

**CITY OF PEORIA
ZONING BOARD OF APPEALS
THURSDAY, JULY 14, 2011
CITY HALL, 419 FULTON STREET, ROOM 400 —1:30 PM**

1. **ROLL CALL**
2. **APPROVAL OF JUNE 20, 2011, MINUTES**
3. **REGULAR BUSINESS**

CASE NO. ZBA 2940

Petitioner Mary Stamberger is requesting a variance from the City of Peoria Zoning Ordinance: Article 9.6.c. (6), to allow a tapered front yard setback along Sterling Avenue to be less than the required 20 feet going from a range of 17.2 feet down to 2 feet; and to allow a tapered front yard setback along Rockwood Road to be less than the required 20 feet going from a range of 16.84 feet down to 2 feet per the submitted site plan showing both front yard setbacks. The property is located at 4749 N. Sterling Avenue.

4. **CORPORATION COUNSEL RANDY RAY TO ADDRESS THE ZONING BOARD OF APPEALS**
5. **CITIZENS' OPPORTUNITY TO ADDRESS THE ZONING BOARD OF APPEALS**
6. **ADJOURNMENT**

Inquiries: Gene Lear, (309) 494-8604 or glear@ci.peoria.il.us

: OFFICIAL PROCEEDINGS :**: OF THE CITY OF PEORIA, ILLINOIS :**

A Zoning Board of Appeals Meeting was held on Monday, June 20, 2011, at approximately 1:32 p.m., City Hall, 419 Fulton Street, Council Chambers, Room 400, with Chairperson Barry presiding.

ROLL CALL

The following Zoning Board of Appeals Commissioners were present: Chairperson Barry; and Commissioners Blackwell, Ierulli, Jerry D. Jackson, Kouri, and Wagner – 6. Absent: Commissioner Ernestine Jackson – 1.

Staff Present: Gene Lear and Polly Stainback

Chairperson Barry explained the meeting procedures, and Ms. Stainback administered the swearing in for testimony.

MINUTES

Commissioner Blackwell moved to approve the minutes of the meeting held on May 12, 2011, as printed; seconded by Commissioner Wagner.

Approved unanimously by viva voce vote.

ZBA 2938 **Petitioner Bradley A. Ward, for Kentucky Fried Chicken, is requesting a variance from the City of Peoria Zoning Ordinance, Article 15.2.b.(1), Off-Street Parking, Specific Requirements, to reduce the required off-street parking to 30 parking spaces instead of 34. The property is located at 2231 W. Glen Avenue in the C-1 General Commercial District.**

Chairperson Barry announced Case No. ZBA 2938 and asked Mr. Lear to read it into the record.

Commissioner Blackwell indicated that he knows the owner of the subject property but does not think it would have an effect on the decision-making process.

Gene Lear, Senior Urban Planner, Planning and Growth Management Department, explained he would share detailed background information because of the fact this proposed project will involve a total demolition and rebuild of the subject site. Mr. Lear reported the following detailed background information:

BACKGROUND:

Petitioner Bradley A. Ward, for Kentucky Fried Chicken, is requesting a variance from the City of Peoria Zoning Ordinance, Article 15.2.b.(1), *Off-Street Parking, Specific*

Requirements, to reduce the required off-street parking to 30 parking spaces instead of 34. The property is located at 2231 W. Glen Avenue in the C-1 General Commercial District. The Petitioner is proposing to demolish the existing restaurant building and totally reconstruct the subject site. The Petitioner will be providing a new building, required landscaped yards, and more parking spaces. The Petitioner is proposing 30 parking spaces. Providing thirty (30) parking spaces will not bring the subject property, as proposed, into compliance with the Zoning Ordinance; but it will be much closer to compliance than the existing site parking.

The proposed required landscaped yards (two transitional buffer yards and required front yard) will be in compliance with the Zoning Ordinance. He indicated that those yards and those issues that will be in compliance with the Ordinance will not be addressed by the Zoning Board of Appeals. The Zoning Board of Appeals will only address the Petitioner's request, which is a variance for the parking itself.

Mr. Lear displayed the zonings of the property and surrounding areas and an aerial of the property. He explained that one building had already been demolished, and the existing restaurant building would be demolished. He displayed the proposed site plan, which showed the new building and parking lot configuration. He explained that the existing parking is right up to the property line in some cases. He further explained that where the site abuts residential property, the Ordinance requires a transitional buffer yard with a landscaping element to include trees and shrubs.

Mr. Lear indicated that the issue is the parking itself. He pointed out that the existing site has 19 parking spaces; and over 30 are required, so the existing site is not in compliance. As proposed, they will be bringing the parking closer to compliance. He stated that upon inspection, he noticed most of the existing parking spaces were not being used. He reported the following SPRB conclusions and recommendations:

SPRB CONCLUSIONS AND RECOMMENDATIONS:

After reviewing the Petitioner's application and performing a site inspection, Staff feels they cannot give a recommendation to approve the request without more specific evidence being presented as to why the Petitioner is proposing to provide 30 parking spaces, instead of the Ordinance required 34 parking spaces.

Mr. Lear explained that the previous statement was listed before Staff received a revised narrative from the Petitioner, explaining more specifically their hardship or the practical difficulty in providing 34 parking spaces, instead of 30. He said Commissioners had the revised narrative in their packet, so they have the original submittal, in addition to the revised narrative.

Mr. Lear indicated that once Staff received the narrative containing the information stated above, the SPRB could give a recommendation not to object to the variance request for the following reasons:

1. The existing site contains a building of 2,703 square feet which requires per Ordinance, 33 parking spaces. The existing site currently has 19 parking spaces

and is not in compliance with the Zoning Ordinance in terms of parking and required yards. Also, on the existing developed site, a number of parking spaces are not being used, due to the fact that drive-thru activity has increased over the years. The Petitioner is proposing to build a new 2,851 square foot building which requires per Ordinance, 34 parking spaces. The Petitioner is proposing to provide 30 parking spaces, 4 short of the Ordinance requirement, and meet the requirements of the required yards per the Ordinance. If the variance is granted, this would bring the proposed site plan, on the subject property, much closer to compliance with the Zoning Ordinance requirements than the existing developed site.

2. Not granting the parking variance would cause the Petitioner to request a variance in one of the required yards. Since the subject property abuts residential zoning on two sides, it would be more of an advantage for the abutting residentially zoned properties to receive the full required yard depth with landscaping than to have all of the required parking spaces, some of which will not be used.

After receiving the requested evidence as stated above, the Zoning Board of Appeals could in its deliberation find that:

1. A practical difficulty exists in that in order to meet some of the Zoning Ordinance requirements, the Petitioner would need to request a variance for some other zoning requirement on that site, such as the yards.
2. The granting of the variation will not alter, but instead improve, the essential character of the neighborhood.

Referring to the site plan, Commissioner Ierulli questioned if the rectangle at the bottom of the site plan was the dumpster and if the last four parking spaces near the dumpster would be usable. Mr. Lear stated the parking spaces would be available anytime the collection truck is not there; he pointed out the dumpster and its access.

Gary Zumwalt, Engineer, Zumwalt and Associates, Inc., indicated that his firm prepared the proposed site plan. He spoke regarding the existing 19 parking spaces and there being no TBY and that parking on the east side is within a few feet of the property line. He stated that the proposed site plan provides the required yards by Ordinance, i.e., 15 feet on the east side, 13 feet on the northeasterly side, 24 feet on the back, and 20 feet on the front yard.

Mr. Zumwalt said that they were meeting all the yard requirements, landscaping requirements, stormwater detention, and stormwater control requirements, and were only short four parking spaces. He said they provided all the parking they could, with two parallel parking spaces in front of the building. He indicated they would be adding a retaining wall on the west side of the property. He commented that the Petitioner would be providing 30 parking spaces, which is more than adequate because 65% to 70% of the business activity is drive-thru, which is typical of fast food restaurants.

Explaining the practical difficulty, Mr. Zumwalt stated that to meet the parking space requirement, they would have to have a variance for the yard requirements. He said

they feel it would be a better situation for the adjoining residential area if they met full yard depths with this plan than to have the four parking spaces.

In discussion with Commissioner Blackwell regarding parking availability if the 30 parking spaces were taken, Mr. Zumwalt explained that in the layout they have a drive-up lane and a bypass lane. He stated that the only other ability to park would be in the bypass lane. He commented that customers who park in the 90-degree parking in front could exit back out the two-way approach on the east side of the site. He said the westerly approach is strictly an exit.

Mr. Zumwalt concurred with Commissioner Blackwell that drivers would not pull up in a neighbor's driveway and there would not be parking on the street.

Mr. Lear commented that sometimes the median forces people onto Ronald Road and they may pull up into someone's driveway. He said this project would be improved by the fact that the median would be eliminated.

Mr. Zumwalt indicated that he had meetings with City Staff, and Public Works has agreed with the removal of the median. He said the site plan shows the median taken out all the way down to Ronald Road.

Referring to the question about the dumpster, Mr. Zumwalt explained that the rectangle up front is the concrete impact slab and is not part of the actual dumpster itself.

Chairperson Barry asked the height of the retaining wall. Mr. Zumwalt indicated that the proposal is for a six-foot high retaining wall. Mr. Lear stated the six-foot high retaining wall would be an issue for the SPRB and said he would discuss that with Mr. Zumwalt.

Ms. Stainback swore in Mr. Gagarin.

Paul Gagarin, neighbor, indicated that he lives due south of the subject property. He asked if the extra space not used for the four parking spaces would be used at the new building.

Mr. Lear reiterated that with this project, there would be a total demolition of the site. He explained that four additional parking spaces would not be provided. He said that with this site, the new building would be slightly larger than the existing building, which will be demolished; and there would be more parking than exists currently.

Mr. Gagarin stated that the landscaping seemed to be inadequate for stopping litter from going on adjacent properties. He questioned if the new landscaping would be adequate to prevent possible trespassing on adjacent properties.

In discussion with Mr. Gagarin, Mr. Lear referred to the displayed site plan and pointed to the yards which are called transitional buffer yards, which abut an area of activity, such as a drive isle or parking lot. He explained that within the transitional buffer yards, the Petitioner would have to provide a substantially screened six-foot buffer, which can

be a fence or landscaping. If landscaping is used, it must grow to at least six feet within two years and must be substantially screened so no one can see through it.

Mr. Lear explained there is a point system for landscaping, which has to be provided within that yard. He said if landscaping is used, it would have to be six feet and year-round screening, more than likely some type of conifer or other type of evergreen. If a fence is used, the fence would not be located back along the property line but immediately adjacent to the area of activity. If a privacy fence to achieve the substantial screening, it would need to be placed adjacent to the area of activity. He stated that in addition to a fence, they would still need to provide landscaping because of the point system within the yard. They are not required to provide a fence, but a fence could be included with the landscaping. That is not an issue for the Zoning Board of Appeals; they are only addressing today the request for a variance for the parking.

In discussion with Mr. Gagarin regarding if landscaping and a fence or either one had been confirmed yet, Mr. Lear said that the Petitioner has to provide landscaping in those yards; but the substantial buffer screening part of that requirement can be done either with landscaping or a fence.

Ms. Stainback swore in Ms. Husby.

Linda Husby, neighbor, stated that Mr. Gagarin was her neighbor. She said his property is behind Kentucky Fried Chicken; and her property is next to Mr. Gagarin's property on the left. She expressed concern regarding litter and did not know if there is an ordinance about this buffer. She mentioned that a fence would stop a lot of the litter. She commented that she picks up a lot of litter from all the businesses in that location, and it would be great if they would provide a fence and landscaping.

Mr. Lear indicated that he talked with the Petitioner about a fence, but that has nothing to do with the Zoning Board of Appeals. He suggested to the Petitioner that there needs to be a neighborhood meeting. He said the Petitioner indicated to Staff that they are going to meet all the other requirements of the Ordinance. He said it is not required that they provide a fence, but they still have to provide a six-foot substantial buffer to screen the parking lot. They could provide a fence or something else to keep litter from the neighborhood property.

Ms. Husby said a fence would also keep people from coming into her yard. She said a burglar at KFC tried to climb over her fence; so with the way crime is today, she would like both landscaping and a fence to be provided.

Chairperson Barry encouraged Ms. Husby to get with the Petitioner regarding her concerns.

There being no more testimony, Chairperson Barry closed the public testimony.

DELIBERATION:

Chairperson Barry administered the Findings of Fact.

Commissioner Blackwell stated that a hardship does exist because they are land locked and only have a certain amount of land. Commissioner Ierulli disagreed.

Other comments regarding a hardship were as follows:

- The property in question could yield a reasonable economic return without the requested variance.
- Per Commissioner Ierulli: The conditions upon which an application for the variance sought are not unique to the property and are applicable to other property within this same zoning district.
- The purpose of the variance is based primarily upon a desire to increase financial gain.
- Commissioner Blackwell stated the hardship is not self-created. Commissioners Ierulli and Jerry D. Jackson stated that the hardship is self-created.
- The granting of the variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- The granting of the variance would not alter the character of the neighborhood.
- The granting of the variance would not impair an adequate supply of light and air to adjacent property, nor increase the danger of fire, nor impair natural drainage, nor create drainage problems on adjacent properties; and would not endanger the public safety, nor diminish, nor impair the property values within the neighborhood.
- The proposed variation is not consistent with the Comprehensive Plan and other development codes and regulations of the City.

MOTION:

Commissioner Wagner motioned to grant the variance. The motion was seconded by Commissioner Jerry D. Jackson.

Commissioner Blackwell stated that listed in Staff's recommendation, it is one or the other, i.e., reduce the yards or reduce the parking, which is the lesser of the two. He stated it could be a smaller building. Chairperson Barry said it is not necessarily a unique hardship in that the building could be sized to fit the property.

The motion to grant the variance passed by roll call vote 6 to 0.

Yeas: Barry, Blackwell, Ierulli, Jerry D. Jackson, Kouri, Wagner;

Nays: None.

CITIZENS' OPPORTUNITY TO ADDRESS THE ZONING BOARD OF APPEALS

There were no citizens who wished to address the Zoning Board of Appeals.

ADJOURNMENT

Commissioner Blackwell moved to adjourn the Zoning Board of Appeals Meeting; seconded by Commissioner Jerry D. Jackson.

The motion was approved unanimously by viva voce vote.

The Zoning Board of Appeals Meeting adjourned at approximately 2:05 p.m.



Gene Lear, Senior Urban Planner
Planning and Growth Management Department

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TO: City of Peoria Zoning Board of Appeals Commissioners
THRU: Site Plan Review Board
FROM: Gene Lear, Senior Urban Planner
DATE: July 7, 2011
SUBJECT: RECOMMENDATION FROM STAFF AND SITE PLAN REVIEW BOARD FOR CASE NO. ZBA 2940

PETITIONER: Petitioner Mary Stamberger

LOCATION: 4749 N. Sterling Avenue

BACKGROUND:

Petitioner Mary Stamberger is requesting a variance from the City of Peoria Zoning Ordinance, Article 9.6.c. (6), to allow a tapered front yard setback along Sterling Avenue to be less than the required 20 feet going from a range of 17.2 feet down to 2 feet; and to allow a tapered front yard setback along Rockwood Road to be less than the required 20 feet going from a range of 16.84 feet down to 2 feet per the submitted site plan showing both front yards building addition to encroach 11 feet into the required 16-foot transitional buffer yard. The property is located at 4749 N. Sterling Avenue in the C-1 General Commercial District.

The Petitioner is proposing to demolish the existing structures on the site and totally reconstruct the subject site. The property is a uniquely-shaped piece of property which tapers from 114.86 feet across on the south down to 47 feet across on the north. The existing site has the parking spaces located perpendicularly up to the tapering property lines along both Sterling and Rockwood Avenues. This is not in compliance with the front yard setback per the Zoning Ordinance. The Petitioner is proposing to build a new building, pull the parking lot in from both right-of-ways (Sterling and Rockwood), which will allow for some landscaped front yard areas along Sterling Avenue and Rockwood Avenue as stated above and bring the property closer to compliance.

SPRB CONCLUSIONS AND RECOMMENDATIONS:

After reviewing the Petitioner's application and performing a site inspection, SPRB does not object to the variance request subject to providing the required amount of landscaping points for the following reasons:

1. The site does have a hardship because of the tapered shape of the lot.
2. Practical difficulty exists in trying to develop the lot if a required 20-foot yard setback is provided along both frontages (Sterling & Rockwood).
3. The current owner did not create the practical difficulty.



CITY OF PEORIA
APPLICATION FOR VARIANCE/ZONING BOARD OF APPEALS

Received	Date
Received	6/16/11
Time	
Initials	GL PS

I. PROPERTY INFORMATION:

- A. Street address: 4749^N Sterling Avenue Zip Code + 4 61614
- B. Tax ID number: 14-19-328-005
- C. Legal description (required to be on attached form, "Attachment A", Legal Description, typed, single-spaced, one inch (1") margins)
- D. Area (square feet or acres): 0.56 +/- Acres
- E. Current property use: Previous resturant (now vacant)
- F. Current zoning district: C-1 Commercial

II. APPLICANT(S):

- A. Name: Mary Stamberger
- B. Company name: _____
- C. Address (Street, City, Zip + 4): 332 Rustic View Drive, Decatur, IL 62521
- *E-mail Address: d.stamberger@comcast.net
- D. Daytime phone number: (217) 362-0232
- E. Interest in subject property: X Owner Representative
- F. Applicant(s) signature(s): Mary Stamberger as trustee Date: June 14, 2011

III. OWNER(S) OF SUBJECT PROPERTY:

- A. Name: Eugenia Haasis Trust - Mary Stamberger, Trustee
- B. Company: _____
- C. Address (Street, City, Zip): 332 Rustic View Drive, Decatur, IL 62521
- *Email Address: d.stamberger@comcast.net
- D. Daytime phone number: (217) - 362 - 0232
- E. Owner(s) signature(s): Mary Stamberger as trustee Date: June 14, 2011

*PLEASE NOTE: EMAIL WILL BE USED FOR ALL CORRESPONDENCE UNLESS OTHERWISE REQUESTED.

CORRESPONDENCE/COMMUNICATION TO BE SENT TO: Select only one.

☒ Applicant ☐ Owner

IV. VARIANCE INFORMATION:

- A. 1. Variance being requested From front yard setback requirement of 20 feet
2. From what section of the zoning ordinance is a variance being requested? 9.6.d.(6)
- B. What unique or exceptional characteristics of your property prevent it from meeting the requirements in your zoning district? (Check applicable)
- | | | | | | |
|-------------|-------------------------------------|-----------|-------------------------------------|-------|--------------------------|
| Too narrow | <input checked="" type="checkbox"/> | Too small | <input type="checkbox"/> | Soil | <input type="checkbox"/> |
| Subsurface | <input type="checkbox"/> | Elevation | <input type="checkbox"/> | Slope | <input type="checkbox"/> |
| Too shallow | <input type="checkbox"/> | Shape | <input checked="" type="checkbox"/> | Other | <input type="checkbox"/> |
- C. What is your hardship? Please be specific. See attached narrative of hardship/practical difficulty items
- D. Are the conditions of the hardship, for which you are requesting a variance, true only of your property?
☒ Yes ☐ No
- If not, what number of properties are similarly affected?
- E. If granted a variance in the form requested, will it be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?
☒ Yes ☐ No
- Please elaborate: The proposed site improvements will have improved and increased landscaping areas, and with removal of existing exterior storage buildings on site, will have an improved overall appearance of site and front yard areas.

V. FILING FEE (MUST ACCOMPANY APPLICATION):

Variance Application Fees for any property in the City shall be as set forth in the table below:

Zoning Ordinance Section 2.17.a (1) Variance Application Fees Table

Land Development Code Section 2.14.a Variance Application Fees Table:

Variation Application Fees (Non-refundable)	Residential, Before Construction	Residential, After Construction	Non-Res., Before Construction	Non-Res., After Construction
ZONING BOARD OF APPEALS				
COUNCIL 04/12/11				
Administrative Variation, Minor	\$500 (before construction); \$1000 (after construction)			
Principal Structure, Major	\$500 (before construction); \$1000 (after construction)			
Accessory Structure, Major	\$500 (before construction); \$1000 (after construction)			
Signs: Multi-Family /Subdivision, Major	\$500 (before construction); \$1000 (after construction)			
Fence, Major	\$500 (before construction); \$1000 (after construction)			
Appeals	\$250			

A. MINOR VARIANCE - Requires Administrative Approval

Ordinance Section: 2.12.b. (1) *Minor Variations*. Minor variations from height, yard (with the exception of transitional buffer yard requirements), bulk, lot area, and fence height provisions of this Ordinance that are less than twenty percent (20%) of the required standard. (For example, a variation from a required 20-foot yard setback in an amount of less than 4 feet is a minor variation.) No minor variation shall be allowed in a Form District.

B. MAJOR VARIANCE - Requires Public Hearing and ZBA Approval

Ordinance Section: 2.12.b.(2) *Major Variations*. All variations authorized by this Ordinance, which are not minor variations, shall be considered major variations. Any variation request of transitional buffer yard requirements shall be considered a major variation. Any variation in a Form District shall be considered a major variation.

VI. REQUIRED SITE PLANS:

A. MINOR VARIANCE

Residential uses: Two (2) full-size copies, folded to a maximum dimension of 9" x 12"

All other uses: Ten (10) full-size copies, folded to a maximum dimension of 9" x 12"

X B. MAJOR VARIANCE

All uses: Twenty (20) full-size copies, folded to a maximum dimension of 9" x 12", one (1) copy reduced to 8-1/2" x 11"

Please provide a legal description of the property here or as an attachment

Summary description of hardship/practical difficulty items

“Hardship” Items:

Specifically, the geometry of this site is such that it limits the ability to layout parking in an efficient way. The existing parking lot is fairly wide, but also has interior parking spaces which do not meet good planning rules of thumb. In an effort to improve landscaping areas on the site to improve, but not fully meet the City of Peoria’s front yard setback requirements, we have reduced the overall paving width of the parking lot. This will completely eliminate the interior parking spaces of the parking lot. In addition, we have maintained a 30’-0” wide drive lane throughout the majority of the parking lot to allow for maneuvering in the dead end parking area as well as allow for delivery truck and garbage truck traffic. We feel that the 30’-0” width is a minimum for the traffic flow of this site. Current parking areas only provide approximately 2’-0” of green space and we have increased this space as shown on the site plan.

“Practical Difficulty” Items:

In addition to the site geometry, there are also a few practical difficulty items, which constrict the site design from meeting full design guideline requirements as follows:

Sidewalk spaces – On the Sterling Avenue portion of the site, the public sidewalk encroaches on the private property which further reduces the amount of front yard area for landscaping and green space. We can see no advantage to requiring the City to move this sidewalk over further onto the public right-of-way.

Existing Utility Locations – On the north side of the site, there are several existing utility locations that will need to be considered to expand the parking lot in this direction.

Additional Items:

By removing the existing exterior storage buildings on the site, we will be enhancing the overall appearance of the site and front yard areas along Rockwood. These areas have been unsightly for years with the sheds, fencing and adjacent concrete paving.



Zumwalt & Associates, Inc.

PROFESSIONAL ENGINEERS • CONSULTANTS
REGISTERED LAND SURVEYORS

1040 W. Olympia Drive • Peoria, IL 61615-2097

Phone (309) 692-5074 • FAX (309) 692-6469

Principal:

Gary R. Zumwalt, P.E., L.S.

Legal Description

A part of Lots 4, 5, 6, 7 and 8 of Farrelly's Golden Gardens, being a subdivision of part of the North 1/2 of the SW 1/4 of Section 19, T.9N., R.8E. of the 4th P.M., being more particularly described as follows:

Commencing at the Northwest corner of said Lot 4 of Farrelly's Golden Gardens; thence N89°-41'E along the North line of said Lot 4, (South R.O.W. line of Farrelly Ave.), a distance of 134.00 feet to a point on the Easterly R.O.W. line of Rockwood Road, and the Point of Beginning of the tract to be described; thence continuing N89°-41'E along the previous South R.O.W. line of Farrelly Ave., a distance of 40.80 feet; thence in a Southeasterly direction along a curve to the right, having a radius of 25.00 feet for an arc distance of 39.50 feet to a point on the West R.O.W. line of Sterling Avenue; thence in a Southerly direction along the West R.O.W. line of Sterling Avenue, on a curve to the right, having a radius of 533.40 feet for an arc distance of 10.50 feet; thence S0°-09'W along the West R.O.W. line of Sterling Avenue, a distance of 29.30 feet; thence in a Southwesterly direction along the West R.O.W. line of Sterling Avenue, on a curve to the left, having a radius of 653.00 feet for an arc distance of 117.90 feet; thence S0°-09'W along the West R.O.W. line of Sterling Avenue, a distance of 39.87 feet; thence S89°41'07"W, a distance of 114.85 feet to a point on the East R.O.W. line of Rockwood Road; thence N3°-24'E along the East R.O.W. line of Rockwood Road, a distance of 20.06 feet; thence N17°-34'E along the East R.O.W. line of Rockwood Road, a distance of 97.90 feet; thence N22°-11'E along the East R.O.W. line of Rockwood Road, a distance of 115.60 feet to the Point of Beginning.

And also, that portion of vacated right-of-way of Farrelly Avenue lying North of and adjoining Lot 4 of Farrelly's Golden Gardens, said right-of-way vacated by ordinance No. 11,613 dated June 8, 1987, and recorded as Document No. 87-13655, June 22, 1987. All situate, lying and being in the County of Peoria and State of Illinois.

[illegible][illegible]