

ORDINANCE NO. 2479

AN ORDINANCE TO GRANT A SIGN CODE VARIANCE TO THE FIRST NATIONAL BANK OF WATERLOO, ILLINOIS TO ALLOW THE BANK TO DISPLAY SIGNS ON THREE (3) SIDES OF THE CANOPY ATTACHED TO THE BANKS ATM STRUCTURE LOCATED AT 1031 VALMEYER ROAD IN THE CITY OF COLUMBIA, ILLINOIS TO RELIEVE OF THE OBLIGATION OF THE CITY'S SIGN CODE RESTRICTION THAT COMMERCIAL SIGNAGE IS LIMITED TO ONE SIGN PER STREET FRONTAGE

WHEREAS, Section 15.44.090 of the City of Columbia, Illinois (the "City") Sign Code provides that only one exterior sign, regardless of type, shall be permitted on each street frontage for commercial signs in the City;

WHEREAS, the First National Bank of Waterloo, Illinois (the "Bank") has requested a variance from the City's City Council to allow the bank to display signage which will state "First National Bank" on three (3) sides of the canopy attached to the Bank's ATM Structure located at 1031 Valmeyer Road in the City notwithstanding the four (4) sided ATM and canopy is situated so as to have two (2) and not three (3) street frontages;

WHEREAS, in accordance with the requirement of Section 15.44.380 of the City's Sign Code, a public hearing with regard to the variance request was held before the Street Graphics Committee of the City on July 6, 2006 at the Columbia City Hall and the members of the Street Graphics Committee in attendance at the public hearing recommended to the City's City Council that the variance be granted;

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, based upon the evidence presented, that special circumstances involving the size, shape, topography, location and surroundings of the property involved in the sign variance request will result in an unreasonable or unnecessary hardship if the variance is not granted, including the following:

(1) On or about December 9, 2005, the City's Building Commissioner issued a building permit authorizing the construction of the metal ATM structure to be installed on leasehold property at 1031 Valmeyer road in the City which ATM structure was depicted to display the existing signage at the time the building permit was issued; the ATM structure was delivered to the site in or around January, 2006 and there installed and is still not in service due to City zoning code and sign code variances the Bank was subsequently advised would be required before the Bank could operate the facility and the Bank has expended over \$100,000 for fabrication and installation of the ATM which it has not been able to use since its installation;

(2) There currently exists on the ATM structure seven (7) signs all of which were painted on the structure when it was manufactured and fabricated for delivery to the bank site and all of said signs painted on the metal ATM structure the Bank has agreed will be painted over and eliminated (at a cost to the Bank of \$5,000) so that the only signage on the ATM structure will be the signage on three (3) of the four (4) sides of the canopy on the ATM structure;

(3) The proposed canopy signs will be more attractive than the signs they will replace and will result in a better site design and land utilization;

(4) The proposed signage will not adversely affect any adjoining or proximately located property or property owner;

(5) The ATM structure location constitutes an exceptional topographical condition or extraordinary or exceptional situation or condition on the subject property which condition is not generally prevalent in the neighborhood in that it is located on a small tract of property off the entrance to the Columbia Centre Shopping Center and there is a significant lateral separation distance between the ATM structure and the closest exterior walls of adjacent other businesses;

(6) Requiring strict application of the exterior signage requirement of the City's Sign Code involved herein in this C-2 (General Business Zoned District) in the City for the Bank which made the ATM structure improvement in reliance upon the building permit the Bank received from the City Building Commissioner and for which the Bank has expended over \$100,000 on the structure in reliance on said permit and will be required to expend \$5,000 more to paint over the existing signage on the structure would result in a peculiar and exceptional practical difficulty and would create an exceptional and undue hardship if the exterior sign variance requested is not granted, which hardship should be avoided by the granting of the variance requested.

WHEREAS, as 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 the allowance of the signs on the three (3) sides of the canopy affixed to the ATM structure as requested by the Bank will not cause substantial injury to the value of property in the vicinity of the sign and will not be detrimental to the public safety and welfare in the neighborhood in which it is located.

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 First National Bank of Waterloo, Illinois is hereby granted a variance or special exception to allow the Bank to install and maintain the signs the Bank has requested on three (3) sides of the canopy of the Bank's ATM structure at 1031 Valmeyer road in the City in accordance with the "Request for Sign Variance Application" filed with the City Clerk by the President of the Bank, Mr. Gary Hemmer, which said signs are more particularly described and depicted in said "Request for Sign Variance Application".

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

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

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row and Mayor Hutchinson.

NAYS: None.

ABSENT: Aldermen Unnerstall and Huch.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 17th day of July, 2006.

KEVIN B. HUTCHINSON, Mayor

ATTEST:

WESLEY J. HOEFFKEN, City Clerk

(SEAL)