

JUL 19 2010

ORDINANCE NO. 2794

J. Ronald Colyer
City Clerk

**AN ORDINANCE TO GRANT SIGN VARIANCES,
TO EDWARD BURRIS OF WATERLOO, ILLINOIS
FOR HIS MCDONALDS RESTAURANT STORE
BUSINESS LOCATED AT 300 COLUMBIA CENTRE
IN THE CITY OF COLUMBIA, ILLINOIS TO ALLOW
MORE SIGN AREA THEN THE CITY'S SIGN CODE
ALLOWS AN ESTABLISHMENT TO DISPLAY, TO
ALLOW MORE SIGNS TO BE DISPLAYED THAN
THE CITY'S SIGN CODE ALLOWS FOR AN
ESTABLISHMENT IN A COMMERCIAL ZONED
DISTRICT IN THE CITY AND TO ALLOW A
FREESTANDING SIGN THAT EXCEEDS FIFTEEN
FEET IN HEIGHT IN A C-2 (GENERAL BUSINESS
ZONED DISTRICT) IN THE CITY, CONTRARY TO
WHAT THE CITY'S SIGN CODE PERMITS**

WHEREAS, Section 15.44.070 (Selected definitions) which defines "building frontage" and building lot "frontage" in the City of Columbia, Illinois (the "City") Sign Code provides and requires, in pertinent part, that "Building Frontage" means the lineal extent of the building facing a street or public way if the building abuts a street; except that if a building has lot frontage on two intersecting streets, the total building frontage shall be the lineal distance measured along the building line of the lot on each of the two intersecting streets;

WHEREAS, Section 15.44.100 of the City's Sign Code provides that the total of the area of all signs which a particular establishment is permitted to display shall be one (1) square foot of sign area per one (1) foot of building frontage, not to exceed one hundred (100) lineal feet of such building frontage; and, no establishment in any zoned district shall be permitted to display more than one hundred (100) square feet of signage;

WHEREAS, Section 15.44.110 of the City's Sign Code provides and requires that if an establishment has frontage on two or more streets, each side having frontage shall be considered separately for purposes of determining compliance with said Section 15.44.100 sign area regulation;

WHEREAS, Section 15.44.190 of the City's Sign Code provides and requires, in pertinent part, an establishment located in any commercial district shall not be allowed more than one exterior sign on each street frontage;

WHEREAS, Section 15.44.190 of the City's Sign Code provides and requires, in pertinent part, in a C-2 (General Business Zoned District) in the City,

a freestanding sign exceeding ten (10) square feet of sign area shall not exceed fifteen feet (15') in height;

WHEREAS, the building having the assigned address of 300 Columbia Centre in the City, on which the McDonalds Restaurant Store building is located in a C-2 (General Business Zoned District, being a commercial zoned district in the City) has street frontage on both Edelweiss Street and Columbia Centre Street having a combined total of lineal street frontage of One Hundred Seventy Eight Feet (178') and has northern exposure to State of Illinois Route No. 3 (a/k/a Admiral Parkway) in the City but does not have "street frontage" on that highway;

WHEREAS, Epoch Design Group on behalf of the McDonalds Restaurant Corporation, filed a Request for Sign Variances Application with the Columbia City Clerk on June 9, 2010 requesting that there be allowed for the McDonald Restaurant Store building and facility located at 300 Columbia Centre in the City: (i) Two Hundred Seventy Three and Sixty Two Hundredth (273.62) square feet of sign area notwithstanding Section 15.44.100 of the Sign Code limits sign area for the establishment to One Hundred (100) square feet; (ii) four (4) signs for the establishment notwithstanding Section 15.44.090 of the Sign Code restricts the number of signs for the establishment to two (2); and, to allow the existing freestanding sign which is of a height of twenty six feet (26') notwithstanding Section 15.44.190 of the Sign Code restricts the height of the freestanding sign for the establishment to a height of fifteen feet (15');

WHEREAS, Subsection B (Public Hearing Notice) of Section 15.44.380 (Variances), of the City's Sign Code provides and requires that the street graphics advisory committee shall hold a public hearing on each variance request within sixty (60) days after the variance application is submitted to them following publication of notice of the hearing and first class mailing of the notice to the variance applicant not less than thirty (30) and not more than sixty (60) days before the hearing, at which hearing interested persons may appear and testify;

WHEREAS, Subsection C (Advisory Report) of Section 15.44.380 (Variances), of the City's Sign Code provides and requires that the street graphics advisory committee shall submit its report regarding the variance request to the city council within ten (10) days of the public hearing (or seventy [70] days after it receives the variance application) or shall be deemed to have approved the variance request;

WHEREAS, Subsection D (Decision of the City Council) of Section 15.44.380 (Variances), of the City's Sign Code provides and requires that the city council shall act upon the variance request at their next regular meeting following receipt of the street graphics advisory committee's advisory report or ninety (90) days after filing of the variance application with the city clerk, whichever is less; that the city council shall grant or deny the request by simple majority vote of a

quorum of all members of the city council then holding office; and, if the city council fails to have acted upon the variance request within the deadline aforesaid the city council shall be deemed to have approved the request;

WHEREAS, Subsection E (Standards for Variances) of Section 15.44.380 (Variances) of the City's Sign Code provides and requires that the city council shall not grant any street graphic variance unless, based upon the evidence presented to them, they find that special circumstances involving size, shape, topographic, location or surrounds affect the property referred to in the application and denial of the application would cause unreasonable or unnecessary hardship; and further, that the sign will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the public safety or welfare and the neighborhood in which it is located;

WHEREAS, in accordance with the requirement of Section 15.44.380 of the City's Sign Code, a public hearing with regard to the variances requested was held before the Street Graphics Committee of the City on the 1st day of July, 2010 (and within the sixty (60) day deadline required by the Sign Code) at the Columbia City Hall and a quorum of the members of the Street Graphics Committee was present and all four (4) members of the committee members present voted to recommend approval to the Columbia City Council of the granting of the variances requested;

WHEREAS, in accordance with the requirements of Section 15.44.380 of the City's Sign Code, the City's City Council has found and determined and does hereby declare, that based upon the evidence presented, special circumstances exist involving the size, location and surroundings of the subject property and in the circumstances involved in the granting of the sign variance requested which will result in an unreasonable or unnecessary hardship if the variances are not granted, including:

(1) The sign area currently displayed on the restaurant premises at 300 Columbia Centre in the City is approximately Seventy (70) square feet more than the Two Hundred Seventy Three and Sixty Two Hundredths (273.62) square feet of signage that is being requested to be displayed at the establishment if the requested sign variances are granted and allowed;

(2) The proposed signs are aesthetically pleasing and create a good appearance in the neighborhood they are located in and will not cause substantial injury to the value of property in the vicinity nor be detrimental to the public safety or welfare or be detrimental to the neighborhood it is located in;

(3) The existing, freestanding, pole sign on the premises is twenty six feet (26') high and is not being changed and it is believed that a variance to allow the same was previously granted by the City when the establishment was built in 1988 and was under different ownership and the

granting of the variances will not result in more signage on the premises of the subject commercial zoned lot.

WHEREAS, as is required by Section 15.44.380 of the City's Sign Code, the City's City Council has found and determined and does hereby declare, that to deny the variances requested would cause unreasonable and unnecessary hardship for the applicant and the variances requested should be approved by the city council; and,

WHEREAS, as is required by Section 15.44.380 of the City's Sign Code, this ordinance is enacted to grant the sign variances requested at the next regular meeting of the city council following receipt of the recommendation of the street graphics advisory committee and is also being enacted to ratify and confirm the sign variances heretofore granted for this establishment by the City Council in 1988 for which no ordinance or resolution was enacted.

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 does hereby acknowledge, confirm and ratify the sign variances heretofore granted for the commercial zoned McDonalds Restaurant Store establishment and Commercial Zoned Lot in the Columbia Centre Shopping Center in the City, having the assigned address of 300 Columbia Centre Street in the city, for the existing signage on the premises, to include the freestanding identification sign which is Eleven Feet (11') higher than the Sign Code allows and which has a greater number of signs on the premises than the Sign Code allow.

Section 3. The property owner, Edward Burris, is hereby granted a sign variance or special exception from the requirements of Section 15.44.100 of the City's Sign Code, to allow his establishment to display over One Hundred (100) square feet of signage to include the Two Hundred Seventy Three and Sixty Two Hundredth (273.62) square feet of signage requested to be displayed in the sign variance application filed herein, which application is incorporated herein by reference and by reference made part hereof.

Section 4. The property owner, Edward Burris, is hereby granted a sign variance or special exception from the requirements of Section 15.44.190 of the City's Sign Code which limits the number of signs that an establishment can display to one (1) per each street frontage, to allow his establishment to display the four (4) signs requested to be displayed in the sign variance application filed

herein, which application is incorporated herein by reference and by reference made part hereof.

Section 5. The property owner, Edward Burris, is hereby granted a sign variance or special exception from the requirements of Section 15.44.190 of the City's Sign Code which limits the height of the existing freestanding signs on the establishment's premises to fifteen feet (15'), to allow that freestanding sign on his restaurant premises at 300 Columbia Centre in the City to be twenty six feet (26') high as requested in the sign variance application filed herein, which application is incorporated herein by reference and by reference made part hereof.

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 Oberkfell, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberkfell, Stumpf,

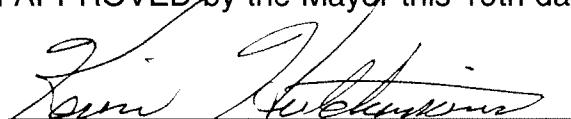
Roessler and Mayor Hutchinson.

NAYS: None.

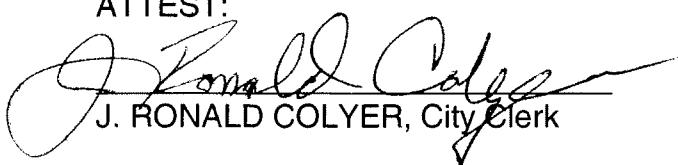
ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 19th day of July, 2010.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


J. RONALD COLYER, City Clerk

(SEAL)