

ORDINANCE APPROVING AN AMENDMENT TO SPECIAL USE 16,932, IN A CLASS B-1 (DOWNTOWN COMMERCIAL) DISTRICT FOR THE PEORIA CIVIC CENTER FACILITIES, TO ADD ACTIVITIES AT THE CORNER OF FULTON STREET AND JEFFERSON AVENUE, AND OTHER GROUNDS IMPROVEMENTS, FOR THE PROPERTY LOCATED AT 201 SW JEFFERSON AVENUE, 702 AND 720 FULTON STREET; AND 109, 125, 129 AND 135 SW MONROE STREET (PARCEL IDENTIFICATION NOS. 18-09-133-013, AND 18-09-202-001 – 005), PEORIA, ILLINOIS (COUNCIL DISTRICT 1)

WHEREAS, the property herein described is now zoned in a Class B1 (Central Business) District; and

WHEREAS, a petition was received requesting a Special Use amendment in a Class B1 (Central Business) District, for a Waivers to allow a wall signs that do not meet code requirements; and

WHEREAS, said petition was directed to the Planning and Zoning Commission as directed by Articles 2.9 of the Unified Development Code of the City of Peoria; and,

WHEREAS, said Planning and Zoning Commission held a public hearing on July 6, 2017, with respect to said petition, 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 Planning and Zoning Commission has submitted its report of said public 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:

Section 1. A Special Use is hereby amended for the Civic Center property and use, as described herein, for following described property:

PARCEL 1 DESCRIPTION

P.I.N. # 18-09-251-009

ALL OF LOT 1 OF CIVIC CENTER ADDITION A RESUBDIVISION OF PART OF THE NORTHWEST QUARTER SECTION 9 AND PART OF THE NORTHEAST QUARTER SECTION 9, TOWNSHIP-8-NORTH, RANGE-8-EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY ILLINOIS. AS RECORDED IN PLAT BOOK 4, PAGE 22 AS DOCUMENT No. 82-09669 AT THE PEORIA COUNTY RECORDERS OFFICE.

PARCEL 2 DESCRIPTION

P.IN. # 18-09-133-013

A PART OF BLOCKS 42 AND 43 OF MONSON AND SANFORDS ADDITION TO THE CITY OF PEORIA, ALL OF FIELDS SUBDIVISION OF LOTS 9,10, 11, AND 12 IN BLOCK 42 OF MONSON AND SANFORDS ADDITION TO THE CITY OF PEORIA, ALL OF FULTON STREET (FORMERLY SIXTH STREET) LYING EASTERLY OF WILLIAM KUMPF BOULEVARD (FORMERLY MONSON STREET) AND WESTERLY OF FULTON COURT (FORMERLY FRANKLIN STREET), AND PART OF FULTON COURT (FORMERLY FRANKLIN STREET) LYING NORTH OF MONROE STREET ALL IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9 TOWNSHIP-8-NORTH RANGE-8-EAST OF THE FOURTH PRINCIPAL MERIDIAN PEORIA COUNTY, ILLINOIS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 BLOCK 43 OF SAID MONSON AND SANFORDS ADDITION SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE FULTON STREET (FORMERLY SIXTH STREET) AND THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING: THENCE SOUTH 01°-10'-19" WEST, (BEARINGS ASSUMED FOR DESCRIPTIVE PURPOSES ONLY) A DISTANCE OF 59.74 FEET; THENCE SOUTH 38°-57'-26" EAST, A DISTANCE OF 111.31 FEET; THENCE SOUTH 05°-45'-48" WEST, A DISTANCE OF 24.22 FEET; THENCE SOUTH 50°-30'-02" WEST, A DISTANCE OF 194.59 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 300.00 FEET AND AN ARC LENGTH 174.27 FEET BEING SUBTENDED BY A CHORD BEARING OF SOUTH 67°-08'-32" WEST, AND A CHORD LENGTH OF 171.83 FEET TO THE EASTERLY LINE OF LOT 3 OF CIVIC CENTER ADDITION; THENCE NORTH 00°-48'-11" EAST, ALONG SAID EASTERLY LINE OF LOT 3 OF CIVIC CENTER ADDITION A DISTANCE OF 298.96 FEET TO THE NORTHERLY LINE OF SAID LOT 3; THENCE NORTH 00°-54'-00" EAST, A DISTANCE OF 66.00 FEET; THENCE NORTH 00°-49'-04" EAST, ALONG THE EASTERLY LINE OF WILLIAM KUMPF BOULEVARD A DISTANCE OF 100.31 FEET; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY LINE OF SAID WILLIAM KUMPF BOULEVARD ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 265.61 FEET AND AN ARC LENGTH OF 240.09 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 44°-47'-21" EAST, AND A CHORD LENGTH OF 231.99 FEET; THENCE NORTH 70°-41'-16" EAST, ALONG THE SOUTHEASTERLY LINE OF THE SAID WILLIAM KUMPF BOULEVARD A DISTANCE OF 82.71 FEET TO THE WESTERLY LINE OF FULTON COURT; THENCE SOUTH 01°-10'-19" WEST, ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF FULTON COURT A DISTANCE OF 296.42 FEET TO THE POINT OF BEGINNING, CONTAINING 3.132 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT OF WAY OF RECORD.

PARCEL 3 DESCRIPTION

P.I.N. #'S 18-09-202-001, 002, 003, 004, & 005

LOTS 5, 6, 7, 8, 9 AND 10 IN DR. FRYE'S SUBDIVISION, SAID SUBDIVISION BEING A PART OF BLOCK 28 IN THE ORIGINAL TOWN OF PEORIA, ALSO ALL OF LOT 6 AND 7 AND PART OF LOTS 8 AND 9 IN SAID BLOCK 28 ORIGINAL TOWN OF PEORIA; ALL BEING A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP-8-NORTH, RANGE-8-EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON ROD AT THE INTERSECTION OF THE CENTERLINES OF FULTON STREET AND MONROE STREET; THENCE NORTH $38^{\circ}-57'-26''$ WEST, (BEARINGS ASSUMED FOR DESCRIPTIVE PURPOSES ONLY) ALONG SAID CENTERLINE OF FULTON STREET, A DISTANCE OF 50.00 FEET TO THE INTERSECTION OF SAID FULTON STREET CENTERLINE AND THE EXTENDED NORTHWESTERLY RIGHT OF WAY OF MONROE STREET; THENCE NORTH $50^{\circ}-22'-55''$ EAST, ALONG THE SAID EXTENDED NORTHWESTERLY RIGHT OF WAY LINE OF MONROE STREET, A DISTANCE OF 50.00 FEET TO THE INTERSECTION OF THE SAID EXTENDED NORTHWESTERLY RIGHT OF WAY LINE OF MONROE STREET AND THE NORTHEASTERLY RIGHT OF WAY LINE OF FULTON STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING:

THENCE NORTH $38^{\circ}-57'-26''$ WEST, ALONG THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF FULTON STREET, A DISTANCE OF 143.29 FEET TO THE INTERSECTION OF SAID NORTHEASTERLY RIGHT OF WAY LINE OF FULTON STREET AND THE EASTERLY RIGHT OF WAY LINE OF FULTON COURT; THENCE NORTH $01^{\circ}-10'-19''$ EAST, ALONG THE SAID EASTERLY RIGHT OF WAY LINE OF FULTON COURT, A DISTANCE 290.83 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT OF WAY LINE OF FULTON COURT AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF PERRY AVENUE; THENCE NORTH $50^{\circ}-37'-27''$ EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF PERRY AVENUE, A DISTANCE OF 62.60' TO THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT OF WAY LINE OF PERRY AVENUE AND THE SOUTHWESTERLY RIGHT OF WAY OF AN ALLEY RUNNING NORTHWEST-SOUTHEAST; THENCE SOUTH $38^{\circ}-46'-14''$ EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY, A DISTANCE OF 172.70 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT OF WAY LINE AND THE NORTHWESTERLY RIGHT OF WAY LINE OF A VACATED ALLEY RUNNING NORTHEAST-SOUTHWEST; THENCE SOUTH $50^{\circ}-00'-46''$ WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY OF A VACATED ALLEY, A DISTANCE OF 59.58 FEET; THENCE SOUTH $38^{\circ}-37'-51''$ EAST, A DISTANCE OF 105.74 FEET; THENCE NORTH $50^{\circ}-26'-03''$ EAST, A DISTANCE OF 53.66 FEET; THENCE SOUTH $38^{\circ}-46'-14''$ EAST, A DISTANCE OF 84.37 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF MONROE STREET; THENCE SOUTH $50^{\circ}-22'-55''$ WEST, ALONG SAID NORTHWEST RIGHT OF WAY LINE OF MONROE STREET, A DISTANCE OF 242.70 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 63,182 SQUARE FEET OR 1.45 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT OF WAY OF RECORD.

Said Ordinance is hereby approved per the submitted site plan and application, with the following waivers and conditions:

Waivers

1. Waiver of UDC Section 5.4.7, Fences and walls, to allow a front yard fence greater than three feet in height (along Kumpf), that is six feet in height and solid.
2. Waiver of UDC Section 5.4.7, Fences and walls, to allow a front yard fence greater than three feet in height (along Fulton and Jefferson), that is four feet in height with an open design.
3. Waiver of UDC Section 8.3.10, Temporary Signs requested, to allow administrative approval of temporary signs that exceed the limitations set forth in the Unified Development Code.
4. Waiver of UDC 5.5.2.A. "Permitted Temporary Uses," to allow categories of carnivals, tents, and civic uses of public property without length of time and frequency restriction.
5. Waiver of UDC 5.5.2.A. "Permitted Temporary Uses" to allow permanency of the sand bed. Temporary implies the site will be returned to its original state after each use.
6. Waiver of UDC 5.5.2.A. "Permitted Temporary Uses" to allow temporary structures without length of time and frequency restriction.
7. Waiver of UDC Section 8.4.4.B., Limited Outdoor Storage, as related to setback and time frequency.

Conditions

1. All items from previous approvals not affected by this amendment, remain in force.
2. Any future fencing on Kumpf Boulevard shall not encroach on the required sight triangles for either the PCC entrance or Monroe Street.
3. New fencing along Kumpf must match existing screening around the nearby dumpster, as indicated in the application.
4. Replacement deteriorated and non-ADA-compliant sidewalks and curbs along property frontage.
5. To allow signage as requested, with administrative approval, it must be noted that any such signs which are denied by Staff will require a Variance from the Zoning Board of Appeals prior to placement.

If the Civic Center desires permission to place signs that exceed limitations set forth in the Unified Development Code without need for prior zoning approval, the Civic Center must submit proposed size, height, location, number and frequency limits prior to and for inclusion with City Council review of this request; and the "pre-approval" would not be final unless City Council votes to approve.

In both cases, applicable building permits are required.

6. The sand bed must be secured or transformed into useable, safe, public space when not used for the ice rink.
7. All required Fire Department permits must be obtained for all tents; also all required building permits for structures exceeding 200 square must be obtained.
8. Kumpf Boulevard is under the jurisdiction of the State; all work within the State right-of-way requires a permit from Illinois Department of Transportation.
9. Obtain required, applicable permits and licenses, including the request to be open and produce noise until 2 am must be approved in accordance with state and local liquor law and licensing. For this reason, this waiver request is not recommended with this request.
10. Nothing in this memo is intended to override liquor law requirements. All requirements related to the Civic Center's liquor license must be adhered to.

Section 2. All provisions of the Unified Development Code of the City of Peoria, with respect to the Class B1 (Central Business) District shall remain applicable to the above-described premises, with exception to the 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 _____, 2017.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel