

FEB 22 2011

ORDINANCE NO. 2848

AN ORDINANCE TO DENY OR GRANT SIGN VARIANCES TO HARRY AND CRESITA MARDIROSIAN AND DG PARTNERS FOR A PROPOSED DOLLAR GENERAL RETAIL STORE TO BE LOCATED ON PART OF LOT 4 OF MITWEIDE'S SUBDIVISION HAVING THE ASSIGNED ADDRESS OF 922 SOUTH MAIN STREET IN THE CITY OF COLUMBIA, ILLINOIS TO NOT ALLOW A MONUMENT SIGN GREATER THAN SIX (6) FEET IN HEIGHT ALLOWED BY THE CITY'S SIGN CODE, TO ALLOW MORE SIGN AREA THAN THE CITY'S SIGN CODE ALLOWS AN ESTABLISHMENT TO DISPLAY AND 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


City Clerk

WHEREAS, Section 15.44.070 (Selected definitions) which defines "monument sign" in the City of Columbia, Illinois' ("City") Sign Code provides the total height of a monument sign measured from the surface of the ground at the highest elevation closest to the base of the sign to the top of the sign shall not exceed six (6) lineal feet;

WHEREAS, Section 15.44.070 (Selected definitions) which defines "building frontage" and building lot "frontage" in the City's 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 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 15.44.190 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, the property having the assigned address of 922 South Main Street in the City on which a Dollar General Retail Store is proposed to be constructed and installed in a C-2 (General Business Zoned District) has street frontage along South Main Street having a total lineal street frontage of Two Hundred Fourteen and Fifty Three Hundredths (214.53) feet;

WHEREAS, Harry and Cresita Mardirosian and DG Partners ("Applicants") filed a Request for Sign Variances Application with the Columbia City Clerk on January 10,

2011 requesting that there be allowed for the proposed Dollar General Retail Store to be located at 922 South Main Street (i) a monument sign eight (8) feet in height instead of the six (6) feet in height allowed; (ii) two (2) signs for the establishment instead of the one (1) allowed; and (iii) total signage in the amount of One Hundred Fifty One and One Half (151.50) square feet of area instead of the allowed 100 square feet;

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 fifteen (15) days and not more than thirty (30) 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 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 3rd day of February, 2011 (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 six (6) committee members voted unanimously to recommend to the Columbia City Council (i) a monument sign not be granted to exceed the six (6) feet in height allowed; (ii) two (2) signs for the establishment be granted instead of the one (1) allowed; and (iii) total signage in the amount of One Hundred Fifty One and One Half (151.50) square feet of area be granted instead of the allowed 100 square feet;

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 may or may not exist involving the size, location and surroundings of the subject property and in the circumstances involved in the granting of the sign variances requested which may or may not result in unreasonable and unnecessary hardship if the variances are not granted, including:

(1) A monument sign not exceeding the maximum height of six (6) feet can be constructed and displayed meeting the requirement of the City's Sign Code, therefore the requested sign variance to increase the height of the monument sign is denied and not allowed;

(2) The proposed monument sign and wall sign are aesthetically pleasing and create a good appearance 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, therefore the requested sign variance to increase the number of signs for the establishment to two (2) is granted and allowed;

(3) A monument sign and wall sign totaling one hundred one (101) square feet of sign area can be provided instead of the one hundred fifty one and one half (151.50) square feet of sign area requested, with the monument sign being thirty two (32) square feet in area and the wall sign being sixty nine (69) square feet in area, therefore the requested sign variance to increase the total signage is modified and amended to grant and allow one hundred one (101) square feet of signage.

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 dictate that (i) to deny the variance for the increased height of the monument sign would not cause unreasonable and unnecessary hardship for the Applicants and the variance requested should be denied by the City Council; and (ii) to deny the variances for the number of signs and total signage would cause unreasonable and unnecessary hardship for the Applicants and the variances requested should be approved as modified and amended 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 deny the sign variance for the increased height of the monument sign requested and to grant the sign variances for the number of signs and total signage as modified and amended at the next regular meeting of the City Council following receipt of the recommendation of the street graphics advisory committee.

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 Applicants are hereby denied a sign variance or special exception from the requirements of Section 15.44.070 of the City's Sign Code, to allow the proposed Dollar General Retail Store to have a monument sign eight (8) feet in height instead of the six (6) feet in height allowed.

Section 3. The Applicants are hereby granted a sign variance or special exception from the requirements of Section 15.44.100 of the City's Sign Code, to allow the proposed Dollar General Retail Store to have total signage in the amount of One Hundred One (101.00) square feet of area instead of the allowed 100 square feet.

Section 4. The Applicants are hereby granted a sign variance or special exception from the requirements of Section 15.44.190 of the City's Sign Code, to allow the proposed Dollar General Retail Store to have two (2) signs for the establishment instead of the one (1) allowed.

Section 5. This Ordinance shall be in full force and effect from and after its passage.

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

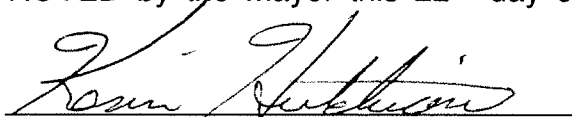
YEAS: Aldermen Ebersohl, Agne, Niemietz, Hejna, Oberkfell, Stumpf, Roessler and Mayor Hutchinson.

NAYS: None.

ABSENT: Alderman Row.

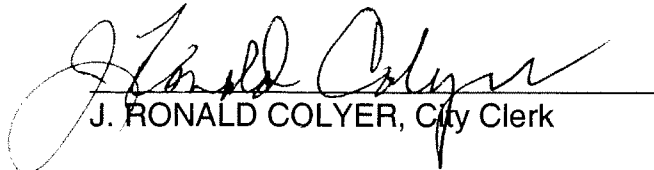
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 22nd day of February, 2011.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)