



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (prepared by Josh Naven)
DATE: June 1, 2017
CASE NO: PZ 17-17

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Patrick and Thelba McCarthy for approval of an Annexation Petition and Annexation Agreement and to rezone property from a Class R-3 (Single-Family Residential) District to a R-2 (Single-Family Residential) District for the property located east of Koerner Road and addressed as 6014 W Eaglecreek Dr. The property is also identified as Parcel Identification No 13-10-451-015, Peoria, IL (Council District 5)

SUMMARY OF PROPOSAL & REQUESTED WAIVERS

The petitioner is requesting to annex .33 acres with the following terms of the proposed agreement:

- 1) Property shall be zoned Class R-2 Single-Family Residential District.

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Parking	N/A	N/A	N/A
Mechanical & Utility Screening	N/A	N/A	N/A
Use Standards	N/A	N/A	N/A
Landscaping	N/A	N/A	N/A
Buffers & Screening	N/A	N/A	N/A
Signs	N/A	N/A	N/A
Exterior Lighting	N/A	N/A	N/A
Street Walls	N/A	N/A	N/A
Setbacks, Yards, Build To	N/A	N/A	N/A
Height	N/A	N/A	N/A
Windows & Doors	N/A	N/A	N/A
Open Space Area	N/A	N/A	N/A
Access & Circulation	N/A	N/A	N/A
Awnings, Canopies, & Porches	N/A	N/A	N/A
Materials	N/A	N/A	N/A
Other	N/A	N/A	N/A

BACKGROUND

Property Characteristics

The subject property contains .33 acres of land and is currently developed as a single-family home. The property is zoned County R1 Residential District and surrounded by the following classifications:

North	County R1 Residential District	South	County R1 Residential District
East	City of Peoria R2 Single-Family Residential District	West	County R1 Residential District

History

The property is currently within the jurisdiction of Peoria County. This property was subdivided and developed with the Chadwick Estates Subdivision but was inadvertently left out of the annexation process.

DEVELOPMENT REVIEW BOARD ANALYSIS

The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

Standard	Standard Met per DRB Review	DRB Condition Request & Justification
Future Land Use Map	County Residential	Requested R-2 zoning is consistent with the future land use map designation and the existing Chadwick Estates Subdivision.
Comprehensive Plan Critical Success Factors	Attractive Neighborhoods with Character	Proposed annexation will rectify a previous annexation error.
City Council Strategic Plan Goals	Grow Peoria: Businesses, Jobs & Population	Proposed annexation will rectify a previous annexation error.

DEVELOPMENT REVIEW BOARD RECOMMENDATION

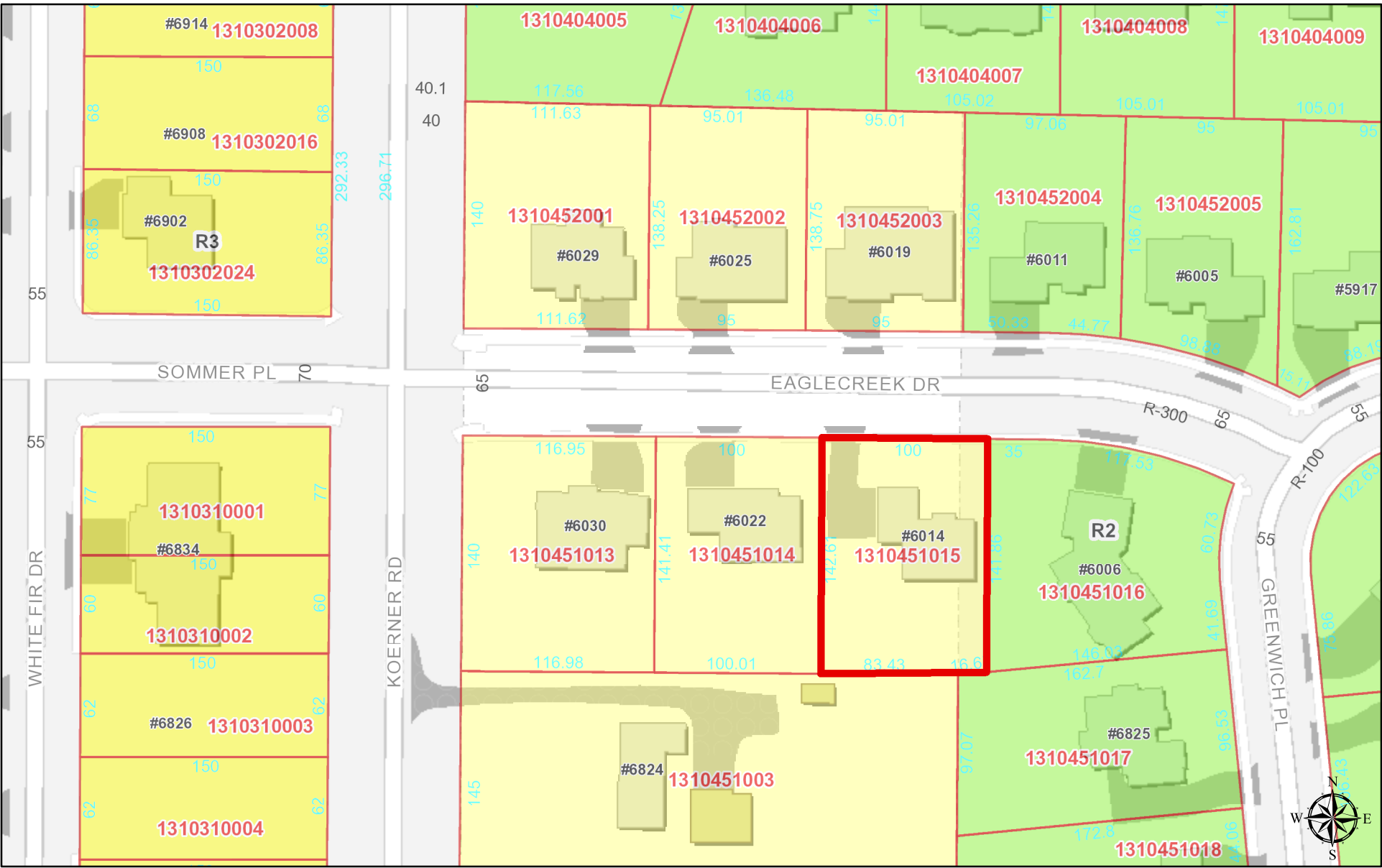
The Development Review Board recommends approval of the request.

NOTE: If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meeting all applicable code requirements through all phases of the development.

ATTACHMENTS

1. Surrounding Zoning
2. Annexation Petition
3. Annexation Agreement
4. Annexation Map
5. DRB Advisory Comments

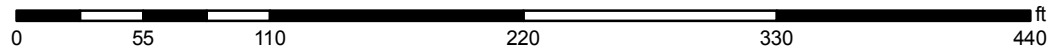
Peoria County, IL



Peoria County, IL, HERE, USGS

Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division

1 inch = 83 feet



PETITION FOR
ANNEXATION -
PEORIA COUNTY

PREPARED BY &
RETURN TO:

CITY OF PEORIA
Community Development Department
419 Fulton Street, Room 300
Peoria, IL 61602-1217

PETITION FOR ANNEXATION

This Petition, dated this 26th day of April, 2017, is made by Patrick J McCarthy and Thelba A McCarthy, Husband and Wife, (hereinafter referred to as the "Owner"), to the City of Peoria, an Illinois municipal corporation (hereinafter referred to as the "City").

RECITALS

WHEREAS, the Owner is the sole owner of certain property located in Peoria County, Illinois, which is legally described as follows and shall hereinafter be referred to as the "Property":

Lot 106 of Chadwick Estates, a Subdivision of part of the Southeast Quarter of Section 10 and part of the Northeast Quarter of Section 15, Township 9 North, Range 7 East of the Fourth Principal Meridian, situated in Peoria County, Illinois, as shown by plat recorded the 27th day of August, 2004, in Plat Book 9, page 47, as Document No. 04-31776 in the Office of the Peoria County Recorder of Deeds. PIN: 13-10-451-015

WHEREAS, the Property is a .33-acre parcel improved with a single family residential dwelling contiguous to the City; and

WHEREAS, the Property is not presently situated within the limits of any municipality; and

WHEREAS, the Owner is the sole elector residing within the Property; and

WHEREAS, the Owner desires to annex the Property into the City.

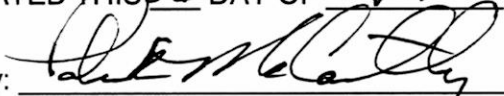
PETITION

NOW, THEREFORE, the owner hereby petitions the City as follows:

1. Subject to the approval by the City of the Annexation Agreement attached hereto as Attachment A, the Owner hereby petitions the City to annex the Property into the City.

2. The Owner requests that the City undertake such actions as may be required to permit acceptance of this Petition and the attached Annexation Agreement, including, without limitation, conducting public hearings, providing notification to required individuals and governmental entities, etc.

DATED THIS 26th DAY OF April, 2017.

By: 
Patrick J McCarthy

By: 
Thelba A McCarthy

STATE OF ILLINOIS)
) SS.
COUNTY OF PEORIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that _____, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 26 day of April, 2017.

Notary Public





This Document Prepared By:

Josh Naven
419 Fulton Street
Room 300
Peoria, Il 61602

Mail To:

City of Peoria
Community Development Department
419 Fulton Street, Room 300
Peoria, Illinois 61602-1217

ANNEXATION AGREEMENT

THIS AGREEMENT (hereinafter referred to as the "Annexation Agreement") is made this 26th day of April, 2017, by and between THE CITY OF PEORIA, ILLINOIS, an Illinois municipal corporation, located in Peoria County, Illinois (hereinafter referred to as the "City") and Patrick J McCarthy and Thelba A McCarthy, Husband and Wife (hereinafter referred to as the "Owner").

RECITALS

WHEREAS, the owner is the sole owner of record of the following described property attached hereto as "Exhibit A" (hereinafter referred to as the "Property"):

WHEREAS, the Property is located within the County of Peoria, Illinois ("County") and is contiguous with the corporate boundaries of the City; and

WHEREAS, the Owner is the sole elector residing within the Property; and

WHEREAS, this Annexation agreement was submitted to the corporate authorities for public hearing as required by law; and

WHEREAS, due notice as required by law has been sent to and received by all entities entitled to such notice as required by law; and

WHEREAS, all conditions precedent to entering into this Annexation Agreement have been undertaken and satisfied as required by law; and

WHEREAS, the corporation authorities of the City after due deliberation have, by resolution or ordinance, duly adopted and approved this Annexation Agreement as required by law.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements provided for herein, it is hereby agreed as follows:

1. **Annexation.** The City shall adopt such resolutions or ordinances as are required to annex the Property as provided for under the laws of the State of Illinois. No other request or petition for annexation shall be required as to this Property to complete the annexation.

2. **Zoning.** Upon the annexation of the Property to the City, the Property shall be classified in the following described zoning classification as set forth in the Unified Development Code of the City according to the terms of the Unified Development Code that exists on the date hereof.

A. The Property shall be classified as R2, Single Family Residential.

3. **General Provisions.**

A. The provisions of this Annexation Agreement shall control over the provisions of any Ordinances, Codes or Regulations which are in conflict herewith.

B. This Annexation Agreement shall be binding upon the successor owners of record of the Property, electors residing within the Property, and upon successor municipal and governmental authorities.

C. Non-agricultural development of the site will require connection to public water and public sewer, adherence to County and/or City erosion, sediment, and storm water regulations and other regulations affecting property within the City, i.e. building codes and subdivision requirements.

- D. This Annexation Agreement and the rights of the parties hereto shall be interpreted, construed and enforced in accordance with the laws of the State of Illinois. Any litigation concerning this Annexation Agreement shall be commenced in Peoria County, Illinois.
- E. In the event that either party or their successor should find it necessary to retain an attorney for the enforcement of any provisions hereunder occasioned by the default of the other party, the party not in default shall be entitled to recover reasonable attorney's fees and court costs incurred whether the attorneys' fees are incurred for the purpose of negotiations, trial, appellate or other services.
- F. This Annexation Agreement may be enforced as provided by law and the parties may by civil action, mandamus, injunction or other proceedings, enforce and compel performance of this Annexation Agreement.
- G. The parties shall execute and deliver such additional documentation as may be necessary to implement this Agreement.
- H. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, grantees and assigns.
- I. This agreement may be amended by mutual consent of the parties.
- J. This annexation agreement shall be in effect for a period of twenty (20) years from the date hereof.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

THE CITY OF PEORIA, a Municipal Corporation

By: _____

Attest:

By:

Examined and approved by:

Corporation Counsel

STATE OF ILLINOIS)
) SS.
COUNTY OF PEORIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that _____, personally known to me to be the Mayor of the City of Peoria, and _____, personally known to me to be the City Clerk of the City of Peoria, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk, they signed and delivered the said instrument as Mayor and as City Clerk of said Municipal Corporation, and caused the seal of said Municipal Corporation to be affixed thereto, pursuant to authority given by the corporate authorities of the City of Peoria for the uses and purposes therein set forth.

Given under my hand and notarial seal, this ____ day of _____, 2017.

Notary Public

Patrick J McCarthy, Owner of Record:
Patrick J McCarthy

Thelba A McCarthy, Owner of Record:
Thelba A McCarthy

By:

STATE OF ILLINOIS)
) SS.
COUNTY OF PEORIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that _____, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 26 day of April, 2017.

Notary Public

Madeline T. Wolf



EXHIBIT A

Legal Description of Property

Lot 106 of Chadwick Estates, a Subdivision of part of the Southeast Quarter of Section 10 and part of the Northeast Quarter of Section 15, Township 9 North, Range 7 East of the Fourth Principal Meridian, situated in Peoria County, Illinois, as shown by plat recorded the 27th day of August, 2004, in Plat Book 9, page 47, as Document No. 04-31776 in the Office of the Peoria County Recorder of Deeds. PIN: 13-10-451-015

ANNEXATION MAP CITY OF PEORIA, IL

Exhibit B to Ordinance

ANNEXATION NO. _____

 AREA ANNEXED: _____ .33 _____ ACRES

ORDINANCE NO. _____

DATE: _____

PREPARED BY: John K. [Signature]

