

**AN ORDINANCE APPROVING A SPECIAL USE IN A CLASS WM (WEST MAIN FORM) DISTRICT FOR A MIXED USE DEVELOPMENT, WITH WAIVERS, FOR THE PROPERTY LOCATED AT 839 W MAIN STREET, MORE SPECIFICALLY INCLUDING ADDRESSES OF 839 W. MAIN STREET, 1013 AND 1029 ORANGE STREET, 834, 838, AND 842 RUSSELL STREET, AND 1010, 1012, 1016, 1018 AND 1022 GARFIELD AVENUE, AND IDENTIFIED AS PARCEL IDENTIFICATION NOS. 18-05-429-001 THROUGH 18-05-429-011, AND 18-05-429-013, PEORIA, ILLINOIS.**

WHEREAS, the property herein described is now zoned Class WM (WM Form) District, and;

WHEREAS, said petition was directed to the Planning & Zoning Commission as directed by Section 2.9 of Appendix A, the Unified Development Code of the City of Peoria, and

WHEREAS said Planning & Zoning Commission held a public hearing on July 12, 2018, pursuant 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 special 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, AS FOLLOWS:

Section 1. That a Special Use for a Mixed Use Development, With Waivers in a Form District, is hereby approved for the following described property:

**RECORD DESCRIPTION - TRACT 1**

THE EAST ONE-THIRD OF LOT 2 IN BLOCK 3 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

**RECORD DESCRIPTION -TRACT 2**

**PARCEL A:**

FIFTY FEET ON RUSSELL STREET BY 50 FEET ON GARFIELD AVENUE, BEING A PART OF LOT 2 IN BLOCK 3 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

PARCEL B:

PART OF LOT 2 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT 50 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 2, RUNNING THENCE EAST 50 FEET ALONG RUSSELL STREET; THENCE SOUTH 50 FEET AT RIGHT ANGLES WITH RUSSELL STREET TO THE LINE BETWEEN LOTS 2 AND 3; THENCE WEST ALONG THE SOUTH LINE OF LOT 2, 50 FEET; THENCE NORTH 50 FEET TO THE PLACE OF BEGINNING, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

RECORD DESCRIPTION - TRACT 3

LOT 3 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

RECORD DESCRIPTION - TRACT 4

LOT 6 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

RECORD DESCRIPTION - TRACT 5

LOT 7 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

RECORD DESCRIPTION - TRACT 6

THE NORTH ONE-HALF OF LOT 10 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

RECORD DESCRIPTION - TRACT 7

THE SOUTH ONE-HALF OF LOT 10 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

RECORD DESCRIPTION - TRACT 8

PARCEL 1:

SIXTEEN AND TWO-THIRDS (16 2/3) FEET OFF OF THE SOUTH SIDE OF LOT 1 AND SIXTEEN AND TWO-THIRDS (16 2/3) FEET OFF THE NORTH SIDE OF LOT 4 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

PARCEL 2:

THIRTY-THREE AND ONE-THIRD (33 1/3) OF EVEN WIDTH OFF OF THE SOUTH SIDE OF LOT 4 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

PARCEL 3:

LOTS FIVE (5), EIGHT (8) AND NINE (9) IN M,J, RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

RECORD DESCRIPTION - TRACT 9

THE THIRTY THREE AND ONE-THIRD (33 1/3) FEET OF EVEN WIDTH BY FULL DEPTH OFF OF THE NORTH SIDE OF LOT 1 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, EXCEPT THE WEST 46 FEET OF THE NORTH THIRTY THREE AND ONE-THIRD (33 1/3) FEET OF LOT 1; ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

RECORD DESCRIPTION - TRACT 10

A PART OF LOT 1 IN BLOCK 3 IN M.J. RUSSELL'S SUBDIVISION OF BLOCK 3 RUSSELL'S ADDITION TO PEORIA, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1883 IN PLAT BOOK "A", PAGE 256, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 1 ON RUSSELL STREET AND RUNNING THENCE EAST ALONG THE NORTH LINE OF SAID LOT ON RUSSELL STREET, 46 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF LOT 1, 33 FEET AND 4 INCHES; THENCE WEST AND PARALLEL WITH THE NORTH LINE OF SAID LOT, 46 FEET TO THE WEST LINE OF SAID LOT; THENCE NORTH ALONG THE WEST LINE OF SAID LOT, 33 FEET AND 4 INCHES TO THE POINT OF BEGINNING; IN PEORIA COUNTY, A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, SITUATE, LYING AND BEING THE CITY OF PEORIA, IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

RECORD DESCRIPTION - LOTS 11, 12 AND 13

LOTS 11, 12 AND 13 IN MARY J. RUSSELL'S SUBDIVISION OF BLOCK 3 WILLIAM RUSSELL'S ADDITION TO THE CITY OF PEORIA, SITUATED IN THE CITY OF PEORIA, PEORIA COUNTY, ILLINOIS.

Said Ordinance is hereby approved with the following waivers and conditions:

*Waivers:*

1. Waiver of definition of family to allow more than four unrelated adults to reside in a dwelling unit.
2. Waiver requested from Section UDC 6.4.A.4. (Neighborhood Center) to allow zero finished floor elevation for approximately 96 feet along the Garfield frontage of Building 1.
3. Waiver from UDC 6.4.B.3. to allow a functioning door at intervals greater than 60 feet, in this case to allow only one within greater than 120 feet.
4. Waiver requested from UDC 6.4.C.1.b. (Local Commerce) to allow an additional story, for a total of three stories in the local commerce frontage.
5. Waiver requested from UDC 6.4.C.4. (Local Commerce) to allow a finished first floor elevation of 18" above the sidewalk.
6. Waiver requested from UDC 6.4.G.2. (R-4) to allow a finished first floor elevation of 18" above the sidewalk.

*Conditions:*

1. Provide a visual break in the building facades every 15-30 feet. This may be accomplished with arrangement of materials.
2. Submit a compliant lighting plan prior to or with building permit application.
3. All right-of-way work, including curb work must be approved by Public Works with applicable permits.
4. Site plan is conditioned on approval of associated alley vacation.
5. Obtain all applicable permits.
6. All items for which a waiver was not requested must comply with Ordinance requirements.

Section 2. All provisions of Appendix A, the Unified Development Code of the City of Peoria, with respect to the Class WM (West Main Form) District shall remain applicable to the above-described premises, with exception to 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  
OF \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

EXAMINED AND APPROVED:

\_\_\_\_\_

Corporation Counsel