management Practices (BMP) for storm water management including, but not limited to, native grasses, bioswales, rain barrels, raingardens, dry wells, permeable pavement, etc.

9. The following Public Works permits are required. Contractors must be licensed and bonded with the City of Peoria:
 - a. Sidewalk/Drive Approach Permit
 - b. Excavation Permit (for utility connections; flowable fill is required for any excavations within two feet of pavement, curb and gutter and/or sidewalk)
 - c. Erosion, Sediment and Storm Water Control Permit
 - d. Lane/Road/Sidewalk/Alley Closure
 - e. General ROW Use permit
10. An NPDES construction permit from the Illinois EPA will be required for this project.

Outdoor Recreation Project PZ 17-27

Ted Clark

Several homeowners have expressed concerns about the potential of nuisance sounds generated by the vehicles used in the Petitioner's amusement center.

Section 15-68 of the City Code restricts noise levels of registered vehicles used on public roads. The Code quantifies excessive sound levels for the purpose of determining a public nuisance and providing a mechanism for Code Enforcement to compel compliance.

Almost every residence in Peoria is adjacent to a public road and is protected from vehicular noise nuisances by Section 15-68. There are no daytime restrictions for vehicles used on private property, such as lawn mowers and Go-Karts.

The sound levels emanating from private property should not be more restrictive than the sound levels allowed on public roads. If it is allowable for someone to drive a vehicle on public streets and generate a specific level of sound, then that level of sound surely is acceptable to emanate from private property.

The Petitioner and Owner agree to apply the noise nuisance definition of Section 15-68 to the amusement vehicle sounds emanating from the Property. Even though the closest concerned resident is at a distance of 900 feet, the Petitioner and Owner agree to Section 15-68's compliance measurement distance of 50 feet from the Property.

Proposed Voluntary Sound Restriction:

Owner agrees to comply with the Maximum Permitted Sound Levels described in Section 15-68a of the Peoria Code to the unlicensed motorized recreational vehicles that are utilized on the Property.

The sound level must not exceed 85 decibels measured at a distance of 50 feet from the property line in the direction of the affected property owner and be measured at an elevation of 48" above grade. If the Maximum Permitted Sound Level is exceeded, the Owner has 10 days after notification to comply with the sound levels described in Section 15-68a. If Owner fails to comply within 10 days of notification, the vehicles attributed to the sound level excess will not be allowed to operate until it is confirmed by the Zoning Director that modifications were completed and the sound levels are in compliance.

Sec. 15-68. - Motor vehicle mufflers.

(a) For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them in this subsection:

Decibel means a unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

Muffler means any device used upon a motor vehicle, whose purpose is the deadening of combustion noises of any engine thereon or the deadening of any other motor noises, including but not limited to the *noise* of exhaust gases or any other mechanical device for the deadening of the *noise* and intake of gases upon a motor vehicle.

Sound level meter means an instrument standardized by the American Standards Association for measurement of intensity of sound, namely, Z24.3-1944.

Sound limits means all sound emanating from any motor vehicle, measured upon the "A" weighing scale of a second level meter, in excess of the decibels measured at the distances specified shown below. The distances shall be measured from the right rear wheel of the propelling unit of the vehicle in motion as it passes the sound level meter:

Distance in Feet	Maximum Permitted Sound Level in Decibels
50	85
45	86
40	87
35	88
30	89.5
25	91
20	93
15	95.5

(b) No person shall operate any motor vehicle upon a public street or highway within the city unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. For the purpose of this section, if sound in excess of the sound limit set forth in this section shall emanate from a vehicle, such evidence shall constitute and be admitted as prima facie evidence that it was producing excessive or unusual noises. Evidence that a vehicle was emanating sound of less than the sound limit shall be relevant evidence, but not given prima facie effect, in determining whether or not such vehicle was emanating excessive or unusual noises.

Josh Naven

From: Daniel W. Hellige <HELLIGE_DANIEL_W@cat.com>
Sent: Thursday, October 05, 2017 11:23 AM
To: Josh Naven
Cc: Todd Parmenter; John A. Zimmerman
Subject: Zoning hearing case Pz 17-27

Josh - I will not be able to attend today's hearing as I have a conflict. Todd will be there to represent the neighbors but I would appreciate it if you could share this with the Board. I arrived a few minutes late for the September meeting only to find out the petitioner had postponed again so wasn't able to share my concerns.

Dear zoning Board members. Unfortunately I will not be there in person today as I was for the first two meetings. I just wanted to let you know that my views haven't changed since the first meeting back in July. I would ask that you deny the request for the rezoning of this residential parcel. This amusement park doesn't belong next to residential homes nor next to a child's day care facility such as the one that adjoins part of the owners property from the RT 91 side.

When we purchased our property five years ago the City's brand new master plan had the property north of the future pioneer park extension listed as residential. Therefore we. Ought with confidence believing the City wouldn't abandoned its master plan. Having a go cart facility right next door does not fit in residential zones areas.

I know the petitioner claims that everyone who owns a home had to put up with road noise which is true. But if you knowingly buy a house on University that is a complete different story then having bought a house in the country as we did. Furthermore the property value of a home on a busy street would reflect that condition vs a home deep in a neighborhood or out in the country.

Please note that the petitioner made no effort to reach out to me nor my neighbors to discuss how he could address our concerns. Therefore I am asking that you deny this request and recommend to the City Council that they do the same.

Best Regards

Dan Hellige
3092089339 mobile
3096758510 office

Josh Naven

From: John A. Zimmerman <Zimmerman_John_A@cat.com>
Sent: Thursday, October 05, 2017 12:00 PM
To: Josh Naven
Cc: Todd Parmenter; Daniel W. Hellige
Subject: Opposition to Zoning Case PZ17-27

Josh - unfortunately I will not be able to attend today's zoning meeting to discuss the amusement park proposal just north of my property (less than ~900 feet or less than 2/10 of a mile). I was at the two previous hearings but due to work travel I'm not able to attend today. However, my neighbor Todd Parmenter is going to represent my concerns in that meeting. That said, I did want to state my concerns have not changed from the beginning, and I am strongly opposed to this development proposal.

The reasons for my opposition to this proposal are the following:

- Noise nuisance from the go-cart track: This will be very bothersome given only minimum requirements are being proposed for noise reduction. A go-cart track where carts are raced repetitively throughout the operating hours of the business (proposal of operation from 10am to 10pm) in open country where sound easily travels will be a major nuisance and aggravation, especially given the proximity to my residence. This is obviously very dissimilar to a passing car, and is a constant and repetitive noise nuisance and is unacceptable for a property in close proximity to residences.
- Not aligned with City's master plan: The idea of a go-cart track at the proposed property was not in the City's master plan for development. We purchased our current residence around Thanksgiving of last year, but probably would not have made that decision if it were known the City was going to change course and accept a go-cart track just north of us. I strongly believe the City should stay aligned with the City's master plan, especially given the objections from surrounding neighbors.
- No meeting with Mr. Clark: From the previous two hearings, it was either mentioned verbally by Mr. Clark (after the 1st hearing outside the meeting room) or read (during the 2nd hearing; believe this was read by you) that he wanted to meet with us neighbors to talk about this further. That meeting did not happen, nor am I aware of any attempt by him to reach out to us and schedule a conversation.

Thank you for considering this note and please let me know if you have any questions.

John Zimmerman
w +1-309-494-7008; m +1-309-265-7265
zimmerman_john_a@cat.com