

AN ORDINANCE AMENDING THE PERMANENT ZONING ORDINANCE OF THE CITY OF PEORIA BY CHANGING THE ZONING OF CERTAIN PROPERTY FROM THE PRESENT CLASS P-1 (PARKING) DISTRICT TO A CLASS R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT FOR THE PROPERTY LOCATED AT 602 W. NEBRASKA AVENUE (PARCEL IDENTIFICATION NUMBER 18-04-101-035) AND PARCEL IDENTIFICATION NUMBER 18-04-101-030, AND AMENDING AN EXISTING SPECIAL USE ORDINANCE 16,230 AND SPECIAL EXCEPTION ORDINANCES 11,700 AND 11,344, WITH A SPECIAL USE FOR A PUBLIC SCHOOL TO CONSTRUCT ACCESSORY ATHLETIC FACILITIES IN AN R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT FOR THE PROPERTY LOCATED AT 1803, 1805, 1809, 1811, 1812, 1813, 1815, 1819, & 1820 N. ELLIS STREET; 410, 412, 414, 416, 420, 424, 430, 434, 506, 510, & 602 W. NEBRASKA AVENUE; 1615, 1701, 1716, 1720, 1801, 1811, 1813, 1817, & 1821 N. NORTH STREET; AND 501 W. RICHMOND AVENUE (PARCEL IDENTIFICATION NUMBERS 18-04-101-021, -022, -024, -025, -028, -029, -030, -033, -034, -035; 18-04-102-005, -006, -007, -008; 18-04-103-003, -005, -006, -007, -008, -009, -010, -016, -023, -024, -025, -026, -028, -045, -048, -049, -050; 18-04-126-019, -020, -021), PEORIA, IL.

WHEREAS, the properties herein described are now zoned in a Class P-1 (Parking) District and R-4 (Single-Family Residential) District; and

WHEREAS, said petition was directed to the Zoning Commission as directed by Article 2.8 of Appendix C, the Land Development Code of the City of Peoria; and,

WHEREAS, said Zoning Commission has been petitioned to rezone certain properties and grant a Special Use for a public school and accessory athletic facilities under the provisions of Article 2.9 of Appendix C, the Land Development Code of the City of Peoria; and

WHEREAS, said Zoning Commission held a public hearing on April 10, 2014, with respect to said petitions, which hearing was held 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 no written protest was made by the owners of twenty percent (20%) of the frontage immediately adjoining or across from the frontage proposed to be altered; and

WHEREAS, said Zoning Commission has submitted its report of said public hearing and the City Council finds that to permit such rezoning and such use 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:

Section 1. That Appendix C, the Land Development Code of the City of Peoria, and the District Map made a part of said Ordinance are hereby amended by changing the classification of the following described

property to Class R-4 (Single-Family Residential) District instead of Class P-1 (Parking) District and that an existing Special Use Ordinance 16,230 and Special Exception Ordinances 11,700 and 11,344, with a Special Use for a Public School to construct accessory athletic facilities Special Use is hereby granted for the expansion of the non-conforming multi-family residential development the following described property:

Legal Description of rezoned area:

PARCEL 1

LOTS 40, 41 AND 42 IN BLOCK 10 OF THE EAST CLARENDON SUBDIVISION, AN ADDITION TO THE CITY OF PEORIA AS SHOWN IN PLAT BOOK "C" ON PAGES 25 AND 26 SITUATED IN PEORIA COUNTY, ILLINOIS.

PARCEL 2

ALL OF LOTS 23, 24, 25 AND 26 IN BLOCK 10 OF THE EAST CLARENDON SUBDIVISION, AN ADDITION TO THE CITY OF PEORIA AS SHOWN IN PLAT BOOK "C" ON PAGES 25 AND 26 SITUATED IN PEORIA COUNTY, ILLINOIS. EXCEPT THAT PART OF SAID LOTS LYING EASTERLY OF A CURVED LINE PARALLEL WITH AND 5 FEET NORMALLY DISTANT FROM THE BACK OF THE EXISTING CONCRETE CURB OF WOODRUFF BOULEVARD ACROSS SAID LOTS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID LOT 26, 12.62 FEET SOUTHERLY OF THE NORTHEASTERLY CORNER OF SAID LOT 26; THENCE SOUTHWESTERLY MEASURED ALONG SAID CURVED LINE WITH A RADIUS OF 543.91 FEET TO THE LEFT, 142.31 FEET, 91.71 FEET WESTERLY OF THE SOUTHEASTERLY CORNER OF SAID LOT 23; CONTAINING 11,349 SQUARE FEET, MORE OR LESS; SITUATED IN THE CITY OF PEORIA, COUNTY OF PEORIA AND STATE OF ILLINOIS.

PIN 18-04-101-035 & 18-04-101-030

Legal Description of Special Use area:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE AND THE WEST RIGHT-OF-WAY LINE OF NORTH STREET; THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NORTH STREET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 25 IN ARMSTRONG'S SUBDIVISION ALSO BEING THE NORTH LINE OF PARCEL 2 AS DESCRIBED IN DOCUMENT NUMBER 2012-024721, IN THE PEORIA COUNTY RECORDER OF DEEDS OFFICE; THENCE EAST ALONG SAID NORTH LINE AND THE WESTERLY EXTENSION TO A LINE 15 FEET PARALLEL TO THE EAST LINE OF J.H. BUNN'S SUBDIVISION; THENCE SOUTH ALONG SAID PARALLEL LINE 181 FEET MORE OR LESS TO THE SOUTH LINE OF SAID PARCEL 2; THENCE WEST ALONG SAID SOUTH LINE 108.43 FEET TO THE WEST LINE OF SAID PARCEL 2; THENCE NORTH ALONG SAID WEST LINE 5 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL 2; THENCE WEST ALONG SAID SOUTH LINE AND THE WESTERLY EXTENSION OF SAID LINE TO THE WEST RIGHT-OF-WAY LINE OF NORTH STREET; THENCE SOUTH ALONG SAID WEST RIGHT-OF-WAY LINE TO THE WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF RICHMOND AVENUE; THENCE EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE AND WESTERLY EXTENSION TO THE WEST RIGHT-OF-WAY LINE OF A 16 FEET WIDE ALLEYWAY IN BUTLER'S ESTATE SUBDIVISION; THENCE SOUTH ALONG SAID WEST RIGHT-OF-WAY LINE TO THE SOUTH LINE OF LOT 3 IN SAID BUTLER'S ESTATE SUBDIVISION; THENCE WEST ALONG SAID SOUTH LINE AND THE WESTERLY EXTENSION OF SAID SOUTH LINE TO THE WEST RIGHT-OF-WAY LINE OF NORTH STREET; THENCE SOUTH ALONG SAID WEST RIGHT-OF-WAY LINE TO THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 74; THENCE NORTH AND NORTHWEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE EAST RIGHT-OF-WAY LINE OF ELLIS STREET; THENCE NORTH ALONG SAID

EAST RIGHT-OF-WAY LINE TO THE NORTH RIGHT-OF-WAY LINE OF RICHMOND AVENUE; THENCE WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 197 FEET MORE OR LESS; THENCE NORTHWEST 130.00 FEET MORE OR LESS TO THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF A 16 FOOT WIDE ALLEYWAY IN BLOCK 10 OF EAST CLARENDON SUBDIVISION; THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE; THENCE EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. EXCEPTING THEREFROM NORTH STREET AS DEDICATED TO THE CITY OF PEORIA, A STRIP OF GROUND KNOWN AS DRY RUN CREEK, ALSO EXCEPTING THEREFROM TRACT-2 AS DESCRIBED IN DOCUMENT NUMBER 03-10755, AND A PARCEL DESCRIBED IN DOCUMENT NUMBER 97-22168. CONTAINING 33 ACRES, MORE OR LESS.

Said Ordinance is hereby approved per the submitted Property Map (Attachment A), Site and Landscape Plan (Attachment B) and Lighting Plans (Attachment C) with the following conditions and waivers:

- 1) Waiver to allow existing conditions to remain for all areas not directly impacted by the proposed athletic facilities.
- 2) Waiver from Front Yard Setback Requirements to allow the athletic facilities to be placed at a varying setback between 0 feet and 15 feet along Nebraska Avenue and North Street.
- 3) Waiver to allow 6-8 foot tall chain link fence in the front yard surrounding a portion of the track and around the baseball fields.
- 4) A waiver is requested to allow the retaining wall up to 12 feet in height.
- 5) A waiver is requested to allow two 50 square foot monument signs, which meet the allowable height of 5 feet.
- 6) Special Use approval is subject to the approval of the following requested ROW vacations:
 - a. Ellis St - from Nebraska to Woodruff Blvd
 - b. Woodruff Blvd - from Nebraska to alley west of Ellis Street
 - c. Alley parallel to Nebraska (behind 410-434 Nebraska)
 - d. Alley parallel to North St (behind 1731-1821 Nebraska)
 - e. 4 alleys parallel to North St and Richmond Ave (behind and adjacent to 1615-1701 North St)
- 7) A maintenance agreement is required from District 150 stating that the District will take over all maintenance of Woodruff Boulevard, between Sheridan Road and the north/south alley, including patching, snow removal, etc
- 8) Any fencing installed within the regulatory floodway will require design review and approval by IDNR as part of the permit (for example, the fence needs to be hinged to accommodate floodwater flow and/or debris.)
- 9) There is an existing foot bridge across the Dry Run Creek without permit and may be in violation. IDNR approval of a future foot bridge between the baseball field and tennis courts is required.
- 10) Provisions for emergency access are required.
- 11) All existing and proposed disabled parking spaces must meet Land Development Code requirements. Accessible parking spaces must be striped with an 11' parking area and a 5' aisle on the right hand side or an 8 foot wide parking space and an 8 foot wide aisle on the right hand side (16 feet total) and signed with an R7-8 sign and an R7-101 \$350 fine plate.
- 12) A tree line should be added along Nebraska Avenue in front of the baseball field, for the portion of the field that meets the 15 foot front yard setback.
- 13) A transitional buffer yard is required along the western boundary of the Special Use, for the area that in the absence of the alley would abut residentially zoned parcels
- 14) For the northwest corner of the site, where dugouts are placed at the property line, Site Plan Review Board requests that the same ornamental fence be placed along that portion of Nebraska Avenue and the west property line which abuts the parcel Zoned P-1 at 606 W Nebraska Avenue.

- 15) Additional landscaping, an ornamental tree line, in front of the baseball field along Nebraska Avenue, between the proposed field and the property line should be added.
- 16) Petitioner should work with Staff and make an effort to reduce the footcandles at the property line as much as possible, particularly for the western boundary of the Special Use and turn lighting around the athletic facilities off, once evening events are complete.
- 17) Any sidewalks along Nebraska Avenue and North Street which are currently in need of repair, should be repaired as part of this project. Petitioner should work with Public Works on sidewalk repairs

Section 2. All provisions of Appendix C, the Land Development Code of the City of Peoria, and the District Map made a part of said Ordinance shall extend to said above-described premises as herein reclassified and rezoned.

Section 3. All provisions of Appendix C, the Land Development Code of the City of Peoria, with respect to the Class R-4 (Single-Family Residential) Districts shall remain applicable to the above-described premises, with exception to the Special Use herein permitted.

Section 4. 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 OF _____, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel