

**AN ORDINANCE REPLACING THE EXISTING SPECIAL USE ORDINANCE 15,077 WITH A SPECIAL USE IN A CLASS C-1 (GENERAL COMMERCIAL) DISTRICT AND CLASS C-2 (LARGE SCALE COMMERCIAL DISTRICT) FOR A SHOPPING CENTER FOR THE PROPERTY LOCATED AT 3624, 3622, 3602 N UNIVERSITY STREET AND 1205 W FLORENCE AVENUE (PARCEL IDENTIFICATION NOS. 14-29-401-020, 14-29-401-021, 14-29-401-024, 14-29-401-026, 14-29-401-007 AND 14-29-401-008), PEORIA, IL.**

WHEREAS, the property herein described is now zoned in a Class C-1 (General Commercial) District and a Class C-2 (Large Scale Commercial) District; and

WHEREAS, said Planning & Zoning Commission has been petitioned to approve a Special Use for a Shopping Center 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 4, 2021, 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 a replacement to the Special Use for Shopping Center is hereby approved for the following described property:

**TRACT 1 LEGAL DESCRIPTION**

A PART OF LOT 7 IN THE COMMISSIONER'S SUBDIVISION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP NINE (9) NORTH, RANGE EIGHT (8) EAST OF THE FOURTH PRINCIPAL MERIDIAN, CITY OF PEORIA, PEORIA COUNTY, ILLINOIS, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK H AT PAGE 42 IN THE PEORIA COUNTY RECORDER'S OFFICE, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 7, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE NORTH SOUTH 89°-57'-00" EAST (BEARINGS ASSUMED FOR THE PURPOSE OF DESCRIPTION ONLY), ALONG THE NORTH LINE OF SAID LOT 7 AND THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29, 94.78 FEET TO THE SOUTH RIGHT OF WAY LINE OF WAR MEMORIAL DRIVE (US ROUTE 150) AND THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED: FROM THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 89°-57'-00" EAST, ALONG SAID NORTH LINE OF LOT 7, NORTH LINE OF SECTION 29, AND SOUTH RIGHT OF WAY LINE OF WAR MEMORIAL DRIVE (US ROUTE 150), 47.31 FEET; THENCE IN AN EASTERLY DIRECTION, ALONG SAID SOUTH RIGHT OF WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 7,701.85 FEET FOR AN ARC DISTANCE OF 260.41 FEET, SAID CURVE BEING SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 80°-

48'-53" EAST AND A LENGTH OF 260.30 FEET; THENCE SOUTH 00°-19'-00" EAST, 181.60 FEET; THENCE NORTH 89°-57'-00" WEST, 338.57 FEET TO THE EAST RIGHT OF WAY LINE OF UNIVERSITY STREET; THENCE NORTH 08°-30'-00" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 17.24 FEET; THENCE NORTH 00°-35'-00" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 141.92 FEET; THENCE NORTH 09°-17'-00" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 26.72 FEET; THENCE NORTH 36°-34'-59" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 46.78 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 1.578 ACRES, MORE OR LESS.

#### TRACT 2 LEGAL DESCRIPTION

A PART OF LOT 7 IN THE COMMISSIONER'S SUBDIVISION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP NINE (9) NORTH, RANGE EIGHT (8) EAST OF THE FOURTH PRINCIPAL MERIDIAN, CITY OF PEORIA, PEORIA COUNTY, ILLINOIS, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK H AT PAGE 42 IN THE PEORIA COUNTY RECORDER'S OFFICE, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 00°-19'-00" WEST (BEARINGS ASSUMED FOR THE PURPOSE OF DESCRIPTION ONLY), ALONG THE EAST LINE OF SAID LOT 7, 438.60 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED: FROM THE POINT OF BEGINNING, THENCE CONTINUING NORTH 00°-19'-00" WEST, 141.96 FEET TO THE SOUTH RIGHT OF WAY LINE OF WAR MEMORIAL DRIVE (US ROUTE 150); THENCE IN A WESTERLY DIRECTION, ALONG SAID SOUTH RIGHT OF WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 7,701.85 FEET FOR AN ARC DISTANCE OF 332.82 FEET, SAID CURVE BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 83°-10'-33" WEST AND A LENGTH OF 332.80 FEET; THENCE SOUTH 00°-19'-00" EAST, 181.60 FEET; THENCE NORTH 89°-57'-00" WEST, 75.00 FEET; THENCE SOUTH 00°-19'-00" EAST, 195.60 FEET; THENCE SOUTH 89°-59'-43" EAST, 20.03 FEET; THENCE SOUTH 00°-45'-00" EAST, 210.03 FEET TO THE NORTH RIGHT OF WAY LINE OF FLORENCE AVENUE; THENCE SOUTH 89°-57'-00" EAST, ALONG SAID NORTH RIGHT OF WAY LINE, 53.38 FEET; THENCE NORTH 00°-19'-00" WEST, 210.00 FEET; THENCE NORTH 89°-59'-00" EAST, 250.00 FEET; THENCE NORTH 00°-19'-00" WEST, 195.60 FEET; THENCE NORTH 89°-59'-00" EAST, 80.22 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 2.938 ACRES, MORE OR LESS.

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

1. The south bound left turn exit movement at the University Street drive shall be prohibited.
2. Access to and from Florence Avenue shall be limited to right out/left in only.
3. Drive-through lanes between a building and War Memorial must be lined with a continuous hedge.
4. Development of future uses and structures requires amendment to the special use through the Special Use process.
5. Amendments to approved developments which are substantially in conformance with the site plan may be reviewed administratively, by the Development Review Board.
6. Approval does not include approval for Off-Premise Signs. Any Off-Premise Sign/Billboard shall be reviewed through a separate review process.
7. Waiver to allow vehicle access to/from lots with different zoning designations, in this case access to the C2 parcels through C1 parcels.
8. Waiver to allow side/rear yard setbacks as shown on the site plan.
9. All existing landscaping on the petitioner's property that surrounds the day care center will not be reduced.
10. All lighting on the site will comply with City standards for development.

Section 2. All provisions of Appendix A, the Unified Development Code of the City of Peoria, with respect to the Class C-1 (General Commercial) District and Class C-2 (Large Scale Commercial) 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 \_\_\_\_\_, 2021.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

EXAMINED AND APPROVED:

\_\_\_\_\_  
Corporation Counsel