

FEB 01 2010

ORDINANCE NO. 2766

J. Ronald Colyer
City Clerk

AN ORDINANCE TO GRANT A SIGN VARIANCE TO WALGREENS, A CORPORATION, TO ALLOW A FLUSH-MOUNTED BUSINESS IDENTIFICATION SIGN TO BE RELOCATED FROM THE SIDE OF A BUILDING HAVING FRONTAGE ON ADMIRAL TROST BOULEVARD TO THE SIDE OF THE BUILDING HAVING A NORTHERN EXPOSURE TO STATE OF ILLINOIS HIGHWAY ROUTE NO. 3 (A/K/A "ADMIRAL PARKWAY") FOR THE WALGREENS DRUG STORE BUILDING LOCATED AT 100 ADMIRAL WEINEL BOULEVARD IN THE CITY OF COLUMBIA, ILLINOIS.

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 of Columbia, Illinois (the "City") 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, the building having the assigned address of 100 Admiral Weinel Boulevard in the City, on which the Walgreens Drug store building is located in a C-3 (Highway Business Zoned District, being a commercial zoned district in the City) and has street frontage on both Admiral Weinel Boulevard and Admiral Trost Boulevard 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, in or around 2002 the City Council of the City did grant sign variances for the lot at 100 Admiral Weinel Boulevard in the City to allow the display of three hundred (300) square feet of signage, to include flush-mounted business identification signs on the Walgreens Drug Store building located on said building lot on the sides of the building having frontages on Admiral Weinel Boulevard and Admiral Trost Boulevard in the City as well as to allow a monument sign of a size that exceeded the sign area allowance in the City’s Sign Code but failed to enact an appropriate ordinance or resolution evidencing the granting of the sign variances involved;

WHEREAS, Walgreens filed a Request for Sign Variance Application with the Columbia City Clerk on November 24, 2009 requesting that Walgreens be allowed to relocate its flush-mounted sign located on its Building at 100 Admiral Weinel Boulevard in the City from its building frontage on Admiral Trost Boulevard to its building frontage which has a northern exposure to State of Illinois Highway Route No. 3 (a/k/a Admiral Parkway) in the City but which does not have street frontage;

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 variance request was held before the Street Graphics Committee of the City on January 12, 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 members of the committee present voted to recommend approval by the Columbia City Council of the granting of the variance 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 variance is not granted, including:

(1) The transfer of the subject flush mounted business identification sign from the side of the Walgreens building located on Admiral Trost Boulevard (which has a southern exposure to said street) to the side of the building having a northern exposure to State of Illinois Highway Route No. 3 (a/k/a "Admiral Parkway") will still be in compliance with the sign variances heretofore granted to Walgreens in 2002 which allowed one (1) flush-mounted business identification sign to be displayed on each of two (2) street frontages and granted additional sign area allowance for the premises;

(2) The proposed sign is aesthetically pleasing and creates a good appearance in the neighborhood it is located in and the relocation of the sign to the north wall of the Walgreens Drug Store Building on the premises 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 relocation of the subject sign from the south wall of the Walgreens building to the north wall of the Walgreens building on the premises

will not result in more signage on the premises of this subject commercial zoned lot nor exceed the sign area allowance variances heretofore granted.

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 variance request would cause unreasonable and unnecessary hardship for the applicant and the variance request 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 variance 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 by the City Council in 2002 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 Walgreens Drug Store lot in the Admiral Trost Development subdivision, having the assigned address of 100 Admiral Weinel Boulevard in the city, for the existing signage on the premises, to include the allowance of 300 square feet of signage on the premises, to allow the monument sign on the premises that exceeds the sign area allowance for the same; and, the allowance of two (2) flush-mounted signs on the building on the premises to include the south frontage on Admiral Trost Boulevard and the east frontage on Admiral Weinel Boulevard; notwithstanding the City sign code restricts signage on a commercial zoned lot to one sign per street frontage and not to exceed 100 square feet of signage per lot and has a monument sign area allowance that has been exceeded.

Section 3. Walgreens, a corporation, is hereby granted a sign variance or special exception to allow it to move its flush-mounted, business identification sign from the frontage of its building located at 100 Admiral Weinel Boulevard in the City to the frontage of said building that has northern exposure to State of Illinois Highway Route No. 3 (a/k/a Admiral Parkway) in the City.

Section 4. 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 Row, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberkfell, Stumpf and Roessler.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 1st day of February, 2010.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


J. RONALD COLYER, City Clerk

(SEAL)