

AN ORDINANCE AMENDING AN EXISTING SPECIAL USE, ORDINANCE NUMBER 13,633, AS AMENDED, FOR A SHOPPING CENTER IN A CLASS C-2 (LARGE SCALE COMMERCIAL) DISTRICT TO ADD A NEW RETAIL BUILDING AND A FUEL CENTER, FOR THE PROPERTY COMMONLY KNOWN AS EVERGREEN SQUARE SHOPPING CENTER AND LOCATED AT 801 W LAKE AVENUE (PARCEL IDENTIFICATION NUMBERS 14-20-476-006, -016, -017, -018, -019, -020, -023, -024, -025, & 14-20-428-009), 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 amend an existing Special Use for a Shopping Center under the provisions of Section 2.15 of Appendix B, the Permanent Zoning Ordinance, of the City of Peoria; and

WHEREAS, said Planning & Zoning Commission held a public hearing on October 1, 2015, 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.

WHEREAS, said Planning & Zoning Commission has submitted its report of said public hearing and the City Council finds that to permit such 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. That an amendment to an existing Special Use for a Shopping Center to add a new retail building and fuel center is hereby approved for the following described property:

LEGAL DESCRIPTION
ENTIRE CENTER

PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 20; THENCE NORTH 88 DEGREES 11 MINUTES 11 SECONDS WEST 425.00 FEET ALONG THE CENTERLINE OF LAKE AVENUE AS MONUMENTED, THENCE NORTH 00 DEGREES 55 MINUTES 00 SECONDS EAST 50.0 FEET TO THE NORTH R.O.W. LINE OF SAID LAKE AVENUE AND THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE NORTH 88 DEGREES 11 MINUTES 11 SECONDS WEST ALONG THE NORTH R.O.W. LINE OF SAID LAKE AVENUE 861.57 FEET; THENCE NORTH 01 DEGREES 01 MINUTES 59 SECONDS EAST 1285.24 FEET; THENCE SOUTH 88 DEGREES 12 MINUTES 45 SECONDS EAST 1118.19 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 29.70 FEET; THENCE SOUTH 89 DEGREES 05 MINUTES 00 SECONDS EAST 115.00 FEET TO THE WESTERLY R.O.W. LINE OF SHERIDAN ROAD; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS ALONG THE WESTERLY R.O.W. LINE OF SAID SHERIDAN ROAD 519.21 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 00 SECONDS WEST

115.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 471.36 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 00 SECONDS WEST 255.21 FEET; THENCE SOUTH 00 DEGREES 55 MINUTES 00 SECONDS WEST 248.23 FEET TO THE POINT OF BEGINNING; SITUATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

LEGAL DESCRIPTION
KROGER REDEVELOPMENT AREA

PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 20; THENCE NORTH 88 DEGREES 11 MINUTES 11 SECONDS WEST 512.00 FEET ALONG THE CENTERLINE OF LAKE AVENUE AS MONUMENTED, THENCE NORTH 01 DEGREES 48 MINUTES 49 SECONDS EAST 50.0 FEET TO THE NORTH R.O.W. LINE OF SAID LAKE AVENUE AND THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE NORTH 88 DEGREES 11 MINUTES 11 SECONDS WEST 774.57 FEET ALONG THE NORTH R.O.W. LINE OF SAID LAKE AVENUE; THENCE NORTH 01 DEGREES 01 MINUTES 59 SECONDS EAST 1285.24 FEET; THENCE SOUTH 87 DEGREES 19 MINUTES 26 SECONDS EAST 334.90 FEET; THENCE SOUTH 00 DEGREES 56 MINUTES 05 SECONDS WEST 189.80 FEET; THENCE SOUTH 87 DEGREES 19 MINUTES 26 SECONDS EAST 234.00 FEET; THENCE SOUTH 00 DEGREES 56 MINUTES 05 SECONDS WEST 286.00 FEET; THENCE SOUTH 88 DEGREES 11 MINUTES 11 SECONDS EAST 199.4 FEET; THENCE SOUTH 00 DEGREES 56 MINUTES 05 SECONDS WEST 423.67 FEET; THENCE SOUTH 01 DEGREES 48 MINUTES 49 SECONDS WEST 427.20 FEET TO THE POINT OF BEGINNING; SITUATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

Said Ordinance is hereby amended per the submitted Site and Landscape Plan and Elevations (Attachment A), and with the following conditions and waivers:

1. A waiver to not provide additional landscaping along Sheridan Road, as these parcels are not controlled by Kroger Limited Partnership I ("Kroger"), the anticipated owner of the Kroger Redevelopment Area.
2. A waiver to only provide parking lot landscaping associated with parking owned or to be owned by Kroger, as part of this amendment.
3. A waiver to allow light standard signs on all light standards throughout the parking area.
4. A waiver to allow a 2 freestanding signs for the shopping center, approximately 420 square feet in area and 35 feet in height per sign, and a sign for the fuel center 199.33 square feet in area and not to exceed 25 feet in height, as depicted in the attached elevations.
5. A waiver to allow front yard landscaping along Lake Avenue be in the form of trees, shrubs, and native plantings (rain garden), with zoning ordinance requirements met for the number of points required.
6. A waiver to allow parking lot landscaping in the form of trees and shrubs.
7. A waiver is requested to not screen the mechanicals on the west side of the building.
8. Accessible parking spaces must be located on the shortest route of travel to the facility entrances.
9. Disabled parking spaces must be striped with an 11' parking area and a 5' aisle on the right hand side, or alternatively, with an 8' parking area and 8' aisle. Accessible spaces shall be signed with an R7-8 sign and an R7-101 \$350 fine plate.
10. Regular parking spaces must be striped a minimum of 8.5 feet in width by 18.5 feet in length.
11. Replace deteriorated and non-ADA-compliant walks, curbs and accessible ramps along property frontage, for all parcels controlled or to be controlled by Kroger.

12. Improve the (west) entrance along Lake Avenue to meet current ADA standards including an accessible crosswalk, ramps, and access to the pedestrian push buttons.
13. To address stormwater detention, 2 rain gardens must be added to the front yard along lake; one immediately east of the westerly entrance and one immediately west of the easterly entrance in place of some trees and shrubs currently shown. In addition, the detention area shown in the southwest corner of the site must be large enough to capture roof drainage from the new store and native plants must be placed around the edge of the detention area.
14. A photometric lighting plan is required before permits are issued. Lighting may not exceed 3 footcandles as measured at the property line.
15. Except as otherwise noted above, all rooftop and ground level mechanical equipment and utilities must be screened per Zoning Ordinance requirements. The parapet should be extended on the south side to fully screen the rooftop mechanical units from Lake Avenue.
16. All proposed signs must meet zoning ordinance requirements, unless a specific waiver is granted. Building permits are required for all signs.
17. Outdoor display areas and sidewalk sales are approved as part of this amendment. A revised plan showing all proposed display areas should be provided.
18. Signage must be added to slip lane
19. Brick pavers must be used for the 6 crosswalks (2 on the south end the new building, 2 at the front of the new building, and two to the north of the new building) and add stop signs and pedestrian signage at the crosswalks.

Section 2. All provisions of Appendix B, the Zoning Ordinance, of the City of Peoria, with respect to Class C-2 (Large Scale Commercial) District shall remain applicable to the above-described premises, with exception to the amendment 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 _____, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel