

AN ORDINANCE AMENDING AN EXISTING SPECIAL USE ORDINANCE NO. 14,254 AS AMENDED, IN A CLASS C-2 (LARGE SCALE COMMERCIAL) DISTRICT FOR A SHOPPING CENTER TO ADD AN ACCESSORY SOLAR FACILITY FOR THE PROPERTIES LOCATED AT 9000 N LINDBERGH DR, 9025 N LINDBERGH DR, 9106 N LINDBERGH DR, 9118 N LINDBERGH DR, 9126 N LINDBERGH DR, 9128 N LINDBERGH DR, 1021 W BIRD BLVD, 1101 W BIRD BLVD, 1116 W BIRD BLVD, 1200 W BIRD BLVD, 8903 N HALE AVE, 8919 N HALE AVE, AND 9109 N KNOXVILLE AVE, (PARCEL IDENTIFICATION NOS. 14-05-201-016, 09-32-455-006, 09-32-455-003, 09-32-455-002, 14-05-202-017, 14-05-202-021, 14-05-201-004, 14-05-201-009, 14-05-201-005, 14-05-202-013, 09-32-451-019, 09-32-455-001, 09-32-455-005, 14-05-201-006, 14-05-201-007, 14-05-202-012, 14-05-202-019, 14-05-202-020, AND 14-05-251-008), PEORIA IL.

WHEREAS, the property herein described is 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 an Accessory Solar Facility 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 February 7, 2019, 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 amendment to the 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 the Special Use for an Accessory Solar Facility is hereby approved for the following described property:

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 KNOWN AS NORTH KNOXVILLE AVENUE; (THE FOLLOWING 5 COURSES ARE ALONG THE WEST RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 40 ALSO KNOWN 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 2006-151541N 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 1993-391061N 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 2007-380351N 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 LINDBERGH 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.

PINS: 14-05-201-016, 09-32-455-006, 09-32-455-003, 09-32-455-002, 14-05-202-017, 14-05-202-021, 14-05-201-004, 14-05-201-009, 14-05-201-005, 14-05-202-013, 09-32-451-019, 09-32-455-001, 09-32-455-005, 14-05-201-006, 14-05-201-007, 14-05-202-012, 14-05-202-019, 14-05-202-020, AND 14-05-251-008

Said Ordinance is hereby approved per the submitted Site Plan Documents (Attachment A), and with the following condition and waivers:

- 1) Obtain the appropriate FAA permit.
- 2) Waiver of additional on-site storm water detention per engineering calculations supplied by the applicant.
- 3) Waiver of installing sidewalk on the south side of Bird Blvd and the west side of Hale Ave for security purposes.
- 4) Waiver to allow a six-foot tall fence along the frontage of Hale Ave.
- 5) Waiver to allow alternative landscaping for front yard along Have Ave.
- 6) Waiver to reduce the side yard setback from 20 feet to 15 feet for the solar facility.

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 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 _____, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel