



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Leah Allison)
DATE: September 3, 2020
CASE NO: PZ 20-21

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Kenneth Lynch of KTL Holdings, Inc. to approve an Annexation Agreement with a request to rezone (upon annexation) from a Class R-3 (Single Family Residential) District to a Class I-1 (Industrial/Business Park) District for the property located at 9818 N Allen Road (Parcel Identification Nos. 09-31-251-008 and 09-31-251-011), Peoria IL. (Council District 5)

SUMMARY OF PROPOSAL

The petitioner is requesting to:

- 1) Annex PINS 09-31-251-008 and 09-31-251-011 totaling 13 acres.
- 2) Rezone property to Class I-1 (Industrial/Business Park)

Proposed terms of the Annexation Agreement include:

- 1) Property shall be zoned Class I-1 Industrial/Business Park
- 2) Connection to public sanitary sewer and water required upon non-agricultural development of the property.
- 3) Annexation to occur upon expansion of existing building, new or additional commercial/industrial development/uses, or failure of existing septic system.

The petitioner has also submitted a preliminary subdivision plat to divide the property into two lots. This is included for informational purposes but will be reviewed administratively following the outcome of the proposed annexation.

BACKGROUND

Property Characteristics

The subject property contains 13 acres of land and is currently developed with an approximately 5,000 sq.ft., two story building. The property also includes a wireless communication tower facility. The property is surrounded by R-7 (Multi-Family Residential) zoning to the north and east, and C-2 (Large Scale Commercial) to the west and south.

Access to the property is available from Allen Road and Van Winkle Way.

Storm sewer and sanitary sewer easements are noted on the proposed subdivision plat.

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.

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

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	Yes	None
Comprehensive Plan Critical Success Factors	Grow Employers and Jobs	N/A
City Council Strategic Plan Goals	Smart Population Growth	N/A
Comprehensive Plan Future Land Use Designation	The Future Land Use Designation is Commercial.	

DEVELOPMENT REVIEW BOARD RECOMMENDATION

The Development Review Board recommends approval of the request with the following amendments to the annexation agreement:

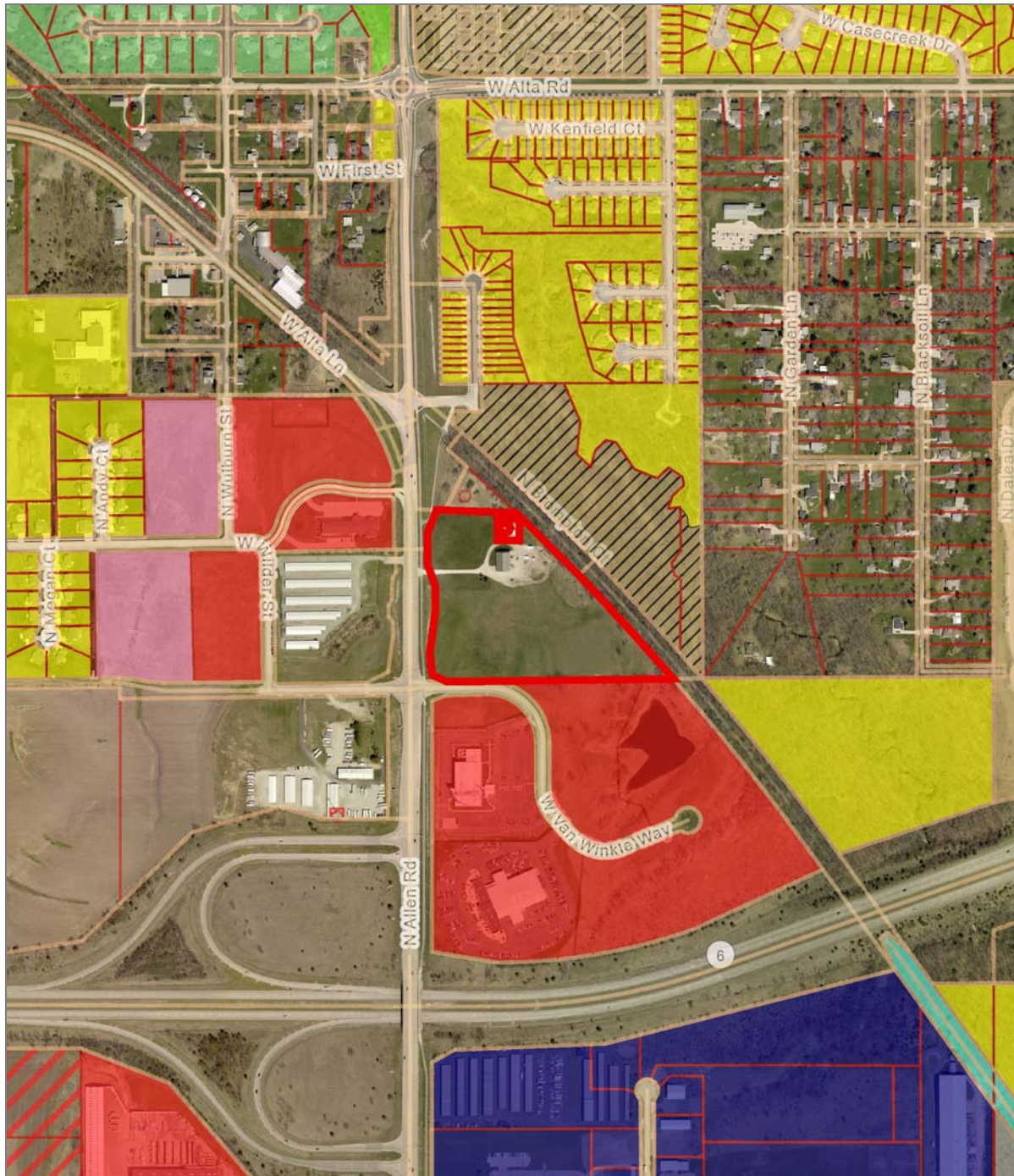
- 1) Rezone property to C-2 (Large Scale Commercial) instead of I-1 (Industrial/Business Park)
- 2) Reword paragraphs 3.C, 3.D, and 3.E for clarity relating to when the property will annex.

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 meeting all applicable code requirements through all phases of the development.

ATTACHMENTS

1. Surrounding Zoning
2. Aerial Photo
3. Proposed Annexation Agreement by Applicant
4. Proposed Revisions by City
5. Preliminary Subdivision Plat

9818 N Allen Road



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

Map Scale
1 inch = 667 feet
8/26/2020



9818 N Allen Road



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Map Scale
1 inch = 167 feet
8/26/2020



This Document Prepared By:

Mohr & Kerr Engineering & Land Surveying, P.C.
5901 N. Prospect, Suite 6B
Peoria, IL 61614

Mail To:

City of Peoria
Community Development Department
419 Fulton Street, Room 203
Peoria, Illinois 61602-1217

ANNEXATION AGREEMENT

THIS AGREEMENT (hereinafter referred to as the "Annexation Agreement") is made this ___ day of _____, 20___, by and between THE CITY OF PEORIA, ILLINOIS, an Illinois municipal corporation, located in Peoria County, Illinois (hereinafter referred to as the "City") and KTL Holdings, LLC (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 I1, Industrial/Business Park

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. Lot 1 of Allen Trails will annex if the existing building is expanded, the property is developed into a commercial/industrial use or if the existing septic fails and the lot requires connection to public sewer. Lot 2 of Allen Trails will annex if the property is developed and requires any building permit.

D. Non-agricultural development of the site will require connection to public water and public sewer, adherence to County and/or City erosion control regulations, and other regulations affecting property within the City, i.e. building codes and subdivision requirements.

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: _____
Mayor

Attest:

By: _____
City Clerk

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__.

Notary Public

Owner of Record:

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 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 ____ day of _____, 20__.

Notary Public

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.

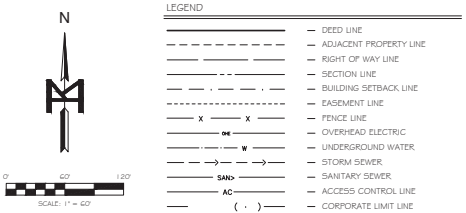
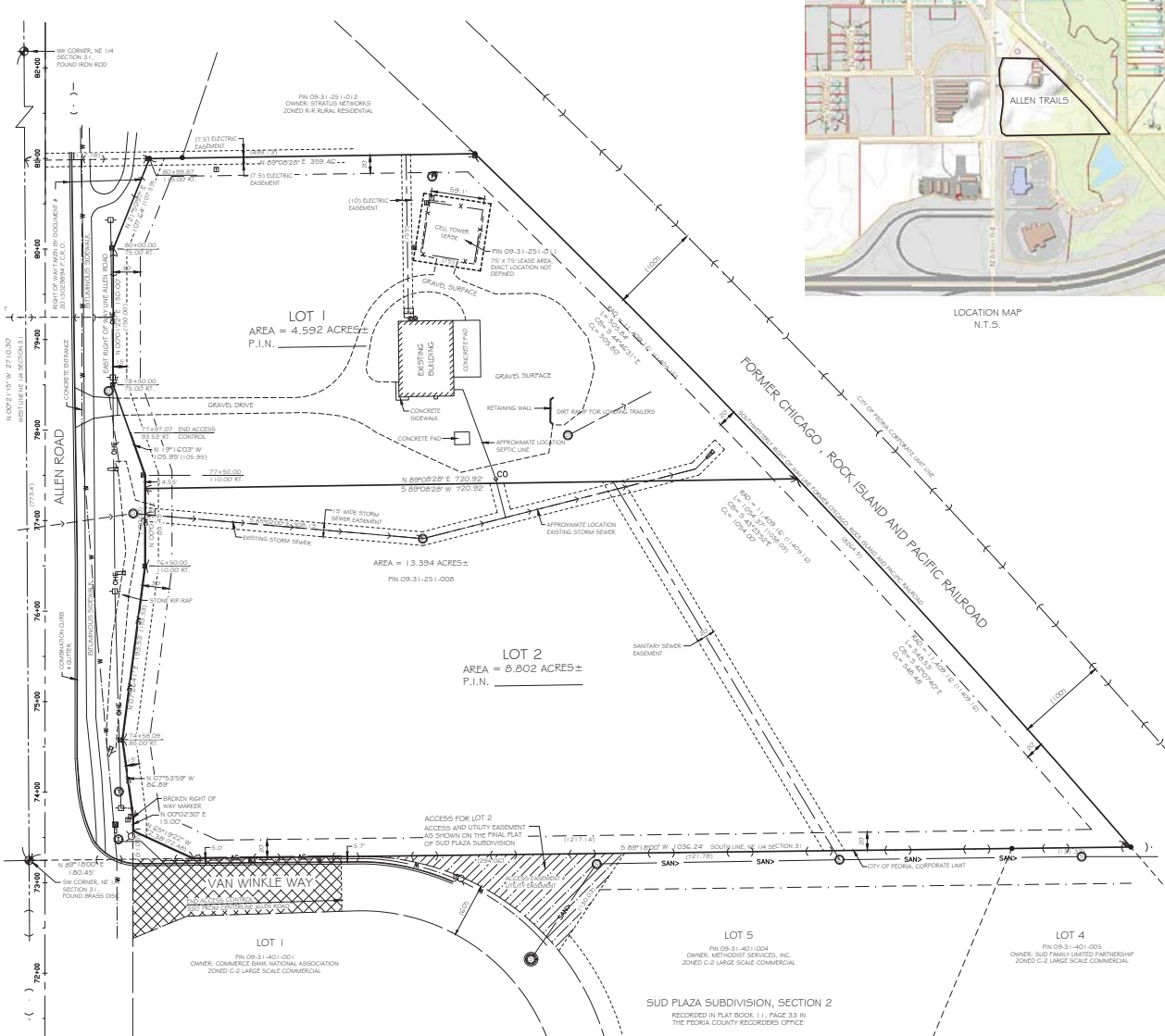
2. **Zoning**. Upon the annexation of the Property to the City, the Property shall be classified C-2 Large Scale Commercial. The Owner hereby incorporates its request for rezoning to C-2 Large Scale Commercial as a part hereof and the City has no objection to the property being zoned C-2 Large Scale Commercial. The City agrees to process and issue the rezoning request per established process and protocol.

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. Lot 1 of Allen Trails Subdivision will annex when the existing building is expanded, the property is further developed for the current use, or a new use is established, or if the existing septic system fails
- D. Lot 2 of Allen Trails Subdivision will annex when a new use is established on the property.
- E. Non-agricultural development of the site will require connection to public water and public sewer, adherence to City erosion control regulations, and other regulations affecting property within the City, i.e. building codes and subdivision requirements.
- F. This Annexation Agreement and the rights of the parties hereto shall be interpreted,

**PRELIMINARY PLAT OF
ALLEN TRAILS SUBDIVISION**

PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS.



NOTES:
 PROPERTY BEING SUBDIVIDED IS P.I.N. 09-31-251-008.
 BEARINGS BASED ON THE ILLINOIS STATE PLANE COORDINATE, WEST ZONE, NAD83, 2011 ADJUSTMENT.
 TOTAL AREA SUBDIVIDED = 13.394 ACRES.
 IN JUNE, 2020 THE PROPERTY SHOWN HEREON IS ZONED L-1 LIGHT INDUSTRIAL.
 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.
 LOT 1 IS ON AN EXISTING SEPTIC FIELD AND AT THE TIME IT FAILS, LOT 1 WILL BE REQUIRED TO CONNECT TO THE EXISTING SANITARY SEWER AT THE SOUTH PROPERTY LINE AND ANNEAL INTO THE CITY OF PEORIA. AT THE TIME LOT 2 IS DEVELOPED IT WILL BE REQUIRED TO CONNECT SAID SANITARY SEWER AND ANNEAL INTO THE CITY OF PEORIA.
 IT IS NOT WARRANTED THAT THIS PRELIMINARY PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT OF WAY, BUILDING SETBACK LINES OR OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION A TITLE OPINION OR OTHER COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.
 OWNER: KTL HOLDINGS, LLC
 10619 N. TRAILS DRIVE DRIVE
 PEORIA, IL 61614
 PHONE # (309) 453-6449

RECORD DESCRIPTION:
 PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-ONE (31), TOWNSHIP TEN (10) NORTH, RANGE EIGHT (8) EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY BOUND AND DESCRIBED AS FOLLOWS: TO WIT: BEGINNING AT THE CENTER OF SAID SECTION THIRTY-ONE (31) AND RUNNING THENCE NORTH 00 DEGREES 17 MINUTES EAST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 773.4 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES EAST, A DISTANCE OF 499.13 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD; THENCE SOUTH 89 DEGREES 43 MINUTES EAST, A DISTANCE OF 1038.03 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE SOUTH 89 DEGREES 10 MINUTES WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1217.14 FEET TO THE POINT OF BEGINNING; BEARING THEREFROM THAT PORTION OF THE ABOVE TRACT COVERED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEED DATED JANUARY 22, 1978, RECORDED AS DOCUMENT NO. 79-05669, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF PAVEMENT IN PLACE OF STATE BOND ISSUE ROUTE 174 AND THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION THIRTY-ONE (31) AND RUNNING THENCE NORTH 0 DEGREES 02 MINUTES 34 SECONDS WEST, 520.00 FEET ALONG THE CENTERLINE OF PAVEMENT IN PLACE OF STATE BOND ISSUE ROUTE 174; THENCE SOUTH 89 DEGREES 57 MINUTES 26 SECONDS EAST, 33.0 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT OF WAY LINE OF SAID ROUTE 174; SAID POINT BEING 33.0 FEET NORMALLY DISTANT EASTERNLY FROM THE CENTERLINE OF PAVEMENT IN PLACE OF SAID ROUTE 174; THENCE SOUTH 0 DEGREES 02 MINUTES 34 SECONDS EAST, 478.70 FEET TO A POINT 100.0 FEET NORMALLY DISTANT EASTERNLY FROM THE CENTERLINE OF PAVEMENT IN PLACE OF SAID ROUTE 174; THENCE SOUTH 0 DEGREES 02 MINUTES 34 SECONDS EAST, 44.46 FEET PARALLEL TO SAID CENTERLINE OF PAVEMENT IN PLACE OF SAID ROUTE 174 TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION THIRTY-ONE (31); THENCE SOUTH 89 DEGREES 19 MINUTES 49 SECONDS WEST, 100.0 FEET ALONG THE SAID SOUTH LINE OF THE NORTH HALF OF SAID SECTION THIRTY-ONE (31) TO THE POINT OF BEGINNING; CONTAINING 0.262 ACRES, MORE OR LESS, OF WHICH 0.384 ACRES, MORE OR LESS, IS AN EXISTING PUBLIC ROAD RIGHT OF WAY, ALL SITUATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS, AND FURTHER EXCEPTING THEREFROM THAT PORTION OF THE ABOVE TRACT COVERED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION (DOT), BY WARRANTY DEED DATED MAY 9, 2007, RECORDED AS DOCUMENT NO. 07-14406 CONTAINING IN TRACT ONE (1) 0.024 ACRES, MORE OR LESS AND IN TRACT TWO (2) 1.14 ACRES, MORE OR LESS, AND FURTHER EXCEPTING THEREFROM THAT PORTION OF THE ABOVE TRACT COVERED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION (DOT) BY WARRANTY DEED DATED NOVEMBER 22, 2013, RECORDED AS DOCUMENT NO. 201302894, CONTAINING 0.593 ACRES, MORE OR LESS, ALL SITUATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

STATE OF ILLINOIS HIGHWAY OFFICIAL'S CERTIFICATE
 STATE OF ILLINOIS)
 COUNTY OF PEORIA,) 35
 THIS PLAT HAS BEEN APPROVED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION WITH RESPECT TO ROADWAY ACCESS PURSUANT TO CHAPTER 765 I.C.S., ARTICLE 205, PARAGRAPH 2; HOWEVER, A PERMIT FOR ACCESS IS REQUIRED BY THE OWNER OF THE PROPERTY. A PLAN THAT MEETS THE REQUIREMENTS CONTAINED IN THE DEPARTMENT'S POLICY ON PERMITS FOR ACCESS DEDICATED TO STATE HIGHWAYS WILL BE REQUIRED BY THE DEPARTMENT.
 DATED THIS _____ DAY OF _____, 2020. _____ REGION THREE ENGINEER

PEORIA COUNTY PLAT OFFICERS' CERTIFICATE
 STATE OF ILLINOIS)
 COUNTY OF PEORIA,) 35
 THIS PRELIMINARY PLAT IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE PLAT ACT OF ILLINOIS (95 I.C.S. 5/5-104.1) AND SECTIONS 3.14 (SUBDIVISIONS), 3.15 (PROVISIONS, WAIVERS AND APPROVALS), 3.16 (PLAT APPROVALS), AND ARTICLE 6, SUBDIVISIONS, OF CHAPTER 20 OF THE PEORIA COUNTY CODE, IT IS IN CONFORMANCE WITH THE GOALS AND OBJECTIVES OF THE COUNTY'S COMPREHENSIVE LAND USE PLAN.
 GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2019. _____ PLAT APPROVING OFFICER

COMMUNITY DEVELOPMENT CERTIFICATE
 STATE OF ILLINOIS)
 COUNTY OF PEORIA,) 35
 I HEREBY CERTIFY THAT THIS PRELIMINARY PLAT OF "ALLEN TRAILS" IS APPROVED THIS _____ DAY OF _____, 2020.
 THE FINAL PLAT MUST BE SUBMITTED WITHIN ONE YEAR FOR APPROVAL OR THE ABOVE ACTION BECOMES NULL AND VOID.

SURVEYORS' CERTIFICATE
 STATE OF ILLINOIS)
 COUNTY OF PEORIA,) 35
 WE, MOHR & KERR ENGINEERING AND LAND SURVEYING, P.C. DO HEREBY STATE THAT WE HAVE SURVEYED AND SUBDIVIDED THE PROPERTY AS DESCRIBED AND SHOWN BY THE ATTACHED PRELIMINARY PLAT, TO BE KNOWN AS "ALLEN TRAILS", WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
 WE FURTHER STATE THAT THE PROPERTY COVERED BY THIS SUBDIVISION IS LOCATED WITHIN ONE AND ONE-HALF MILES OF 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 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" = 60' FEET.
 WE FURTHER STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
 DATED THIS 16TH DAY OF JUNE, 2020.
 MOHR & KERR ENGINEERING AND LAND SURVEYING, P.C.



**PRELIMINARY PLAT OF
ALLEN TRAILS SUBDIVISION**

MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
 5801 N. Prospect Road, Suite 68
 Peoria, Illinois 61614
 www.mohrandkerr.com
 Office: (309) 692-8500
 Fax: (309) 692-8501
 Professional Design Firm #184.000501

REV.	DATE	NATURE OF REVISION	CHECKED	DATE

SURVEYED	MJP	CLIENT:
DRAWN	JEF	
CHECKED	CEJ	
SCALE	1" = 60'	
DATE	04-29-20	

KEN LYNCH

TITLE:	PROJECT NO.
PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS.	20-142
	SHEET 1 OF 1
	DRAWING NO.
	1