

## **ORDINANCE NO. 2485**

### **AN ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR REAL ESTATE HAVING THE ASSIGNED ADDRESS OF 200 QUARRY ROAD, IN THE CITY OF COLUMBIA, ILLINOIS FOR WATERLOO BANCSHARES, INC., DOING BUSINESS AS COMMERCIAL STATE BANK OF WATERLOO, AN ILLINOIS BANK CORPORATION, TO ALLOW FOR CONSTRUCTION OF A COMMERCIAL STATE BANK OF WATERLOO DRIVE-IN / DRIVE-THRU BUILDING AND FACILITY IN A C-2 (GENERAL BUSINESS ZONED DISTRICT) IN THE CITY**

WHEREAS, Waterloo Bancshares, Inc., an Illinois Bank Corporation doing business as Commercial State Bank of Waterloo, (the "Applicant" or the "Company") is the owner of property in the City of Columbia, Illinois (the "City") having the assigned address of 200 Quarry Road, which property is zoned C-2 (General Business Zoned District) and for the uses and purposes therein allowed;

WHEREAS, Section 17.28.010 of the City's Zoning Code, as amended by City Ordinance No. 2321, enacted January 24, 2005, determines the uses allowed by special use permit in a C-2 (General Business Zoned District) in the City;

WHEREAS, said Section 17.28.010 and Section 17.40.010 of the City's Zoning Code allows financial drive-in/drive-thru facilities to be constructed in a C-2 (General 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: (b) Minimum Lot Area, (c) Minimum Front, Side and Rear Yard space required, (d) Building Setback from the Centerline of an Interior Street, (f) Minimum Gross Floor Area of the Principal Building on the lot, (g) Plan of Landscape Development to be submitted with the special use permit application, (h) Maximum Height of Structure, (i) Fence, (j) Screen Planting Where facility abuts a Residential Use, (k) Minimum Parking Spaces, (l) the Distance of the Parking Area from a Residential Use, (o) Plat Approval by the Plan Commission to be submitted with the special use application, (p) Development Plan to be submitted with the special use application, (q) Covenant by Owner to Perpetuate Maintenance and Approve Future Improvements, (r) Maximum Number of Principal Entrances from Major Thoroughfare, (s) Acceptable Relationship to Major Thoroughfare, (t) Thoroughfare Must be Adequate to Carry Additional Traffic Engendered by Use, (v) Outdoor Artificial Lighting shall be approved by the Plan Commission, or 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, (x) No Sales, Dead Storage, Repair Work, or Dismantling on the lot, 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 Plan Commission for the protection of residentially zoned or used property; and, in addition thereto, such other land development and use and activity restrictions as the

City Council shall reasonably require, including but not limited to: signage restrictions beyond those required by the City' Street Graphic Control Ordinance, traffic routes and patterns, restrictions on hours of operation, restriction on hours of operating on premises lighting, restrictions on premises parking beyond those ordinarily required by the City's Zoning Code;

WHEREAS, the Company has applied for a Special Use Permit to construct the bank structure and facility aforesaid;

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; on June 12, 2006 the Plan Commission recommended the granting of the special use permit requested by the Company; and on June 14, 2006 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 the Company 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:

(1) b. Minimum lot area of 6,500 square feet.

(2) c. Minimum front yard depth of 20 feet, minimum side yard depth of ten (10) feet and minimum rear yard depth of 20 feet.

(3) d. 1. The Drive-In / Drive-Thru Bank Building and Facility must be set back a minimum of 20 feet from Quarry Road in order to create a minimum 20 feet deep front yard.

(4) g. Plan of landscaping development subject to the review and approval of the City of Columbia must be submitted to building commissioner for approval before issuance of the occupancy permit for the bank facility. The Plan shall include but not be limited to satisfying requirements relating to size, type, spacing and amount of plant material (including trees, shrubbery and ground cover), the size, construction, maintenance protection, watering and drainage of landscape areas or planting beds; and, spatial functional relationship between landscape areas, parking spaces, motor vehicle circulation and pedestrian traffic. The City of Columbia may require the review of said Plan by a certified landscape architect to be chosen by the City. The applicant shall incur all cost of plan review by said landscape architect.

(5) h. The maximum height of the Building and Facility, measured from ground elevation to eve of the structure, shall be 40 feet above (measured from) the average ground elevation at the perimeter of the building.

(6) p. A development plan must be submitted to and approved by the building commissioner prior to issuance of the building permit for the building and ATM structure.

(7) The Quarry Road access shall be a right turn egress (i.e. exit) only to avoid conflict with Quarry road traffic and to avoid traffic congestion as the surrounding area continues to develop and shall be subject to the parties making and entering into an amendment of the First Amended Annexation Agreement between the City and Raymond Haegele, et. al., dated January 21, 2002, Recorded in the Monroe County, Illinois Recorder's office in Book 237, on Pages 704 – 744, as Document No. 256493 (which prohibited a direct access onto the Quarry road for the subject property). An ingress/egress plan (depicting the location and direction of travel for motor vehicle traffic on the bank building and ATM site) must be submitted and approved by the City before the building permit will be issued for the ATM structure and the construction and installation of the ATM shall be allowed.

(8) x. No sales, dead storage, repair work or dismantling shall be allowed on the lot.

(9) 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 effect or interfere with the use of adjoining property.

(10) The entire proposed signage for the Commercial State Bank site and improvements at this Quarry Road site must be submitted and approved by the City before the building permit will be issued for the ATM structure and the construction and installation of the ATM shall be allowed (and the signage will be limited to one

monument sign as defined in the Columbia Sign Code, Chapter 15.44 of the Columbia Municipal Code).”

**Section 4.** The Special Use Permit Applicant, Waterloo Bancshares, Inc., shall be granted the Special Use Permit for construction of the proposed Commercial State Bank of Waterloo drive-in/drive-thru structure and facility at 200 Quarry Road 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 Commissioner is hereby ordered and directed to issue a Zoning Certificate to the Applicant, Waterloo Bancshares, Inc., 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, as provided by law.

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

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row and Huch.

NAYS: None.

ABSENT: Mayor Hutchinson.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 7<sup>th</sup> day of August, 2006.

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MICHAEL CONRAD, Mayor Pro Tem

ATTEST:

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WESLEY J. HOEFFKEN, City Clerk

(SEAL)