

JUN 15 2009

ORDINANCE NO. 2724


City Clerk

AN ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR REAL ESTATE HAVING THE ASSIGNED ADDRESS OF 1101 VALMEYER ROAD, IN THE CITY OF COLUMBIA, ILLINOIS FOR V O & J INVESTMENTS, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, TO ALLOW FOR THE OPERATION OF AN OUTDOOR SPORTS COMPLEX BUSINESS IN A C-2 (GENERAL BUSINESS ZONED DISTRICT) IN THE CITY

WHEREAS, V O & J Investments, LLC, an Illinois Limited Liability Company the managing members of which are Vernon R. Obermeier of Belleville, Illinois and James A. Manion of Mt. Vernon, Illinois (the "Applicant") is seeking to locate and operate a outdoor commercial sports complex at the West Park Bowl property in the City of Columbia, Illinois (the "City") having the assigned address of 1101 Valmeyer Road, which property is zoned C-2 (General Business Zoned District) and for the uses and purposes therein authorized;

WHEREAS, Section 17.28.010 and Section 17.40.010 of the City's Zoning Code allows a "Outdoor Commercial Recreational Enterprise" to be operated in a C-2 (General Business Zoned District) in the City by Special Use Permit only, provided the facility complies with such of the Figure 1 requirements as the City Council shall reasonably require (which must include at a minimum the Requirement Designation Requirements set forth in Section 3 of this Ordinance);

WHEREAS, the Applicant has applied for a Special Use Permit to operate an Outdoor Sports Recreational Complex as aforesaid in a C-2 Zoned District to include: sand volleyball, softball, baseball and soccer facilities with concession (being an existing storage building to be converted to a concession stand for the sale of soda and beer and grilled bratwurst, hot dogs, etc.) ;

WHEREAS, Section 17.40.010 of the City's Zoning Code requires that an applicant for a Special Use Permit must 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 have 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 by mailing notice to the affected property owners by registered mail return receipt requested on April 21, 2009; and on May 11, 2009 the Columbia Plan Commission recommended the granting of the special use permit requested by the Applicant; and, on June 3, 2009 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 June 3, 2009 the City's Zoning Board of Appeals unanimously recommended that the special use permit requested by the Applicant be granted by the City's City Council;

WHEREAS, Subsection 17.40.010 (pertaining to issuance of special use permits) of the City's Zoning Code provides and requires that the concurring vote of a majority of the Mayor and the City Aldermen shall be required for the authorization of a 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 (as 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 Requirement Designation Requirements of Section 17.40.010 (Special use exceptions, requirements and procedures) of Chapter 17.40 (SPECIAL USES) of Title 17 (ZONING) of the City of Columbia, Illinois Municipal Code:

(1) That the premises on which the facility or enterprise is located shall have a front yard of a depth of a minimum of 40 lineal feet and a side yard of a depth of a minimum of 40 lineal feet (17.40.010 Requirement Designation Requirement – c(4) Minimum yards);

(2) That the minimum building set back from the center line of Edelweiss Street shall be a minimum of 40 lineal feet (17.40.010 Requirement Designation Requirement d (1) – Building Setback from Center Line of Interior Road);

(3) That a plan of landscape development shall be submitted with the application to be submitted to the city council (17.40.010 Requirement Designation Requirement g – Plan of Landscape Development to be submitted with application)

(4) No minimum height of structures constructed and installed for the recreational enterprise shall be required (17.40.010 Requirement Designation Requirement h (1) – Minimum Height of Structures);

(5) A 6 foot high mesh fence shall be provided in all areas where the facility is assessable to the public (17.40.010 Requirement Designation Requirement i (1) – Fence);

(6) A tight screen planting a minimum height of 8 lineal feet and a minimum of 6 lineal feet wide shall be installed and located adjacent to all areas abutting a residential use in the neighborhood (17.40.010 – Requirement Designation Requirement j (3) - Screen Planting Where Abutting a Residential Use [Tight Screen Effective at all Times]);

(7) Minimum parking spaces of 1 per employee, plus 1 per 500 square feet of use area shall be provided for the facility (17.40.010 Requirement Designation Requirement k (14) – Parking Spaces);

(8) All parking areas shall be located a minimum distance of 25 lineal feet from all residential uses in the neighborhood (17.40.010 Requirement Designation Requirement L (2) – Distance of Parking Areas from Residential Use);

(9) The distance of any loading berth for loading and unloading of supplies, equipment, or any other property for the facility shall be located a minimum of 50 lineal feet from any residential use in the neighborhood (17.40.010 Requirement Designation Requirement n (1) – Distance of Loading and Unloading Berth from Residential Use);

(10) The applicant shall submit a development plan with the application to be submitted to the city council (17.40.010 Requirement Designation Requirement p – Development plan to be submitted with application);

(11) The facility shall have a maximum of two (1) principal entrances from Valmeyer Road (17.40.010 Requirement Designation Requirement r (2) – Maximum Number of Principal Entrances From Major Thoroughfare);

(12) The facility premises and improvements shall be located as nearly as practicable perpendicular to Valmeyer Road (17.40.010 Requirement Designation Requirement s – Acceptable Relationship to Major Thoroughfare);

(13) Valmeyer road shall be adequate to carry the additional traffic created by the operation of the recreational sports complex at all times and the operation of the complex must be regulated and restricted to provide for the same at all times it is in operation (17.40.010 Requirement Designation Requirement t – Thoroughfares Must be Adequate to Carry Additional Traffic Engendered by Use);

(14) The illumination of the lighting located on the premises of the sports complex must at all times be directed so as not to cause direct lighting to encroach upon adjoining property or so as to adversely affect or interfere with the use of adjoining property (17.40.010 Requirement Designation Requirement v – The illumination of on-premises lighting will be so directed as not to cause direct lighting to encroach upon adjoining property or so as to otherwise adversely affect or interfere with the use of adjoining property);

(15) The disposal of all liquid and other waste created by the operation of the sports complex facility shall be in compliance with the regulations and requirements of the Monroe Randolph Bi-County Health Department, the Illinois Environmental Protection Agency, the City of Columbia Health Officer, the City of Columbia Board of Health and all other governmental authorities of competent jurisdiction and authority to regulate waste disposal (17.40.010 Designation Requirement Designation w – Disposal of Liquid and Other Wastes Shall Meet The Approval of the Pertinent Health Authorities).

Section 4. The Special Use Permit Applicant, V O & J Investments, LLC, an Illinois Limited Liability Company, shall be granted a Special Use Permit for operation of

its proposed Outdoor Sports Complex at the West Park Bowl premises having the assigned address of 1101 Valmeyer Road in the City, subject to compliance with the requirements set forth in the preceding Section 3 of this Ordinance.

Section 5. The City's Building Inspector is hereby ordered and directed to issue a Zoning Certificate to said Applicant, V O & J Investment, LLC for the Special Use Exception aforesaid, which Zoning Certificate shall include the Special Use Requirement Designation Requirements the Applicant is required to comply with as a condition for receiving its Special Use Zoning Certificate which requirements are set forth 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 Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Oberkfell, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberkfell, Stumpf and Roessler.

NAYS: None.

ABSENT: None.

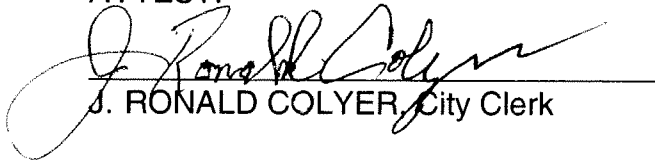
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 15th day of June, 2009.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)