

AN ORDINANCE AMENDING AN EXISTING SPECIAL USE ORDINANCE NO. 13,932, AS AMENDED, IN A CLASS C-2 (LARGE SCALE COMMERCIAL) DISTRICT FOR A SHOPPING CENTER TO ADD A WIRELESS COMMUNICATION TOWER FACILITY FOR THE PROPERTY COMMONLY KNOWN AS THE SHOPPES AT GRAND PRAIRIE AND LOCATED AT 5201 W WAR MEMORIAL DRIVE. THE PROPOSED WIRELESS COMMUNICATION TOWER IS LOCATED ON THE PROPERTY IDENTIFIED AS PARCEL IDENTIFICATION NO. 13-11-126-013 WHICH IS SITUATED IMMEDIATELY NORTH OF THE PROPERTY LOCATED AT 5121 W AMERICAN PRAIRIE DRIVE, PEORIA, IL.

WHEREAS, the properties herein described are now zoned in a Class C-2 (Large Scale Commercial) District; and

WHEREAS, said Planning & Zoning Commission has been petitioned to amend an existing Special Use for a Shopping Center under the provisions of Section 2.15 of Appendix B, the Zoning Ordinance of the City of Peoria; and

WHEREAS said Planning & Zoning Commission held a public hearing on April 7, 2016, pursuant to a notice of the time and place thereof in a newspaper of general circulation in the City of Peoria, not less than fifteen (15) days nor more than thirty (30) days prior to said hearing as required by law; and

WHEREAS, said Planning & Zoning Commission has submitted its report of said hearing and the City Council finds that to permit such special use amendment will not adversely affect the character of the neighborhood, and will not unduly burden the public utility facilities in the neighborhood;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, AS FOLLOWS:

Section 1. That an amendment to an existing Special Use for a Shopping Center to add 180-foot wireless communication tower and facility is hereby approved for the following described property:

PARCEL 1:

PART OF THE NORTH WEST 1/4 OF SECTION 11 AND PART OF THE NORTH EAST 1/4 OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF THE NORTH WEST 1/4 OF SECTION 11, THENCE SOUTH 0 DEGREES 14 MINUTES 09 SECONDS WEST (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY) ALONG THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 100.00 FEET TO THE INTERSECTION OF SAID EAST LINE WITH A LINE PARALLEL WITH AND 100.00 FEET MEASURED PERPENDICULAR SOUTH OF THE NORTH LINE OF THE NORTH WEST 1/4 OF SECTION 11, SAID INTERSECTION TO BE THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; FROM THE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 32 MINUTES 24 SECONDS WEST ALONG THE PARALLEL LINE, 2664.69 FEET TO THE INTERSECTION OF SAID PARALLEL LINE WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 11; THENCE NORTH 88 DEGREES 15 MINUTES 10 SECONDS WEST ALONG A LINE PARALLEL WITH AND 100.00 FEET MEASURED PERPENDICULAR SOUTH OF THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 10, 27.09 FEET TO THE INTERSECTION OF SAID PARALLEL LINE WITH THE RE-ESTABLISHED FENCE, OCCUPATION AND POSSESSION LINE AS AGREED UPON BY FORMER LAND OWNERS, THE INSTRUMENT OF AGREEMENT BEING DATED OCTOBER 21, 1875 AND FILED FOR RECORDED IN BOOK "BD", PAGES 368 AND 369 IN THE PEORIA COUNTY RECORDERS OFFICE; THENCE SOUTH 0 DEGREES 12 MINUTES 11 SECONDS EAST ALONG SAID RE-ESTABLISHED FENCE, OCCUPATION AND

POSSESSION LINE, 2003.12 FEET TO THE INTERSECTION OF SAID RE-ESTABLISHED FENCE, OCCUPATION AND POSSESSION LINE WITH THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 150; THENCE SOUTH 69 DEGREES 36 MINUTES 58 SECONDS EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 150, 1118.80 FEET; THENCE SOUTH 71 DEGREES 31 MINUTES 31 SECONDS EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 150, 300.17 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT OF WAY LINE WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 91 RELOCATED; THENCE NORTH 52 DEGREES 43 MINUTES 52 SECONDS EAST ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 91 RELOCATED, 165.69 FEET; THENCE CONTINUING ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 91 RELOCATED ON A CURVE TO THE RIGHT AN ARC DISTANCE OF 406.52 FEET, SAID CURVE HAVING A RADIUS OF 833.94 FEET AND A CHORD BEARING NORTH 52 DEGREES 38 MINUTES 11 SECONDS EAST, 402.51 FEET; THENCE NORTH 66 DEGREES 35 MINUTES 23 SECONDS EAST ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 91 RELOCATED, 437.63 FEET; THENCE CONTINUING ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 91 RELOCATED ON A CURVE TO THE LEFT AN ARC DISTANCE OF 804.57 FEET, SAID CURVE HAVING A RADIUS OF 693.94 FEET AND A CHORD BEARING NORTH 33 DEGREES 23 MINUTES 35 SECONDS EAST, 760.26 FEET; THENCE NORTH 8 DEGREES 32 MINUTES 48 SECONDS EAST ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 91 RELOCATED, 275.43 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 14 SECONDS EAST ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 91 RELOCATED, 34.11 FEET TO THE INTERSECTION OF SAID NORTHWESTERLY RIGHT OF WAY LINE WITH THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11; THENCE NORTH 0 DEGREES 14 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 1040.22 FEET TO THE POINT OF BEGINNING-, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT: PART OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SECTION, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF THE NORTH WEST 1/4 OF SECTION 11, THENCE SOUTH 0 DEGREES 14 MINUTES 09 SECONDS WEST ALONG THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 740.00 FEET TO THE POINT OF BEGINNING OF THE EXCEPTION TO BE DESCRIBED; FROM THE POINT OF BEGINNING THENCE SOUTH 0 DEGREES 14 MINUTES 09 SECONDS WEST ALONG THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 200.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 51 SECONDS WEST, PERPENDICULAR TO THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 217.80 FEET; THENCE NORTH 0 DEGREES 14 MINUTES 09 SECONDS EAST, PARALLEL WITH THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 200.00 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 51 SECONDS EAST, PERPENDICULAR TO THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 217.80 FEET TO THE POINT OF BEGINNING; SITUATE LYING AND BEING IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

PARCEL 2:

PART OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SECTION 11, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF THE NORTH WEST 1/4 OF SECTION 11, THENCE SOUTH 0 DEGREES 14 MINUTES 09 SECONDS WEST ALONG THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 740.00 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; FROM THE POINT OF BEGINNING THENCE SOUTH 0 DEGREES 14 MINUTES 09 SECONDS WEST ALONG THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 200.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 51 SECONDS WEST, PERPENDICULAR TO THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 217.80 FEET; THENCE NORTH 0 DEGREES 14 MINUTES 09 SECONDS EAST, PARALLEL WITH THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 200.00 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 51 SECONDS EAST, PERPENDICULAR TO THE EAST LINE OF THE NORTH WEST 1/4 OF SECTION 11, 217.80 FEET TO THE POINT OF BEGINNING; SITUATE LYING AND BEING IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

PARCEL 3 [PIN: 13-10-200-019]:

A PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10, THENCE NORTH 88°-22'-23" WEST (BEARING ASSUMED FOR PURPOSE OF DESCRIPTION ONLY), ALONG THE NORTH LINE

OF THE NORTHEAST QUARTER OF SAID SECTION 10, 27.71 FEET; THENCE SOUTH 00°-00'-40" WEST, ALONG A PROPERTY LINE AGREED UPON BY PREVIOUS OWNERS ACCORDING TO AN AGREEMENT RECORDED IN BOOK BD, PAGE 368 IN THE PEORIA COUNTY RECORDER'S OFFICE, 100.03 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; FROM THE POINT OF BEGINNING, THENCE SOUTH 00°-00'-40" WEST, ALONG SAID PROPERTY LINE, 1205.76 FEET; THENCE NORTH 89°-59'-20" WEST, 689.83 FEET; THENCE NORTH 00°-20'-07" EAST, 1224.56 FEET TO A POINT 100.00 FEET NORMALLY DISTANT SOUTHERLY FROM THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE SOUTH 88°-22'-23" EAST, PARALLEL TO SAID NORTH LINE, 683.16 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 19.148 ACRES MORE OR LESS, AS SHOWN IN PLAT BOOK 38 AT PAGE 78, RECORDED NOVEMBER 19, 2002.

PARCEL 4 [PINS: 13-02-351-002, 13-02-351-003, 13-02-351-004, 13-02-351-005, AND 13-02-351-006
A PART OF THE SOUTHWEST QUARTER OF SECTION 2 AND A PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT AT THE SOUTHWEST CORNER OF SAID SECTION 2; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 2, A DISTANCE OF 380 FEET; THENCE EASTERLY 2665.3 FEET, MORE OR LESS, TO THE EASTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 2; THENCE SOUTHERLY ALONG SAID EASTERLY LINE A DISTANCE OF 380 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 89° 20' 36" WEST A DISTANCE 2665.1 FEET, MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 23.25 ACRES, MORE OR LESS; SITUATED IN THE COUNTY OF PEORIA IN THE STATE OF ILLINOIS.

Legal Description of Wireless Tower Facility Parcel:

Lot 19 of AMERICAN PRAIRIE SUBDIVISION, PHASE II, a resubdivision of Lots 14 & 15 in American Prairie Subdivision, (being recorded as document no. 03-37491 at the Peoria County Recorders Office), being a subdivision of the Northwest Quarter of Section 11, Township 9 North, Range 7 East of the Fourth Principal Meridian, recorded June 3, 2004 as document no. 04-20848 in Plat Book 9, page 26.

Said Ordinance is hereby approved per the submitted Site Plan Packet (Attachment A) and with the following conditions and waiver:

- 1) Revise the design of the tower to incorporate stealth application to reduce the visual impact and enhance compatibility with the character of the surrounding businesses.
- 2) Provide signage in compliance with the zoning ordinance.
- 3) Equipment cabinetry must be screened by fence and landscaping.
- 4) Transformer located outside of fenced area must be screened.
- 5) Add second row of staggered landscaping trees to provide required screening.
- 6) Land located outside of the 70 ft x 70 ft lease area must be landscaped and sodded or seeded with grass.
- 7) Waiver to allow 8-foot tall aluminum fence instead of wrought iron fence.

Section 2. All provisions of Appendix B, the Zoning Ordinance of the City of Peoria, with respect to the Class C-2 (Large Scale Commercial) District shall remain applicable to the above-described premises, with exception to amended Special Use herein permitted.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS THIS

_____ DAY _____, 2016.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel