

NOV 05 2007

ORDINANCE NO. 2602

**AN ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR REAL ESTATE HAVING THE ASSIGNED ADDRESS OF 1550 NORTH MAIN STREET, IN THE CITY OF COLUMBIA, ILLINOIS FOR PROPERTY OWNER, MARK WEGMANN, TO ALLOW FOR A RETAIL JEWELRY STORE USE IN A C-1 (NEIGHBORHOOD BUSINESS ZONED DISTRICT) IN THE CITY**

  
City Clerk

WHEREAS, Mark Wegmann, (the "Applicant" or "Wegmann") is the owner of property in the City of Columbia, Illinois (the "City") having the assigned address of 1550 North Main Street, which property is zoned C-1 (Neighborhood Business Zoned District) and for the uses and purposes therein allowed;

WHEREAS, Section 17.26.020 (B) of the City's Zoning Code, as amended by City Ordinance No. 2417, enacted December 5, 2005, now allows for jewelry and watch repair shops to be allowed as uses permitted only by special use permit in a C-1 (Neighborhood Business Zoned District) in the City;

WHEREAS, Section 17.40.010 of the City's Zoning Code allows jewelry and watch repair shops to be constructed in a C-1 (Neighborhood 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: (a)(2) Classification of local business (b)(1) Minimum Lot Area – 1500 square feet, (c)(1) Minimum Yard of thirty feet (30'), (g) Plan of Landscape Development to be submitted with the special use permit application, (h)(1) Maximum Height of Structure – forty feet (40'), (i)(4) Fence – where fence is involved to be a solid wall or solid painted fence eight feet (8') high required or in the alternative thereto (j)(3) Screen Planting Where facility abuts a Residential Use – (tight screen effective at all times) eight foot (8') high and six feet (6') wide, (k) Minimum Parking Spaces – none specified, (l)(2) the Distance of the Parking Area from a Residential Use – twenty five feet (25'), (o) Plat Approval by the City Council to be submitted with the special use application, (p) Development Plan to be submitted with the special use application, (r)(3) Maximum Number of Principal Entrances from Major Thoroughfare – in accordance with plan approved by the City Council with the recommendation of the City Engineer, (s) Acceptable Relationship to Major Thoroughfare, (t) Thoroughfare Must be Adequate to Carry Additional Traffic Engendered, (v)(2) 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, (w) Disposal of liquid and other wastes shall meet the approval of the pertinent health authorities, (x) No Sales, Dead Storage, Repair Work, or Dismantling on the lot shall be allowed, and (y) Except for approved exits and entrances a masonry wall four (4) feet in height six (6) inches thick erected at required front line of building and may be required along boundaries of parking area, as determined by the City Council for the protection of residentially zoned or used property;

WHEREAS, the Wegmann has applied for a Special Use Permit to allow for the operation of a retail jewelry and watch repair business in a 1551 square foot area of a 7,070 square foot building at the assigned address of 1550 North Main Street in the City;

WHEREAS, Section 17.40.010 of the City's Zoning Code requires that an applicant for a Special Use Permit notify the owners of all property located within two hundred fifty (250) feet of the out-boundary of the property for which the special use permit is requested before their application for Special Use Permit is filed, advising said property owners, among other things, of the special use they are requesting permission to 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; the Plan Commission has reviewed and made their recommendation for approval on September 24, 2007 regarding the granting of the special use permit requested by Wegmann; and on October 3, 2007 a public hearing with regard to the granting of the requested special use permit was held before the City's Zoning Board of Appeals, following publication of the required notice of hearing in compliance with the City's Zoning Code requirement and the City's Zoning Board of Appeals has 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 Wegmann 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 zoning 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 Company 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 (which have not already been complied with in connection with the construction of the building on the premises at 1550 North Main Street that the proposed retail jewelry and watch repair business will be located in):

- (1) L (2) Distance of parking area from residential use must be a minimum of twenty five feet (25').
- (2) W Disposal of liquid and other wastes shall meet the approval of the pertinent health authorities.
- (3) X. No sales, dead storage, repair work or dismantling shall be allowed on the lot.

**Section 4.** The Special Use Permit Applicant, Wegmann, shall be granted the Special Use Permit for operation of the proposed retail jewelry and watch repair business at 1550 North Main Street in the City subject to compliance with the requirements set forth in the preceding Section 3 of this Ordinance.

**Section 5.** The City's Building Inspector is hereby ordered and directed to issue a Zoning Certificate to the Applicant, Mark Wegmann, for the Special Use Exception aforesaid, which Zoning Certificate shall include the special requirements the Applicant is required to comply with which are specified in Section 3 of this Ordinance.

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

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

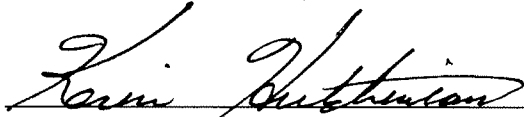
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 5th day of November, 2007.

  
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KEVIN B. HUTCHINSON, Mayor

ATTEST:  
  
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WESLEY J. HOEFFKEN, City Clerk

(SEAL)