

ORDINANCE NO. _____

**AN ORDINANCE FOR A USE
VARIANCE TO ORDINANCE 623,
ZONING DISTRICTS OF THE CITY
OF O’FALLON, ILLINOIS
(DEVELOPMENT KNOWN AS
“SCHAEFER AUTOBODY CENTER”)
TO BE LOCATED ON PARCEL
NUMBER 03-25.0-330-008 AT 1290
CENTRAL PARK DRIVE, ALLOWING
AN AUTOMOTIVE REPAIR AND
SERVICE IN A B-1 ZONE DISTRICT**

WHEREAS, the applicant, Lechner Realty Group, Inc., on behalf of Peoples National Bank, has filed an application requesting approval of a use variance to authorize the reuse of a 11,866 square foot Subaru car dealership facility for an automotive repair facility located at 1290 Central Park Drive in O’Fallon; and

WHEREAS, the applicant has filed an application with the City of O’Fallon, Illinois pursuant to the requirements of all applicable laws, including City Ordinance 3382, “Hearing Officer Assignment and Duties”; and

WHEREAS, the Zoning Hearing Officer of the City of O’Fallon, Illinois held a public hearing on January 28, 2014, in accordance with state statute; and

WHEREAS, the Zoning Hearing Officer of the City of O’Fallon, Illinois provided a Finding of Facts (Exhibit A) on January 31, 2014, based on the adopted Zoning Hearing Officer Report, attached hereto and declared to be an inseparable part hereof (Exhibit B), testimony provided at the January 28, 2014 public hearing; and

WHEREAS, the Zoning Hearing Officer of the City of O’Fallon, Illinois based on the Finding of Facts, provided in writing the Zoning Hearing Officer’s Recommendation (Exhibit C) to deny the petitioner’s request to obtain a use variance to allow an automotive repair facility in a B-1(P) Planned Community Business District for the property located at 1290 Central Park Drive; and

WHEREAS, on February 10, 2014 the Community Development Committee of the City Council reviewed the petitioner’s request to obtain a use variance to allow an automotive repair facility in a B-1(P) Planned Community Business District and recommended approval of the use variance with a vote of 6 ayes to 0 nays.

WHEREAS, on February 18, 2014 the City Council voted to send the application back to the Community Development Committee of the City Council to further reviewed the petitioner’s

request to obtain a use variance to allow an automotive repair facility in a B-1(P) Planned Community Business District a vote of 8 ayes to 4 nays.

WHEREAS, on February 24, 2014 the Community Development Committee of the City Council reviewed the petitioner's request to obtain a use variance to allow an automotive repair facility in a B-1(P) Planned Community Business District and discussed the City Council's options for the Use Variance. The Committee recommended sending the Ordinance back to the City Council without a recommendation with a vote of 6 ayes to 0 nays.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. That upon the effective date of this Ordinance, a use variance is granted that approves Schaefer Autobody Center to be in the B-1(P) Planned Community Business District at 1290 Central Park Drive, with the following conditions:

1. The installation of the fencing must be completed prior to the commencement of the autobody shop.
2. All vehicle storage shall be located within the screened area.
3. All outdoor storage shall be located within the screened area.
4. No outdoor storage shall exceed the height of the fence.
5. All hazardous materials associated with the body shop must be handled in accordance with all local, state and federal regulations.
6. The use variance shall not transfer to future property owners of the site. If the property were to be sold to a different automotive repair facility, the future user of the property would be subject to the B-1 Community Business District and shall be required to submit and proceed through the use variance process.

Section 2. A Certified Copy of this ordinance, with all referenced attachments, shall be filed with the City Clerk's office of the City of O'Fallon, Illinois.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this _____ day of _____ 2014.

ATTEST:

Approved by the Mayor this _____ day

(seal)

of _____ 2014.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	McCoskey	Meile	True	Albrecht	Mouser	Hagarty	Drolet, J.	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Roach	Bennett	Cardona	Hursey	Holden	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									