



### CITY COUNCIL AGENDA ITEM

**To:** Mayor Graham and City Council

**From:** Ted Shekell, Planning Director  
Walter Denton, City Administrator

**Date:** July 14, 2005

**Subject:** Ordinance No. \_\_\_\_\_: An Ordinance Amending Ordinance 623, Zoning District of the City of O'Fallon, Illinois (Planned Use Development known as "Full Circle Services & Supply" Parcel Number 04-29.0-320-038, 04-29.0-320-015, 04-29.0-320-016) – **First Reading**

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**List of committees that have reviewed:** The Community Development Committee reviewed the petition at their July 11, 2005 meeting and recommended the petition be denied.

**Background:** The applicants, Carlos and Carlotta Perez, have filed an application requesting approximately 24,500 sq. ft. of land located at 510 S. Lincoln Avenue, be rezoned from B-1, Community Business District to B-2(P), Planned General Business District. The property is located along the east side of S. Lincoln Avenue, between 5<sup>th</sup> and 7<sup>th</sup> Streets.

Prior to the applicant's relocating their business, the Full Circle Service and Supply, to the property at 510 S. Lincoln Avenue, the property contained a building which was used for retail purposes, a feed store and dog grooming service, and also a greenhouse. A trailer has been located on the site for many years along the rear property line and is currently being used for storage. The applicants continue to operate the feed store and dog grooming service. The applicant also is permitted by the zoning ordinance to install batteries, tires, lubricants, and auto accessories ancillary to the primary use of retail sale of those items. The ordinance does NOT authorize the general repair or maintenance of vehicles – that would require rezoning to B-2.

The applicant was informed prior to his occupancy of the building that general automotive repair uses, such as he performed at the Full Circle location behind Super Smokers on W. Hwy 50, were not permitted at this site on Lincoln without rezoning. Unfortunately, the applicant moved into the building without obtaining an occupancy inspection, began general automotive repairs without proper zoning authorization, and also began renting U-haul trailers and vehicles without proper zoning. After a subsequent meeting with City staff about these violations, he was cautioned that he could only install what he was selling in retail on site as it pertained to tires, batteries, lubricants, and accessories. He was also cautioned to obtain a building permit prior to making any changes to the building that required a permit. It was noted by staff the following week that the applicant has installed a new overhead shop garage door that required a permit, which was not obtained. It was also noted that U-Hauls were continuing to be rented on site, and general automotive repairs were being done (based on visual inspection of the premise). Four civil citations have been issued to the applicant as a result of his violations of the building and zoning laws of the City. These matters are in the judicial process at this time. Subsequent to these civil citations, the applicant agreed to pursue rezoning the property and obtaining all necessary permits.

The applicant proposes no other changes to the building at this time. The applicant intends to place evergreens in the rear of the property to act as a buffer to adjacent residential properties and to pave the parking area within two to four years from approval. He does not plan to move the trailer storage in the rear.

The Planning Commission held a public hearing on the above referenced application at their Tuesday, May 10, 2005 meeting and continued the public hearing to their June 28, 2005 meeting for the purpose of allowing the applicant to address concerns raised at the hearing. The Commission unanimously recommended denial of the rezoning request to B-2(P).

**Legal Considerations, if any:** None

**Budget Impact:** None

**Staff recommendation:** The proposed rezoning from B-1 to B-2(P) to allow a general automotive repair and U- Haul rental operation as a new business at this location would constitute "spot zoning" and would be inconsistent with the zoning in the neighborhood. The applicants may continue retail operations on the property and no hardship is imposed on the applicants. This would allow only the installation of batteries, tires, lubricants, and accessories as allowed by ordinance. It would prohibit general automotive repair operations on the site. The installation of an evergreen landscape buffer along the rear property line is not efficient in eliminating all nuisances from an auto repair garage at this location. Staff recommends denial of this rezoning request.