



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission

FROM: Development Review Board

DATE: December 1, 2016

CASE NO: PZ 16-42

REQUEST: Public Hearing on the request of Rudy Eichenberger, James Miller, Linda Geiger and Patty Smith for approval of an Annexation Petition and Annexation Agreement and to rezone property from a Class R-3 (Single-Family Residential) District to a Class C-2 (Large Scale Commercial) District for the property located at the southwest corner of Allen Road and Walton Road and addressed as 8603 N Allen Road. The property is also identified as Parcel Identification Nos 14-06-100-003 & -004, Peoria, IL (Council District 5)

SUMMARY OF PROPOSAL & REQUESTED WAIVERS

The petitioner is requesting to annex 78.99 acres with the following terms of the proposed agreement:

- 1) Property shall be zoned Class C-2 Large Scale Commercial District;
- 2) Non-agricultural development of the site will require connection to public water and public sewer and adherence to City of Peoria development regulations;
- 3) The annexation is not valid or effective until such time as Meijer closes on the purchase of the property, but no later than September 30, 2017.

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 78.99 acres of land and is currently developed as a single-family home and farmland. The property is zoned County I-1 Light Industrial and surrounded by C-2 (Large Scale Commercial) zoning to the north, I-1 (Light Industrial) zoning to the east and south, and County A-2 (Agricultural) and I-1 (Light Industrial) zoning to the east.

History

The property is currently within the jurisdiction of Peoria County. No previous history with the City.

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	Commercial & Light Industrial/Technology Park	Requested C-2 zoning is consistent with a portion of the future land use map designation.
Comprehensive Plan Critical Success Factors	Grow Employers & Jobs	Proposed annexation will allow for business growth in the City.
City Council Strategic Plan Goals	Grow Peoria: Businesses, Jobs & Population	Proposed annexation will allow for business growth in the City.

DEVELOPMENT REVIEW BOARD RECOMMENDATION

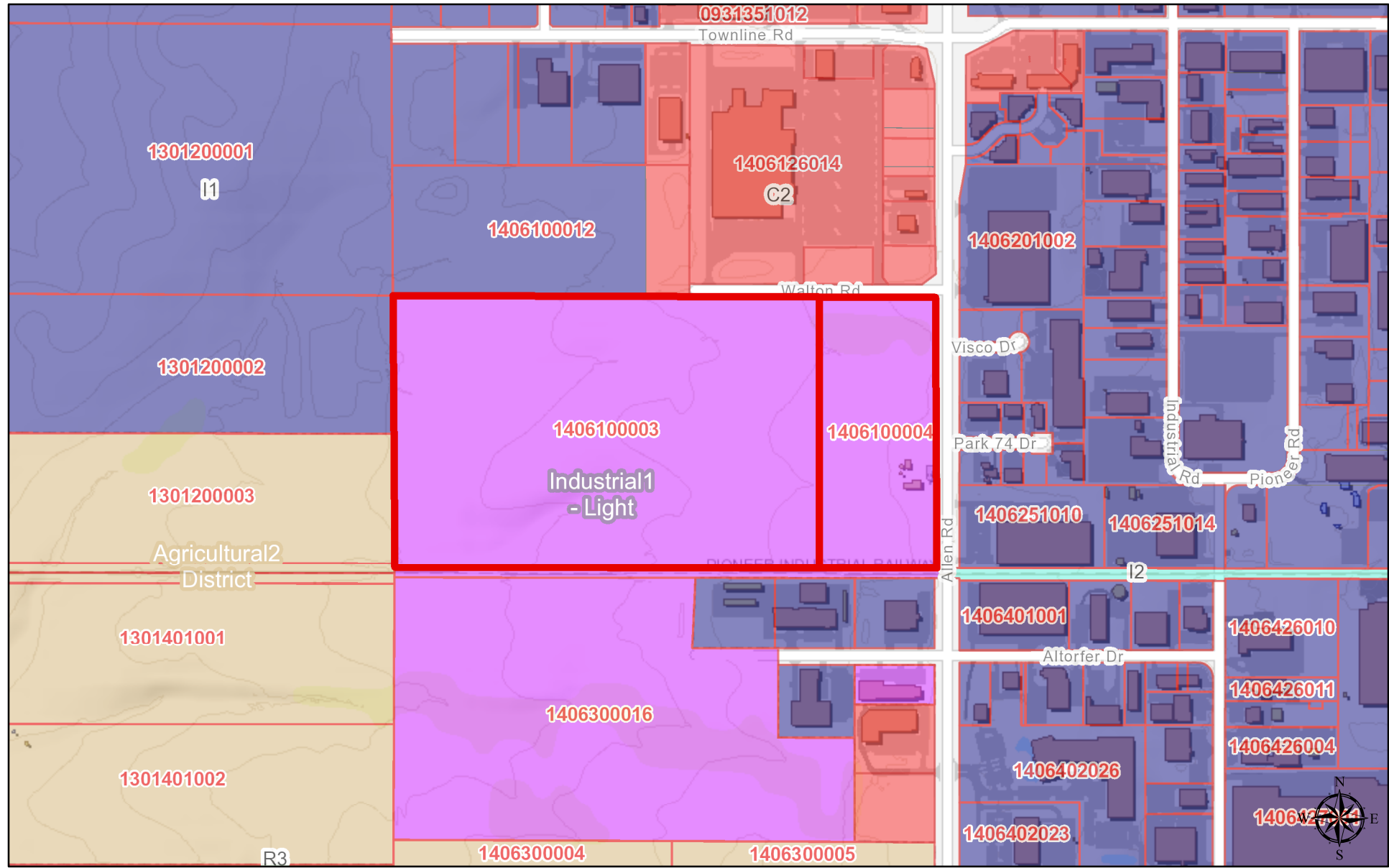
The Development Review Board recommends approval of the request.

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

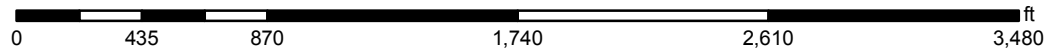
1. Surrounding Zoning
2. Annexation Petition
3. Annexation Agreement
4. Annexation Map
5. DRB Advisory Comments

Peoria County, IL



Peoria County, IL, HERE, USGS

1 inch = 667 feet



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



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 _____ day of October, 2016, is made by **PATTY A. SMITH as to an undivided ¼ interest, LINDA L. GEIGER as to an undivided ¼ interest, JAMES RICHARD MILLER as to an undivided ¼ interest, Rudolph J. Eichenberger, as Administrator of the Estate of SHARON L. EICHENBERGER as to an undivided ¼ interest** (collectively, 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:"

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 9
NORTH, RANGE 9 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA
COUNTY, ILLINOIS

WHEREAS, the Property is an uninhabited parcel of land contiguous to the City; and
WHEREAS, the Property is not presently situated within the limits of any municipality; and
WHEREAS, there are no electors residing within the Property except
_____; 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.

3. This Petition may be signed by in one or more counterparts, all of which taken together shall constitute an original and one and the same document.

DATED THIS 5 DAY OF OCTOBER, 2016.



 PATTY A. SMITH

 LINDA L. GEIGER

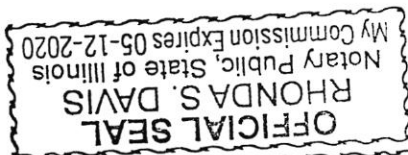
 JAMES RICHARD MILLER

 RUDOLPH J. EICHENBERGER AS
 AMINISTRATOR OF THE ESTATE OF
 SHARON L. EICHENBERGER

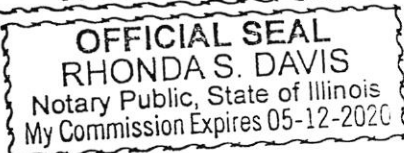
STATE OF Illinois)
) SS.
 COUNTY OF Leoria)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Patty A. Smith, 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 5 day of October, 2016.



Notary Public



- 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.

 3. This Petition may be signed by in one or more counterparts, all of which taken together shall constitute an original and one and the same document.

DATED THIS _____ DAY OF OCTOBER, 2016.

 PATTY A. SMITH
Linda L. Geiger

 LINDA L. GEIGER

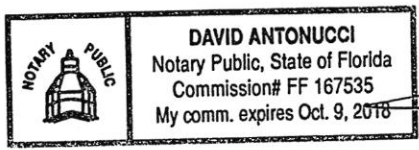
 JAMES RICHARD MILLER

 RUDOLPH J. EICHENBERGER AS
 AMINISTRATOR OF THE ESTATE OF
 SHARON L. EICHENBERGER

STATE OF FL)
) SS.
 COUNTY OF Lee)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Linda L Geiger, 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 5th day of October, 2016.



Notary Public
[Signature]

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.
3. This Petition may be signed by in one or more counterparts, all of which taken together shall constitute an original and one and the same document.

DATED THIS 4th DAY OF OCTOBER, 2016.

PATTY A. SMITH

LINDA L. GEIGER

James Richard Miller
JAMES RICHARD MILLER

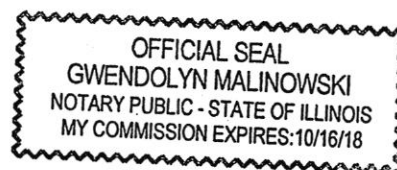
RUDOLPH J. EICHENBERGER AS
ADMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER

STATE OF ILLINOIS)
) SS.
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that JAMES RICHARD MILLER, 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 4th day of October, 2016.

GWENDOLYN MALINOWSKI
Notary Public



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.
3. This Petition may be signed by in one or more counterparts, all of which taken together shall constitute an original and one and the same document.

DATED THIS _____ DAY OF OCTOBER, 2016.

PATTY A. SMITH

LINDA L. GEIGER

JAMES RICHARD MILLER

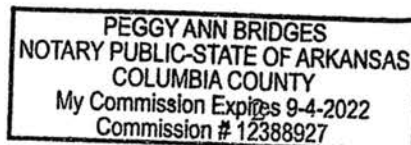
Rudolph J. Eichenberger
**RUDOLPH J. EICHENBERGER AS
 AMINISTRATOR OF THE ESTATE OF
 SHARON L. EICHENBERGER**

STATE OF ARKANSAS)
) SS.
 COUNTY OF COLUMBIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Rudolph J. Eichenberger, 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~~^{she} signed, sealed and delivered the said instrument as ~~his~~^{her} free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 5th day of October, 2016.

Notary Public



Peggy Ann Bridges
 Peggy Ann Bridges
 Notary Public

Attachment A

Annexation Agreement

This Document Prepared By:

Nancy J. Novak, Senior Counsel
Meijer, Inc.
2929 Walker Ave NW
Grand Rapids, MI 49544

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 ___ day of October, 2016, by and between **THE CITY OF PEORIA, ILLINOIS**, an Illinois municipal corporation, located in Peoria County, Illinois (hereinafter referred to as the "City") and **PATTY A. SMITH as to an undivided ¼ interest, LINDA L. GEIGER as to an undivided ¼ interest, JAMES RICHARD MILLER as to an undivided ¼ interest, Rudolph J. Eichenberger, as Administrator of the Estate of SHARON L. EICHENBERGER as to an undivided ¼ interest** (collectively, 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, there are no electors 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 Zoning Ordinance of the City according to the terms of the Zoning Ordinance that exists on the date hereof.

A. The Property shall be classified as C-2 Commercial Zoning, however, any undeveloped portions of the Property shall allow the use of farming until such time as the Property is developed.

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 control 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, however, the parties acknowledge and agree that Owner is currently under contract to sell the Property to Meijer Stores Limited Partnership, a Michigan limited partnership ("Meijer), and, therefore, the annexation is not valid or effective until such time as Meijer closes on the purchase of the Property from Owner, but no later than September 30, 2017, which is the latest date Meijer has to close pursuant to the contract between Owner and Meijer.
- K. This Annexation Agreement may be executed in counterparts all of which together

shall constitute one document.

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 October, 2016.

Notary Public

FOR OWNER:

PATTY A. SMITH

Linda L. Geiger

LINDA L. GEIGER

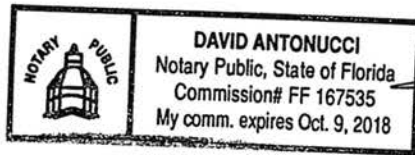
JAMES RICHARD MILLER

RUDOLPH J. EICHENBERGER AS
ADMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER

STATE OF FL)
) SS.
COUNTY OF Lee)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Linda L Geiger, 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 5th day of October, 2016.



Notary Public

[Handwritten Signature]

FOR OWNER:

PATTY A. SMITH

LINDA L. GEIGER

James Richard Miller

JAMES RICHARD MILLER

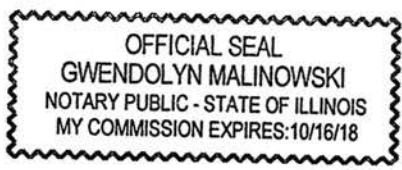
**RUDOLPH J. EICHENBERGER AS
ADMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER**

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO
HEREBY CERTIFY that JAMES RICHARD MILLER, 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 4th day of October, 2016.

[Handwritten Signature]
Notary Public



FOR OWNER:

PATTY A. SMITH

LINDA L. GEIGER

JAMES RICHARD MILLER

Rudolph J. Eichenberger

RUDOLPH J. EICHENBERGER AS
ADMINISTRATOR OF THE ESTATE OF
SHARON L. EICHENBERGER

STATE OF ARKANSAS)
) SS.
COUNTY OF COLUMBIA)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO
HEREBY CERTIFY that Rudolph J. Eichenberger, 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~~^{he} signed, sealed and delivered the said instrument as ~~her~~^{his} free and
voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 5th day of October, 2016.

PEGGY ANN BRIDGES
NOTARY PUBLIC-STATE OF ARKANSAS
COLUMBIA COUNTY
My Commission Expires 9-4-2022
Commission # 12388927

Notary Public

Peggy Ann Bridges

Peggy Ann Bridges
Notary Public

EXHIBIT A

Legal Description of Owner's Property

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 9 NORTH, RANGE
9 EAST OF THE FOURTH PRINCIPAL MERIDIAN, PEORIA COUNTY, ILLINOIS

ANNEXATION MAP CITY OF PEORIA, IL

Exhibit B to Ordinance

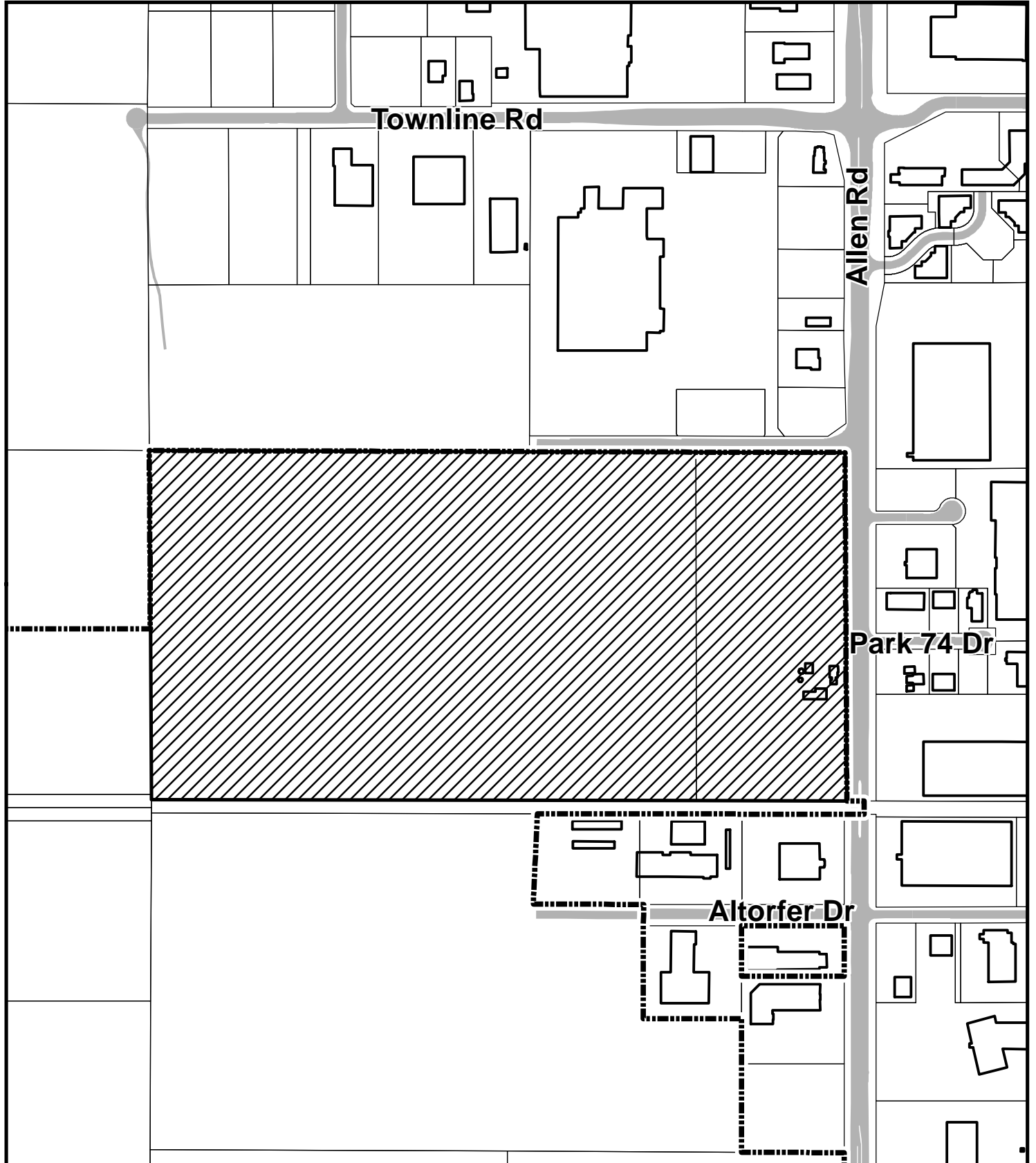
ANNEXATION NO. _____

 AREA ANNEXED: 78.99 ACRES

ORDINANCE NO. _____

PREPARED BY: John K. [Signature]

DATE: _____





DEVELOPMENT REVIEW BOARD COMMENTS

Address / PIN / General Location: 8603 N Allen Rd - 14-06-100-003 & -004

Project ID: 16-309

Project Description: PZ Commission - Annexation

Project Status: ACTIVE

ADVISORY NOTES REGARDING THE APPLICATION:

Community Development:

All development of the property will need to obtain all appropriate permits and approvals prior to commencement of construction.

Fire Safety:

No comments on the annexation but be aware that water mains and fire hydrant locations likely will have to be engineered and installed before any building construction.

Public Works:

At the time of development:

1. The Owner will be required to dedicate to the City, a 30-foot wide strip along the north property line of both parcels for use as public right of way.
2. The Owner will be required to agree to reserve a 40-foot wide reserve strip along the west property line of parcel 14-06-100-003, to be dedicated to the City at a future date when construction of a north-south public roadway is to be constructed.
3. The Owner/Developer will be required to prepare a traffic study to determine if auxiliary turn lanes on Walton and/or Allen Road will be required and if changes to the traffic signals or configuration of the Walton / Allen Road intersection will be required. Required improvements will be the responsibility of the Developer.
4. The Owner/Developer will be required to complete ROW improvements on the south side of the existing Walton Road including, at a minimum, curb & gutter, drainage improvements, sidewalk, and vegetation.
5. The Owner/Developer will be required to contribute 50% of the cost of extending Walton Road to the west end of parcel 14-06-100-003.

Building Safety:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Architectural construction documents sealed and signed by a licensed Illinois architect may be required for this project. Contact Building Safety to verify this requirement.

COMMUNITY DEVELOPMENT CONTACT:

Josh Naven
Senior Urban Planner
Community Development Dept.
419 Fulton Street Room 300
Peoria, IL 61602
PHONE (309) 494- 8657 FAX (309) 494-8680
jnaven@peoriagov.org

BUILDING SAFETY CONTACT:

Scot Wolf
Building Safety Department
419 Fulton Street Room 203
Peoria, Illinois 61602
PHONE: (309)494-8620 FAX: (309)494-8674
swolf@peoriagov.org

FIRE DEPARTMENT CONTACT:

Stanley Taylor
Fire Department
505 NE Monroe St
Peoria, Illinois 61602
PHONE: (309)494-8735 FAX: (309)494-8787
staylor@peoriagov.org

PUBLIC WORKS CONTACT:

Karen Dvorsky
Public Works Department
3505 N Dries Lane
Peoria, Illinois 61604
PHONE: (309)494-8800 FAX: (309)494-8855
kdvorsky@peoriagov.org
www.peoriagov.org/permits
