

AN ORDINANCE REZONING CERTAIN PROPERTY FROM THE PRESENT CLASS I-1 (INDUSTRIAL/BUSINESS PARK) DISTRICT AND I-2 (RAILROAD/WAREHOUSE INDUSTRIAL) DISTRICT TO A CLASS C-2 (LARGE SCALE COMMERCIAL), FOR THE PROPERTY IDENTIFIED AS PARCEL IDENTIFICATION NOS. 14-05-201-009 (1200 W BIRD BLVD.), 14-05-201-014 (HALE AVE), AND 14-05-251-008, (LINDBERGH DR) AND AMENDING AN EXISTING SPECIAL USE ORDINANCE 14,254 AS AMENDED IN A CLASS C-2 (LARGE SCALE COMMERCIAL) DISTRICT FOR A SHOPPING CENTER TO ADD PROPERTY INTO THE SPECIAL USE AND APPROVE A SITE PLAN FOR A BUILDING ADDITION, PARKING LOT EXPANSION, AND STREET VACATION AND DEDICATION. THE SHOPPING CENTER SPECIAL USE CURRENTLY INCLUDES PARCEL IDENTIFICATION NOS. 09-32-455-001, 09-32-455-002, 09-32-455-003, 09-32-455-005, 09-32-455-006, 14-05-201-012, 14-05-202-009, 14-05-202-012, 14-05-202-013, 14-05-202-014, 14-05-202-017, 14-05-202-019, 14-05-202-020, AND 14-05-202-021 WITH THE FOLLOWING PROPERTY TO BE ADDED: 09-32-451-014 (N LINDBERGH DR), 14-05-201-001 (9025 N LINDBERGH DR), 14-05-201-004 (1116 W BIRD BLVD), 14-05-201-005 (8919 N HALE AVE), 14-05-201-006 (N HALE AVE), 14-05-201-007 (8903 N HALE AVE), 14-05-201-009 (1200 W BIRD BLVD), 14-05-201-014 (N LINDBERGH DR), AND 14-05-251-008 (N HALE AVE).

WHEREAS, the property herein described is now zoned Class I-1 (Industrial/Business Park) District and Class I-2 (Railroad/Warehouse Industrial) District, and;

WHEREAS, said petition was directed to the Planning & Zoning Commission as directed by Section 2.14 of Appendix B of the Permanent Zoning Ordinance of the City of Peoria, 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 2, 2015, 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 Planning & Zoning Commission has submitted its report of said hearing and the City Council finds that to permit such rezoning and 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 Appendix B, the Permanent Zoning Ordinance 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 C-2 (Large Scale Commercial) District instead of Class I-1 (Industrial/Business Park) District and Class I-2 (Railroad/Warehouse Industrial) District:

Legal Description for rezoning:

PARCEL ID NUMBER 14-05-251-008

A PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 5; THENCE SOUTH 00 DEGREES 00 MINUTES 05 SECONDS EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 1100.35 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 57 SECONDS EAST A DISTANCE OF 384.10 FEET TO THE SOUTHWEST CORNER OF MANLEY SUBDIVISION SECTION ONE, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SAID SECTION 5; AND THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED: THENCE CONTINUING SOUTH 89 DEGREES 50 MINUTES 57 SECONDS EAST ALONG THE SOUTH LINE OF SAID MANLEY SUBDIVISION SECTION ONE, A DISTANCE OF 300 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF HALE AVENUE, THENCE SOUTH 00 DEGREES 00 MINUTES 05 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY LINE OF HALE AVENUE, A DISTANCE OF 293.23 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 57 SECONDS WEST, A DISTANCE OF 300 FEET TO A POINT BEING 384.10 FEET EASTERLY OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5; THENCE NORTH 00 DEGREES 00 MINUTES 05 SECONDS WEST A DISTANCE OF 293.23 FEET TO THE POINT OF BEGINNING; SITUATE, LYING AND BEING IN THE COUNTY OF PEORIA, IN THE STATE OF ILLINOIS. CONTAINING 2.019 ACRES, MORE OR LESS.

PARCEL ID NUMBER 14-05-201-009

A PART OF THE NORTHEAST QUARTER OF SECTION 5 OF RICHWOODS TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF MANLEY SUBDIVISION SECTION ONE, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SAID SECTION 5 (RECORDED IN PLAT BOOK Z-2, PAGE 20); THENCE SOUTH 00°00'05" EAST (BEARINGS ASSUMED) ALONG THE WEST LINE OF SAID SUBDIVISION 60.00 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE CONTINUING SOUTH 00°00'05" EAST ALONG THE WEST LINE AND WEST LINE EXTENDED OF SAID SUBDIVISION 538.17 FEET; THENCE NORTH 89°50'57" WEST, 145.75 FEET; THENCE NORTH 06°08'20" WEST, 600.93 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE EXTENDED OF BIRD BOULEVARD; THENCE NORTH 89°55'03" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE EXTENDED 165.00 FEET; THENCE SOUTH 00°00'05" EAST, 60.00 FEET; THENCE NORTH 89°55'03" EAST 45.00 FEET TO THE POINT OF BEGINNING; SITUATED IN THE COUNTY OF PEORIA, IN THE STATE OF ILLINOIS. CONTAINING 2.379 ACRES, MORE OR LESS.

PARCEL ID NUMBER 14-05-201-014

A PART OF THE NORTHEAST QUARTER OF SECTION 5 IN TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN IN PEORIA COUNTY, ILLINOIS. SAID PART BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF LINDBERGH SUBDIVISION, SECTION ONE AS RECORDED IN PLAT BOOK "Z-2" PAGE 72; THENCE SOUTH 89 DEGREES 42 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF

SAID LOT 1 A DISTANCE OF 46.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 42 MINUTES 00 SECONDS EAST ALONG THE SAID SOUTH LINE OF LOT 1 A DISTANCE OF 338.05 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LINDBERGH DRIVE; THENCE SOUTH 00 DEGREES 13 MINUTES 19 SECONDS WEST ALONG THE SAID WEST RIGHT OF WAY LINE A DISTANCE OF 214.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BIRD AVENUE; THENCE NORTH 89 DEGREES 48 MINUTES 41 SECONDS WEST ALONG THE SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 315.00 FEET; THENCE NORTH 05 DEGREES 54 MINUTES 29 SECONDS WEST A DISTANCE OF 215.88 FEET TO THE POINT OF BEGINNING. (BASIS OF BEARING IS THE SOUTH LINE OF LOT 1 OF LINDBERGH SUBDIVISION SECTION ONE SOUTH 89 DEGREES 42 MINUTES 00 SECONDS EAST). CONTAINING 1.607 ACRES, MORE OR LESS.

Legal description for special use area:

BEING A PART OF SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 10 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN AND INCLUDING KNOXVILLE SQUARE SUBDIVISION; LOT ONE IN LINDBERGH SUBDIVISION SECTION ONE AND MANLEY SUBDIVISION SECTION ONE; ALL IN THE CITY OF PEORIA, COUNTY OF PEORIA, STATE OF ILLINOIS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY) BEGINNING AT THE NORTHWEST CORNER OF NORTHEAST QUARTER OF SAID SECTION 5, ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 32; THENCE NORTH 89 DEGREES 40 MINUTES 18 SECONDS WEST 117.14 FEET ALONG THE NORTH LINE OF SAID SECTION 5 ALSO BEING THE SOUTH LINE OF SAID SECTION 32 TO A POINT WHERE THE SOUTH LINE OF SAID SECTION 32 INTERSECTS WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE TRACT RECORDED IN TRACT SURVEY 32 ON PAGE 10 IN THE PEORIA COUNTY RECORDER OF DEEDS OFFICE; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION, NORTH 05 DEGREES 47 MINUTES 37 SECONDS WEST 422.42 FEET TO THE SOUTHWEST CORNER OF THE TRACT SHOWN IN SAID TRACT SURVEY 32 ON PAGE 10; THENCE SOUTH 89 DEGREES 29 MINUTES 20 SECONDS EAST 625.46 FEET ALONG THE SOUTH LINE OF SAID TRACT AND THE EASTERLY EXTENSION THEREOF TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LINDBERGH DRIVE AND THE WEST LINE OF LOT 6 IN SAID KNOXVILLE SQUARE SUBDIVISION; THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS EAST 92.53 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF LINDBERGH DRIVE AND THE WEST LINE OF SAID LOT 6; THENCE NORTH 33 DEGREES 18 MINUTES 31 SECONDS EAST 33.75 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF LINDBERGH DRIVE AND THE WEST LINE OF SAID LOT 6 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID LINDBERGH DRIVE AND THE NORTH LINE OF SAID LOT 6 ALSO BEING THE NORTH LINE OF SAID KNOXVILLE SQUARE SUBDIVISION; THENCE SOUTH 88 DEGREES 16 MINUTES 46 SECONDS EAST 178.88 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF LINDBERGH DRIVE, THE NORTH LINE OF SAID LOT 6 AND THE NORTH LINE OF SAID KNOXVILLE SQUARE SUBDIVISION TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 40 ALSO KNOW AS NORTH KNOXVILLE AVENUE; (THE FOLLOWING 5 COURSES ARE ALONG THE WEST RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 40 ALSO KNOW AS NORTH KNOXVILLE AVENUE) THENCE SOUTH 24 DEGREES 51 MINUTES 04 SECONDS EAST 120.00 FEET; THENCE SOUTH 25 DEGREES 56 MINUTES 22 SECONDS EAST 470.98 FEET; THENCE SOUTH 24 DEGREES 50 MINUTES 00 SECONDS EAST 326.01 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 43 SECONDS EAST 30.84 FEET; THENCE SOUTH 24 DEGREES 54 MINUTES 38 SECONDS EAST 373.30 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BIRD BOULEVARD ALSO BEING THE SOUTH LINE OF SAID KNOXVILLE SQUARE SUBDIVISION; (THE FOLLOWING FIVE COURSES ARE

ALONG SAID NORTH RIGHT-OF-WAY LINE OF BIRD BOULEVARD ALSO BEING THE SOUTH LINE OF SAID KNOXVILLE SQUARE SUBDIVISION) THENCE SOUTH 65 DEGREES 04 MINUTES 40 SECONDS WEST 49.44 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 140.00 FEET AND AN ARC LENGTH OF 72.71 FEET TO A POINT OF TANGENCY; THENCE NORTH 53 DEGREES 26 MINUTES 16 SECONDS WEST 87.95 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET AND AN ARC LENGTH OF 127.84 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST 257.00 FEET; THENCE SOUTH 03 DEGREES 19 MINUTES 52 SECONDS WEST 50.09 FEET TO THE NORTHEAST CORNER OF LOT 1 IN SAID MANLEY SUBDIVISION SECTION ONE ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF NORTH HALE AVENUE; THENCE SOUTH 00 DEGREES 06 MINUTES 08 SECONDS WEST 806.65 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF NORTH HALE AVENUE TO THE SOUTHEAST CORNER OF PARCEL 2 AS DESCRIBED IN DOCUMENT NUMBER 2006-15154 IN THE PEORIA COUNTY RECORDER OF DEEDS OFFICE; THENCE NORTH 89 DEGREES 49 MINUTES 28 SECONDS WEST 300.00 FEET ALONG THE SOUTH LINE OF SAID PARCEL 2 TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00 DEGREES 06 MINUTES 08 SECONDS EAST 207.30 FEET ALONG THE WEST LINE OF SAID PARCEL 2 TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN DOCUMENT NUMBER 1993-39106 IN THE PEORIA COUNTY RECORDER OF DEEDS OFFICE; THENCE NORTH 89 DEGREES 52 MINUTES 27 SECONDS WEST 145.75 FEET ALONG THE SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 05 DEGREES 59 MINUTES 40 SECONDS WEST 600.93 FEET ALONG THE WEST LINE OF SAID PARCEL TO THE NORTHWEST CORNER THEREOF, ALSO BEING A POINT AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF BIRD BOULEVARD AND THE WEST RIGHT-OF-WAY LINE OF BIRD BOULEVARD; THENCE NORTH 00 DEGREES 03 MINUTES 25 SECONDS WEST 50.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT ON THE SOUTH LINE OF A PARCEL DESCRIBED IN DOCUMENT NUMBER 2007-38035 IN THE PEORIA COUNTY RECORDER OF DEEDS OFFICE SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF BIRD BOULEVARD; THENCE SOUTH 89 DEGREES 56 MINUTES 37 SECONDS WEST 102.08 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE NORTH 06 DEGREES 52 MINUTES 59 SECONDS WEST 215.88 FEET ALONG THE WEST LINE OF SAID PARCEL TO A POINT ON THE SOUTH LINE OF LOT 1 IN LINDBERG SUBDIVISION SECTION ONE; THENCE NORTH 89 DEGREES 55 MINUTES 47 SECONDS WEST 46.05 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES 06 MINUTES 14 SECONDS EAST 325.16 ALONG THE WEST LINE OF SAID LOT 1, TO THE POINT OF BEGINNING, CONTAINING 31.50 ACRES, MORE OR LESS. EXCEPTING THEREFROM THE 0.062 ACRE PARCEL OWNED BY THE GREATER METROPOLITAN AIRPORT AUTHORITY PER DOCUMENT NUMBER 08-06630 HAVING A TAX ID NUMBER OF 14-05-201-011.

PIN: . 13-10-201-001 and 13-10-201-002

Said Ordinance is hereby approved per the submitted Official Development Plan (Attachment A), and with the following conditions and waivers:

- 1) All roof, wall, and ground level mechanical equipment must be screened from street view and residentially zoned districts per the Zoning Ordinance.
- 2) 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.
- 3) A lighting plan must be submitted for review prior to issuance of a Zoning Certificate to ensure that exterior lighting does not exceed three foot candles when measured at the property line.

- 4) A Landscape Plan, in compliance with the Zoning Ordinance, must be submitted for review prior to issuance of a zoning certificate.
- 5) Allow for administrative modifications and approval of the final alignment of the new Lindbergh Dr.
- 6) Waiver to reduce the side and rear yard setback from 20 feet to 0 feet for proposed building at the west end of Bird Blvd only.
- 7) Waiver to decrease the front yard setback along Bird Blvd, due to existing conditions, from 20 feet to 10 feet, except for the building setback which will remain 20 feet..
- 8) Waiver to decrease the front yard setback from 20 feet to 0 feet along the re-aligned portion of Lindbergh Dr.
- 9) Waiver to reduce street right-of-way width to 50 feet with a 24-foot wide street pavement for the re-aligned Lindbergh Dr
- 10) Waiver to allow for an alternative sidewalk for the south and west sides of the re-aligned portion of Lindbergh Drive
- 11) Waiver to increase the maximum allowed time to establish the amended special use from 2 years to 4 years

Section 2. All provisions of Appendix B, the Permanent Zoning Ordinance 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 B, the Zoning Ordinance of the City of Peoria, with respect to the Class N-1 (Institutional) District shall remain applicable to the above-described premises, with exception to the Official Development Plan 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 _____, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel