



Regular Meeting  
City Hall Auditorium

March 11, 2019  
6:30 P.M.

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## PLAN COMMISSION

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*Members*

Bill Seibel, Chair  
Caren Burggraf  
Karin Callis  
Doug Garmer

Russell Horsley  
Amy Mistler  
Virgil Mueller  
Tony Murphy

AGENDA

1. Call to order
2. Roll Call
3. Approval of Minutes
4. Public Comments (For Items not on the Agenda)
5. Public Hearings
  - a. Zoning Map Amendment at 11604 Bluff Rd. Request to rezone base district from C-1 Neighborhood Commercial to C-2 General Commercial with no change to existing HP Historic Preservation Overlay.
6. New Business
  - a. Land Transfer Request – Parcel 04-15-100-008-000 to Parcel 04-15-404-004-000
7. Old Business
8. Staff Reports
9. Adjourn



City of Columbia, 208 South Rapp Avenue, Columbia, IL 62236  
[www.columbiaillinois.com](http://www.columbiaillinois.com)

**MINUTES OF THE REGULAR MEETING OF THE COLUMBIA PLAN COMMISSION  
OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,  
FEBRUARY 25, 2019 IN THE CITY HALL AUDITORIUM**

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**1. CALL TO ORDER**

The Plan Commission meeting of the City of Columbia, Illinois held Monday, February 25, 2019 was called to order by Chairman Bill Seibel at 6:30 P.M.

**2. ROLL CALL**

Upon roll call, the following members were:

Present: Chairman Bill Seibel and Commissioners Russell Horsley, Virgil Mueller, Caren Burggraf, Karin Callis, Amy Mistler, Tony Murphy and Doug Garmer.

Absent: None.

Quorum Present.

Administrative Staff Present: Director of Community Development Scott Dunakey and Accounting/Clerical Assistant Sandy Garmer.

Administrative Staff Absent: None.

Guests present: Kris Brower and Tim DeWald.

**3. APPROVAL OF PLAN COMMISSION MINUTES OF MONDAY, FEBRUARY 11, 2019**

The minutes of the Monday, February 11, 2019 Plan Commission Meeting were submitted for approval.

**A. MOTION:**

It was moved by Commissioner Doug Garmer and seconded by Commissioner Russell Horsley to approve the minutes of the Monday, February 11, 2019 Plan Commission Meeting as presented and on file at City Hall. On roll call vote, Chairman Seibel and Commissioners Russell Horsley, Virgil Mueller, Caren Burggraf, Karin Callis, Tony Murphy and Doug Garmer voted yes. Commissioner Amy Mistler abstained.

**MOTION CARRIED.**

**4. PUBLIC COMMENTS (For Items Not on the Agenda)**

A. None.

## **5. PUBLIC HEARING**

A. None.

## **6. NEW BUSINESS**

A. Review Public Hearing Process

Chairman Bill Seibel opened the meeting by reminding the Plan Commission a Public Hearing would be held before the next meeting on March 11<sup>th</sup>, at 6:30 p.m. In preparation for the Public Hearing, Chairman Seibel referred to the Columbia Plan Commission Procedural Outline prepared by Director of Community Development Scott Dunakey. Chairman Seibel reviewed in detail the public hearing procedural outline which included:

- (1) Call Agenda Item
- (2) Abstentions & Declaration of a Quorum
- (3) Ex Parte Communications
- (4) Public Notice Validation
- (5) Staff Report
- (6) Applicant Presentation
- (7) Public Hearing
- (8) Plan Commission Deliberations & Vote

There was a brief discussion during the review, which included the following: (a.) the appropriate timeline for questions to be asked; (b.) suggestion for Plan Commissioners to raise hand to be called upon to speak; (c.) question concerning how abstentions affect quorums; (d.) there are currently no bylaws established for the Plan Commission; (e.) suggestion for establishing bylaws providing detailed operational rules for the Plan Commission to follow; (f.) uncertainty of attendees and number of public comments; (g.) a sign-in sheet will be provided for guests who are addressing the Plan Commission; and (h.) the Chairman will call upon each speaker and remind him or her to address the Plan Commission and keep their comments brief and to the point (since unable to set time limits without bylaws). Chairman Seibel covered four (4) sample motions, with Mr. Dunakey reviewing a few examples of motions with conditions and/or changes. In conclusion, Chairman Seibel explained the Plan Commission's role is to make a recommendation for City Council approval.

Following the discussion, Mr. Dunakey explained the Staff Report will include detailed historical and background information regarding the request and recommendation, which will be provided to the Plan Commissioner's to review prior to the Public Hearing.

In conclusion, Chairman Seibel and the Plan Commissioners thanked Mr. Dunakey for providing the procedural outline. It was the consensus of the Plan Commission the outline was helpful, easy to follow and the review was an excellent idea to prepare for the Public Hearing.

**7. OLD BUSINESS**

A. None.

**8. STAFF REPORTS**

A. None.

**9. MEETING ADJOURNED**

Since there was no further business to discuss, Chairman Seibel entertained a motion to adjourn.

**MOTION:**

Motion was made by Commissioner Karin Callis and seconded by Commissioner Caren Burggraf to adjourn the Regular Meeting of the Columbia Plan Commission held Monday, February 25, 2019 at 6:55 P.M. On roll call vote, all Commissioners present voted yes.

**MOTION CARRIED.**

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Bill Seibel, Chairman

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Amy Mistler, Secretary

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Minutes by Sandy Garmer, Accounting/Clerical Assistant

**NOTICE OF PUBLIC HEARING  
BEFORE THE CITY OF COLUMBIA, ILLINOIS  
PLAN COMMISSION**

**PUBLIC NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Columbia Plan Commission on Monday, March 11, 2019 at 6:30 p.m. in the Auditorium at Columbia City Hall, 208 South Rapp Avenue, Columbia, Illinois. The Plan Commission will consider a request for a zoning map amendment (rezoning) permitted under Section 17.02.050 of the City of Columbia Zoning Code. The subject property located at 11604 Bluff Road has a Monroe County property index number (PIN) of 04-17-100-007-000. The applicant, Sunset Overlook, LLC, has requested a change from the current zoning of C-1 Neighborhood Business District with a Historic Preservation (HP) Overlay District to C-2 General Commercial District in conjunction with the current HP Overlay District.

A copy of the request and map is available for public inspection at the office of the City Clerk, 208 South Rapp Avenue, Monday through Friday, 8:00 a.m. to 4:30 p.m.

All interested members of the public are invited to attend and be heard to express their opinions for or against said proposal.

Dated this 12<sup>th</sup> day of February, 2019.

/s/BILL SEIBEL, CHAIRMAN  
Plan Commission  
**CITY OF COLUMBIA, ILLINOIS**

PAID

FEB - 5 2019

*City of Columbia*  
P.O. Box 467  
208 South Rapp Avenue  
Columbia, IL 62236-0467  
Phone: (618) 281-7144

CITY OF COLUMBIA, IL



## REQUEST FOR ZONING AMENDMENT

### Instructions to Applicants:

To request a change in either the zoning map or text, a **Zoning Amendment Request Application** must be completed and a public hearing held. If the applicant is requesting that his property be rezoned, a site plan must be included with the application showing the information listed on the attached sheet.

- **Reason for zoning amendment:** Normally there are only two reasons for a change in zoning:
  - 1) The original zoning was in error.
  - 2) The character of the area has changed to such an extent as to warrant rezoning.The burden of providing substantiating evidence rests with the applicant.
- **Application:** Please submit completed Request for Zoning Amendment Application to Columbia City Clerk's Office.
- **Site Plan:** If applicant is requesting that property be rezoned, a site plan must be included with the application indicating rezoning area.
- **Fee:** A fee of \$400.00 for the zoning amendment request must be paid by the applicant upon submitting this application to the City Clerk's Office.
- **Public Hearing:** A public hearing will be scheduled within a reasonable time with the Plan Commission and Zoning Board of Appeals. A notice of this hearing will be published in a newspaper of general circulation in the local area at least fifteen (15) days and not more than thirty (30) days before the hearing. The applicant will be notified by mail of the date, time and location of the hearing at least ten (10) days prior to the hearing date. The applicant or his duly authorized agent must appear at the hearing and present his case to the Board of Appeals/Plan Commission.
- **Approval Process:** The Board of Appeals/Plan Commission makes its recommendation, within ten (10) days following the public hearing, to the City Council for final action. Two-thirds of the aldermen holding office are required to adopt the necessary ordinance granting the amendment. An ordinance is required to approve the zoning amendment.

All information 1) requested below, 2) site plan, and 3) fee payment must be provided to the City Clerk's Office before a hearing will be scheduled, or a review of the Zoning Board of Appeals and Plan Commission will be conducted.

Applicant is encouraged to visit the office of the Zoning Administrator for any assistance needed in completing this application.

*I have read the information above regarding a Request for Variance:*

*[Signature]*  
Applicant Signature

*2-5-18*  
Date

## REQUEST FOR ZONING AMENDMENT

1. Applicant Information:

Name: Peter & Julie NГОЛО Phone #: (618) 919-5524  
Address: 11604 BLUFF Ro, Columbia IL 62236

2. Property Interest of Applicant:

Owner  Contract Purchaser  Leaseholder  Other: \_\_\_\_\_

3. Owner Information (if different than applicant):

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_  
Address: 3 W Pawnee Ct Columbia IL 62236

4. An amendment to the Zoning Ordinance is requested as follows:

A.  Amendment to text:

It is requested that Section \_\_\_\_\_ of the Zoning Ordinance is amended as follows:

Reason for amendment: \_\_\_\_\_

B.  Amendment to map:

What is the present land use and zoning district of the property?

Land Use: Bistro Style Restaurant

Zoning District: C1 with HP Overlay

What is the proposed land use and zoning district of the property?

Land Use: Bistro Style Restaurant

Zoning District: C2 with

Reason for amendment: Although we consulted with city officials, I received their guidance on proper zoning, we were misadvised. Now the repercussions have been damaging to our business. We graciously request to be allowed to continue our business.

I certify that all of the above statements/information and the statements contained in any papers or plans submitted herewith are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized official of the City of Columbia for the purpose of inspecting, or of posting, maintaining and removing such notices as may be required by law.

Applicant Signature (Mandatory)

Owner Signature (Mandatory)

Date

2-5-19

Date

2-5-19





# Staff Report & Recommendation

## Request for Zoning Map Amendment (Rezoning)

### APPLICANT/PROPERTY INFORMATION

Applicant Name: Peter & Julie Ingold

Applicant is:  Owner  Leaseholder  Purchaser  Other: \_\_\_\_\_

Owner Name: Same as above

Property Address: 11604 Bluff Road, Columbia, IL 62236 (Sunset Overlook)

Current Zoning: C-1 Neighborhood Business District with HP Historic Preservation Overlay

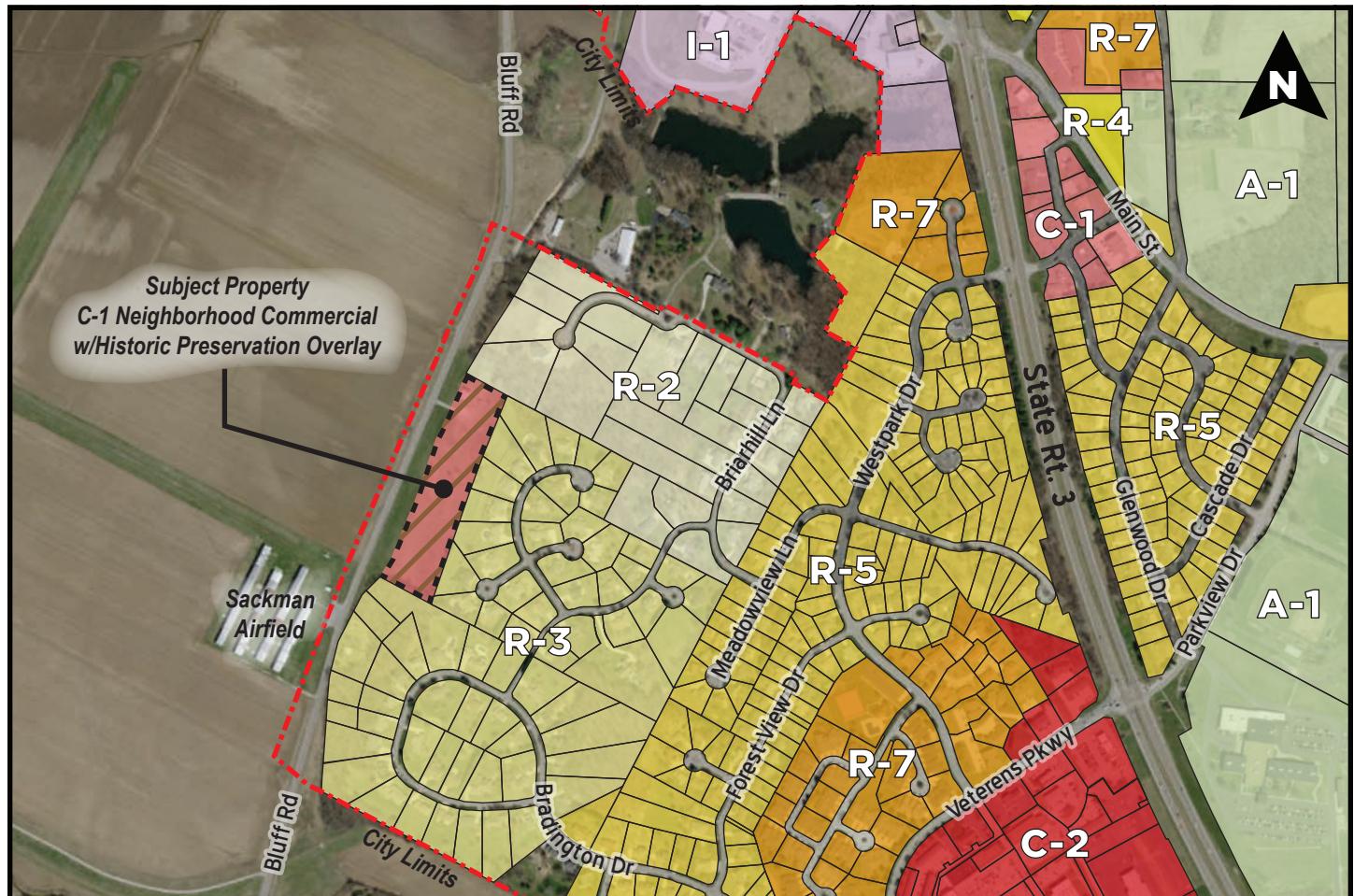
Current Land Use: Bistro-style Restaurant

Proposed Zoning: C-2 General Business District with HP Historic Preservation Overlay

Proposed Land Use: Bistro-style Restaurant (No change)

Reason for Request: To allow ancillary entertainment (live music) in outdoor locations. Applicant states current zoning was pursued per guidance from City staff at the time of application in 2014.

### VICINITY MAP



## PROPERTY PHOTOS

**1**

**Photo 1** - View of Sunset Overlook restaurant from west side of Bluff Rd.

**2**

**Photo 2** - View to the east from restaurant parking lot.

**3**

**Photo 3** - View to the north from restaurant parking lot.

**4**

**Photo 4** - View to the south from restaurant parking lot.

**5**

**Photo 5** - View of Sackman Field Airport from front of restaurant facing southwest across Bluff Rd.

**6**

**Photo 6** - View across Bluff Rd. facing west.



7

03/01/2019

Photo 7 - View of Bluff Rd. drainage ditch facing north.



8

03/01/2019

Photo 8 - View of Bluff Rd. drainage ditch facing south.

## ANALYSIS

### Existing Conditions

The subject property is a total of 5.19 acres located on a single parcel. The west-facing brick primary structure houses Sunset Overlook restaurant/bar in 2,173 square feet (sf). This building is designated as a local historic landmark by the City of Columbia. Behind the main building are a storage shed and two pergolas. All structures are on the north approximately one-third of the parcel. Located south of the primary structure is an asphalt parking lot with 47 parking stalls, two of which are van-accessible handicapped stalls.

The subject property is zoned with a C-1 Neighborhood Business base district and an HP Historic Preservation overlay. The C-1 district is intended for fairly low-intensity commercial land uses developed in close proximity to residential land uses. The HP overlay provides additional procedural requirements for proposed construction, renovation and demolition on the site. The site is surrounded on three sides by single-family residential subdivisions zoned R-2 on the north and R-3 on the east (see photos 1-4). These homes are built on the bluff overlooking the subject property.

Immediately across Bluff Rd. to the west is undeveloped, but actively farmed cropland, with Sackman Field Airport located southwest of the subject property (see photos 5-6). According to airnav.com, 45 single-engine aircraft are based at the airport, which averages 115 aircraft operations per week from the 2,450-foot turf runway.

### Property History

The subject property and much of the surrounding area are part of the original 1780s James Piggot land claim. The brick German-style cottage was constructed in the 1870s. The property was annexed into Columbia in August 1987, along with over 23 acres later developed as the Indian Hills Subdivision. However, the subject property was not included in that subdivision and has not been further subdivided. At annexation, the north approximately one-third of the parcel containing the farmhouse was zoned S-1 Historic Building district with the remaining south portion zoned R-3.

The applicants purchased the property in April 2013 with the original plan to open a confectionery that would eventually offer wine, beer and spirits, and an event venue. At that time, the City was in the process of replacing the S-1 zoning district and with the current HP overlay district. In May 2013, the S-1 portion of the property was rezoned to R-3. The farmhouse was designated a local historic landmark in June 2013.

Shortly thereafter, the applicants lost their business partners and changed plans to open as a bistro-style restaurant instead of a confectionery. Subsequently, they requested a rezoning to the current C-1 district in conjunction with an HP overlay, which was approved in December 2014. In March 2017, the City issued a Certificate of Appropriateness to allow the construction of a small addition with ADA-accessible restrooms.

The request at hand seeks to rezone the property to C-2 General Business district, which would allow “ancillary entertainment” outdoors, primarily in the form of live music. Current C-1 zoning prohibits both indoor and outdoor live music events on the property. Therefore, such events held previously by the applicant were not compliant with zoning requirements.

### **Public Feedback (through March 7, 2019)**

The City has received one email in favor of the proposed rezoning. See Attachment A.

Section 17.02.050.B of the City of Columbia Zoning Code outlines a protest procedure for proposed zoning amendments. A protest submitted by the owners of 20% or more of adjoining property boundary triggers a two-thirds City Council majority vote requirement for approval.

For the subject property, the 20% protest threshold is 496.76 linear feet (lf) out of a total 2,483.79 lf of adjoining property boundary. The City Clerk has received a letter of protest from an attorney representing the owners of three adjoining properties accounting for 404.37 lf or 16.3% of boundary frontage shared with the subject property. At the time of this writing, the 20% protest threshold has not been met. See Attachment B.

### **Land Use Impacts of Proposed Zoning/Use**

The proposed C-2 zoning would allow the applicant to host live music events outdoors. This would be a negative impact on the adjacent single-family residential development. Several of the homes are located within 400 feet of the primary structure and the City has received numerous noise complaints about past live music events held outdoors in non-compliance with the current C-1 zoning. Such events, if held indoors, would have much less negative impact to neighboring properties. However, a special use permit would be required to allow live music indoors within a C-1 zoning district.

Another concern, which could significantly impact nearby properties, is the types of development that could occur if C-2 zoning is approved. Many of commercial land uses permitted by-right are not compatible with single-family residential development, or would require screening and other site design modifications to mitigate possible negative impacts. However, such measures would likely be ineffective at reducing impacts to the neighboring homes due to the topography. See Attachment C for a list of permitted uses for the C-2 zoning district.

### **Transportation Impacts of Proposed Zoning/Use**

Bluff Rd. is owned and maintained by Monroe County. The roadway is functionally classified as a major collector and has a posted speed limit of 45 mph. This segment of roadway carries approximately 3,300 vehicles daily (IDOT 2018 traffic map) at an overall level of service (LOS) of LOS A, per the Federal Highway Administration’s Simplified Highway Capacity Calculation Methods (October 2017). LOS A represents free flow traffic conditions, which indicates no congestion.

Traffic generation was calculated using the Institute of Transportation Engineering Trip Generation Manual, 9th Edition, assuming Land Use Code 831 “Quality Restaurant.” Sunset Overlook generates approximately 12 vehicle trips during the P.M. peak hour. Therefore, the land use has no discernible impact on Bluff Rd. or other transportation facilities.

### **Drainage Impacts of Proposed Zoning/Use**

The subject property drains to roadside ditches along the east side of Bluff Rd. The ditches appear to be sized appropriately and there are no known flood concerns attributed to the subject property.

### **Public Utility Impacts of Proposed Zoning/Use**

The subject property is currently served by City of Columbia water with a 6-inch water main running east/west and connecting to the system in Indian Hills Subdivision. There is an ample supply of potable water to serve the site for the foreseeable future, regardless of the use. Therefore, the land use has no discernible impact on public water supply.

The subject property is not served by City of Columbia sanitary sewer and there are no plans to extend services to near the site. Currently, the site has a private sewage treatment system located north/northwest of the primary structure. However, if municipal sewer is ever installed to within 200 ft., the property will be required to tie on, per Columbia Municipal Code Section 13.16.060.A. The land use currently has no impact to public sanitary sewer service. However, the lack of sanitary sewer service makes the property unsuitable for high-intensity land uses, such as many uses permitted by-right in the C-2 General Business zoning district.

## FINDINGS

### **Uses and Zoning of Nearby Property**

Single-family residential zoning and development exist adjacent to the subject property, with some homes built less than 400 feet from the primary structure on the site. The property east across Bluff Rd. is outside city limits and actively used for crop production. The requested C-2 zoning is not compatible with adjacent land uses, zoning, and overall land development pattern in the immediate vicinity.

### **Extent to which Subject Property Value is Diminished by Current Zoning**

The applicant does not propose a change in land use in conjunction with the requested C-2 zoning. However, live music events, such as those held previously in non-compliance, would continue to be prohibited. The current business could continue to operate without disruption. Any other commercial uses permitted within the C-1 zoning district would also be allowed. Therefore, the current zoning does not likely diminish the subject property's value.

### **Negative Impact on Subject Property Value vs. Public Health, Safety & Welfare**

Current zoning does not likely diminish property values. However, denying the requested rezoning would benefit the public by avoiding the previously discussed negative impacts associated with the higher intensity land uses of C-2 zoning. So, denying the requested rezoning offers benefits to public health, safety, and welfare that outweigh negative impacts to the property owner.

### **Public Gain vs. Hardship to Subject Property Owner**

The property owner would be prohibited from hosting live music events if the requested C-2 zoning is denied. Due to the negative impacts associated with approving the requested rezoning, the public gain of avoiding outweighs the minor hardship of being denied the requested rezoning.

### **Suitability of Subject Property for Proposed Zoning**

A lack of available public sanitary sewer service and the proximity of existing adjacent single-family development make the subject property unsuitable for the requested C-2 zoning.

### **Length of Time Subject Property has Remained Vacant as Zoned**

The subject property is not vacant. It is currently developed and Sunset Overlook restaurant/bar currently operates on the site. Current zoning has not affected the site's development potential.

### **Consistency with the Community Vision & Planned Land Uses**

The subject property is in the "Bluffview Planning District" of the Columbia 20/20 Master Plan. The plan states that due to the unique and environmentally-sensitive qualities this area is best suited for "agriculture, recreation (lakes, trails, streams and golf courses), open space, and very low-density development." Furthermore, higher intensity development "will require careful improvements to the road system." The proposed zoning is not consistent with the community's land use vision for the Bluffview Planning District.

### **Community Need for Proposed Use**

Columbia currently has 25 establishments licensed as restaurants, of which 15 also have liquor licenses. Several of these establishments routinely offer live music. So, there is no demonstrated community need for the additional live music that would be allowed by the requested C-2 zoning.

## STAFF RECOMMENDATION

Based on the information, analysis, and findings contained in this report, staff recommends that the request to rezone the subject property be:

**DISAPPROVED/DENIED**

**APPROVED AS SUBMITTED**

**APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:**

### Additional Comments:

None

## REPORT CERTIFICATION

I hereby submit this report and certify that the review has been conducted in an unbiased and objective manner. The analysis and recommendations contained herein represent my professional judgment, interpretation of the City of Columbia Zoning Code, and understanding of the information furnished by the applicant or discovered in the course of my review. Any recommendations herein are advisory in nature and provided solely for the consideration of the Columbia Plan Commission and City Council.

### **Report prepared and submitted by:**

Scott A. Dunakey, AICP  
Director of Community Development &  
Zoning Administrator

March 7, 2019

Date

**From:** [Sue Hubeli](#)  
**To:** [Hutchinson, Kevin](#); [Scott Dunakey](#)  
**Subject:** Sunset Overlook  
**Date:** Monday, March 4, 2019 6:55:48 AM

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Good morning. I am unable to attend the Public Hearing on March 11 but would love to tell you how much I enjoy having Sunset Overlook in Columbia and hope you consider re-zoning them to the C2 business district so they can continue to do business as they have in the past. It is such a nice relaxing place to visit and unwind from the busy work week

Thank you

Susan Hubeli  
Columbia, IL resident for over 20 years



MATHIS  
MARIFIAN  
& RICHTER LTD

March 5, 2019

**VIA E-mail and U.S. Mail**

Mr. Wesley J. Hoeffken, City Clerk  
208 S. Rapp Ave.  
Columbia, IL 62236  
[whoeffken@columbiaillinois.com](mailto:whoeffken@columbiaillinois.com)

**Re: Galeski, et al. v. Sunset Overlook**

Dear Mr. Hoeffken:

We represent Columbia, Illinois residential property owners/residents Paul Galeski, Tim DeWald, Kris Brower, Bruce Freeland, and Cindy Huseman regarding certain complaints against Sunset Overlook, LLC ("Sunset Overlook"), a business owned by Peter and Julie Ingold. We have received notice that, in a direct admission that its operations currently violate C-1 zoning ordinances, Sunset Overlook has applied for a change in zoning from C-1 ("Neighborhood Business") to C-2 ("General Business"). Pursuant to Section 17.02.050 of the Columbia Municipal Code, we submit the following protest against this proposed change. We ask that you provide this document and its enclosures to the members of the Plan Commission prior to the scheduled public meeting on March 11, 2019 for their review. We have provided several extra hard copies to you for this purpose.

***The Controversy.*** Our clients own residential real estate in Ward IV of the City of Columbia, located on a bluff just above property owned by Sunset Overlook (the "Property"). Sunset Overlook is a bar that opened in approximately June of 2018 just down the bluff from, and adjacent to, our clients' properties. Our clients can hear Sunset Overlook's patrons at all hours of the day and night from their back porches, where they once enjoyed a peaceful sunset view each day. Now, they hear amplified music, and the loud voices of customers who have been drinking. For example, at the meeting scheduled for March 11, 2019, we plan to show you a video, taken from one of our clients' decks, of Sunset Overlook patrons clearly shouting the "F-bomb" at each other at 11:00 P.M. on January 5th of this year. Sunset Overlook's activities disturb our clients, interfere with the enjoyment of their properties, and have affected our clients' property values.

Sunset Overlook's activities are clearly outside the scope of what is permitted in a C-1 "Neighborhood Business" district, which puts limits on certain activities of its businesses – particularly outdoor activities – for obvious reasons, given that the districts are located near residential "neighborhoods." A more thorough discussion of C-1 limitations and how Sunset Overlook has violated, and continues to violate, such restrictions follows. But first, we believe

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you should be aware of the clearly deceptive representations Sunset Overlook made to the City of Columbia in order to obtain C-1 zoning in the first place.

***Sunset Overlook's Deceptive Prior Zoning Change Requests.*** Sunset Overlook's deception began when it sought a change in zoning all the way back in 2013. Prior to May 15, 2013, Sunset Overlook's property was zoned S-1. At a meeting of the Columbia Zoning Board of Appeals on May 15, 2013, Peter and Julie Ingold, owners of Sunset Overlook, as well as their co-owners of the Property at the time, Larry and Kerri White, requested a change in the Property's zoning from S-1 to R-3. At that meeting, Peter Ingold told the Columbia Zoning Board of Appeals that he, Julie, and Larry and Kerri White represented a company called Zettie's. Kerri White said that the name Zettie's was derived from her grandmother's name, because the company made baked goods and candies based off of her grandmother's recipes.

At the May 15, 2013 meeting, Kerri White told the Zoning Board of Appeals that the group wanted to eventually turn the building located at the Property into a bakery and make candy there. Kerri White further told the Columbia Zoning Board of Appeals that the group wanted to eventually have a storefront at the Property for people to purchase gifts, candies, breads, cookies, and coffee. At the same meeting, Julie Ingold told the Columbia Zoning Board of Appeals that the facility on the Property would not be open past 9:00 on weeknights and 10:00 on weekends. Peter and Julie Ingold also told the Columbia Zoning Board of Appeals that there would be no outdoor music at the Property. Based on these representations, the Property was re-zoned as R-3. These statements are all available for your review in the City's transcript of the May 15, 2013 meeting.

Then, on November 12, 2014, Peter and Julie Ingold requested another change in zoning – this time from R-3 to C-1 (“Neighborhood Business”). At the November 12, 2014 meeting, Peter Ingold told the Columbia Zoning Board of Appeals that the use of the Property would be “quite seasonal,” and he was “not sure that we would get a good winter crowd anyway.” Julie Ingold said that the facility at the Property “won’t be open past 9:00 or 10:00.” Peter Ingold represented that he did not plan for the facility at the Property to be open beyond 10:00 on weekends. He also said that he planned to install down-lighting throughout the Property because the lighting fixtures on the Property were “pretty bright.” Based on these representations, the Property was re-zoned as C-1, with a Historic Preservation overlay. These statements are all available for your review in the City's transcript of the November 12, 2014 meeting.

Fast forward to May 23, 2018, when the City issued a business license to Sunset Overlook to operate as a restaurant, although Sunset Overlook had requested a license to operate as a “bar-restaurant,” presumably because bars are not permitted in C-1 districts. The same day, the City issued a Class B liquor license to Sunset Overlook. On or about June 15, 2018, Sunset Overlook held its grand opening, with three days of live outdoor music, food trucks, and of course, a great deal of alcohol sold. Grandma Zettie's breads and candies were nowhere to be found.

***Operation as a Bar and Similar Violations of Neighborhood Business District Zoning Rules.*** C-1 Neighborhood Business districts permit only certain types of businesses, because, per the

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Code, the purpose of such a district is to “provide for certain limited sales and service facilities located in residential areas to provide a convenience to residents of the immediate neighborhood.” The Code also states that Neighborhood Business districts “are limited in size and facilities to preserve and protect the general character of the residential areas surrounding such districts.”

For these reasons, *restaurants* are allowed in Neighborhood Business districts, but bars are not. Sunset Overlook clearly operates as a bar, its owners’ own statements to the media confirm. For example, in the enclosed Republic Times article, Julie Ingold is quoted stating, “We don’t have a food background.” Peter Ingold continues, “We wanted to go slow on the food. We wanted to focus on the view, the spirits, and the people, especially since we’ve never been in the restaurant business. We started off wanting to focus on making sure we had a good beer selection and a good wine selection.”

Obviously, going slow on food and focusing on spirits is a far cry from the business that was supposedly going to move into the Property and sell Grandma Zettie’s bread, like its owners represented in order to get their C-1 license. Sunset Overlook’s request for a change in zoning states that its owners were “misinformed” when they sought a C-1 license as opposed to a C-2 license. Instead, it appears that Sunset Overlook was the one misinforming you.

In addition to permitting restaurants only, and not bars, businesses in Neighborhood Business districts are also required to sell “foodstuffs or articles intended for human consumption on premises” entirely “within an enclosed building.” Sunset Overlook has routinely violated this provision by selling beer from ice chests sitting in its yard, and has on at least one occasion permitted beer to be sold from a “beer trailer” on its property. Furthermore, Sunset Overlook routinely invites food trucks to come to its property to sell food and/or drink to its patrons outdoors. The enclosed Republic Times article states that the food trucks are fixtures “because the menu at Sunset Overlook is small, including only a few items like hot pretzels.”

***Ancillary Entertainment Violations of Neighborhood Business District Zoning Rules.*** In addition to permitting only restaurants and not bars, C-1 Neighborhood Business districts also restrict “ancillary entertainment.” Ancillary entertainment, “being those uses where the entertainment function typically consists of background listening music, either live or programmed, at eating, drinking, or other establishments” is only permitted in C-2 General Business districts, but not in C-1 Neighborhood Business districts, except by special use exemption. Special use exemptions are available to allow C-1 businesses to have ancillary entertainment, but only indoors – never outside in a C-1 district.

Sunset Overlook has scoffed at these restrictions. Sunset Overlook has never applied for a special use permit, but has held over 70 music events at its Property since opening last June – many of them outside. In addition, it has hosted at least one outdoor wedding practically in my clients’ backyards, and has hosted an event in which Jeeps were welcomed to climb a hill that is, again, practically in my clients’ backyards. See the enclosed photos for an idea of just how close to my clients’ properties these events have taken place.

March 5, 2019

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**Other Violations.** In addition to the violations noted above, Sunset Overlook further violated City ordinances by erecting an “event tent” attached to its building, so that it could remain open and continue violating the City’s ordinances during the winter months. The City has confirmed that the tent was erected in violation of the City’s municipal code, and has ordered Sunset Overlook to remove it.

Sunset Overlook also represented to the Zoning Board of Appeals, before it was granted a change in zoning to C-1, that it would install down-lighting on its property because it was “pretty bright.” In fact, the Code requires Sunset Overlook to place its lighting fixtures so that its lights do not shine into adjoining uses. But Sunset Overlook did not install down-lighting, and its lights shined into our clients’ properties. In fact, after our clients filed a lawsuit in an attempt to get some relief from Sunset Overlook’s constant violations, Sunset Overlook decided it would be a good idea to set off fireworks at the Property, apparently simply to “stick it” to our clients. Obviously, setting off fireworks in the City is, again, prohibited by the Code.

On top of its other violations, Sunset Overlook also repeatedly violates the City’s sign code. C-1 businesses must ensure that “any exterior signs displayed shall comply with the city sign code.” The sign code provides for the display of only very specific types of signs. Sunset Overlook frequently advertises with temporary freestanding signs attached to posts in its yard, with sayings such as “WELCOME BIKERS.” These signs, along with Sunset Overlook’s “event tent,” loud music at late hours, and patrons shouting profanities at one another, interfere with our clients’ use and enjoyment of their properties, and unquestionably affect their property values. These activities certainly do not “preserve and protect the general character of the residential areas surrounding” Sunset Overlook, as C-1 district regulations are intended to do.

**Relief Requested. Sunset Overlook’s continued violations annihilate the intended spirit of C-1 zoning, which is to protect the integrity of the surrounding neighborhood. And now, in recognition of its continuing violations of C-1 zoning ordinances, Sunset Overlook wants your help to change its district to C-2, so that it has free reign to continue disrupting and devaluing our clients’ properties. We ask that you deny this request.**

C-2 zoning is entirely unsuitable for Sunset Overlook’s Property, which is completely surrounded by residential properties on the outskirts of town. Sunset Overlook’s operations are inappropriate for the area, where our clients once enjoyed their peaceful neighborhoods on their back decks with their families, instead of all-day noise and late-night drunken yelling, including obscenities, they can clearly hear from inside their homes with the windows and doors closed.

In a galling unwillingness to be responsible for its actions, in its application Sunset Overlook insinuates that that City is to blame for “misadvising” it regarding what type of zoning it should have sought all those years ago when it initially requested zoning changes. But it is not the City’s job to advise Sunset Overlook; it is Sunset Overlook’s job to review the rules by which it and every other business in the City is bound, and to abide by them. Sunset Overlook had two prior bites at this apple in 2013 and in 2014, and only obtained C-1 zoning in the first place by misrepresenting its intentions to you. Any hardship on Sunset Overlook’s business has been created as a result of its own failure to research and know the type of business it was asking to

March 5, 2019

Page 5

be, and Sunset Overlook cannot now claim that it is entitled to a change in zoning because of its own negligence or shifting operations.

**We ask that you deny Sunset Overlook's request to change its zoning to C-2 and firmly uphold a commitment to your residents to preserve and protect the quality of their neighborhoods.**

Very truly yours,

**MATHIS, MARIFIAN & RICHTER, LTD.**

By: William J. Niehoff  
[wniehoff@mmrltd.com](mailto:wniehoff@mmrltd.com)

WJN/NTL

Enclosures

cc: Mr. Terry Bruckert (e-mail and U.S. Mail)  
1002 East Wesley Drive, Suite 100  
O'Fallon, IL 62269  
[tib@bglattorneys.com](mailto:tib@bglattorneys.com)

**Republic Times****A sunset years in the making**

By [James Moss](#) on June 27, 2018 at 1:02 pm

Five years ago, Peter and Julie Ingold repeatedly drove by the nearly 150-year-old building located at 11604 Bluff Road in Columbia.

Each time they passed it, they wondered what the future would hold for the property known as the Schneider-Schlemmer farmstead.

So, the Columbia couple bought the property with another couple.

Following years of preparation, they held the grand opening on Father's Day weekend for Sunset Overlook, **the pub** they created on the property that Columbia designated a historic landmark in 2013.

The establishment is a new venture for the couple, who will soon be retiring.

"We have 70 years of middle management in corporate America," Julie said. **"We don't have a food background.** We just have a passion. We're foodies. We used to travel on day outings to find places like this."

Peter said the lack of a place like Sunset Overlook in Columbia added to their desire to open **the pub**.

"We didn't want it to be just another restaurant or bar in Columbia," he said. "We wanted it to be a place where we can bring people from South County and all around in these small towns and make it a place where people can come, sit down and watch the sunset and be happy."

Although they have owned the property for five years, the work on Sunset Overlook did not begin in earnest until approximately three years ago, when the Ingolds became sole owners of the property.

The first of those three years was spent manicuring the grounds around the building. The next year, the couple gutted the house. Finally, in the most recent year, they began what Peter called the "full press" to open Sunset Overlook.

The name came about naturally, as Peter and Julie noticed the defining feature of the location after being there in the evening during the years they were preparing the pub.

"The name's obvious if you're here at sunset," Julie said.

"We would run down here to see the sunset," Peter added. "You could feel when it was going to be a good sunset. It became the thing – the sunset."

Approximately 1,000 people had a chance to experience that much ballyhooed sunset during the three-day grand opening.

**The event featured live acoustic bands on Friday, Saturday and Sunday nights and a food truck. Both will be staples of the restaurant, as the owners said they plan to schedule live music for the weekends.**

**There will also be at least one food truck available Thursday through Sunday.**

The food trucks will be fixtures because the menu at Sunset Overlook is small, including only a few items like hot pretzels. Eventually, it will expand to include such items as open faced, gourmet grilled cheese sandwiches, but it will remain relatively small.

"We wanted to go slow on the food," Peter explained. "We wanted to focus on the view, the spirits and the people, especially since we've never been in the restaurant business. We didn't want to jump out and try all this stuff and fail."

Although it does not have a large menu, Sunset Overlook does boast a variety of drinks, including several wines sold by the bottle.

"We started off wanting to focus on making sure we had a good beer selection and a good wine selection," Peter said. "We really wanted to focus on quality. So our starting lineup, so to speak, is good. It's not your low-end stuff. But it's not so high-end you're going to go 'ew, the prices.'"

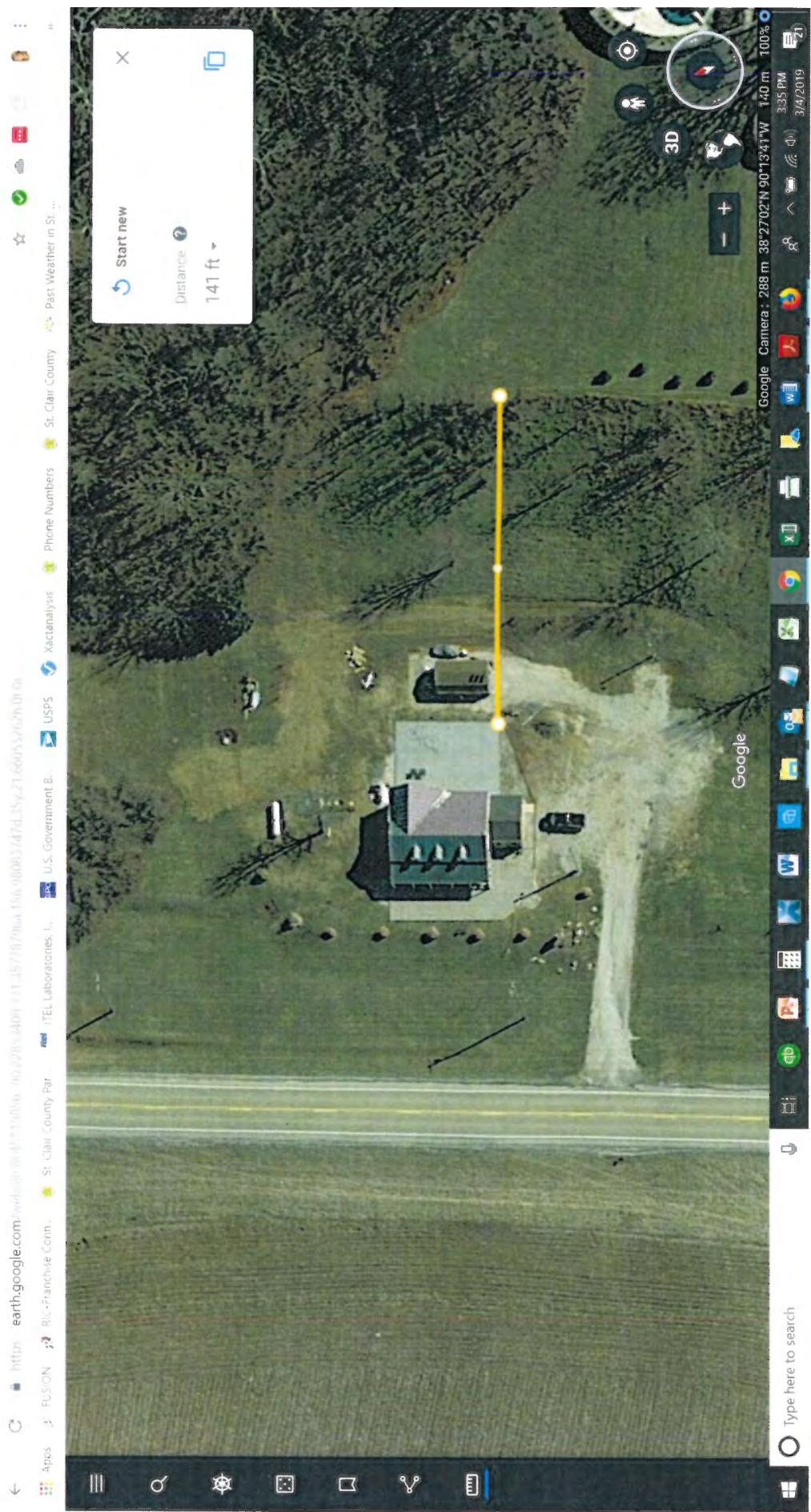
While the drink selection is a draw of Sunset Overlook, Peter said the best part is the location and ambience.

"When we set out to do this we set out to create a gathering place, a place that your family and your friends want to come together at," he said. "It seems to already have that feel to it. We want to make sure whatever your age, whatever your background is we can make you smile, have a good time and enjoy the sunset."

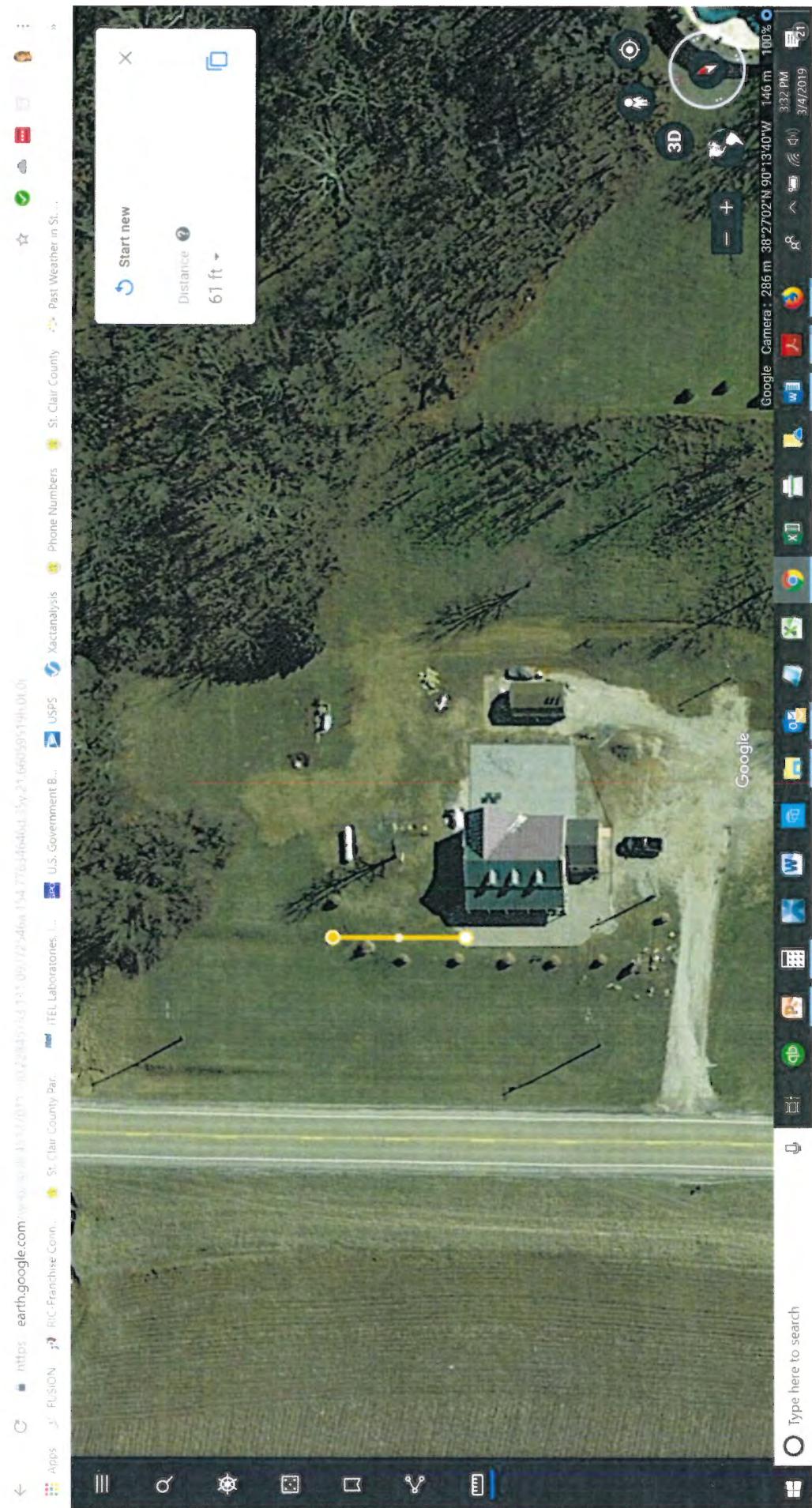
Julie agreed with that assessment.

"It's more of a destination than a restaurant or a bar," she noted. "We have several hashtags but my favorite one is 'every sunset has a story.' And that's what it's about. People are creating memories here."

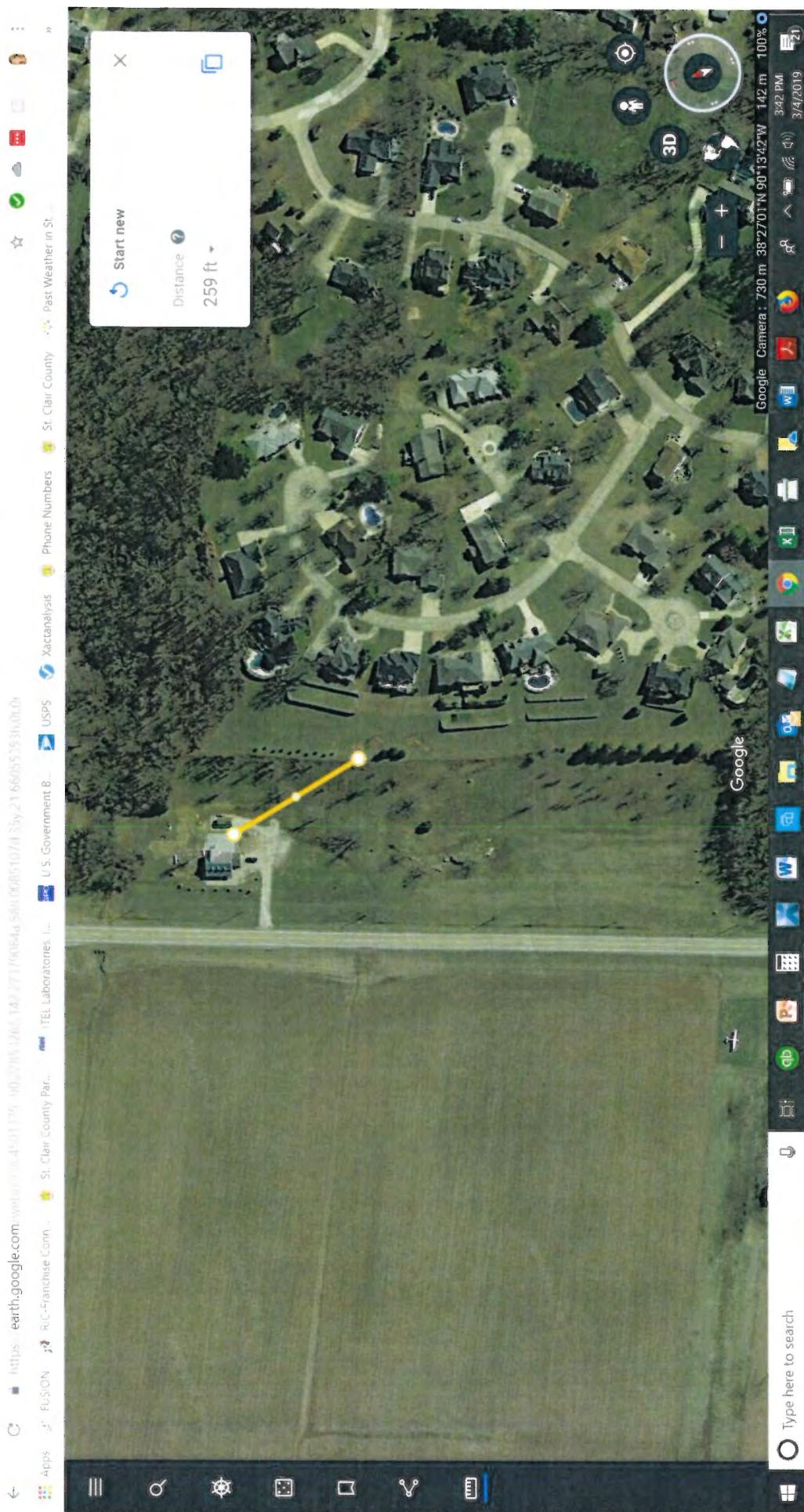
Sunset Overlook is open Monday from 11:30 a.m. to 9 p.m., Thursday through Saturday from 11:30 a.m. to 10 p.m. and Sunday from noon to 9 p.m.



Distance from patio to Paul Galeski's property line appx. 141 ft.



Distance from patio to DeWald / Brower property line appx. 61 ft.



Distance from patio to Bruce / Cindy residence property line appx. 259 ft.



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4 Replies

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 **Sunset Overlook**  
June 22

Yo Dawg at #theoverlook tonight and Sunday!



60

1 Comment 6 Shares

Like

Comment

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Most Relevant ▾



Write a comment



**Audrey Gary Loos** Please post your menu.

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**Sunset Overlook** June 16

Philly Wagon is open for business!!! Come on out!!



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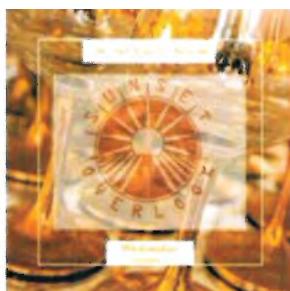
Most Relevant ▾

**Judy Tilton Thomas** Great hamburgers!  
Like Reply 22w

**Rhonda Hurst Quint** Excellent philly and chicken philly sandwiches. Love the blueberry blonde on tap from Big Muddy Brewery and Mandy makes an excellent Sangria and Bloody Mary.  
Like Reply 22w

**Sunset Overlook** June 16

Come join us for Day 2 of our Grand Opening Weekend! It might be hot outside, but our House Sangria is ice cold and a crowd favorite! A HUGE



Like Follow Share ...

Like Reply 20w

2



Sunset Overlook shared a post.

June 16

...

We love and appreciate our family, friends, and staff for all their hard work this weekend!! Come visit this dynamic duo today! Remember CASH ONLY at the beer trailer!



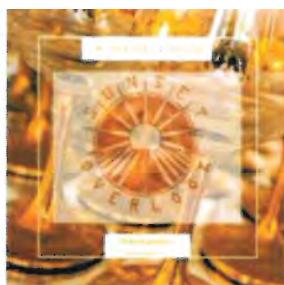
Samantha Lee is with Nicole Lee

June 16

Come visit the twins at Sunset Overlook!!! Cold Beer Cold Beer!

Like Comment Share

2 Shares



Like Follow Share ...



**Kathryn Elizabeth Koen** Shhhhhh! Don't tell Gary.

Like Reply 5w



Write a comment.



**Sunset Overlook** added an event.

October 14 ·

...

Truckeria will be at Sunset Overlook on October 21 ~ the same day as Sackman Air Field's Fly In. Come join the fun on both sides of the street.



SUN OCT 21

**Truckeria Food Truck**

Sunset Overlook - Columbia

★ Interested

11 Food 282 people



51

Like

Comment



Write a comment.



**Sunset Overlook** added an event.

October 12 ·

...

Mark your calendars. More information to come. You can reserve a seat by <http://www.eventbrite.com/e/sunset-overlook-tickets-16111111111>

1/11/2019

### (3) Sunset Overlook - Events

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**Upcoming Events**

Share Events

|  | <b>JAN 25</b> | <b>Music by Double D Duo</b><br>Fri 6:30 PM · 90 guests                     | <b>Sunset Overlook</b><br>Columbia, IL |
|--|---------------|---|--|
|  | <b>JAN 27</b> | <b>Music by Charlotte Street</b><br>Sun 2 PM · 15 guests                    | <b>Sunset Overlook</b><br>Columbia, IL |
|  | <b>FEB 8</b>  | <b>Music by The Eric Prewitt Band</b><br>Fri 6:30 PM · Stacey Lynn is going | <b>Sunset Overlook</b><br>Columbia, IL |
|  | <b>FEB 10</b> | <b>Music by Dustin Coleman</b><br>Sun 2 PM · 27 guests                      | <b>Sunset Overlook</b><br>Columbia, IL |
|  | <b>FEB 15</b> | <b>Butch Moore</b><br>Fri 6:30 PM · Glen Roth is going                      | <b>Sunset Overlook</b><br>Columbia, IL |
|  | <b>FEB 16</b> | <b>Music by Silverback</b><br>Sat 6:30 PM · 26 guests                       | <b>Sunset Overlook</b><br>Columbia, IL |
|  | <b>FEB 17</b> | <b>Music by Rob Boyle</b><br>Sun 2 PM · Glen Roth is going                  | <b>Sunset Overlook</b><br>Columbia, IL |
|  | <b>FEB 23</b> | <b>Music by Ahna Schoenhoff</b><br>Sat 6:30 PM · 39 guests                  | <b>Sunset Overlook</b><br>Columbia, IL |
|  | <b>MAR 1</b>  | <b>Music by Vince Martin</b><br>Fri 6:30 PM · 34 guests                     | <b>Sunset Overlook</b><br>Columbia, IL |

**MAR**



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1/11/2019

(3) Sunset Overlook - Events

Sunset Overlook

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|        |   |   |
|--------|---|---|
| 29     | Sat 6:30 PM · 40 guests   | Columbia, IL                                  |
| DEC 28 | <b>Music by John Pry</b><br>Fri 7 PM · 6 guests                         | Sunset Overlook<br>Columbia, IL               |
| DEC 23 | <b>Santa at Sunset Overlook</b><br>Sun 2 PM · 99 guests                 | Sunset Overlook<br>Columbia, IL               |
| DEC 23 | <b>Music by Big Mike</b><br>Sun 2 PM · 73 guests                        | Sunset Overlook<br>Columbia, IL               |
| DEC 22 | <b>Silverback Live at Sunset Overlook</b><br>Sat 6:30 PM · 199 guests   | Sunset Overlook<br>Columbia, IL               |
| DEC 15 | <b>Music by Brad Noe</b><br>Sat 6:30 PM · 253 guests                    | Sunset Overlook<br>Columbia, IL               |
| DEC 9  | <b>Charlotte Street plays Sunset Overlook</b><br>Sun 2 PM · 14 guests   | Sunset Overlook<br>Columbia, IL               |
| DEC 8  | <b>Music by Matt Diekemper</b><br>Sat 6 PM · 10 guests                  | Sunset Overlook<br>Columbia, IL               |
| DEC 7  | <b>Music by Erik Brooks</b><br>Fri 6:30 PM · 9 guests                   | Sunset Overlook<br>Columbia, IL               |
| DEC 2  | <b>Music by Rodney Branigan</b><br>Sun 3 PM · 135 guests                | Sunset Overlook<br>Columbia, IL               |
| DEC 1  | <b>Music by Bright Child</b><br>Sat 6 PM · 9 guests                     | Sunset Overlook<br>Columbia, IL               |
| DEC 1  | <b>BrightChild at Sunset Overlook</b><br>Sat 6 PM · 37 guests           | Sunset Overlook<br>Columbia, IL               |
| NOV 25 | <b>Music by Big Mike</b><br>Sun 2 PM · Julie Rodemich went              | Sunset Overlook<br>Columbia, IL               |
| NOV 25 | <b>Bloody Mary Bar</b><br>Oct 7, 2018 - Nov 25, 2018 · 107 guests       | Sunset Overlook<br>Columbia, IL               |
| NOV 24 | <b>Small Business Saturday in Columbia</b><br>Sat 7 AM · 4 friends went | Historic Main Street Columbia<br>Columbia, IL |
| NOV 23 | <b>Music by Dan Hurt</b><br>Fri 6 PM · 6 guests                         | Sunset Overlook<br>Columbia, IL               |



Chat (Off)

1/11/2019

(3) Sunset Overlook - Events

Sunset Overlook

Liked Following Share

10 Sat 6 PM · 47 guests Columbia, IL

NOV 5 **Open Mic Night** Oct 15, 2018 - Nov 5, 2018 · 84 guests Sunset Overlook Columbia, IL

NOV 4 **Charlotte Street Live At Sunset Overlook** Sun 2 PM · 40 guests Sunset Overlook Columbia, IL

NOV 4 **Charlotte Street Live At Sunset Overlook** Sun 2 PM · 6 guests Sunset Overlook Columbia, IL

NOV 3 **Music by Dan Hurt** Sat 3 PM · Nicki May went Sunset Overlook Columbia, IL

NOV 2 **Music by Big Mike** Fri 6 PM · 48 guests Sunset Overlook Columbia, IL

OCT 30 **Whiskey & Cigar Night Out** Tue 7 PM · 2 friends went Sunset Overlook Columbia, IL

OCT 28 **Brian McKelvey Live Acoustic--Sunday Fun...** Sun 4 PM · 18 guests Sunset Overlook Columbia, IL

OCT 28 **BARKtoberFest: Howl-O-Ween Party** Sun 2 PM · 2 friends went Sunset Overlook Columbia, IL

OCT 27 **Music by Main Street Jazz** Sat 6 PM · 19 guests Sunset Overlook Columbia, IL

OCT 21 **Bubble Bus** Sun 2:30 PM · Dana Franke went Sunset Overlook Columbia, IL

OCT 21 **Sunday Funday** Sun 11 AM · 3 friends went Sunset Overlook Columbia, IL

OCT 21 **Truckeria Food Truck** Sun 11 AM · 2 friends went Sunset Overlook Columbia, IL

OCT 20 **Silverback Live at Sunset Overlook** Sat 6:30 PM · 74 guests Sunset Overlook Columbia, IL

OCT 14 **Music by John Jones** Sun 3:30 PM · 10 guests Sunset Overlook Columbia, IL

OCT 13 **Music by Gary Austin** Sat 6 PM · 63 guests Sunset Overlook Columbia, IL



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(3) Sunset Overlook - Events

Sunset Overlook

Liked Following Share

5 Fri 6 PM · Ronnie Graff went Columbia, IL

OCT 1 Open Mic Night with Brad Noe Mon 5:30 PM · 45 guests Sunset Overlook Columbia, IL

SEP 30 Brian McKelvey Live Acoustic--Sunday Fun... Sun 3 PM · 11 guests Sunset Overlook Columbia, IL

SEP 29 Main Street Jazz Sat 6 PM · 32 guests Sunset Overlook Columbia, IL

SEP 28 Adam Gaffney at Sunset Overlook Fri 6 PM · 39 guests Sunset Overlook Columbia, IL

SEP 23 Matt Diekemper at Sunset Overlook Sun 3 PM · 37 guests Sunset Overlook Columbia, IL

SEP 21 The Eric Prewitt Band returns to Sunset Ove... Fri 6 PM · 2 friends went Sunset Overlook Columbia, IL

SEP 17 Open Mic Nigh Mon 5:30 PM · 4 guests Sunset Overlook Columbia, IL

SEP 16 Alexandra Kay at Sunset Overlook Sun 5 PM · 3 friends went Sunset Overlook Columbia, IL

SEP 16 Brad Noe Sun 1 PM · 113 guests Sunset Overlook Columbia, IL

SEP 15 Silverback Live at Sunset Overlook Sat 6:30 PM · 167 guests Sunset Overlook Columbia, IL

SEP 14 Vannah Leigh at Sunset Overlook Fri 7 PM · 81 guests Sunset Overlook Columbia, IL

SEP 2 Music by Doogie Armstrong Sun 4 PM · 33 guests Sunset Overlook Columbia, IL

SEP 1 Eric Prewitt Band Sat 6 PM · 172 guests Sunset Overlook Columbia, IL

SEP 1 Truckeria Del Valle Food Truck Sat 4 PM · Sharon Nealon went Sunset Overlook Columbia, IL

AUG 26 Matt Diekemper - Sunday Funday Sun 5 PM · 15 guests Sunset Overlook Columbia, IL



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(3) Sunset Overlook - Events

Sunset Overlook

Sunset Overlook · Columbia, IL · 1,111 members



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|    |                          |              |                  |
|----|--------------------------|--------------|------------------|
| 17 | Fri 6:30 PM · 146 guests | Columbia, IL | See 146 comments |
|----|--------------------------|--------------|------------------|

|        |  |                                 |               |
|--------|--|---------------------------------|---------------|
| AUG 17 | <b>Show Me St. Louis at Sunset Overlook</b><br>Fri 11:30 AM · Kimberly Sullivan went | Sunset Overlook<br>Columbia, IL | See 1 comment |
|--------|--|---------------------------------|---------------|

|        |   |                                 |               |
|--------|---|---------------------------------|---------------|
| AUG 17 | <b>Brad Noe</b><br>Fri 11:30 AM · Julie Rodemich went | Sunset Overlook<br>Columbia, IL | See 1 comment |
|--------|---|---------------------------------|---------------|

|        |   |                                 |               |
|--------|---|---------------------------------|---------------|
| AUG 10 | <b>Sunset Overlook presents Acoustic DNA</b><br>Fri 7 PM · 2 friends went | Sunset Overlook<br>Columbia, IL | See 1 comment |
|--------|---|---------------------------------|---------------|

|       |  |                                 |               |
|-------|--|---------------------------------|---------------|
| AUG 6 | <b>Open Mic Night</b><br>Jul 16, 2018 - Aug 6, 2018 · 144 guests | Sunset Overlook<br>Columbia, IL | See 1 comment |
|-------|--|---------------------------------|---------------|

|       |  |                                 |               |
|-------|--|---------------------------------|---------------|
| AUG 5 | <b>Gibson Sippel</b><br>Sun 2 PM · 33 guests | Sunset Overlook<br>Columbia, IL | See 1 comment |
|-------|--|---------------------------------|---------------|

|       |  |                                 |               |
|-------|--|---------------------------------|---------------|
| AUG 4 | <b>Fresh Burn at Sunset Overlook</b><br>Sat 6:30 PM · 4 friends went | Sunset Overlook<br>Columbia, IL | See 1 comment |
|-------|--|---------------------------------|---------------|

|        |   |                                 |               |
|--------|---|---------------------------------|---------------|
| JUL 28 | <b>Silverback at Sunset Overlook</b><br>Sat 6:30 PM · Julie Rodemich went | Sunset Overlook<br>Columbia, IL | See 1 comment |
|--------|---|---------------------------------|---------------|

|        |   |                                 |               |
|--------|---|---------------------------------|---------------|
| JUL 22 | <b>Brian McKelvey - LIVE at Sunset Overlook</b><br>Sun 3 PM · Julie Smugala Ingold went | Sunset Overlook<br>Columbia, IL | See 1 comment |
|--------|---|---------------------------------|---------------|

|        |   |                                 |               |
|--------|---|---------------------------------|---------------|
| JUL 21 | <b>Eric Prewitt Band</b><br>Sat 6 PM · 202 guests | Sunset Overlook<br>Columbia, IL | See 1 comment |
|--------|---|---------------------------------|---------------|

|        |   |                                 |               |
|--------|---|---------------------------------|---------------|
| JUL 15 | <b>Lisa @Sunset Overlook For Sunday Funday</b><br>Sun 2 PM · 253 guests | Sunset Overlook<br>Columbia, IL | See 1 comment |
|--------|---|---------------------------------|---------------|

|       |   |                                 |               |
|-------|---|---------------------------------|---------------|
| JUL 8 | <b>Matt Diekemper</b><br>Sun 3 PM · 43 guests | Sunset Overlook<br>Columbia, IL | See 1 comment |
|-------|---|---------------------------------|---------------|

|       |   |                                 |               |
|-------|---|---------------------------------|---------------|
| JUL 8 | <b>Summer time equals BBQ</b><br>Jul 1, 2018 - Jul 8, 2018 · 119 guests | Sunset Overlook<br>Columbia, IL | See 1 comment |
|-------|---|---------------------------------|---------------|

|       |  |                                 |               |
|-------|--|---------------------------------|---------------|
| JUL 7 | <b>Main Street Jazz</b><br>Sat 6 PM · 2 friends went | Sunset Overlook<br>Columbia, IL | See 1 comment |
|-------|--|---------------------------------|---------------|

|       |   |                                 |               |
|-------|---|---------------------------------|---------------|
| JUL 6 | <b>Lexy Schlemer</b><br>Fri 6:30 PM · 29 guests | Sunset Overlook<br>Columbia, IL | See 1 comment |
|-------|---|---------------------------------|---------------|

|       |  |                                 |               |
|-------|--|---------------------------------|---------------|
| JUL 4 | <b>4th of July at Sunset Overlook with Brad Noe</b><br>Wed 4 PM · 3 friends went | Sunset Overlook<br>Columbia, IL | See 1 comment |
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| 17     | Sun 6 PM · Julie Rodemich went   | Columbia, IL                                  | <a href="#">View Post</a> |
| JUN 16 | <b>Silverback at Sunset Overlook Grand Open...</b><br>Sat 7 PM · 5 friends went      | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| JUN 15 | <b>Lisa Jones @Sunset Overlook Grand Open...</b><br>Fri 5 PM · Julie Rodemich went   | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| JUN 15 | <b>Grand Opening</b><br>Jun 15, 2018 - Jun 18, 2018 · 10 friends went                | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| DEC 9  | <b>Santa Photo Op - Compliments of #BigStuFi...</b><br>Sat 11:30 AM · 128 guests     | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| OCT 29 | <b>Picnic on the Porch</b><br>Sun 12 PM · 2 friends went                             | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| OCT 15 | <b>Open House</b><br>Sun 12 PM · 4 friends went                                      | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| AUG 21 | <b>Eclipse Parking - BYOG - BYOB</b><br>Mon 12 PM · Julie Smugala Ingold went        | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| APR 13 | <b>Drink for A Cause! \$2 Per Drink Donated to ...</b><br>Thu 4 PM · 14 friends went | Reifsneider's Grill and Grape<br>Columbia, IL | <a href="#">View Post</a> |
| OCT 16 | <b>Sunset Overlook - Construction Kickoff</b><br>Sun 2 PM · 6 friends went           | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| OCT 16 | <b>Sunset Overlook's Birds Eye View of Colum...</b><br>Sun 9 AM · 2 friends went     | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| OCT 18 | <b>Columbia Aero Club Open House</b><br>Sun 10 AM · 6 friends went                   | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |
| OCT 30 | <b>Pumpkin Carving Party</b><br>Thu 5 PM · 4 friends went                            | Sunset Overlook<br>Columbia, IL               | <a href="#">View Post</a> |

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Chat (Off)

**TITLE 5 – BUSINESS LICENSES AND REGULATIONS****Chapter 5.20 LIQUOR CODE****Section 5.20.240 Sale by restaurants.**

It is unlawful for any restaurant licensed to sell alcoholic liquor to sell such liquor except with meals.

**TITLE 5 – PUBLIC PEACE, MORALS AND WELFARE****Chapter 9.28 WEAPONS, EXPLOSIVES AND FIREWORKS****Section 9.28.050 Fireworks.**

A. It is unlawful to store any fireworks in the city, except as may be necessary for the performance of a licensed public exhibition of pyrotechnics. Any such storage must be under the supervision of and subject to the approval of the fire marshal.

B. It is unlawful for any person, firm, co-partnership, or corporation to offer for sale, expose for sale, sell at retail or use or explode any fireworks in the city; provided, that the public exhibitions of fireworks may be given if a permit therefore is granted by the city council.

C. The term "fireworks" shall be as is, from time to time, defined in 425 ILCS 35/1, as approved, adopted, and amended.

**TITLE 15 – BUILDINGS AND CONSTRUCTION****Chapter 15.44 SIGN CODE****Section 15.44.165 Special displays and other temporary signs.**

The following special displays and other temporary signs are hereby allowed in the city:

A. Temporary public interest event signs and banners publicizing a charitable, civic, or other nonprofit organization's event of general public interest. All such signs will require approval by the sign administrator or his or her duly authorized representative and shall:

- (1) Not exceed sixteen (16) square feet in area.
- (2) Not exceed more than two (2) signs per event at all locations within the City.
- (3) Not be located as to obstruct or impede vehicular vision.
- (4) Not exceed more than two (2) different temporary public interest signs and/or banners installed within twenty-five (25) feet of each other.

- (5) Be installed no more than fourteen (14) days before the event.
- (6) Be removed no later than three (3) days after the event.
- (7) The location of said banners shall be subject to the review and discretion of the sign administrator or his or her duly authorized representative (site plan including dimensions and copy must be included).
- (8) Contain the advertising of the publicized event only; additional non-charitable advertising is specifically prohibited.
- (9) All applications shall be accompanied by a nonrefundable fee in the amount stated in the City's annual fee ordinance.

Application for temporary banners hanging over a street publicizing a charitable, civic, or other nonprofit event of general public interest must be made to the city council prior to the event. The city may require a fee for the display of such signs in the amount stated in the annual fee ordinance.

B. **Temporary private interest event wall mounted banners** for private interest businesses, groups, or organizations publicizing entertainment or an event will require approval by the Sign Administrator or his or her duly authorized representative and shall:

- (1) Not exceed sixteen (16) square feet in area.
- (2) Not exceed more than one (1) wall mounted banner located on the premises of the private interest.
- (3) Not be located so as to obstruct or impede vehicular vision.
- (4) Be installed no more than fourteen (14) days before the event.
- (5) Be removed no later than the next business day after the event.
- (6) Not number more than three (3) such events or signs displayed per calendar year.
- (7) The location of said wall mounted banners shall be subject to the review and discretion of the sign administrator or his or her duly authorized representative (site plan including dimensions and copy must be included).
- (8) Contain the advertising of the publicized event only; additional non-charitable advertising is specifically prohibited.
- (9) All applications shall be accompanied by a nonrefundable fee in the amount stated in the City's annual fee ordinance.

C. **Pole banners** may be permitted provided that the city council grants approval of design and installation.

D. **Advertising by balloon signs of a temporary nature** shall be permitted on the property of an existing and ongoing business in accordance with the following restrictions:

- (1) Permits shall be issued to qualified applicants upon properly completed written application to be approved by the sign administrator or his or her duly authorized representative.
- (2) All applications for permits shall be accompanied by a nonrefundable fee in the amount stated in the City's annual fee ordinance.
- (3) There shall be a maximum of ten (10) consecutive days of advertising allowed for each permitted individual advertising period.
- (4) Permits for advertising shall not be issued for any premises or to any ongoing business more than three (3) times per calendar year and not within ninety (90) days after the conclusion of the previous advertising period for which a permit was issued to the applicant by the city.
- (5) A given individual advertising period for purposes of this chapter includes advertising pursuant to a permit issued under this chapter for one or more consecutive days, not to exceed a maximum of ten (10) consecutive days.
- (6) An additional per square foot of surface area application fee shall be charged, in the amount stated in the City's annual fee ordinance, for balloon signs that are larger than two hundred (200) square feet in surface area as determined by the total area of a rectangle superimposed upon the proposed balloon sign so that the sides of the rectangle intersect the sides of the balloon most distant from the center of the balloon and the top and bottom of the rectangle intersect the top and bottom of the balloon that are most distant from the center of the balloon and the surface area is determined by the square footage of the rectangle by multiplying the width of the rectangle by the height of the rectangle.
- (7) No balloon advertising shall be permitted within five thousand (5,000) feet of any other form of balloon sign advertising occurring at the same time.
- (8) All advertising shall be ground mounted only, not a tethered balloon on a line and the entire display shall be constructed of nonflammable materials.
- (9) Balloon signs shall not be located closer to the front, side and rear lot lines of the real estate premises on which the balloon sign is located, than buildings are permitted to be located under the city's zoning code in the zoned district in which the balloon sign is located.
- (10) All advertising must pertain solely to on-site businesses.
- (11) Applications for balloon signage permits must be accompanied by proof of premises and off-premises liability insurance for installation, operation and maintenance of the proposed balloon sign providing insurance coverage for property damage of a minimum of fifty thousand dollars (\$50,000.00) per person and one hundred thousand dollars (\$100,000.00) per occurrence and for personal injury of a minimum of one hundred thousand dollars (\$100,000.00) per person and five hundred thousand dollars (\$500,000.00) per occurrence, with one or more qualified and rated insurance companies of the applicant's selection and acceptable to the city, which policy of insurance shall name the city as an additional insured.

## Chapter 15.48 INDUSTRIAL STANDARDS CODE

### Section 15.48.060 Parking Requirements.

The following minimum off-street parking requirements shall be complied with:

- A. All parking shall be to the rear or sides of buildings, except that visitor parking may be allowed on front lots, providing same be appropriately screened and set back not less than twenty (20) feet from front property line.
- B. All parking lots shall be paved, and properly lighted. **Lighting fixtures shall be placed so that lights do not shine into adjoining uses.**
- C. All nonpassenger car (e.g., truck) parking shall be to the rear of the building in separate parking facilities from passenger car parking, except pickup trucks which may park on the passenger lot.
- D. The minimum number of parking spaces shall be:
  1. One three hundred (300) square foot parking space for every two industrial employees on the largest work-shift;
  2. Plus one space for each vehicle used in the operation of the industrial concern;
  3. Plus one three hundred (300) square foot space for every office worker on the premises at the peak time of operation;
  4. Plus additional space for visitors.
- E. All required parking shall be on the same lot as the proposed structure.

## TITLE 17 - ZONING

### Chapter 17.04 DEFINITIONS AND RULES OF CONSTRUCTION

#### Section 17.04.030 Definitions.

As used in this title:

**"Restaurant"** means business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, Drive-in. "Drive-in restaurant" means a retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

Restaurant, Fast Food. "Fast food restaurant" means any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: (1) foods, frozen desserts or beverages are usually served in paper, plastic or other disposable containers, and where customers are

not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) the establishment includes a drive-up or drive-through service facility or offers curb service.

"Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

## Chapter 17.26 C-1 NEIGHBORHOOD BUSINESS DISTRICT

### Section 17.26.010 Purpose.

A neighborhood business district is intended to provide for certain limited sales and service facilities located in residential areas to provide a convenience to residents of the immediate neighborhood. Such districts are limited in size and facilities to preserve and protect the general character of the residential areas surrounding such districts.

### Section 17.26.020 Permitted uses and uses permitted by special use permit only.

#### A. Permitted uses.

Except as otherwise provided in Chapter 17.40 (SPECIAL USES) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof, no building or land shall be used, and no building shall be erected, structurally altered, or enlarged except for the following uses which are declared to be permitted uses in a C-1 (neighborhood business zoned district):

1. Art and school supply stores;
2. Bakery shops, retail;
3. Book and stationary stores;
4. Camera and photographic supply stores;
5. Coin and stamp stores;
6. Florists shop (no greenhouse);
7. Gift and souvenir shops (no novelty shops);
8. Hair, nail, and skin care including barber shops and beauty salons;
9. Hobby, toy, and game stores;
10. Municipal buildings and facilities for governmental uses and purposes, proprietary uses and purposes, or combination of both government and proprietary uses and purposes
11. Notion shops, and clothing alterations;
12. Offices, business and professional;

13. Public service facilities, including electric distributing substations, fire or police stations, telephone exchange, and similar uses;
14. Restaurants, tea rooms and cafes;
15. Tanning and therapeutic massage;
16. Travel bureau/ticket offices."

**B. Uses permitted only by a special use permit.**

The following uses shall be permitted in a C-1 (neighborhood business zoned district) in the city by special use permit only, in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

1. Ancillary entertainment;
2. Apparel and accessory stores;
3. Artificial lake or pond;
4. Bicycle stores;
5. Blue print/copy establishments;
6. Clothing sales/costume rental shops;
7. Custom sign shops;
8. Day care or day nursery - infant, child and adult centers;
9. Dry cleaning/laundry receiving stations;
10. Interior decorating shops;
11. Jewelry and watch repair shops;
12. Leather goods and luggage sales stores;
13. Music conservatory and musical instrument establishments;
14. Novelty shops;
15. Office supplies and sales stores;
16. Packaged alcoholic liquor sales;
17. Picture framing and retail sales stores;
18. Shoe and leather repair stores;
19. Tailor shops."

**Section 17.26.030 Conditions of use.**

Except as herein, or in other codes and ordinances of the city is provided, all business uses permitted in a C-1 neighborhood business district shall be establishments dealing directly with consumers and shall be subject to the following conditions:

- A. Dwelling units are not permitted below the ground floor level.
- B. The sale of foodstuffs or articles intended for human consumption on premises shall be conducted wholly within an enclosed building.
- C. Establishments of the drive-in, drive-thru, and delivery type (as defined in Section 17.26.020(21)) are not permitted.
- D. There shall be no manufacturing, assembling, processing, fabricating or treatment of products other than those which are clearly incidental and essential to the business conducted on the same premises.
- E. Any exterior signs displayed shall comply with the city sign code.
- F. Business hours are to be established by the city council.

**Section 17.26.070 Building materials allowed for exterior walls.**

The following building materials, and none others, shall be allowed in the construction of the exterior walls of buildings and structures constructed and installed in a C-1 Neighborhood Business Zoned District in the City:

- A. The exterior walls of a building or structure that is visible from a public right-of-way shall be constructed of one or more of the following: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; or, (f) glass.
- B. The exterior walls of a building or structure that is not visible from a public right-of-way shall be constructed of one or more of the following: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; or, (f) glass.
- C. Notwithstanding the exterior building materials requirements contained in subparagraphs A and B above, the exterior walls of buildings and structures located in a C-1 Neighborhood Business Zoned District may be constructed of materials other than those allowed under subparagraphs A and B above provided: (i) the proposed materials are authorized and approved by the BOCA National Building Code in effect at time of reference; and, (ii) the proposed materials are authorized by the City Council (with the advice and/or recommendation of the City's Building Commissioner and/or the City's Architectural Review Committee).

## Chapter 17.34 HISTORIC PRESERVATION OVERLAY DISTRICT

### Section 17.34.090 Special considerations.

A. Within this district, no building or structure shall hereafter be erected, reconstructed, altered, or restored unless and until the application for the building permit has been reviewed and a recommendation made to the City Council as to exterior architectural features which are subject to public view from a public street, way or place, by the Columbia Heritage and Preservation Commission and the City Plan Commission. Columbia Heritage and Preservation and City Plan Commission recommendations shall be forwarded to the City Council for action.

## Chapter 17.40 – SPECIAL USES

### Section 17.40.010 Special use exceptions, requirements and procedures.

A. The special exceptions listed in Figure 1 and their accessory buildings and uses may be permitted by the plan commission and the governing body of the municipality in the districts indicated therein, in accordance with the procedure set forth in this section and the requirements listed in Figure 1.

B. Upon receipt of an application for a permit for a special use exception by the building inspector, it shall be referred to the plan commission for investigation as to the manner in which the proposed location and character of the special use exception will affect the comprehensive community plan and how the standards in Figure 1 are applied. The plan commission shall report the results of its study to the city council within sixty (60) days following receipt of the application. If no such report has been filed with the city council within this time period, the city council may proceed to process the application.

1. A fee for filing and publication costs, in an amount to be set by city ordinance from time to time, shall be paid to the city clerk, at the time the application is filed. All fees received hereunder by the city clerk shall forthwith be paid over to the municipal treasurer to the credit of the general revenue fund of the city.

2. Prior to filing the application for special use permit with the city's building inspector, the applicant must obtain a list of the names and addresses of the owners of record of all property located within two hundred fifty (250) feet in each direction from the outboundary of the property for which the special use permit is requested, as determined from the official tax records of the county where the property is located. That information may be obtained in Monroe County, from the County Recorder, Monroe County Courthouse, 100 S. Main Street, Waterloo, IL 62298, and in St. Clair County, from the County Recorder, St. Clair County Building, 10 Public Square, Belleville, IL 62220. (65 ILCS 11-13-1.1 and 11-13-7).

a. Not more than thirty (30) days before the application is filed with the building inspector, the applicant must serve a written notice on the property owners aforesaid (either by certified mail return receipt required or personal delivery) stating:

- i. The address of the location for which the special use exception is requested;
- ii. A description of the special use exception requested;

- iii. The name and address of the owners of the property for which the special use exception is sought;
- iv. A statement the applicant intends to file a special use exception application with the city; and
- v. The approximate date the application will be filed.

b. If, after a bona fide effort to determine such address by the applicant for the special use permit, the owner of the property on which the notice is required to be served cannot be found at his or her last known address, or the mailed notice is returned because the owner cannot be found at the last known address, this notice requirement shall be deemed satisfied. In addition to serving the notice herein required, at the time of filing the application for special use, the applicant shall file with the building inspector (to be furnished to the board of appeals) a complete list containing the names and last known addresses of the owners of the property required to be served, the method of service and the names and addresses of the persons so served. The applicant shall also file with the building inspector (for the building inspector to furnish to the zoning board) a written statement certifying that the applicant has complied with the requirements of this section of the city code. The board of appeals shall hear no application for special use exception unless the applicant for the special use permit furnishes the list and certificate herein required.

3. The application for special use exception will be filed by the applicant with the city building inspector and the building inspector will forward the same to the city's zoning board of appeals (the "zoning board" or "board of appeals") for public hearing.

4. The board of appeals shall, not more than thirty (30) nor less than fifteen (15) days before the hearing at which the application for special use is to be considered, send written notice to the persons appearing on the list furnished by the applicant, which notice shall contain the time and place of the hearing, the address of the location for which the special use is requested and the name and address of the applicant for the special use and a brief statement of the nature of the special use requested.

5. The zoning board of appeals shall then conduct a public hearing after not less than fifteen (15) nor more than thirty (30) days notice thereof is published in a newspaper published in the city. The notice shall contain the particular location for which the special use exception is requested as well as a brief statement of what the proposed special use exception consists. Within thirty (30) days after the public hearing, the zoning board of appeals shall file their written recommendations on the special use permit application with the city council. If the zoning board of appeals fails to file their recommendations with the city council within the time aforesaid, the application shall be deemed approved by the zoning board of appeals.

6. The city council shall then act on the special use permit application. If the zoning board has failed to recommend approval of the special use permit application, then the favorable vote of a majority of the aldermen holding office in the city council shall be required to approve the application and authorize the issuance of the special use permit. Approval of the application shall require the affirmative finding by the city council that:

- a. The proposed special use exception is to be located in a district wherein such use may be permitted; and

- b. The requirements set forth in Figure 1 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.

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.

C. An existing lawful use which is listed herein as a special use exception, and which is located in a district in which such special use exception may be permitted, shall be considered a conforming use.

D. Any expansion of such special use exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.

E. If the nature of the special use exception involves more than one of those listed in Figure 1, the applicant may apply for a permit for the special use exception which most closely relates to the primary use; provided that the requirements of all related uses will be met.

F. Any application for a building permit to construct or install a satellite earth station which would not fully conform with the requirements of Chapter 17.42, as amended, shall be deemed an application for a permit for a special use exception, and shall be treated in accordance with this section.

|                         | District(s) in Which Use May Be Permitted | Requirement Designation |
|-------------------------|---|-------------------------|
| Ancillary entertainment | C-1                                       | a(2), b(1), c(1),<br>cc |

Note: Use of # symbol in the figure indicates that the requirements of the district apply to the district where located.

**Requirement**  
**Designation**   **Requirement**

a. Classifications of Use Permitted.

1. Light industrial

2. Local business

b. Minimum Lot Area.

1. #

2. 1,500 sq. ft.

3. 110 sq. ft. per child

4. 25,000 sq. ft.

5. 20,000 sq. ft. plus 5,000 sq. ft. per horse over four horses
6. One acre
7. 5 acres
8. 5 acres, including 2,500 sq. ft. per mobile home stand
9. 6 acres
10. 20 acres
11. 40 acres
12. 80 acres
13. 320 acres
14. Two times requirement for single
15. 2 acres

c. Minimum Yards (Feet).

Front Side (each) Rear

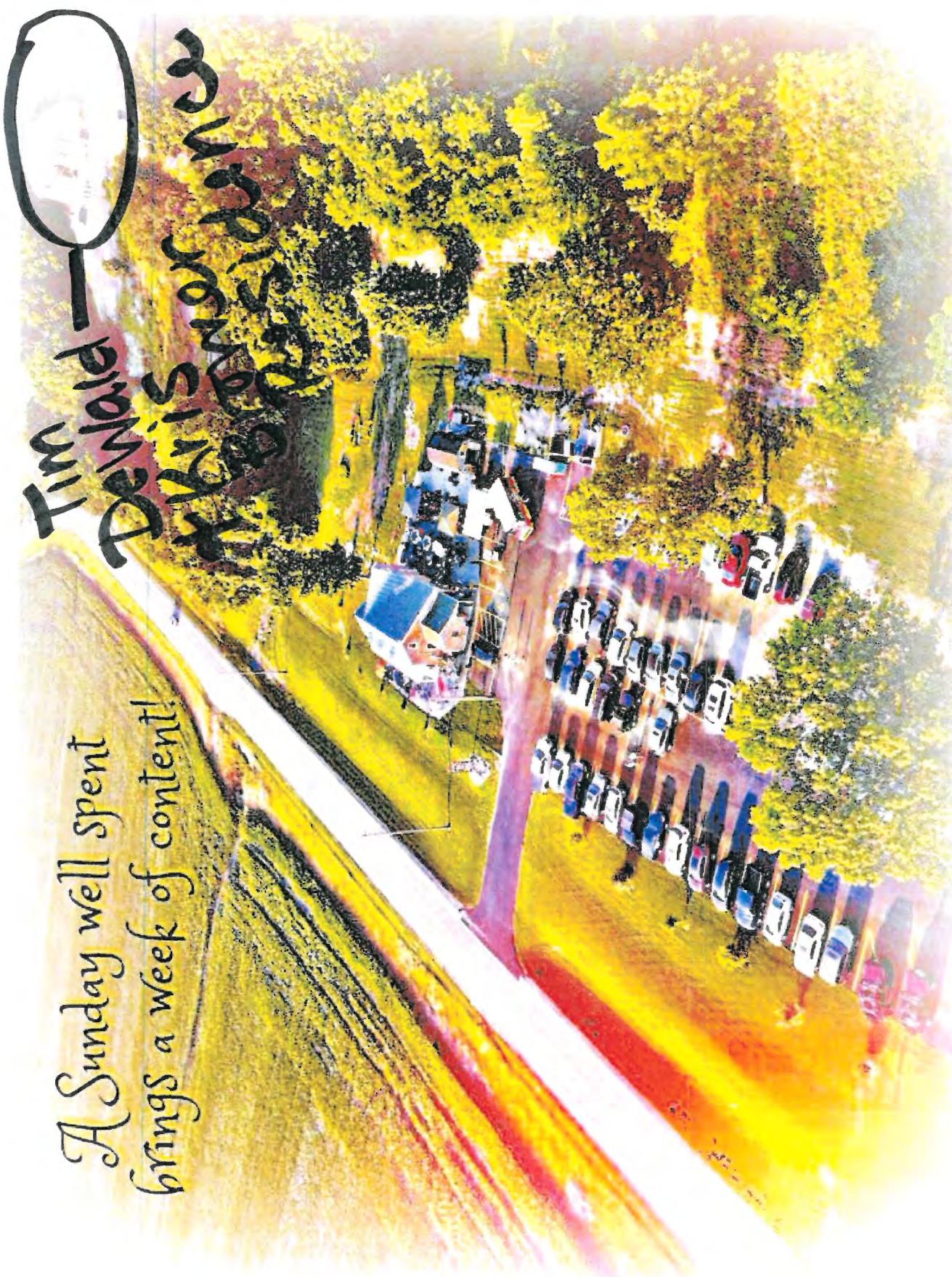
|     | Front | Side (each)                | Rear |
|-----|-------|----------------------------|------|
| 1.  | #     | #                          | #    |
| 2.  | #     | 50                         | 50   |
| 3.  | #     | 10                         | 30   |
| 4.  | #     | 40                         | 40   |
| 5.  | #     | -                          | -    |
| 6.  | #     | 40                         | 40   |
| 7.  | 100   | Abutting, Residential = 75 |      |
|     |       | Abutting, Other use = 35   |      |
| 8.  | #     | 20                         | #    |
| 9.  | 150   | 150                        | 150  |
| 10. | 100   | 100                        | 100  |
| 11. | 300   | 300                        | 300  |
| 12. | 25    | 25                         | 25   |

cc. Activity totally within building.

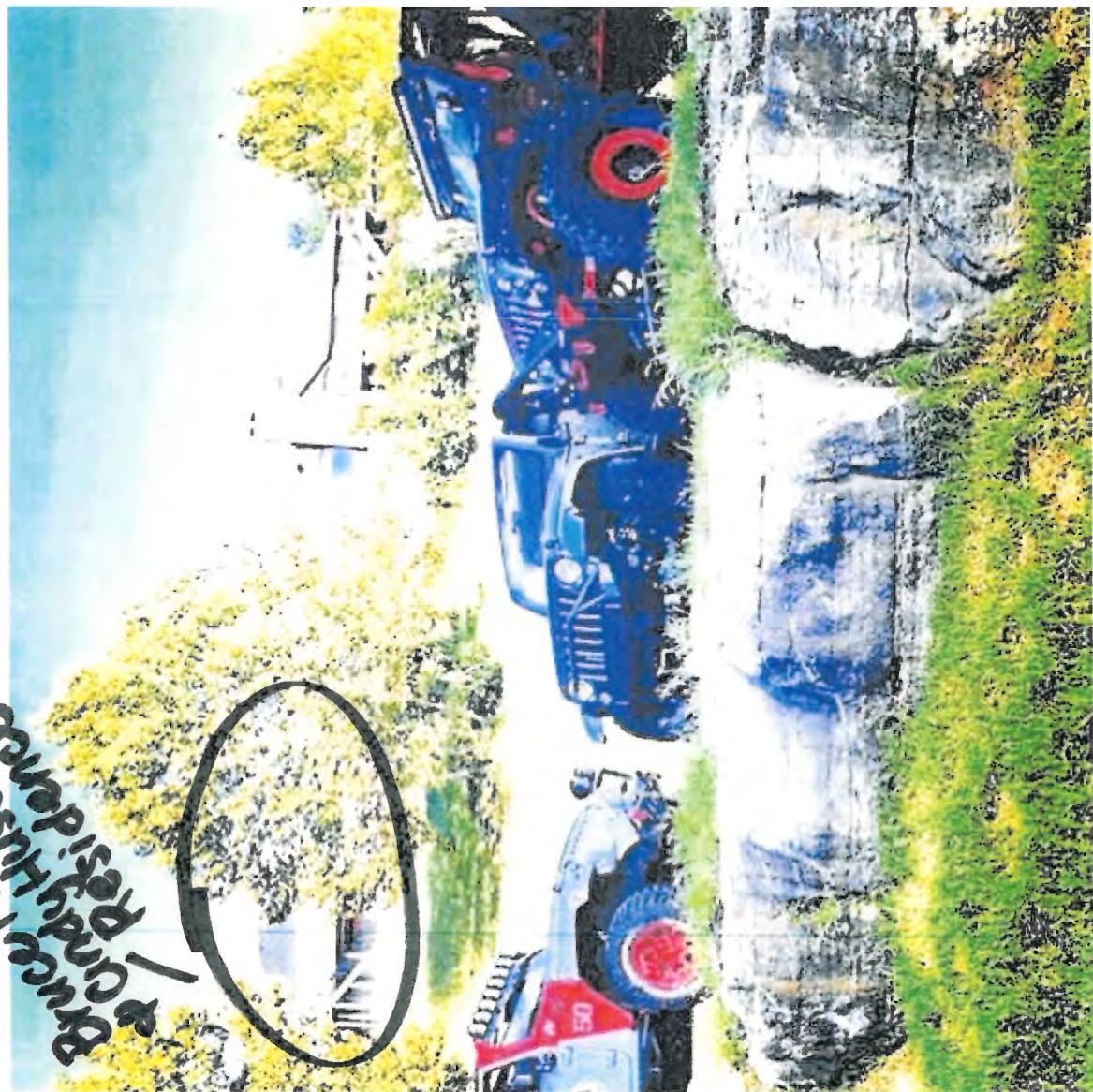
## Chapter 17.44 – OFF-STREET PARKING AND LOADING

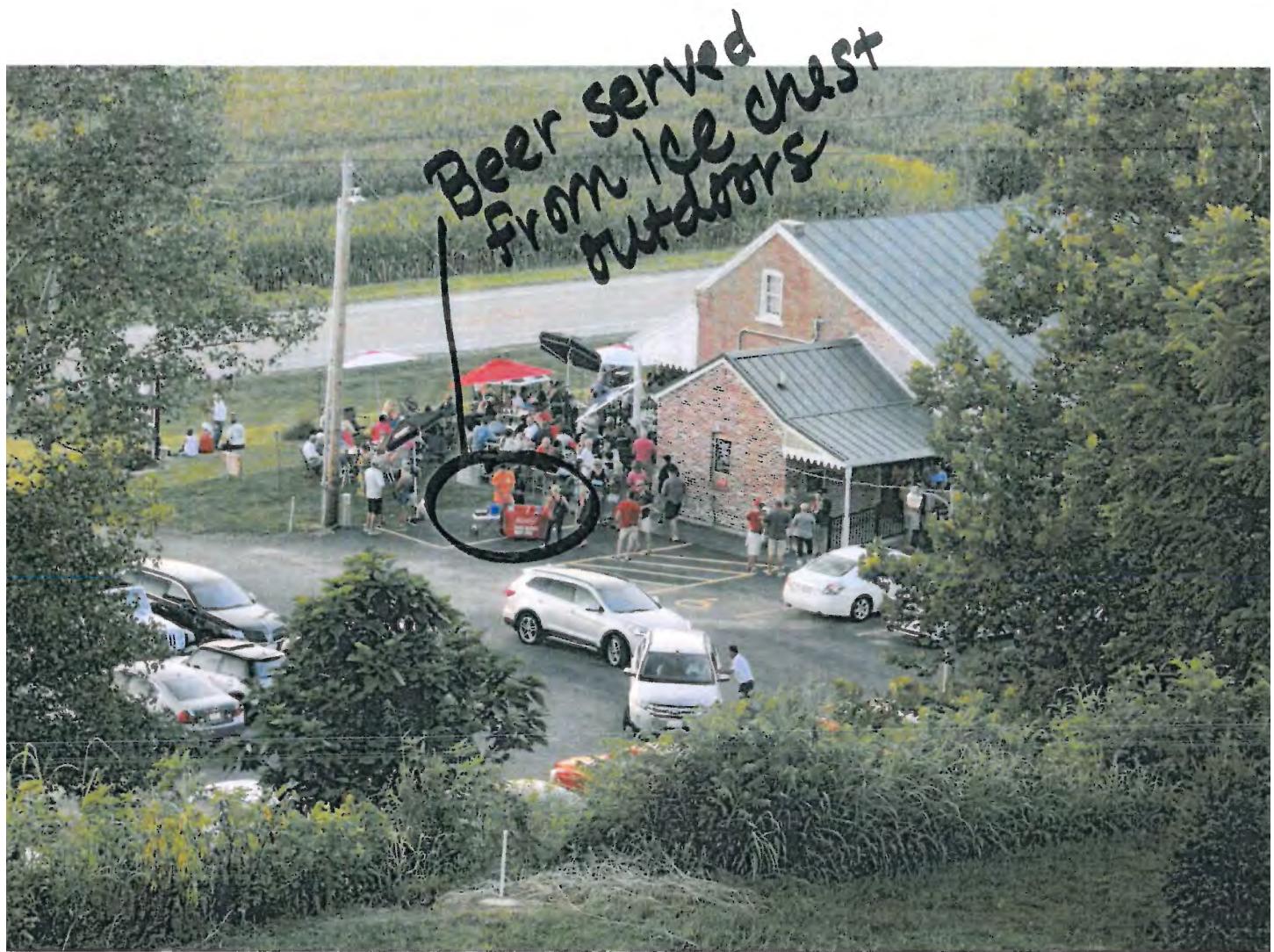
**Section 17.44.020 Additional regulations – Parking.**

H. Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from all adjoining properties.



Facebook Photo of Taps at  
Gungo + Owner's 100th Anvnt





## COLUMBIA MUNICIPAL CODE

**Chapter 17.28****C-2 GENERAL BUSINESS DISTRICT****Section 17.28.010 Permitted uses and uses permitted by special use permit only.****A. Permitted uses.**

Except as otherwise provided in Chapter 17.40 (SPECIAL USES) and Figure 1 (SPECIAL USE EXCEPTIONS AND

REQUIREMENTS) thereof, no building or land shall be used, and no building shall be erected, structurally altered, or enlarged except for the following uses which are declared to be permitted uses in a C-2 (general business zoned district):

1. Amusement establishments, including bowling alleys, billiard halls, skating rinks, and other similar places of recreation conducted wholly within a completely enclosed building;
2. Ancillary entertainment, being those uses where the entertainment function typically consists of background listening music, either live or programmed, at eating, drinking, or other establishments;
3. Antique shops;
4. Apparel and accessories stores;
5. Art and school supply stores;
6. Art galleries and studios;
7. Auditoriums;
8. Auto accessory stores;
9. Bakery shops, for the baking and processing of food products when prepared for retail sale on the premises;
10. Banks and financial Institutions;
11. Bed and breakfast;
12. Bicycle stores, including rental and repair;
13. Blueprinting and copying establishments;
14. Book and stationery stores;
15. Business college;
16. Business college or business school, operated as a business enterprise;
17. Cabinet, woodworking and upholstery shops, if conducted wholly within a completely enclosed building;
18. Camera and photographic supply stores;
19. Caskets and casket supplies;
20. Catering establishments;
21. China and glassware stores;
22. Churches;
23. Clothing sales and costume rental shops;
24. Coin and stamp stores;
25. Computer stores;
26. Construction contractors (office only);
27. Custom sign and painting shops if conducted wholly within a completely enclosed building;
28. Department stores;

## COLUMBIA MUNICIPAL CODE

29. Drug stores;
30. Dry goods or notion stores;
31. Dry-cleaning and laundry-receiving stations;
32. Dry-cleaning establishments when employing facilities for the cleaning and pressing of dry goods for retail trade only;
33. Dwelling units when located above the ground floor, if business uses or premises designed for such uses occupy the ground floor;
34. Electrical appliance store and repair shops;
35. Florist shops and botanical conservatories;
36. Fraternal organizations;
37. Gift, novelty, and souvenir shops;
38. Gun and ammo sales and services;
39. Hair, nail, and skin care, including barber shops and beauty shops;
40. Hardware stores;
41. Hobby shops;
42. Household appliance stores and repair shops;
43. Interior decorating shops;
44. Jewelry and watch repair stores and shops;
45. Laundromats for direct consumer use (limited to automatic, self-service type);
46. Leather goods and luggage stores;
47. Liquor stores, limited to sale of packaged goods;
48. Locksmith shops;
49. Lounges, taverns and pubs;
50. Meat markets;
51. Medical and dental clinics and laboratories;
52. Motor vehicle repair and body shops, excluding tractor trailers and industrial equipment;
53. Municipal buildings and facilities for governmental uses and purposes, proprietary uses and purposes, or combination of both government and proprietary uses and purposes;
54. Music conservatory or music instruction establishments;
55. Newsstands;
56. Office supplies, sales, and services;
57. Offices, business and professional;
58. Paint and wallpaper stores;
59. Pet shops;
60. Photograph developing and processing shops;
61. Physical culture and health service establishments, including: gymnasiums, swimming pools, reducing salons, and tanning spas;
62. Picture framing establishments when conducted for retail trade on the premises only;
63. Plumbing showrooms;
64. Post offices;
65. Printing, lithographing or publishing establishments for letter press, business cards, mimeographing, and other similar custom services;
66. Private clubs or lodges;
67. Public service facilities, including electric distributing substations, fire or police stations, telephone exchange, and similar uses;
68. Restaurants, tea rooms and cafes, when establishment is not of the drive-thru or

## COLUMBIA MUNICIPAL CODE

drive-in type; food delivery services are allowed. (Drive-through type by special use);

- 69. Schools;
- 70. Secondhand stores, if conducted wholly within a completely enclosed building;
- 71. Shoe and hat repair stores;
- 72. Sign painting shop;
- 73. Single-family dwelling units that comply with R-6 zoning requirements;
- 74. Sporting goods stores;
- 75. Supermarkets;
- 76. Tailor shops;
- 77. Tan and therapeutic massage;
- 78. Taxidermy shops;
- 79. Termite and pest control businesses;
- 80. Theaters, excluding drive-in theaters;
- 81. Ticket agencies, limited to entertainment functions;
- 82. Tobacco shops, ancillary use to larger facility;
- 83. Travel bureau and transportation ticket offices;
- 84. Undertaking establishments and funeral parlors;
- 85. Video, tape, and discs stores;
- 86. Wholesale merchandise broker office;

**B. Uses permitted only by a special use permit.**

The following uses shall be permitted in a C-2 (General Business Zoned District) in the city by special use permit only, in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

- 1. Artificial lake or pond of one (1) or more acres;
- 2. Assisted living homes;
- 3. Bed and breakfast establishments;
- 4. Bulk Ice Dispensing Facility (*Added 11/03/2014 per Ord. No. 3137*)
- 5. Call Center; (*Added 05/07/2012 per Ord. No. 2949.*)
- 6. College or University; (*Added 05/07/2012 per Ord. No. 2949.*)
- 7. Convalescent homes;
- 8. Day care centers or day nursery for infant, child, and adult;
- 9. Drug store drive through facility;
- 10. Employment agencies;
- 11. Feed and seed stores;
- 12. Financial institution drive-up/drive-thru;
- 13. Hospitals;
- 14. Hotels and motels;
- 15. Lawn and landscaping business (*Added 09/17/2012 per Ordinance No. 2972.*)
- 16. Lumber yards;
- 17. Multiple family dwelling;
- 18. Nursing homes;
- 19. Outdoor commercial recreational enterprises;
- 20. Outdoor display and sales of lawn, garden and nursery stock and supplies;

## COLUMBIA MUNICIPAL CODE

21. Pet grooming businesses;
22. Restaurant drive-thru type (where food is served to customers remaining in motor vehicle for consumption off premises);
23. Retail Used car and truck sales;
24. Service stations;
25. Senior care homes;
26. Veterinary clinics and/or small animal hospitals

- i. Instead of the permitted uses authorized in Section 17.24.020 (B) and (C) multiple-family dwellings allowed in a C-2 General Business District will be limited to four family dwelling units or structures, including condominiums, quadri-plexes, townhouses and row houses.
- ii. The percentage of lot coverage in Section 17.24.060 shall not apply in a C-2 General Business District, but instead in a C-2 General Business District all main buildings, accessory buildings, driveways and paved parking lots shall not cover more than fifty-five (55) percent of the area of the lot.
- iii. In a C-2 General Business District the fire wall of all multiple-family dwellings hereinafter constructed shall be Columbia Building Code approved fire resistant material from the foundation to the roof line.
- iv. As authorized by Section 11-30-4 of the Illinois Municipal Code (65ILCS 5/11-30-4) for fire and life safety all of the exterior walls of multiple-family dwellings in a C-2 General Business District hereafter constructed or renovated or rehabilitated shall be constructed of brick, brick veneer, stone or comparable masonry type incombustible building materials on all sides of the building containing the dwelling units; except that, currently existing multiple-family dwellings that are hereafter renovated or rehabilitated may be restored to their original design without exterior masonry type walls being required.
- v. The illumination from on-premises lighting will be so directed as to not cause direct light to encroach on adjoining property or so as to otherwise adversely affect or interfere with the use of adjoining property.
- vi. Two (2) or more parking spaces shall be required for each family dwelling unit.

(Ordinance No. 3137, Added, 11/03/2014, Allow a Bulk Ice Dispensing Facility by Special Use Permit only in a C-2 (General Business) Zoned District.; Ordinance No. 2972, Added & Amended, 09/17/2012, Added Lawn and Landscaping Business as a Special Use Permit in a C-2 General Business Zoned District.; Ordinance No. 2949, Added, 05/07/2012, Added Call Center and College or University to Section 17.28.010(B);; Ordinance No. 2877, Amended, 06/20/2011, Added Retail Used Car and Truck Sales by Special Use Permit Only.; Ordinance No. 2714, Amended, 04/06/2009, Change all references of BOCA Building Code to Columbia Building Codes.; 17.28.010, Added, 01/16/2006, Added 4 uses permitted by special use permit only: Assisted Living Homes, Convalescent Homes, Nursing Homes and Senior Care Homes. ; Ord. o. 2399, Amended, 09/19/2005, Added Pet Grooming; Ord. No. 2300, Amended, 09/19/2005, Added Pet Grooming.; Ord. 2399, Amended, 09/19/2005, Added Pet Grooming; Ord. 2321, Amended & Added, 01/24/2005, Sections 17.40.010; 17.28.010; 17.28.010 (Ord. 2130), Amended, 01/20/2003)

# PLAT OF SURVEY

of Part of Tax Lot 12 of U.S. Survey 417, Claim 228  
Township 1 South, Range 10 West  
of the Third Principal Meridian, Monroe County, Illinois

n/f  
Juanita M. Ritter, as Trustee  
of the Wayne A. Ritter Declaration of  
Trust, dated April 27, 1927.

and  
Gale L. Toolen, as Trustee  
of the Residual Trust established under  
The Wayne A. Ritter Declaration of  
Trust dated April 23, 1993  
(Doc# 350771)

## Legend

- Iron Pin Set
- Iron Pin Found
- Pipe Found
- Concrete Monument Found
- XX' Measured Dimension
- X') Recorded Dimension

xxx.xx' Measured Dimension  
(xxx.xx') Recorded Dimension

A scale bar at the top of the page shows distances of 100', 0', 100', and 200' along a horizontal line. Below the scale bar, the text 'SCALE: 1" = 100'' is centered.

ASSUMED

I, THE UNDERSIGNED ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY  
DECLARE, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF  
THAT THIS IS A CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY  
DIRECTION AT THE REQUEST OF AND FOR THE EXCLUSIVE BENEFIT OF THE  
OWNERS OR THEIR REPRESENTATIVES. THE FIELD WORK WAS COMPLETED ON  
FEBRUARY 13, 2019. THIS PROFESSIONAL SERVICE CONFORMS TO THE  
CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

A circular surveyor's stamp with a dashed outer border. The name "JAMES M. VOGT" is at the top, "3659" is in the center, and "PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS" is in the middle. The date "1919" is at the bottom right. The stamp is signed "W.M.V." and includes "CHURCH EXPAND LINE" and "I.P.L.S. NO. 3659 EXPAND LINE" at the bottom.

IT IS NOT WARRANTED THAT THIS PLAT CONTAINS COMPLETE INFORMATION REGARDING DEDICATIONS, EASEMENTS, RIGHTS OF WAY, OR OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION, A TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.

(4.05 ± ac.)

n/f  
Ralph J. Weilbacher, Jr.  
Declaration of Trust  
Ralph J. Weilbacher, Jr., TIEE  
U/A Dtd 03/16/2018  
(Doc# 395811)

(4.05 ±)

Iron Pin Set  
2" Pipe Found (4' Tall)  
S45°05'15"E 0.66'

n/f  
Aaron J. &  
Jaclyn R. Archer  
(Doc# 393212)

"Heritage Height  
(Env. 175-1)

Lot 55

Lot 56

Lot 57

Lot 103

Lot 102

Lot 101

Lot 100

Lot 99

"Second  
Addition to  
Heritage Heights"  
(Env. 2-130B)

Lot 98

Lot 97

Lot 96

N39°16'02"E  
60.15'

S17°58'47"E  
269.00'

(269.00')

S67°42'31"E  
185.00'

(185.00')

N18°00'00"W  
673.93'

(673.93')

S45°05'15"W  
180.00'

(80.00')

S62°55'58"W  
180.00'

(80.00')

S32°03'03"W  
63°55'47"W  
(60.46')

n/f  
Ralph J. Weilbacher, Jr.  
Declaration of Trust  
Ralph J. Weilbacher, Jr., T  
U/A Dtd 03/16/2018  
(Doc# 395811)

(446.36')  
N74°02'04"E  
446.13'

n/f  
Juanita M. Ritter, as Trustee  
of the Wayne A. Ritter Declaration of  
Trust dated April 23, 1993  
(Bk. 179, Pg. 90)  
and  
Gale L. Toolen, as Trustee  
of the Residual Trust established under  
The Wayne A. Ritter Declaration of  
Trust dated April 23, 1993  
(Doc# 350771)

S62°44'41"W  
543.47'

n/f  
Eric C. Schneider  
(Doc# 380710)

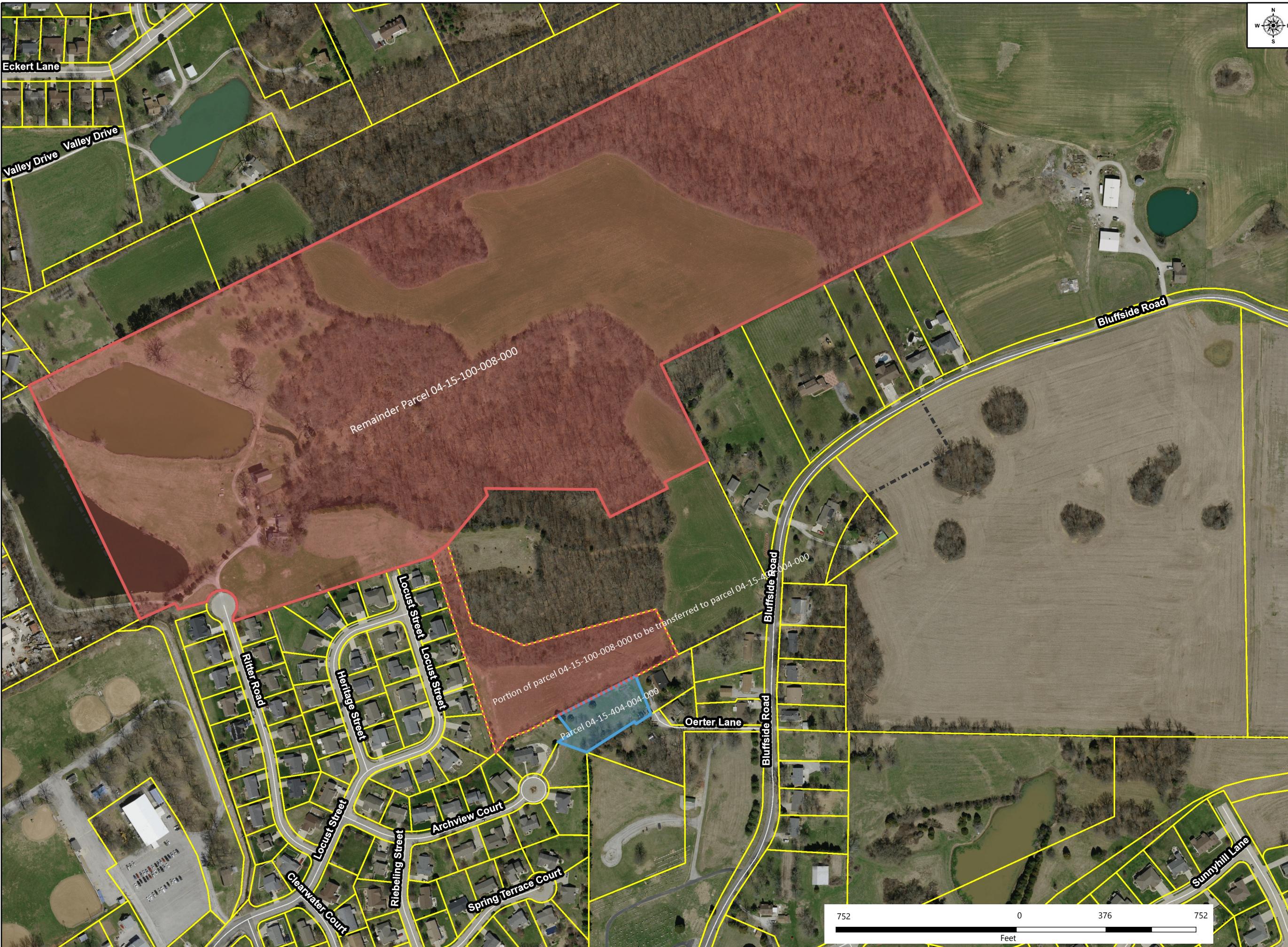
n/f  
Jessica Ann  
Keller  
(Doc# 379952)

n/f  
Eric C. Schneider  
(Doc# 380709)

Lot 1  
Lot 2  
Lot 3  
Lot 4  
"Oerter Subdivision"  
(Env. 2-116B)  
Lot 54  
POB  
Lot 1

Southeast Line, U.S. Survey 417, Claim 228

|   |                   |
|---|-------------------|
| <b>PLAT PREPARED FOR</b><br><b>Eric Schneider</b>   |                   |
| SURVEYED:   |                   |
| BME (02/19)   |                   |
| DRAWN:  |                   |
| JMV (02/19)   |                   |
| CHECKED:  |                   |
| BME (02/19)   |                   |
| APPROVED:   | PROJECT NO.:      |
| JMV (02/19)   | 60616-101         |
|   | DATE:             |
|   | FEBRUARY 21, 2019 |
|  <b>HENEGHAN AND ASSOCIATES, P.C.</b><br><b>ENGINEERS ~ SURVEYORS</b><br><b>310A Vision Drive</b><br><b>Columbia, Illinois 62236</b><br><b>(618)281-8133 FAX: (618)281-8290</b><br><b><a href="http://www.haengr.com">www.haengr.com</a></b> |                   |



Prepared By

HORNER SHIFRIN