



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission

FROM: Site Plan Review Board

DATE: February 4, 2016

CASE NO: PZ 16-01

REQUEST: Public Hearing on the request of Jason Payne of Big Shots Golf, LLC for approval of an Annexation Agreement with a request to rezone property from a Class R-3 (Single Family Residential) District to a Class C-1 (General Commercial) District (upon annexation) and obtain a Special Use for an Active Park for the property generally located north of Wood Sage Road, south and west of IL Route 91, along the east side of Orange Prairie Road. The property is identified as part of Parcel Identification No. 08-35-100-034, located within Peoria County, IL. The petitioner is proposing to annex 20.5 acres. (Council District 5).

SUMMARY OF PROPOSAL

Annexation & Rezoning

The petitioner is requesting to annex 20.5 acres to the City pursuant to an agreement with the following terms:

- 1) Property shall be re-zoned from Class R-3 (Single Family Residential) to Class C-1 (General Commercial) upon annexation;
- 2) Public sanitary sewer is required upon non-agricultural development of the land.

The property is contiguous to the corporate limits of the City and will be annexed upon approval.

The Future Land Use map designation for this area is Low Density Residential.

Special Use

The petitioner is also requesting a Special Use for an Active Park for the northern 10.6 acres of the subject parcel. This area is proposed for development as a golfing facility as described below:

Buildings & Yards

The proposed Big Shots Golf facility includes a two-story, approximately 38,500 sq. ft. building. The overall building height is 47 feet at its tallest point. The building will include golf activity areas, a restaurant and bar, and banquet rooms.

Located to the east of the building are synthetic green targets surrounded by netting up to 110 feet in height.

Parking & Access

The proposed site plan includes 230 parking spaces with 7 reserved for handicap accessible. One access driveway is proposed from Orange Prairie Road.

Landscaping, Lighting, and Screening

The petitioner has submitted a landscape plan and photometric lighting plan which are in compliance with the requirements of the Zoning Ordinance.

All ground, rooftop and wall mounted mechanical equipment and garbage dumpsters must be screened from view.

Signage

Signage for the facility is not proposed at this time.

REQUESTED WAIVERS:

- 1) Section 9.6.d: Increase the maximum building height from 35 feet to 47 feet.
- 2) Section 3.2.f: Increase the fence height from 6 feet to 110 feet.

PROPERTY CHARACTERISTICS

The subject property contains 20.5 acres of land and is currently undeveloped farm land. The property is zoned in Peoria County as Class Agricultural2. It is surrounded by county zoning Class Agricultural2 to the north, west, and east, and City zoning Class A-1 (Agriculture) to the south. The property has frontage along Orange Prairie Road.

HISTORY

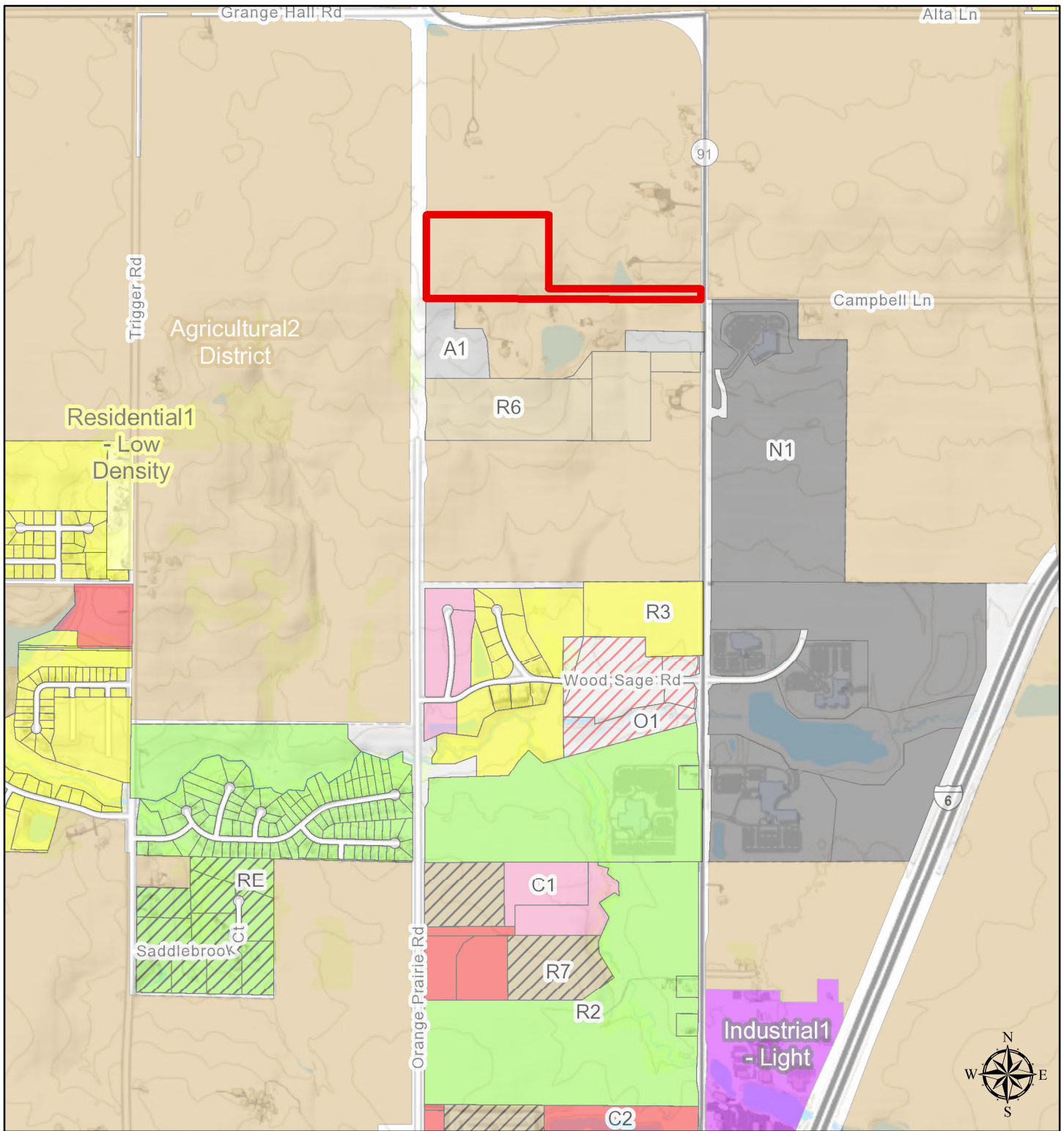
Property is currently in the County. No previous history with the City.

SITE PLAN REVIEW BOARD RECOMMENDATION

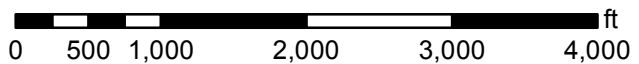
The Site Plan Review Board recommends APPROVAL of the request, including the waivers, and subject to the following conditions:

- 1) Add language to the Annexation Agreement regarding building materials for future development of the southern 10 acres to state that all buildings constructed on the southern 10 acres as part of non-agricultural development shall be constructed of at least 50 percent brick material. Modifications of this requirement may be reviewed and approved administratively and will not require an amendment to the annexation agreement.
- 2) Revise the preliminary/final plat to subdivide the parcel into two lots delineating the special use/development area vs non-developed area.
- 3) Compliance with federal, state and local regulations for wetland mitigation, if any.
- 4) Approval from Public Works Dept of the proposed median break on Orange Prairie Road, which may require northbound and/or southbound auxiliary turn lanes.
- 5) All rooftop and ground level mechanical equipment must be screened from street view and residentially zoned districts.
- 6) 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.

Peoria County, IL



1 inch = 1,320 feet



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

Peoria County, IL, HERE, USGS



PETITION FOR
ANNEXATION -
PEORIA COUNTY

PREPARED BY &
RETURN TO:

Frank W. Ierulli
Howard & Howard Attorneys PLLC
211 Fulton Street, Suite 600
Peoria, Illinois 61602

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

PETITION FOR ANNEXATION

This Petition, dated this 22nd day of December, 2015, is made by Big Shots Golf LLC and Kenneth E. Hoerr, Trustee under the provisions of KDH Land Trust Agreement dated November 20, 2000 ("KDH Trust"), **RESPECTFULLY SUBMIT THE FOLLOWING:**

RECITALS

WHEREAS, KDH Trust is the sole owner of certain property located in Peoria County, Illinois, which is legally described on the attached Exhibit A and shall hereinafter be referred to as the "Property"; and

WHEREAS, Big Shots Golf LLC has entered into an agreement for the purchase of the property and joins as one of the petitioners hereunder; and

WHEREAS, KDH Trust, as owner of the property, joins in this petition with the understanding (and subject to the condition that) the annexation being requested hereby of the property to the City of Peoria shall not take effect until such time as Big Shots Golf LLC has acquired the property from KDH Trust pursuant to the agreement to purchase referenced above.

WHEREAS, the Property is an uninhabited parcel of land 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 Petitioners desire to annex the Property into the City.

PETITION

NOW, THEREFORE, the Petitioners respectfully request:

1. Subject to the approval by the City of the Annexation Agreement attached hereto as Exhibit B, the Petitioners hereby petition the City to annex the Property into the City.
2. The Petitioners request 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 _____ DAY OF DECEMBER, 2015.

**Kenneth E. Hoerr, Trustee under the provisions of
KDH Land Trust Agreement dated November 20, 2000**

By: *Kenneth E. Hoerr*

Its: _____

Attest:

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 Kenneth E. Hoerr, Trustee, 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 20th day of December, 2015.

Notary Public

Michael J. Honegger



This Document Prepared By:

Frank W. Ierulli
Howard & Howard Attorneys PLLC
211 Fulton Street, Suite 600
Peoria, Illinois 61602

Mail To:

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

DRAFT

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, as an Illinois municipal corporation, located in Peoria County, Illinois, (hereinafter referred to as the "City") and Big Shot Golf LLC (hereinafter referred to as the "Purchaser") and Kenneth E. Hoerr, Trustee under the provisions of KDH Land Trust Agreement dated November 20, 2000, or assignee (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, Purchaser has entered into a purchase agreement with Owner to purchase the Property and is planning to develop the Property as is more specifically described herein;

WHEREAS, the Property is located within the County of Peoria, Illinois ("County") and is contiguous with the corporate boundaries of the City; and

WHEREAS, subject to the conditions herein set forth, Purchaser, upon its acquisition of the Property from Owner, desires to have the Property annexed to the City;

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 noticed 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 diligence have, by resolution or ordinance, duly adopted and approved this Annexation Agreement as required by law; and

WHEREAS, Owner and Purchaser have filed a Petition for Annexation for the Property, such Petition being subject to approval and execution of this Agreement by the City and to Purchaser's closing upon the acquisition of the Property from Owner as provided herein.

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 C1, Commercial.

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 control regulations, and other regulations affecting property within the City, i.e. building codes and subdivision requirements.
- D. 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.
- E. 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.
- F. 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.

- G. The parties shall execute and deliver such additional documentation as may be necessary to implement this Agreement.
- H. 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.
- I. This agreement may be amended by mutual consent of the parties.
- J. 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

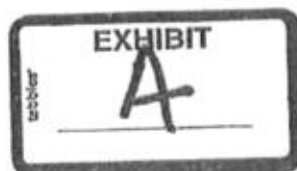
Notary Public

4825-6091-8572, v. 1

LEGAL DESCRIPTION - 20.543 ACRE TRACT

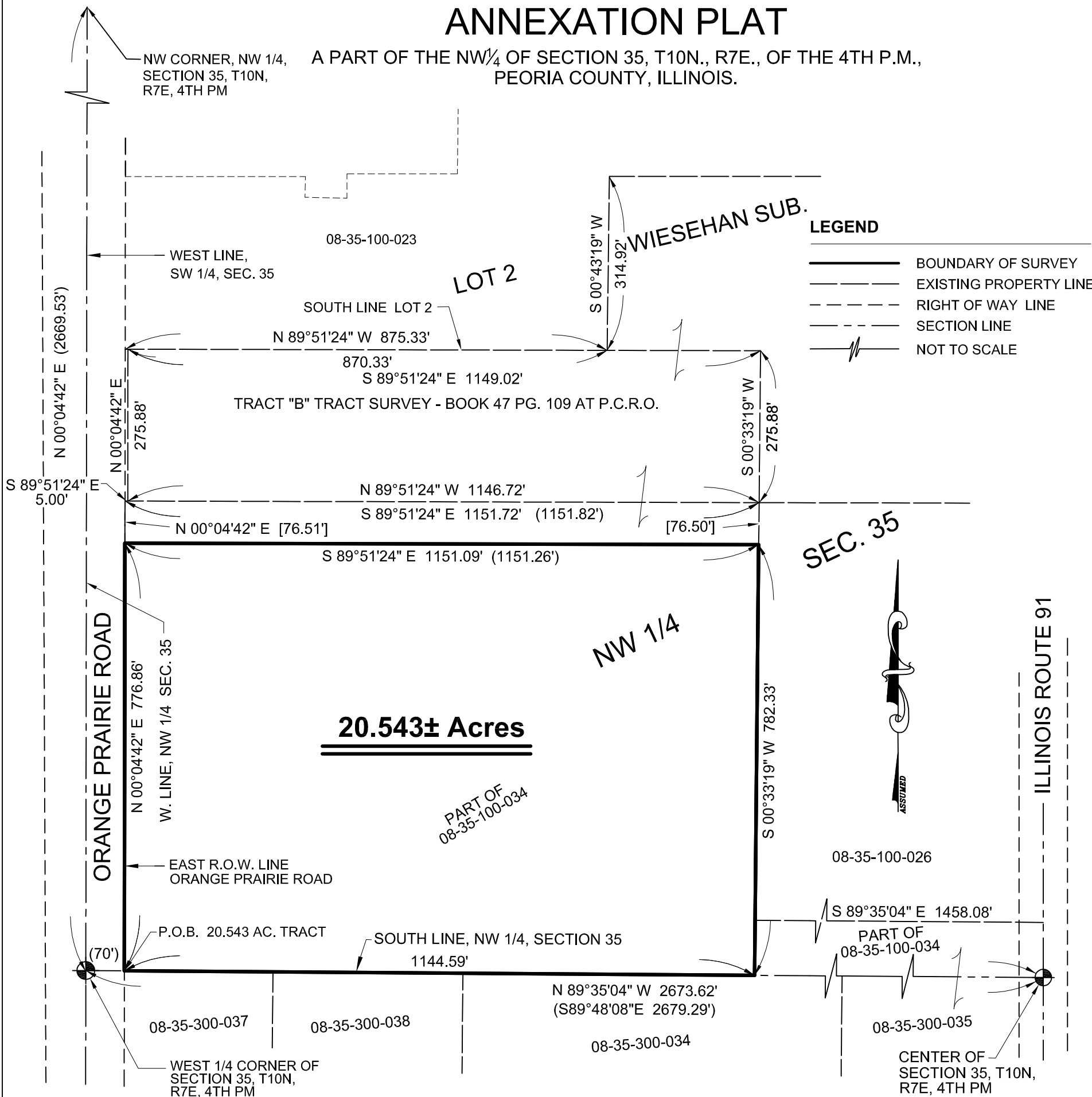
A PART OF THE NW 1/4 OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, AND BEARINGS ARE ASSUMED FOR THE PURPOSE OF DESCRIPTION ONLY; COMMENCING AT THE SOUTHWEST CORNER OF SAID NW1/4; THENCE S 89°35'04"E, ALONG THE SOUTH LINE OF SAID NW1/4, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED (SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF ORANGE PRAIRIE ROAD); THENCE N 00°04'42" E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 776.86 FEET; THENCE S 89°51'24" E, A DISTANCE OF 1151.09 FEET; THENCE S 00°33'19" W, A DISTANCE OF 782.33 FEET TO A POINT ON THE SOUTH LINE OF SAID NW1/4 OF SECTION 35; THENCE N 89°35'04" W, ALONG SAID SOUTH LINE OF SAID NW1/4, A DISTANCE OF 1144.59 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 20.543 ACRES, MORE OR LESS; SUBJECT TO ANY OTHER EASEMENTS, COVENANTS AND/OR AGREEMENTS OF RECORD.

part of 08-35-100-034



ANNEXATION PLAT

A PART OF THE NW¹/₄ OF SECTION 35, T10N., R7E., OF THE 4TH P.M., PEORIA COUNTY, ILLINOIS.



LEGEND

- BOUNDARY OF SURVEY
- EXISTING PROPERTY LINE
- RIGHT OF WAY LINE
- SECTION LINE
- NOT TO SCALE

LEGAL DESCRIPTION - 20.543 ACRE TRACT

A PART OF THE NW¹/₄ OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, AND BEARINGS ARE ASSUMED FOR THE PURPOSE OF DESCRIPTION ONLY; COMMENCING AT THE SOUTHWEST CORNER OF SAID NW¹/₄; THENCE S 89°35'04"E, ALONG THE SOUTH LINE OF SAID NW¹/₄, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED (SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF ORANGE PRAIRIE ROAD); THENCE N 00°04'42" E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 776.86 FEET; THENCE S 89°51'24" E, A DISTANCE OF 1151.09 FEET; THENCE S 00°33'19" W, A DISTANCE OF 782.33 FEET TO A POINT ON THE SOUTH LINE OF SAID NW¹/₄ OF SECTION 35; THENCE N 89°35'04" W, ALONG SAID SOUTH LINE OF SAID NW¹/₄, A DISTANCE OF 1144.59 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 20.543 ACRES, MORE OR LESS; SUBJECT TO ANY OTHER EASEMENTS, COVENANTS AND/OR AGREEMENTS OF RECORD.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) SS
 COUNTY OF PEORIA)

I, RONALD L. CLUSKEY, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED A PART OF THE NW ¹/₄ OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS, AND THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, DRAWN TO A SCALE OF 1" = 200 FEET. I FURTHER CERTIFY THAT THE TRACT OF LAND IS SITUATED WITHIN 1 1/2 MILES OF THE CORPORATE LIMITS OF PEORIA, A MUNICIPALITY EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS AMENDED. DATED THIS 15TH DAY OF JANUARY, 2016.

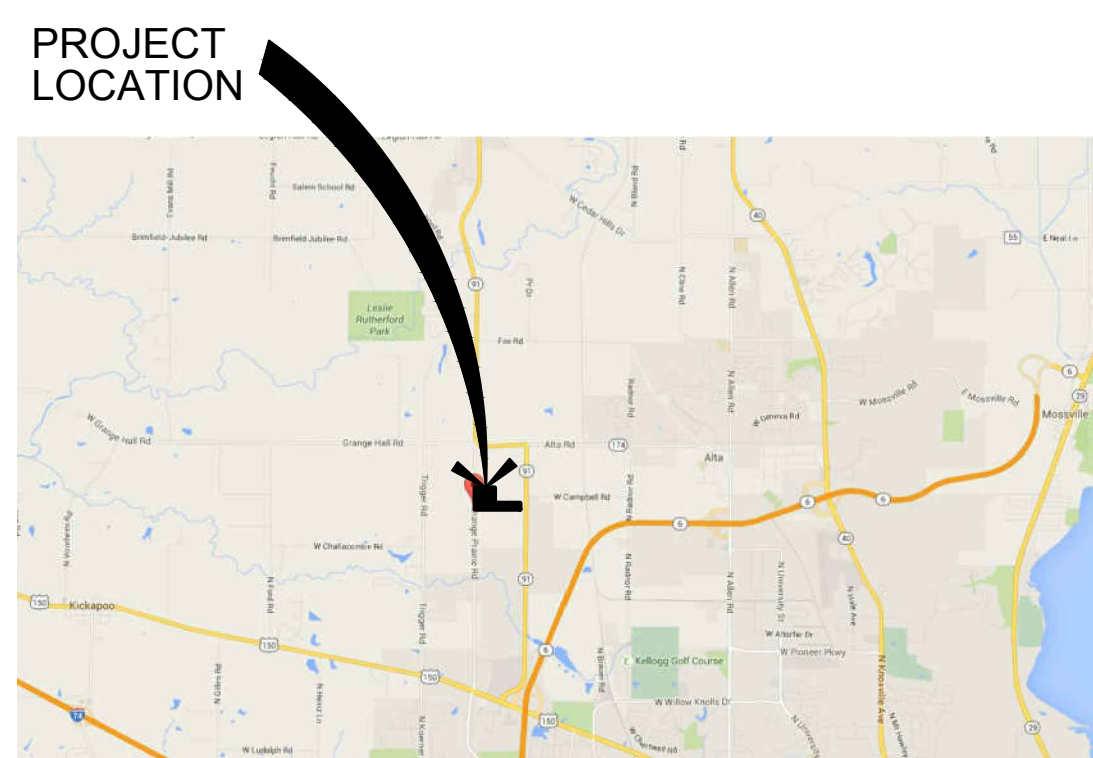
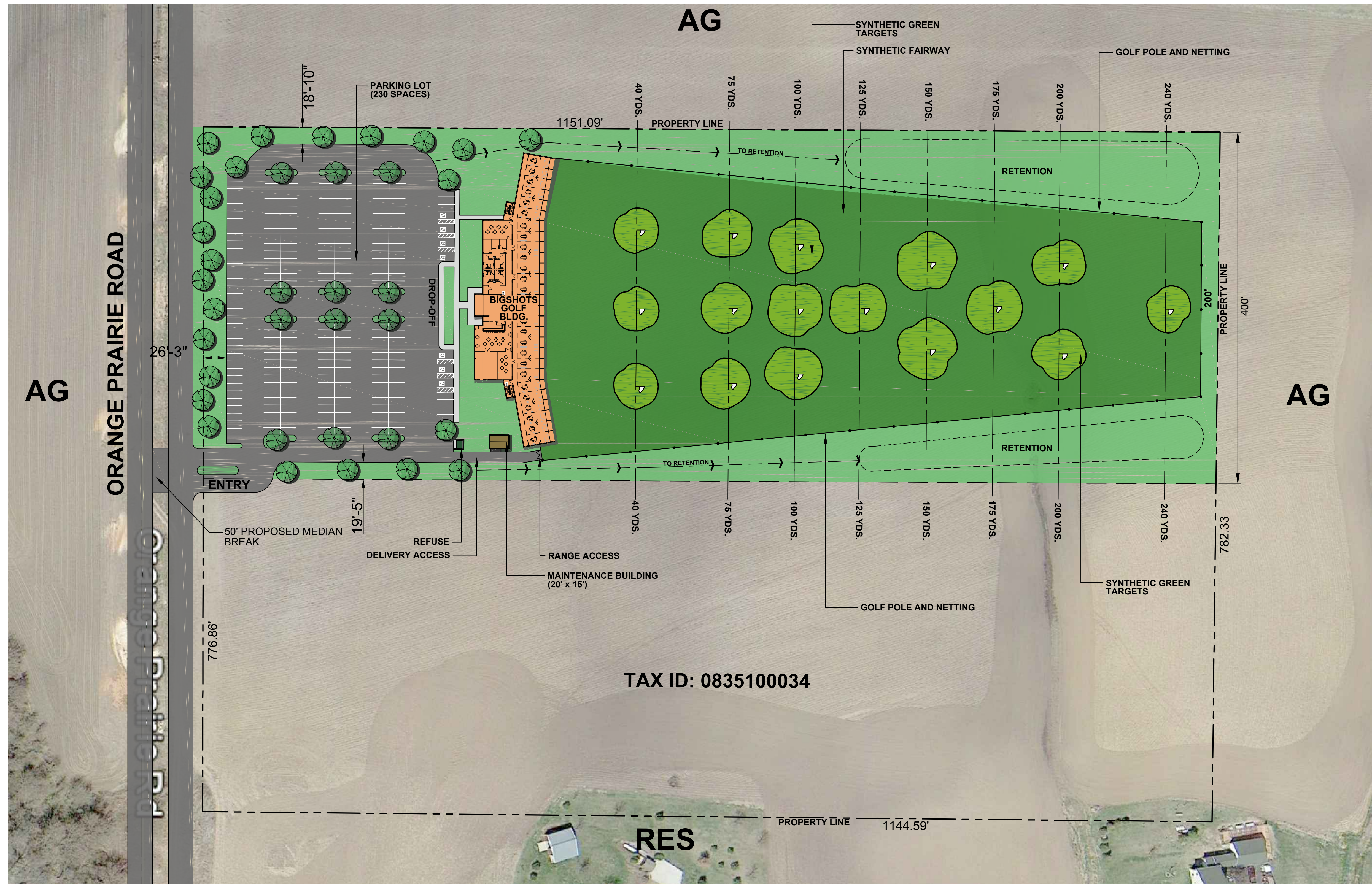


RONALD L. CLUSKEY
 ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2589

MY LICENSE EXPIRES: NOVEMBER 30, 2016

A PART OF THE NW ¹ / ₄ OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS		
SCALE: 1" = 200'	APPROVED BY: RLC	DRAWN BY: SLB
DATE: JAN. 15, 2016		SHEET: 1 OF 1
REVISIONS:		BOOK: DC PG:
FOR: PAYNE		

**CLUSKEY
 LAND SURVEYING**
 102 E. MAIN ST., PO BOX 586
 ELMWOOD, IL 61529 PHONE (309) 742-7058



VICINITY MAP
N.T.S.

SCHEDULE FOR GREENS

GREEN DISTANCE	AREA
40 YDS.	2,000 SQ. FT.
75 YDS.	2,500 SQ. FT.
100 YDS.	3,000 SQ. FT.
125 YDS.	3,000 SQ. FT.
150 YDS.	3,500 SQ. FT.
175 YDS.	3,000 SQ. FT.
200 YDS.	2,500 SQ. FT.
240 YDS.	2,000 SQ. FT.

SITE DATA:

A PART OF THE NW1/4 OF SECTION 35, T10N., R7E., OF THE 4TH P.M., PEORIA COUNTY, ILLINOIS. 23,891± ACRES.

BIG SHOTS PARCEL: (10.45± ACRES)

BigShots Golf

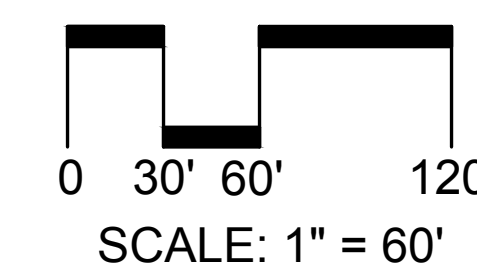
Located in: Peoria, Illinois

January 18, 2016
Turf Solutions group

Bill Phillips
 Senior Golf Course / Landscape Architect & Partner

877-586-1363 Toll Free
 480-730-1536 Phoenix Office
 602-363-5023 Cell
 480-730-1530 Fax

bphillips@turfsolutionsgroup.com
 www.turfsolutionsgroup.com





Rendering Perspective from Parking Lot Entry

