



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: June 15, 2023

SUBJECT: Petition of Rayman Kull for a Special Use to permit outdoor storage of materials on property located just west of 4200 E. Washington Street, 01-01-25-210-017.

BACKGROUND:

The petition in this case is to permit a new location for Kullscope – just to the west of their existing location along Washington Street (a new address will be forthcoming). The proposal is to initially move the materials over to this property with construction of a main building with a retail front end next year. The request here is to allow outdoor storage of landscaping materials, mostly within defined bins, and to only pave areas accessible to the public. The petitioner indicates the area for the materials storage should remain unpaved as the equipment used to move and load this material can be damaging to the pavement as is the pavement not beneficial to the tread used on the equipment.

At their meeting, the ZBA voted 6-0 to approve the project as presented with the area to be unpaved - phase 2 - as identified on the provided site plan. All other areas used for vehicles will be paved.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4737

**AN ORDINANCE AUTHORIZING A SPECIAL USE
FOR PROPERTY LOCATED ON EAST WASHINGTON STREET
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, Kull Scape Landscaping, Inc. (the "Petitioner") seeks to acquire a new parcel located immediately to the west of the property with a street address of 4200 E. Washington Street in East Peoria, as such new parcel is legally described in Exhibit A and depicted in Exhibit B, both exhibits attached hereto and incorporated herein by reference (which property as so described is hereinafter referred to as the "Property"); and

WHEREAS, the Petitioner has petitioned for a special use to allow an outdoor storage and sales lot on the Property, which is primarily zoned as "B-3, Business Service District", with the southern portion of the Property being zoning "R-2, One-Family Dwelling District"; and

WHEREAS, the Petitioner currently conducts its landscaping business on the property located at 4200 E. Washington Street in East Peoria that is immediately east and north of the Property (the "Former Business Property"), and Petitioner seeks to purchase the Property and thereafter promptly begin moving its business operations to the portion of the Property zoned as "B-3, Business Service District"; and

WHEREAS, the special use being sought by Petitioner includes permitted outdoor storage and display areas on the Property for plants and landscape materials, as well as outdoor bulk storage of mulch, gravel, and soil in bulk storage bins, and custom built sheds; and

WHEREAS, Petitioner currently has a Special Use for the Former Business Property that allows this same type and scope of the special use being sought by this current petition for special use for the Property, and thus Petitioner seeks to essentially transfer its current Special Use to the Property that will be the new site for operating Petitioner's landscaping business; and

WHEREAS, after hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed Special Use subject to certain conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. A Special Use to allow outdoor storage and sales on the Property in relation to Petitioner's landscaping business as set forth herein is hereby approved.

Section 2. The establishment and continuation of the Special Use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. Petitioners shall establish the Special Use approved by this Ordinance in accordance with a site plan (the "Site Plan") prepared and submitted by the Petitioners, attached hereto as Exhibit C and incorporated by reference.

2. Any outdoor storage areas on the Property accessible to the public shall be paved, while any outdoor storage areas not accessible to the public will not require paving.

3. Petitioner shall not use the portion of the Property currently zoned "R-2, One-Family Dwelling District" under this Special Use until such time that Petitioner has rezoned this area to "B-3, Business Service District".

4. Prior to the Petitioner proceeding with the construction of the new retail center on the Property for its landscaping business, Petitioner shall submit to the Director of Planning and Community Development a proposed site plan for this new structure and seek any other required permits or permissions from the City.

Upon the violation of or failure to comply with the forgoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may, after providing reasonable notice and an opportunity for a hearing, terminate the Special Use hereby approved.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

Legal Description of Property for Special Use (East Washington Street)

A part of the Northeast Quarter of Section Twenty-five (25), Township Twenty-six (26) North, Range Four (4) West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows:

Beginning at the Southwest corner of a 8.251 acre tract, the plat of which is recorded in Plat Book "FF", page 216 in the Tazewell County Recorder's Office; thence South 48°-22'-16" West (bearings are based on the Illinois State Plane Coordinate System, NAD 83, West Zone 1202), along the Northwesterly line of Tract I, the plat of which is recorded in Plat Book "FFF", page 38 in the Tazewell County Recorder's Office, 155.01 feet; thence South 12°-41'-37" West, along said Northwesterly line, 133.18 feet to the Southwest corner of said Tract I; thence South 77°-18'-23" East, along the Southwesterly line of said Tract I, 142.64 feet to the most Southerly corner of said Tract I and the most Westerly corner of Tract II, the plat of which is recorded in Plat Book "FFF", page 38 in the Tazewell County Recorder's Office; thence South 06°-41'-58" East, along the West line of said Tract II, 180.65 feet; thence North 88°-21'-64" West, 278.21 feet; thence South 87°-57'-01" West, 437.45 feet; thence North 04°-58'-37" West, 780.00 feet to the Southeasterly right of way line of Washington Street (S.B.I. Route 8); thence North 43°-11'-01" East, along said Southeasterly right of way line, 691.79 feet to the Northwest corner of a 4.011 acre tract recorded as Document Number 202000014334 in the Tazewell County Recorder's Office; thence South 00°-59'-52" East, along the West line of said 4.011 acre tract, 489.75 feet to the Southwest corner of said 4.011 acre tract; thence North 89°-11'-46" East, along the South line of said 4.011 acre tract, 276.31 feet to the West line of said 8.251 acre tract; thence South 00°-59'-54" East, along said West line, 340.39 feet to the Point of Beginning, said tract containing 15.221 acres, more or less.

EXHIBIT B

Map of Property for Special Use (East Washington Street)

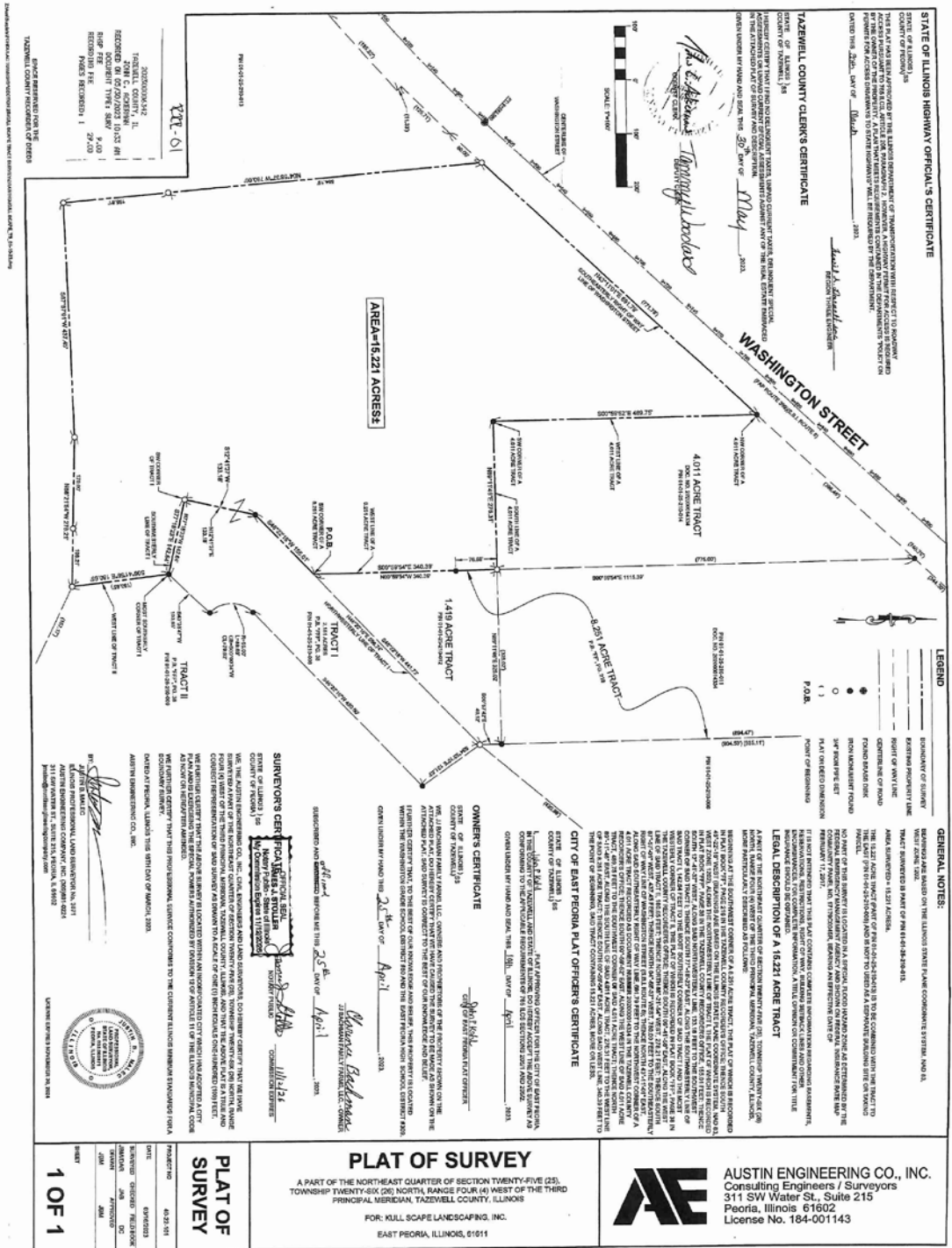
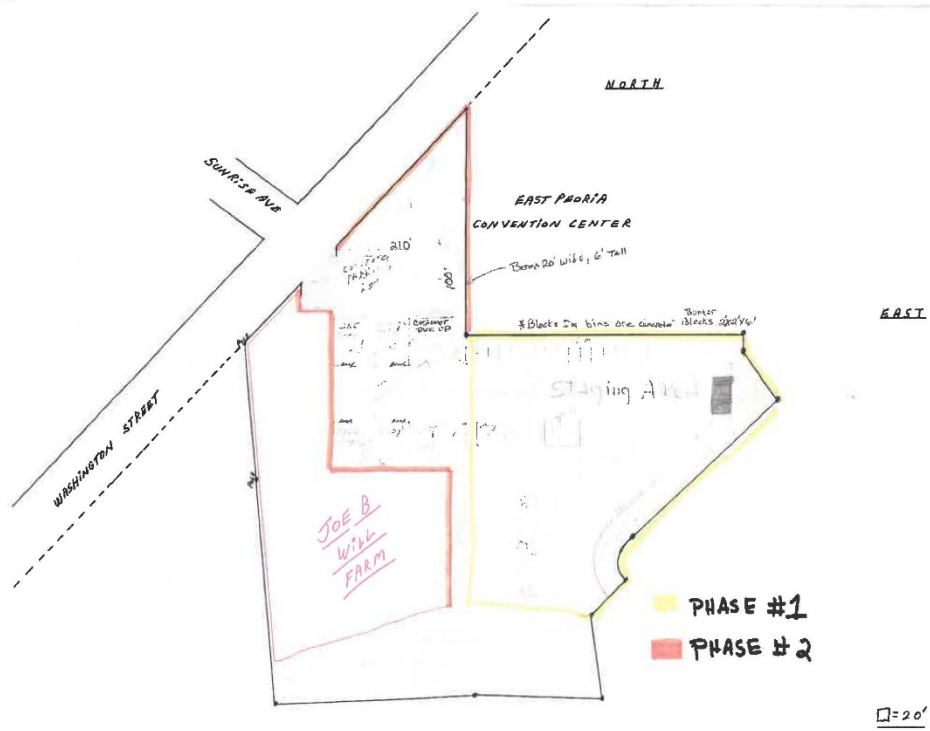


EXHIBIT C

Site Plan for Special Use (East Washington Street)

1 of 1

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