ORDINANCE NO. 19 - 08

ORDINANCE AMENDING THE ZONING MAP TO RECLASSIFY
PROPERTY AT 301 AND 303 W. LINCOLNWAY TO
C-1 COMMERCIAL DISTRICT WITH SPECIAL USE

WHEREAS, Petitioner, Harkness Properties, LLC, and Peter J. Harkness, previously filed a request to have properties at 301 and 303 W. Lincolnway (PIN# 09-18-178-005 and 09-18-178-004) changed from C-1 Commercial District to C-1 Commercial District Special Use; and

WHEREAS, the City Council on April 8, 2019 referred the matter to the Planning and Zoning Board for consideration and review of the request; and

WHEREAS, the Planning and Zoning Board held an initial public hearing on March 27, 2019, to consider the request and entertain any objections or comments in support of the request; and

WHEREAS, after due consideration and debate, the Planning and Zoning Board voted 3-1 against recommending Petitioner’s request to reclassify the identified parcels to “C-1 with Special Use”; and

WHEREAS, the City Council on May 28, 2019, reviewed the recommendation of denial tendered by the Planning and Zoning Board, voting to return the matter to the Planning and Zoning Board for further consideration and deliberation; and

WHEREAS, the Planning and Zoning Board on May 29, 2019, held further public hearing for consideration and review of the request, including presentation of additional information and evidence from Petitioner, the general public, as well as the respective tenants; and

WHEREAS, after further consideration and debate, the Planning and Zoning Board voted 2-2, with one abstention, to forward Petitioner’s request to reclassify the identified parcels to C-1 with Special Use, without recommendation, to the City Council; and
WHEREAS, as part of formally reviewing the request by Petitioner for special use for the designated properties the City reviewed and considered the zoning history of the subject properties; and

WHEREAS, in 2004 the City adopted an Ordinance (04-24) that re-zoned the property at 301 W. Lincolnway as “Auto-Related Business District but did not designate whether that classification was intended to be C-1 or C-3; and

WHEREAS, the City’s official zoning map since at least 2006 has designated the two parcels (301 & 303 W. Lincolnway) as being located within the C-1 Commercial District; and

WHEREAS, the property at 303 W. Lincolnway is current vacant land, has no residence located thereon, is immediately contiguous to the C-1 Commercial District, although the City has no record of the property at 303 W. Lincolnway being re-zoned from residential to C-1 Commercial District; and

WHEREAS, the City Council reviewed the decision of the Planning and Zoning Board and the requested reclassification.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Morrison, as follows:

SECTION 1: The statements contained in the preamble paragraphs of this Ordinance are declared to be true and accurate and incorporated herein.

SECTION 2: Based on the history of the two respective parcels, including the 2004 Ordinance and prior promulgation of an Official Zoning Map designating the two parcels as being located in the C-1 Commercial District, the Corporate Authorities herein declare and affirm the zoning, at the time of Petitioner’s request, as being C-1 Commercial District.

SECTION 3: The parcels described herein are hereby further reclassified, under the zoning ordinances of the City of Morrison, as zoning classification C-1 with Special Use, allowing for the operation of an auto repair business provided the owner and any lessee agrees to the following items:
A. Petitioner shall comply with all state licensing requirements applicable to the intended operation;

B. Petitioner shall comply with all waste disposal requirements, imposed by Federal, State, or local law;

C. Petitioner shall not be permitted to use the premises for long-term storage of unlicensed vehicles;

D. Petitioner shall not be open to the public, performing repair services on the premises, before 8 a.m. or after 7 p.m. but may engage in cleaning or preparation work of the site at least one hour before and one hour after said designated times;

E. Petitioner shall cause to be erected, within 90 days of approval of this Ordinance, wrought iron fencing on a portion of the property bordering West Lincolnway, complying with all setbacks and installation a 4 foot wide landscaped area;

F. All building signage shall comply with the Zoning Code;

G. Petitioner shall proceed to have the lots properly blacktopped or concreted, with proper lane designations for parking of vehicles;

H. Petitioner shall erect appropriate fencing or landscape screening between the property at 303 and 305 W. Lincolnway;

I. Petitioner, along with any respective tenants, shall comply with the City’s noise ordinance in its operation.

J. The grant of special use shall not be assignable or transferable to future parcel owners, without action by the City Council.
K. Petitioner is encouraged to work with local historic preservation experts to facilitate improvements to the building at 301 W. Lincolnway to restore the structure to an appearance consistent with prior historical appearance.

SECTION 4: The official zoning map of the City of Morrison is hereby amended to reflect the reclassification of the parcels described herein.

SECTION 5: This ordinance shall be effective upon its adoption, passage, and publication according to law.

Passed by the Mayor and the City Council of the City of Morrison, Illinois, on the _____ day of ________________, 2019.

_______________________________
Mayor

ATTEST:

_______________________________
City Clerk