



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: January 15, 2020

SUBJECT: Petition of David Horton of Dave's Garage for a Special Use to allow for the outdoor display and sale of vehicles/trailers and an automotive repair business at 727 S. Main St.

BACKGROUND: The petitioner here is seeking a Special Use to operate a vehicle/trailer sales and a repair operation. This location has been used for vehicle repair and most recently vehicle sales. The site plan shows 35 vehicles but staff feels that's a tight squeeze given the lot size. Perhaps 30 is more reasonable until the petitioner expands the lot along the Ravine frontage – which would require the lot to be attached to the primary one and paved accordingly.

Lastly, this property needs some landscaping and has greenspace to accomplish this task along the frontage of the property. Installation should occur no later than May 1, 2020. The ZBA did not address landscaping at their meeting.

At the ZBA hearing, the board voted 4-1 to recommend approval of this proposal to the City Council with the limitation that not more than 30 vehicles at a time can be displayed for sale. The lone dissent vote was due to the number of vehicles permitted as that board member indicated the number should be lower.

RECOMMENDATION: Approval, as presented with the following conditions:

- Not more than 30 vehicles shall be for sale at any given time.
- Landscaping needs to be installed as per approved plan by May 1, 2020.

ORDINANCE NO. 4481

**AN ORDINANCE AUTHORIZING A SPECIAL USE
FOR PROPERTY LOCATED AT 727 S. MAIN STREET
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, David Horton (the "Petitioner") has petitioned for a special use to allow the operation of a used vehicle and trailer dealership and repair shop on property zoned "B-3, Business Service District" and located at 727 South Main Street, as shown and described at "Exhibit A" attached hereto and incorporated herein by reference (which property as so described hereinafter referred to as the "Property"); and

WHEREAS, after hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed Special Use subject to certain conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. A Special Use to allow the sale and display of used vehicles and trailers and a vehicle repair shop operation on the Property is hereby approved.

Section 2. The establishment and continuation of the special use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. Petitioner shall establish the Special Use approved by this Ordinance in accordance with a site plan (the "Site Plan") prepared and submitted by the Petitioner.
2. Not more thirty (30) vehicles and trailers (in any combination that does not exceed 30 in number) may be displayed for sale at any given time on the Property.
3. Petitioner shall prepare and present a landscaping plan for the Property to the Director of Planning and Community Development for review and approval, and then install and maintain the approved landscaping plan by no later than May 1, 2020.
4. All improvements authorized or required by this Ordinance shall be completed and continuously maintained in accordance with a Site Plan.

Upon the violation of or failure to comply with the forgoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may,

after providing reasonable notice and an opportunity for a hearing, terminate the Special Use hereby approved.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

Case 20-SU-5
727 S. Main St.
David Horton of Dave's Garage

Exhibit "A"

Legal Description: P.I.N.s: 01--01-32-409-001 & 05-05-05-105-030



