

AN ORDINANCE AMENDING EXISTING SPECIAL USE ORDINANCES NO. 16,003, AS AMENDED, AND 14,254 AS AMENDED, FOR A SHOPPING CENTER IN A CLASS C-2 (LARGE SCALE COMMERCIAL) DISTRICT TO ADD/REMOVE PROPERTY AND APPROVE A BUILDING ADDITION AND PARKING LOT EXPANSION FOR THE PROPERTY IDENTIFIED AS PARCEL IDENTIFICATION NOS. 09-32-451-012 (9219 N LINDBERGH DR), 09-32-455-001, 09-32-455- 002 (9126 N LINDBERGH DR), 09-32-455-003 (9118 N LINDBERGH DR), 09-32-455-005, 09-32-455-006 (9106 N LINDBERGH DR), 14-05-201-016 (9025 N LINDBERGH DR), 14-05-202-012, 14-05-202-013 (9109 N KNOXVILLE AVE), 14-05-202-017 (1021 W BIRD BLVD), 14-05-202-019, 14-05-202-020, 14-05-202-021 (1101 W BIRD BLVD), 09-32-451-014 (N LINDBERGH DR), 14-05-201-004 (1116 W BIRD BLVD), 14-05-201-005 (8919 N HALE AVE), 14-05-201-006 (N HALE AVE), 14-05-201-007 (8903 N HALE AVE), AND 14-05-201-009 (1200 W BIRD BLVD), PEORIA, IL., PEORIA, IL.

WHEREAS, the properties herein described are 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 Zoning Ordinance of the City of Peoria; and

WHEREAS said Planning & Zoning Commission held a public hearing on April 7, 2016, 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 amendment 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 existing Special Uses for a Shopping Center to remove 0.68 acres of property, currently owned by RLI, from its special use boundary and add to the adjacent special use boundary for Kroger and construct a 20,800 sq. ft. building addition to the Kroger grocery store and parking lot expansion is hereby approved for the following described property:

Existing Kroger Parcel

A PART OF THE SOUTHWEST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF SECTION 32 TOWNSHIP 10 NORTH RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 32; THENCE NORTH 89°40'16" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 117. 14 FEET; THENCE NORTH 05°20'16" WEST, A DISTANCE OF 422.42 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE SOUTH 89°59'01" EAST A DISTANCE OF 532.48 FEET; THENCE NORTH 0°00'59" EAST, A DISTANCE OF 100.95 FEET;

THENCE NORTH 13°36'35" EAST A DISTANCE OF 75.25 FEET; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 435.50 FEET FOR AN ARC DISTANCE OF 70.0 FEET; THENCE NORTH 18°53'40" EAST A DISTANCE OF 72.20 FEET; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 264.50 FEET FOR AN ARC DISTANCE OF 201.97 FEET; THENCE NORTH 24°51'20" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE NO. 40, A DISTANCE OF 104.55 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1132.20 FEET FOR AN ARC DISTANCE OF 365.52 FEET; THENCE SOUTH 89°47'40" WEST A DISTANCE OF 165.30 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, FOR AN ARC DISTANCE OF 39.27 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 375.00 FEET, FOR AN ARC DISTANCE OF 120.00 FEET; THENCE SOUTH 18°20'00" WEST A DISTANCE OF 42.20 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET FOR AN ARC DISTANCE OF 37.50 FEET; THENCE SOUTH 5°20'16" EAST A DISTANCE OF 328.59 FEET TO THE POINT OF BEGINNING, CONTAINING 7.500 ACRES, MORE OR LESS, SITUATED IN THE COUNTY OF PEORIA, IN THE STATE OF ILLINOIS.

PIN # 09-32-451-012

Legal Description for Special Use with RLI Subject Parcel

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 KNOW AS NORTH KNOXVILLE AVENUE; (THE FOLLOWING 5 COURSES ARE ALONG THE WEST RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 40 ALSO KNOW 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 2006-15154 IN 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 1993-39106 IN 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 2007-38035 IN 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 LINDBERG 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 NO. 08-06630 HAVING A TAX ID NUMBER OF 14-05-201-011.

Said Ordinance is hereby approved per the submitted Site Plan (Attachment A), Landscape Plan (Attached B), and Elevation Drawings (Attachment C) and with the following conditions and waiver:

- 1) Provide a revised landscape plan which includes additional parking lot peninsulas, landscaped with trees, along the east property line.
- 2) Replace non-ADA-compliant curb ramps at the north and south entrances on Lindbergh Dr. Sidewalk cross slope through drive approaches shall be no steeper than 2%.
- 3) Special event and/or sales located in the parking lot or private building sidewalk may occur provided that any tents or other temporary covered structures and any temporary signage shall comply with all Codes of the City of Peoria.
- 4) Waiver to reduce the required front yard setback from 20 feet to 10 feet.
- 5) Waiver to allow banners on all light standards in the parking lot. Size of banners must comply with current zoning regulations.

Section 2. All provisions of Appendix B, the Zoning Ordinance 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 amended 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 _____, 2016.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel