



# PLANNING & ZONING COMMISSION

**TO:** City of Peoria Planning & Zoning Commission  
**FROM:** Development Review Board (prepared by Josh Naven)  
**DATE:** January 5, 2017  
**CASE NO:** PZ 17-01

**REQUEST:** Hold a Public Hearing and forward a recommendation to the City Council on the request of Edward and Beth Olehy for approval of an Annexation Petition and Annexation Agreement for the property located at the south of Charter Oak Road and west of Charter Oak Lane and addressed as 5403 N Charter Oak Ln. The property is also identified as Parcel Identification No 13-23-200-003, Peoria, Illinois (Council District 5).

**SUMMARY OF PROPOSAL & REQUESTED WAIVERS**

The petitioner is requesting to annex 78.99 acres with the following terms of the proposed agreement:

- 1) Property shall be zoned Class R-3 Single-Family Residential District;
- 2) Non-agricultural development of the site will require connection to public water and public sewer and adherence to City of Peoria development regulations;
- 3) Right-of-Way dedication in the amount of a 30-foot wide strip along Charter Oak Lane is required upon request from the City.

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Parking	N/A	N/A	N/A
Mechanical & Utility Screening	N/A	N/A	N/A
Use Standards	N/A	N/A	N/A
Landscaping	N/A	N/A	N/A
Buffers & Screening	N/A	N/A	N/A
Signs	N/A	N/A	N/A
Exterior Lighting	N/A	N/A	N/A
Street Walls	N/A	N/A	N/A
Setbacks, Yards, Build To	N/A	N/A	N/A
Height	N/A	N/A	N/A
Windows & Doors	N/A	N/A	N/A
Open Space Area	N/A	N/A	N/A
Access & Circulation	N/A	N/A	N/A
Awnings, Canopies, & Porches	N/A	N/A	N/A
Materials	N/A	N/A	N/A
Other	N/A	N/A	N/A

**BACKGROUND**

**Property Characteristics**

The subject property contains 4.99 acres of land and is currently developed as a single-family home. The property is zoned County RR Rural Residential and surrounded by County RR Rural Residential zoning to the north and

south, County A2 Agricultural and R-3 (Single-Family Residential) zoning to the east, and R-3 (Single-Family Residential) zoning to the west.

**History**

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

**DEVELOPMENT REVIEW BOARD ANALYSIS**

The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

<b>Standard</b>	<b>Standard Met per DRB Review</b>	<b>DRB Condition Request &amp; Justification</b>
Future Land Use Map	County Residential	Requested R-3 zoning is consistent with the future land use map designation.
Comprehensive Plan Critical Success Factors	Attractive Neighborhoods with Character	Proposed annexation with facilitate additional residential growth if subdivided.
City Council Strategic Plan Goals	Grow Peoria: Businesses, Jobs & Population	Proposed annexation with facilitate additional residential growth if subdivided.

**DEVELOPMENT REVIEW BOARD RECOMMENDATION**

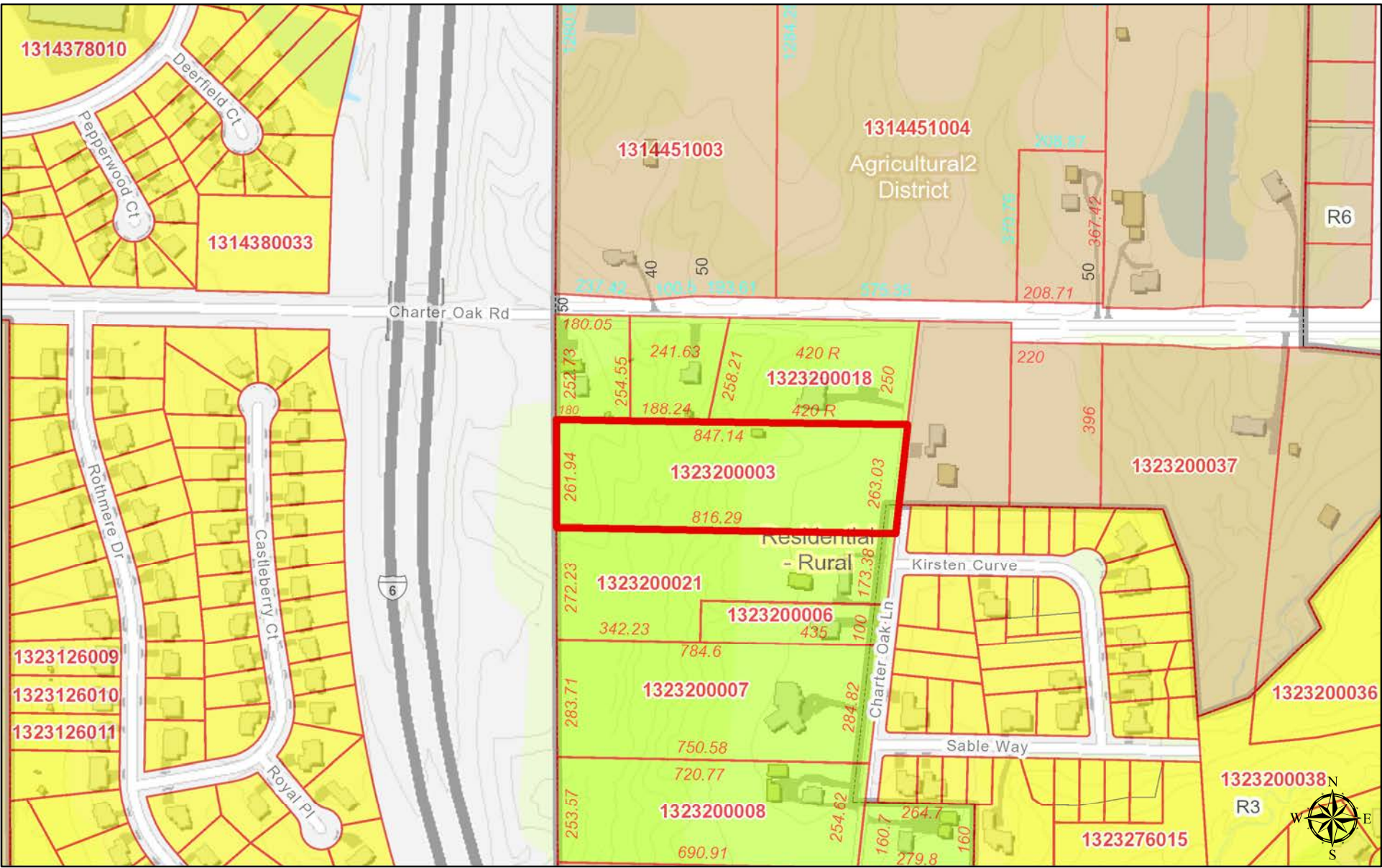
**The Development Review Board recommends approval of the request.**

**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

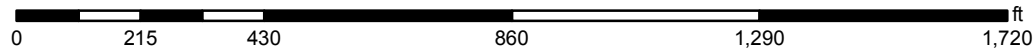
# Peoria County, IL



Peoria County, IL, HERE, USGS

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

1 inch = 333 feet



PETITION FOR  
ANNEXATION -  
PEORIA COUNTY

PREPARED BY &  
RETURN TO:

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

**PETITION FOR ANNEXATION**

This Petition, dated this 2nd day of November, 2016, is made by Edward & Beth Olehy, (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 as follows and shall hereinafter be referred to as the "Property";

Part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 9 North, Range 7 East of the Fourth Principal Meridian, more particularly described as follows:

Commencing at the Northwest corner of the said Northwest Quarter of the Northeast Quarter; thence South along the West line of the said Northwest Quarter of the Northeast Quarter, 252.73 feet to the point of beginning of the tract to be described; thence continuing South along the said West line of the said Northwest Quarter of the Northeast Quarter 261.94 feet; thence South 88 degrees 39 minutes East, 816.29 feet; thence North 8 degrees 44 minutes East along the center line of a 60 foot lane, 263.03 feet; thence North 88 degrees 59 minutes West, 847.14 feet to the point of beginning, situated in the County of Peoria and State of Illinois. PIN: 13-23-200-003

WHEREAS, the Property is a 4.99-acre parcel improved with a single family residential dwelling 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 2nd DAY OF November, 2016.

By: Beth A O'Leary

Attest: Edward E O'Leary Jr

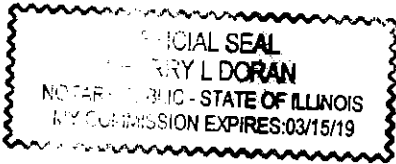
By: \_\_\_\_\_

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 Beth O'Leary and Edward O'Leary, Jr 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 14th day of November, 2016.

Notary Public



This Document Prepared By:

Edward & Beth Olehy  
5403 N Charter Oak Ln  
Peoria, Il 61615

Mail To:

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

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## **ANNEXATION AGREEMENT**

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**THIS AGREEMENT** (hereinafter referred to as the "Annexation Agreement") is made this 2nd day of November, 2016, by and between THE CITY OF PEORIA, ILLINOIS, an Illinois municipal corporation, located in Peoria County, Illinois (hereinafter referred to as the "City") and Edward Olehy as to an undivided ½ interest, Beth Olehy as to undivided ½ interest (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 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 Property shall be classified as R3, Single Family Residential.

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 regulations and other regulations affecting property within the City, i.e. building codes and subdivision requirements.

D. A right-of-way dedication in the amount of a 30-foot wide strip along Charter Oak Lane is required upon request by the City of Peoria.

E. 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.

- F. 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.
- G. 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.
- H. The parties shall execute and deliver such additional documentation as may be necessary to implement this Agreement.
- I. 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.
- J. This agreement may be amended by mutual consent of the parties.
- K. This annexation agreement shall be in effect for a period of twenty (20) years from the date hereof.

**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 \_\_\_\_\_, 2016.

Notary Public

Edward Olehy Jr., Owner of Record:  
Beth Olehy, Owner of Record:

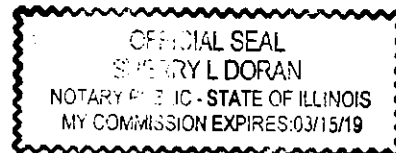
By:

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 Edward Olehy Jr. / Beth Olehy 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 she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 14th day of November, 2016.

Notary Public



## EXHIBIT A

### Legal Description of Property

Part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 9 North, Range 7 East of the Fourth Principal Meridian, more particularly described as follows:

Commencing at the Northwest corner of the said Northwest Quarter of the Northeast Quarter; thence South along the West line of the said Northwest Quarter of the Northeast Quarter, 252.73 feet to the point of beginning of the tract to be described; thence continuing South along the said West line of the said Northwest Quarter of the Northeast Quarter 261.94 feet; thence South 88 degrees 39 minutes East, 816.29 feet; thence North 8 degrees 44 minutes East along the center line of a 60 foot lane, 263.03 feet; thence North 88 degrees 59 minutes West, 847.14 feet to the point of beginning, situated in the County of Peoria and State of Illinois. PIN: 13-23-200-003

# ANNEXATION MAP CITY OF PEORIA, IL

Exhibit B to Ordinance

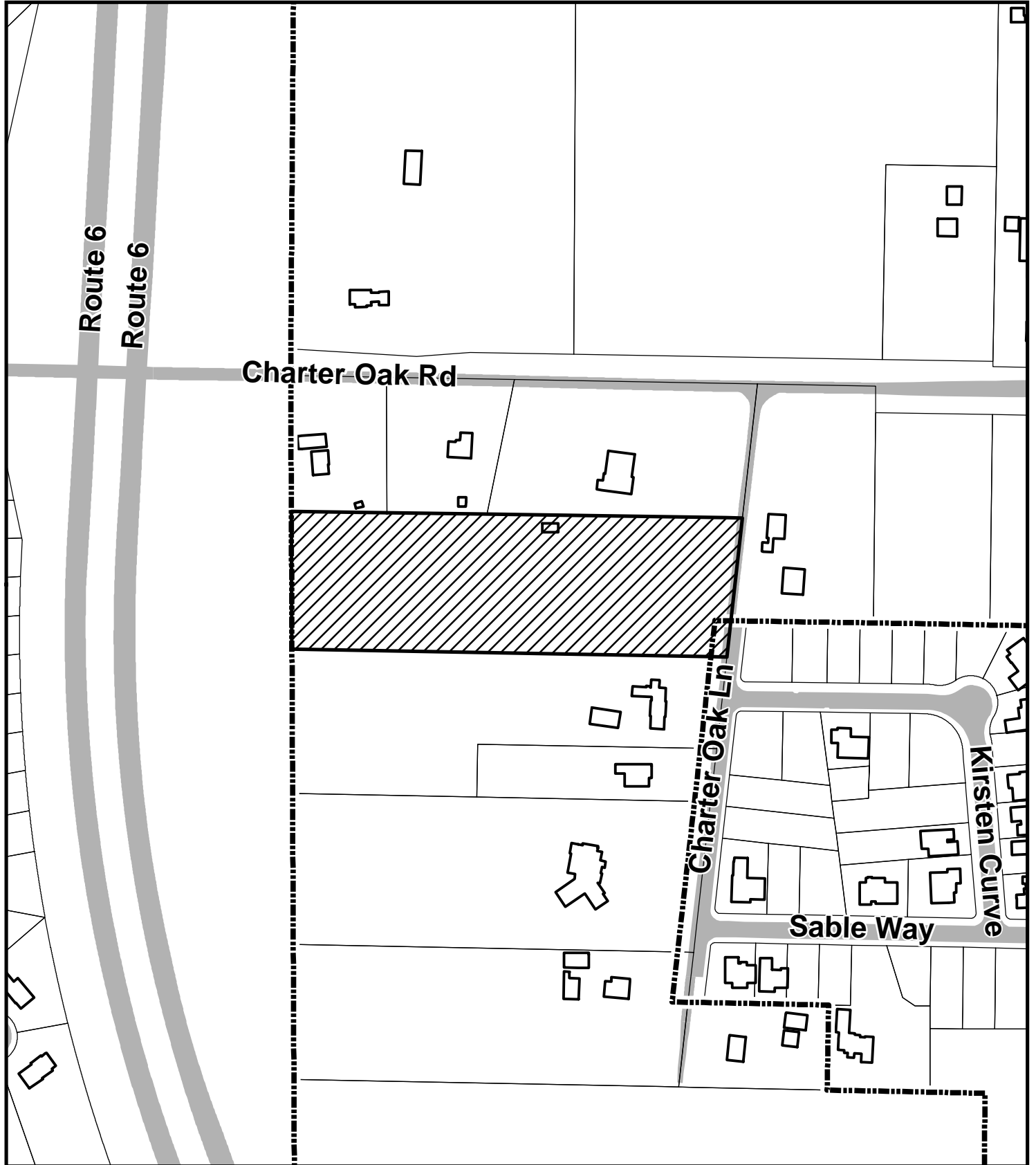
ANNEXATION NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

DATE: \_\_\_\_\_

 AREA ANNEXED: 4.99 ACRES

PREPARED BY: *John K. [Signature]*





# DEVELOPMENT REVIEW BOARD COMMENTS

**Address / PIN / General Location:** 5403 N Charter Oak Ln / 13-23-200-003

**Project ID:** 16-326

**Project Description:** PZ Commission - Annexation

**Project Status:** ACTIVE

## **CONDITIONS OF APPROVAL REGARDING THE APPLICATION:**

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### **Public Works:**

1. Include the PIN in the Annexation Agreement.
2. Revise paragraph 3.C. to read "erosion, sediment, and storm water regulations" (instead of "erosion control regulations".)
3. As part of the annexation, right-of-way dedication in the amount of 30-foot wide strip along Charter Oak Lane is required upon request by the City.

## **ADVISORY NOTES REGARDING THE APPLICATION:**

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### **Community Development:**

No Comments

### **Building Safety:**

No Comments

### **Fire Department:**

No Comments

### **Public Works:**

The following permits are required for construction; contractors must be licensed and bonded with the City of Peoria:

1. Sidewalk/Driveway permit
2. Excavation permit (for utility connections within public ROW)
3. Erosion, Sediment and Storm Water Control Permit
4. Lane/Road/Sidewalk/Alley Closure
5. General ROW Use permit



**DEVELOPMENT REVIEW BOARD CONTACT LIST**

<p><b><u>DISTRICT PLANNER CONTACT:</u></b></p> <p>Josh Naven Senior Urban Planner Community Development Dept. 419 Fulton Street, Room 300 Peoria, IL 61602 PHONE: (309) 494-8657 FAX: (309) 494-8680 <a href="mailto:jnaven@peoriagov.org">jnaven@peoriagov.org</a></p>	<p><b><u>DISTRICT BUILDING INSPECTOR CONTACT:</u></b></p> <p>Scot Wolf Senior Building Inspector Building Safety Division, Community Development Dept. 419 Fulton Street Room 300 Peoria, Illinois 61602 PHONE: (309) 494-8628 FAX: (309) 494-8674 <a href="mailto:swolf@peoriagov.org">swolf@peoriagov.org</a></p>
<p><b><u>FIRE DEPARTMENT CONTACT:</u></b></p> <p>Capitan Stanley Taylor Fire Prevention Division, Fire Inspector 505 NE Monroe Street Peoria, Illinois 61602 PHONE: (309) 494-8735 FAX: (309) 494-8787 <a href="mailto:staylor@peoriagov.org">staylor@peoriagov.org</a></p>	<p><b><u>PUBLIC WORKS CONTACT:</u></b></p> <p>Karen Dvorsky Engineering Consultant 3505 N Dries Lane Peoria, Illinois 61604 PHONE: (309) 494-8829 FAX: (309) 494-8855 <a href="mailto:kdvorsky@peoriagov.org">kdvorsky@peoriagov.org</a> <a href="http://www.peoriagov.org/permits">www.peoriagov.org/permits</a></p>
<p><b><u>GREATER PEORIA SANITARY DISTRICT:</u></b></p> <p>Al Howerter Chief Construction Engineer 2322 S. Darst Street Peoria, Illinois 61607 PHONE: (309) 272-4842 FAX: (309) 637-6614 <a href="mailto:AlHowerter@gpsd.org">AlHowerter@gpsd.org</a></p>	<p><b><u>ECONOMIC DEVELOPMENT CONTACT:</u></b></p> <p>Cesar Suarez Senior Development Specialist 419 Fulton Street, Room 203 Peoria, Illinois 61602 PHONE: (309) 494-8645 FAX: (309) 494-8556 <a href="mailto:csuarez@peoriagov.org">csuarez@peoriagov.org</a></p>
<p><b><u>PEORIA CITY/COUNTY HEALTH DEPARTMENT CONTACT:</u></b></p> <p>Carey Panier Assistant Director of Environmental Health 2116 N. Sheridan Road Peoria, Illinois 61604 PHONE: (309) 679-6161 FAX: (309) 679-6174 <a href="mailto:cpanier@peoriacounty.org">cpanier@peoriacounty.org</a></p>	<p><b><u>ILLINOIS AMERICAN WATER CONTACT:</u></b></p> <p>James Ray New Business Supervisor 7500 N Harker Drive Peoria, Illinois 61615 PHONE: (309) 566-4108 FAX: (309) 689-3020 <a href="mailto:james.ray@amwater.com">james.ray@amwater.com</a></p>



## DEVELOPMENT REVIEW BOARD CONTACT LIST

<p><u>ACCOUNTS RECEIVABLE CONTACT:</u></p> <p>Jodi Maybanks Accounts Receivable Supervisor 419 Fulton Street, Room 111 Peoria, Illinois 61602 PHONE: (309) 494- 8505 FAX: (309) 494-8527 <a href="mailto:jmaybanks@peoriagov.org">jmaybanks@peoriagov.org</a> <a href="http://www.peoriagov.org/finance-department/accounts-receivable/">www.peoriagov.org/finance-department/accounts-receivable/</a></p>	<p><u>PEORIA POLICE DEPARTMENT CONTACT:</u></p> <p>Officer Kevin Slavens Special Investigations Division, Liquor Investigator 600 SW Adams Street Peoria, Illinois 61602 PHONE: (309) 494-8429 FAX: (309) 494-8417 <a href="mailto:kslavens@peoriagov.org">kslavens@peoriagov.org</a></p>
<p><u>COMMUNITY DEVELOPMENT DEPARTMENT CONTACT:</u></p> <p>Wes Stickelmaier Development Technician 419 Fulton Street, Room 300 Peoria, IL 61602 PHONE: (309) 494-8608 FAX: (309) 494-8680 <a href="mailto:wstickelmaier@peoriagov.org">wstickelmaier@peoriagov.org</a></p>	

## Josh Naven

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**From:** Edward Olehy  
**Sent:** Friday, December 16, 2016 4:51 PM  
**To:** Josh Naven  
**Subject:** Annexation 5403 charter Oak Ln

Dear Sirs:

I apologize that I will be unable to attend the annexation hearing on January 5 2016 for my property located at 5403 N Charter Oak Ln. I have a previously scheduled trip out of state that will not allow me to attend. I will have a representative from my family at the hearing to help in answering any questions the panel might have. I will also make myself available by phone at that time if my family member is unable to answer any needed questions.

It is my desire to annex the property at 5403 Charter Oak Ln into the city of Peoria. This property is the location of my personal family residence. As the Assistant Fire Chief of the Peoria Fire Department I feel it is incumbent of me to live in the city that our department protects. I have lived in the City of Peoria for the past 28 years and would like my new residence to be covered by all of the same city services I have grown accustomed to. It is for this reason that I wish to have this property annexed into the city limits.

Again I apologize for not being able to make the meeting on the 5<sup>th</sup> but I will be in attendance when this property goes before the council on January 24 2016.

Thank You

*Edward Olehy Jr*  
Assistant Fire Chief  
City of Peoria Fire Department  
Phone 309-494-8730  
Cell 309-303-8278  
Fax 309-494-8777  
E-Mail [colehy@peoriagov.org](mailto:colehy@peoriagov.org)