

APR 21 2008

ORDINANCE NO. 2645


City Clerk

AN ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR LOT NO. 1 OF THE ADMIRAL TROST DEVELOPMENT SUBDIVISION IN THE CITY OF COLUMBIA, ILLINOIS WHICH PROPERTY HAS NO ASSIGNED ADDRESS AND BELONGS TO THE STEVEN R. DICKERSON TRUST IN ORDER TO ALLOW FOR A DRUG STORE DRIVE THRU FACILITY FOR A CVS PHARMACY PROPOSED TO BE CONSTRUCTED ON THE REAL ESTATE LOT BY CEDARWOOD DEVELOPMENT, INC. OF AKRON, OHIO

WHEREAS, Cedarwood Development, Inc., a corporation, of Akron, Ohio (the "Applicant") is proposing to build a CVS Pharmacy building with a drive thru facility on lot Number 1 of the Admiral Trost Development Subdivision in the City of Columbia, Illinois (the "City"), which lot belongs to the Stephen R. Dickerson Trust, for the operation of a pharmacy business, which property is zoned C-3 (Highway Business Zoned District) and for the uses and purposes therein allowed;

WHEREAS, Section 17.30.020 and Section 17.40.010 of the City's Zoning Code allows Drug store drive thru facilities to be located in a C-3 (Highway 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(1) - minimum lot area of 10,000 square feet; c(1) - Minimum Yards (Feet) - Front Yard - 50', Side Yard - No minimum, Rear Yard - 20'; (g) - Plan of landscape development to be submitted with application for special use permit; h(1) - Maximum Height of Structure (Feet) - 40' above average ground elevation; j(3) - 6' high by 6' wide screen planting where abutting a residential use (tight screen effective at all times); l(1) - minimum of 10' distance of parking area from residential use; m(1) - number of offloading and unloading berths limited to one; n(1) - minimum of 50' distance separating loading and unloading berth from residential use; o - plat approval to be submitted with application; p - development plan to be submitted with application, s - acceptable relationship to thoroughfare; v - outdoor artificial lighting to be approved by the building commissioner; and, w - disposal of liquid and other wastes shall meet the approval the pertinent health authorities;

WHEREAS, the Applicant has applied for a Special Use Permit to operate the drug store drive thru 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 applicant's 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 necessary notice to the owners of property located within 250 feet of the subject property and on February 25, 2008 the Plan Commission unanimously recommended the granting of the special use permit requested by the Applicant; and on March 5, 2008 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 on that date the City's Zoning Board of Appeals unanimously recommended that the special use permit requested by the Applicant be granted 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 Applicant 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 zoned 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 Applicant 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(1) Minimum Lot Area – 10,000 square feet.
- (2) c(1) Minimum Yards (Feet) – Front Yard – 50', Side Yard – No Minimum, Rear Yard – 20'.
- (3) g Plan of landscape development to be submitted with application.
- (4) h(1) Maximum Height of Structure (Feet) – 40' above average ground elevation.
- (5) j(3) Six foot (6') high by six foot (6') wide screen planting where abutting a residential use.
- (6) l(1) Distance of Parking from Residential Use (Feet) – 10'.
- (7) m(1) Minimum of 50' distance separating loading and unloading berth from residential use.
- (8) o Plat approval to be submitted with application.

- (9) p Development plan to be submitted with application.
- (10) s Acceptable relationship to thoroughfare.
- (11) v Outdoor lighting to be approved by the Building Commissioner.
- (12) w Disposal of liquid and other wastes shall meet the approval of the pertinent health authorities,

Section 4. The Special Use Permit Applicant, Cedarwood Development, Inc., a corporation, of Akron, Ohio shall be issued a Special Use Permit for a drug store drive thru facility to be located on Lot number 1 of the Admiral Trost Development Subdivision 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 Inspector is hereby ordered and directed to issue a Zoning Certificate to the Applicant, Cedarwood Development, Inc., for the Special Use Exception aforesaid, which Zoning Certificate shall include the special use designation requirements the Applicant is required to comply with which are specified and described in Section 3 of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

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

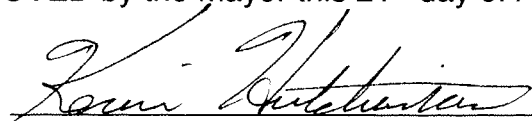
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 21st day of April, 2008.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)