



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director/City Planner

DATE: February 25, 2003

SUBJECT: ZBA 03-MAJ-01: Request to increase the maximum area of a free standing sign from 50 square feet to 66 square feet at 1509 East Washington, in the B-3, General Business Zoning District.

Introduction

Adam Judeh requests a variance to add a 16 square foot illuminated sign to an existing freestanding sign at 1509 East Washington Street. The proposal is to increase the maximum sign area from 50 square feet to 66 square feet by adding a gasoline price sign. The request to increase the size of the sign is classified as a major variance by the Urbana Zoning Ordinance and requires City Council approval.

Background

Description of the Site

The subject site is Home Run Food Mart and is located in east Urbana near the intersection of East Washington and Lierman Avenue (see attached maps). The lot is approximately 19,300 square feet in area and contains a one-story convenience store of approximately 3,000 square feet. The freestanding sign for Home Run Foods is legally nonconforming due to its location in the front yard setback, the petitioner will be moving it to a conforming site during the new construction period. The Home Run Food Mart building faces north onto Washington Street. Directly on the west of the subject site is Monical's Pizza and on the east is Quick Shop, LLC. North of the subject site is a vacant area and south of the property is an alley that provides access to the parking areas for the Woodstone Town homes as well as dumpster access for both Home Run Foods and Quick Shop.

Discussion

The Urbana Zoning Ordinance permits one freestanding sign per business street frontage. The sign area maximum in the B-3, General Business District is 50 square feet. Because Home Run Food Mart's only street frontage is on Washington Street, one 50-square foot freestanding sign is allowed.

The petitioner has requested that his existing freestanding sign remain and that a 16 square foot illuminated price sign be permanently placed below it. This request is a 32% increase in the maximum area allowable for a freestanding sign in the B-3, General Business Zoning District.

The request is a result of new construction plans on the subject site. Home Run Food Mart is expanding its services to include gasoline sales. Current construction has begun to add two gasoline pumps with the standard canopy configuration. The State of Illinois regulations require that the petitioner display proper signage of the price of gasoline.

The Zoning Board of Appeals recommended approval of the variance in a unanimous vote (6-0), to allow the petitioner to increase the maximum area of a freestanding sign from 50 square feet to 66 square feet. There were two persons who provided public comment. David Miller, Dealer of Mac's Convenience Stores, addressed the Board on behalf of the petitioner. Mr. Miller explained that the requested sign would be illuminated from the inside and would not have any nuisance effects on the neighborhood. Mr. Miller also explained that the requested 16 square foot sign was the minimum size of gasoline signage that the State of Illinois would allow. Mr. Charles Nogle, owner of Monical's Pizza on Washington Street, spoke in opposition of the request. For more information regarding the proposed variance, please refer to the February 12, 2003 staff memorandum and draft minutes from the February 19, 2003 ZBA meeting.

Variance Criteria

In order to review a potential variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals and City Council to make findings based on variance criteria. At the February 19, 2003 meeting, the ZBA cited the following findings for their recommendation for approval of the requested variance:

- 1. Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

There are no special practical difficulties relating to the parcel. The special circumstance relates to the State of Illinois regulations. The petitioner's freestanding sign currently consumes the maximum area allowable by the Urbana Zoning Ordinance. Because the petitioner is required by the State to display proper gasoline pricing signage, without the variance he would have to replace the existing sign with a new sign to comply with both the Urbana Zoning and State of Illinois requirements.

- 2. The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The variance would serve as a special privilege because other gas stations in Urbana and businesses in the immediate area comply with the maximum freestanding sign area allowance. However, the proposed variance is requested due to circumstances related to the State of Illinois sign regulations.

In 2001, the Quickshop Phillip 66 located directly east of the subject site received a variance allowing a freestanding sign to be 75 square feet in area. The neighboring parcel has two street frontages and received a variance to allow one 75-square foot sign to substitute for the opportunity of building two 50-square foot signs that were permitted by right in the District.

- 3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The petitioner has not altered his existing sign and is currently in compliance with the Urbana Zoning Ordinance.

- 4. The variance will not alter the essential character of the neighborhood.*

The variance request should not alter the character of the neighborhood, as this is a commercial area.

- 5. The variance will not cause a nuisance to the adjacent property.*

Other businesses located in the area, with the exception of Quickshop, have freestanding signs and other signs which are within the allowable maximum areas: Monical's sign is 50 square feet and the Washington Square shopping center sign is 75 square feet in area. The variance should not cause a nuisance to the adjacent property.

- 6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The petitioner is requesting only the minimum amount of variance needed to accommodate the requirements of the State of Illinois without having to totally replace the existing Home Run Food Mart freestanding sign.

Options

The City Council has the following options this case:

- a. The Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Council may grant the variance subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those presented herein, they should articulate these additional findings in support of the approval and any conditions imposed; or
- c. The Council may deny the variance request. If the Council elects to do so, they should articulate findings supporting this denial.

Recommendation

Based on the findings outlined herein, the **Zoning Board of Appeals voted 6-0 to forward the variance request to the Urbana City Council with a recommendation for approval to allow the petitioner to increase the maximum area of a free standing sign from 50 square feet to 66 square feet.** Staff concurs with the ZBA and recommends that City Council **GRANT** the variance as requested.

Attachments: Proposed Ordinance
Draft Minutes of February 19, 2003 ZBA Public Hearing

Prepared by:

Michaela Bell, Planner

c: Adam Judeh, 1617 East Fairlawn, Urbana, Illinois 61801
David Miller, Mac's Convenience Stores, P.O. Box 347, Columbus, IN 47202

ORDINANCE NO. 2003-03-018

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Request to Increase the Maximum Area of a Freestanding Sign from 50 Sq. Ft. to 66 Sq. Ft. in the B-3, General Business Zoning District -- 1509 East Washington Street, Case No. ZBA-03-MAJ-01)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions related to the parcel of land or the structure; and

WHEREAS, the petitioner, Adam Judeh, has submitted a petition requesting a major variance to allow an increase in the maximum area of a free standing sign from 50 square feet to 66 square feet at 1509 East Washington Street, in Urbana's B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 03-MAJ-01; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on February 19, 2003 and the ZBA by a unanimous vote (6-0) of its members recommended approval of the requested variance, to increase the maximum area of a free standing sign from 50 square feet to 66 square feet, to the City Council; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3, C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance as requested:

1. There are no special practical difficulties relating to the parcel. The special circumstance relates to the State of Illinois regulations. The petitioner's freestanding sign currently consumes the maximum area allowable by the Urbana Zoning Ordinance. Because the petitioner is required by the State to display proper gasoline pricing signage, without the variance he would have to replace the existing sign with a new sign to comply with both the Urbana Zoning and State of Illinois requirements.
2. The variance would serve as a special privilege because other businesses in the immediate area and in Urbana, comply with the maximum freestanding sign area allowance. However, the proposed variance is requested due to circumstances related to the State of Illinois sign regulations.
3. The petitioner has not altered his existing sign and is currently in compliance with the Urbana Zoning Ordinance.
4. The variance should not be unreasonably injurious or detrimental to the general public, would not alter the essential character of the neighborhood, and should not cause a nuisance to the adjacent properties. The variances

would be generally consistent with other lots in the immediate vicinity; as this is a commercial area.

5. The petitioner is requesting only the minimum amount of variance needed to accommodate the requirements of the State of Illinois without having to totally replace the existing Home Run Food Mart freestanding sign.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Adam Judeh, in Case #ZBA 03-MAJ-01 is hereby approved to allow an increase the maximum area of a free standing sign from 50 Sq.ft. to 66 Sq.ft. at 1509 East Washington, in Urbana's B-3, General Business Zoning District, as approved by the Zoning Board of Appeals.

The major variance described above shall only apply to the property located at 1509 East Washington, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 7 of Woodstone Subdivision, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL #: 92-21-16-401-011

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance

with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the ____ day of _____, 2003.

PASSED by the City Council this ____ day of _____, 2003.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2003.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2003, the corporate authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (Request to Increase the Maximum Area of a Freestanding Sign from 50 Sq. Ft. to 66 Sq. Ft. in the B-3, General Business Zoning District -- 1509 East Washington Street, Case No. ZBA-03-MAJ-01)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2003, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.