

JUL 19 2010

ORDINANCE NO. 2798

**AN ORDINANCE TO GRANT A SPECIAL USE PERMIT
FOR REAL ESTATE HAVING THE ASSIGNED ADDRESS
OF 156 SOUTHWOODS CENTER, IN THE CITY OF
COLUMBIA, ILLINOIS FOR CHRISTOPHER A.
KALBFLEISCH AND MELISSA B. KALBFLEISCH, HIS
WIFE, DOING BUSINESS AS QUALITY COLLISION, INC.,
AN ILLINOIS CORPORATION, TO ALLOW FOR THE
OPERATION OF A USED CAR SALES BUSINESS IN A C-
3 (HIGHWAY BUSINESS ZONED DISTRICT) IN THE CITY**

WHEREAS, Christopher A. Kalbfleisch, doing business as Quality Collision, Inc., an Illinois Corporation, (the "Applicant"), wishes to operate a used car sales business on property belonging to the applicant, Christopher A. Kalbfleisch, and his wife, Melissa B. Kalbfleisch, located in the City of Columbia, Illinois (the "City") having the assigned address of 156 Southwoods Center Drive, which property is zoned C-3 (Highway Business Zoned District) and for the uses and purposes therein allowed;

WHEREAS, Subsection "B" (Uses permitted only by a special use permit) of Section 17.30.020 (Permitted uses and uses permitted by special use permit only) of Chapter 17.30 (C-3 Highway Business District) of the City's Zoning Code allows retail used car and truck sales ancillary to an automotive business) to be operated in a C-3 (Highway Business Zoned District) by Special Use Permit provided the facility complies with certain of the requirements of Figure 1 (Special Use Exceptions and Requirements) of Section 17.40.010 (Special use exceptions, requirements and procedures) of Chapter 17.40 (Special Uses) of the City's Zoning Code specified by the City's City Council and such other requirements as shall be determined by the City Council, as is hereinafter more particularly made and provided for in this ordinance;

WHEREAS, the Applicant has applied for a Special Use Permit to operate a retail used car sales business ancillary to an automotive body repair and towing business at the above mentioned address in the City;

WHEREAS, Section 17.40.010 of the City's Zoning Code requires that an applicant for a Special Use Permit notify the owners of all property located within two hundred fifty (250) feet of the out-boundary of the property for which the special use permit is requested before their application for Special Use Permit is filed, advising said property owners, among other things, of the special use they are requesting permission to make of the subject property and the applicant's application is required to be referred to the City's Plan Commission for the Plan Commission's recommendation and a public hearing is required to be held before the City's Zoning Board of Appeals following the publication of the required hearing notice in a newspaper published in the City;

WHEREAS, the Applicant has given the required notice to the owners of property located within 250 feet of the subject property; the Plan Commission has recommended

approval and the granting of the special use permit requested by the Applicant; and, on July 7, 2010 a public hearing with regard to the granting of the requested special use permit was held before the City's Zoning Board of Appeals, following publication of the required notice of hearing in compliance with the City's Zoning Code requirement and the City's Zoning Board of Appeals recommended that the special use permit requested by the Applicant be granted by the City's City Council;

WHEREAS, Subsection 17.40.010 (pertaining to issuance of special use permits) of the City's Zoning Code provides and requires that the concurring vote of a majority of the Mayor and the City Aldermen shall be required for the authorization of the Special Use Permit; and, approval of the special use permit application shall require the affirmative finding of the City's City Council that:

- (a) the proposed special use is to be located in a district wherein such use may be permitted; and,
- (b) the requirements set forth in Figure 1 of Section 17.40.010 of the City's Zoning Code for such special use exception will be met; and,
- (c) the special use exception is consistent with the spirit, purpose and intent of the Comprehensive Community Plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare;

WHEREAS, Section 17.40.010 of the City's Zoning Code further provides, if the Special Use Permit application is approved, the City Council shall enact an ordinance to order the Building Inspector to issue a zoning certificate for the special use exception; and,

WHEREAS, the City Council of the City has found and determined and does hereby declare that the affirmative findings of the City Council required by Section 17.40.010 of the City's Zoning Code and described above have been established by the Applicant and have been found to exist; and, that it is necessary and appropriate that the Special Use Permit requested by the Applicant be authorized as is made and provided for in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The City Council of the City of Columbia, Illinois does hereby find, determine and declare:

(A) That the proposed Special Use Exception is to be located in a zoned district where such use may be permitted by Special Use Permit;

(B) That the special use requirements as set forth in Figure 1 of Section 17.40.010 of the City's Zoning Code, which are hereinafter described in the next Section of this Ordinance, shall be required to be complied with after issuance of the Special Use Permit and shall be required to be specified in the Special Use Permit upon the issuance of the Special Use Permit; and,

(C) That the Special Use Exception is consistent with the spirit, purpose and intent of the Comprehensive Community Plan of the City, will not substantially or permanently injure the appropriate use of the neighboring property, and will serve the public convenience and welfare.

Section 3. As a condition for the issuance of the Special Use Permit involved herein, the Applicant will be required to comply with the following Figure 1 Special Use Exceptions and Requirements of Section 17.40.010 (Special use exceptions, requirements and procedures) of Chapter 17.40 (SPECIAL USES) of the City of Columbia, Illinois Municipal Code:

(1) Days and hours of operation shall be limited to Monday through Saturday, from 8:00 o'clock A.M. until 6:00 o'clock P.M.

(2) Number of used cars on the business premises available or offered for sale at any one time shall be limited to ten (10) vehicles.

(3) No wrecked vehicles shall be located on the business premises closer than thirty feet (30') from the paved portion of Southwoods Center Drive that provides the street access to the business premises.

Section 4. The Special Use Permit Applicant, Christopher A. Kalbfleisch, doing business as Quality Collision, Inc., shall be granted the Special Use Permit for operation of the proposed used car and truck retail sales business ancillary to an automobile body repair and towing business located at the assigned address of 156 Southwoods Center Drive in the City subject to compliance with the requirements set forth in the preceding Section 3 of this Ordinance.

Section 5. The City's Building Inspector is hereby ordered and directed to issue a Zoning Certificate to the Applicant, Christopher A. Kalbfleisch, doing business as Quality Collision, Inc., an Illinois Corporation, for the Special Use Exception aforesaid, which Zoning Certificate shall include the special use designation requirements the Applicant is required to comply with which are specified and described in Section 3 of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage and following the recording in the office of the Monroe County, Illinois

Recorder the final subdivision plat for the Quality Collision Business Park Subdivision in the City.

Alderman Oberfell moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Row, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberfell, Stumpf,

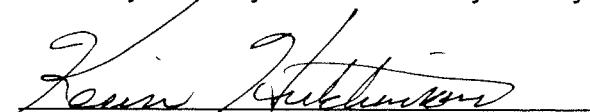
Roessler and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

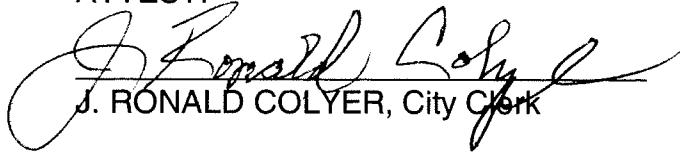
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 19th day of July, 2010.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)