

AN ORDINANCE AMENDING AN EXISTING SPECIAL USE ORDINANCE NO. 15,862 IN A CLASS C-2 (LARGE SCALE COMMERCIAL) DISTRICT FOR SHOPPING CENTER, TO CONSTRUCT A RESTAURANT WITH A DRIVE-THROUGH FOR THE PROPERTY IDENTIFIED AS PARCEL IDENTIFICATION NOS. 13-12-352-003 (6820 N PEARTREE LANE), 13-12-352-004 (6828 N PEARTREE LANE), 13-12-352-007 (4115 W PARTRIDGE WAY), 13-12-352-008 (4123 W PARTRIDGE WAY), AND 13-12-352-009 (W PARTRIDGE WAY), PEORIA, IL.

WHEREAS, the properties herein described are now zoned in a Class C-2 (Large Scale Commercial) District; and

WHEREAS, said Planning & Zoning Commission has been petitioned to approve an amendment to the Special Use for a Restaurant with a Drive-Through under the provisions of 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 6, 2017, 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

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 an amendment to an existing Special Use for a Restaurant with a Drive-Through is hereby approved for the following described property:

LEGAL DESCRIPTION OF SHOPPING CENTER PROPERTY
(SPECIAL USE PROPERTY)

LOT 1 IN HOLLOW HILL, BEING A SUBDIVISION OF A PART OF THE SOUTHEAST QUARTER OF SECTION 11, AND PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 7 EAST, OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS.

LEGAL DESCRIPTION
(TACO BELL PARCEL)

(PER FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 11007.185 WITH AN EFFECTIVE DATE OF MARCH 1, 2007)

PARCEL 1:

A PART OF LOT ONE OF HOLLOW HILL, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION ELEVEN (11), AND A PART OF THE SOUTHWEST QUARTER OF SECTION TWELVE (12), TOWNSHIP NINE (9) NORTH, RANGE SEVEN (7) EAST OF THE FOURTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT ONE, THENCE NORTH 88 DEGREES 33 MINUTES 57 SECONDS WEST, (BEARINGS ASSUMED FOR PURPOSE OF DESCRIPTION ONLY), ALONG THE SOUTH LINE OF SAID LOT ONE, 245.20 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 50 SECONDS WEST, 129.00 FEET; THENCE NORTHWESTERLY, ON A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET FOR AN ARC DISTANCE OF 50.51 FEET, SAID CURVE BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 14 DEGREES 41 MINUTES 06 SECONDS WEST AND A LENGTH OF 49.97 FEET; THENCE NORTH 75 DEGREES 57 MINUTES 30 SECONDS EAST, 135.92 FEET; THENCE SOUTH 68 DEGREES 26 MINUTES 00 SECONDS EAST, 20.24 FEET; THENCE NORTH 86 DEGREES 21 MINUTES 46 SECONDS EAST, 106.98 FEET TO THE EAST LINE OF SAID LOT 1, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF BIG HOLLOW ROAD (CH D37); THENCE SOUTH 00 DEGREES 13 MINUTES 50 SECONDS EAST, ALONG SAID EAST LINE, 215.80 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY RECIPROCAL EASEMENT AGREEMENT DATED OCTOBER 27, 1997, AND RECORDED NOVEMBER 6, 1997, AS DOCUMENT NO. 97-34409 AND RE-RECORDED ON MARCH 19, 1998, AS DOCUMENT 98-09515 FOR THE PURPOSE OF INGRESS AND EGRESS DESCRIBED AS A 24 FOOT WIDE EASEMENT THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE AFOREMENTIONED SOUTHEAST CORNER OF LOT 1, THENCE NORTH 88 DEGREES 33 MINUTES 57 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1, 245.20 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED; FROM THE POINT OF BEGINNING, THENCE NORTH 00 DEGREES 13 MINUTES 50 SECONDS WEST, 129.00 FEET; THENCE NORTHWESTERLY, ON A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET FOR AN ARC DISTANCE OF 119.04 FEET; THENCE NORTH 68 DEGREES 26 MINUTES 00 SECONDS WEST, 52.65 FEET TO THE POINT OF TERMINATION OF SAID EASEMENT; SITUATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

Said Ordinance is hereby amended per the submitted Site Plan (Attachment A), Elevation Drawings (Attachment B) and Landscape Plan (Attachment C) and with the following conditions and waiver:

- 1) Construct the entire parking lot with permeable pavers or pay an impact fee for the number of parking spaces exceeding the maximum of 30 allowed by-right.
- 2) Construct a sidewalk along the property frontage on Big Hollow Rd or pay a fee equal to the cost of construction in lieu.
- 3) Waiver to reduce the required building setback along Big Hollow Road from 100 feet to 76 feet as measured from the centerline of the street and eliminate the requirement for a Setback Encroachment Agreement.

Section 2. All provisions of Appendix A, the Unified Development Code of the City of Peoria, with respect to the Class C-2 (Large Scale Commercial) District shall remain applicable to the above-described premises, with exception to amended 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 _____, 2017.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel