

ORDINANCE NO. 3039

JUN - 3 2013

**AN ORDINANCE TO GRANT A SPECIAL USE PERMIT
FOR REAL ESTATE HAVING THE ASSIGNED ADDRESS
OF 287 SOUTHWOODS DRIVE, IN THE CITY OF
COLUMBIA, ILLINOIS FOR CURTIS AUTO BODY, INC.
TO ALLOW VEHICLE TOWING AND STORAGE IN A C-3
(HIGHWAY BUSINESS) ZONED DISTRICT IN THE CITY
OF COLUMBIA, ILLINOIS**

J. Ronald Colby
City Clerk

WHEREAS, Curtis Auto Body, Inc. (the "Applicant") will lease property in the City of Columbia, Illinois (the "City") having the assigned address of 287 Southwoods Drive which property is zoned C-3 (Highway Business) Zoned District and for the uses and purposes therein allowed;

WHEREAS, Section 17.40.010 of the City's Zoning Code allows vehicle towing and storage to be operated in a C-3 (Highway Business) Zoned District by Special Use Permit provided: the facility complies with such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: bb – conditions applicable to vehicle towing and storage businesses in the C-3 highway business district, i(11) Fence – 8-foot high, solid stained fence and j(3) Screen Planting Where Abutting Residential Use (Tight Screen, Effective at All Times) – 8-foot height by 6-foot width;

WHEREAS, the Applicant has applied for a Special Use Permit to allow vehicle towing and storage aforesaid;

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

WHEREAS, the Applicant has given the required notice to affected property owners; on May 13, 2013 the Plan Commission recommended the granting of the special use permit requested by the Applicant; and on May 22, 2013 a public hearing with regard to the granting of the requested special use permit was held before the City's Zoning Board of Appeals, following publication of the required notice of hearing in compliance with the City's Zoning Code requirement and on May 22, 2013 the City's Zoning Board of Appeals recommended that the special use permit requested by the Applicant be allowed by the City's City Council;

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

(a) the proposed special use is to be located in a district wherein such use may be permitted; and,

(b) the requirements set forth in Figure 1 of Section 17.40.010 of the City's Zoning Code for such special use exception will be met; and,

(c) the special use exception is consistent with the spirit, purpose and intent of the Comprehensive Community Plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare;

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

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

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

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

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

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

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

issuance of the Special Use Permit and shall be required to be specified in the Special Use Permit upon the issuance of the Special Use Permit; and,

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

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

- (1) bb The following conditions are applicable to vehicle towing and storage businesses in the C-3 highway business district:
 - i. Vehicles as referred to herein shall include automobiles, buses, campers, motorcycles, pick up trucks, recreational vehicles, ships, trucks and vans as defined in Section 17.40.030 of the City Code.
 - ii. Site shall not exceed one-half acre.
 - iii. Adequate paving shall be provided for areas where vehicles will be stored.
 - iv. Stored vehicles shall be contained within a sight-proof fence.
 - v. All towing vehicles kept on site shall be contained within a sight-proof fence.
 - vi. The applicant will comply with such other reasonable requirements of the City Council as the City Council hereafter determines to be necessary to protect the public health, safety and welfare of the citizens of the City.
- (2) i(11) Fence
8-foot high, solid stained fence
- (3) j(3) Screen Planting Where Abutting Residential Use (Tight Screen, Effective at All Times)
8-foot height by 6-foot width

Section 4. The Special Use Permit Applicant, Curtis Auto Body, Inc. shall be granted the Special Use Permit for vehicle towing and storage at 287 Southwoods Drive in the City subject to compliance with the requirements set forth in the preceding Section 3 of this Ordinance.

Section 5. The City's Building Commissioner is hereby ordered and directed to issue a Zoning Certificate to the Applicant, Curtis Auto Body, Inc., for the Special Use Exception aforesaid, which Zoning Certificate shall include the special use designation requirements the Applicant is required to comply with which are specified and described in Section 3 of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage, as provided by law.

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

YEAS: Aldermen Ebersohl, Agne, Niemietz, Huch, Mathews, Reis, Holtkamp and Mayor Hutchinson.

NAYS: None.

ABSENT: Alderman Roessler.

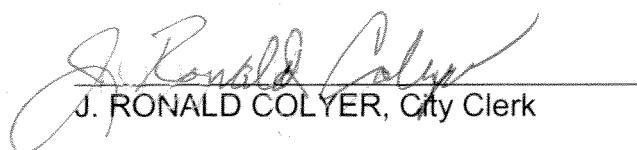
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 3rd day of June, 2013.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)