



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director

**DATE:** March 3, 2005

**SUBJECT:** ZBA 05-MAJ-02: Requests for major variances filed by Blackstone Group, Inc. to allow a 124% increase in the maximum allowable area of a freestanding sign in the B-3, General Business Zoning District, and to allow a readerboard to be constructed of electronically changeable LED rather than manually changeable letters.

---

### **Introduction**

On behalf of Walgreens, the Blackstone Group is requesting two major variances for a freestanding sign to be installed on the currently vacant parcel on the northeast corner of the Five Points intersection at University and Cunningham Avenues. The sign and Walgreens drugstore are elements of a redevelopment proposal for the entire site. The first variance would allow a 124% increase in the maximum allowable area of the sign face. Freestanding signs are allowed up to 50 square feet in area in the B-3, General Business District. Due to the size of the lot and its location with two frontages, the applicant would be allowed two free-standing signs with a combined total of 100 square feet. The proposal is for one sign only built to the standard sign design for a Walgreens Drugstore and would total 111.96 square feet in area (88.85 square feet in the sign face panel and 23.11 square feet in a changeable readerboard).

The second variance would allow for a readerboard to be constructed as part of the sign with electronically changeable LED (light emitting diode), rather than manually changeable letters. This type of signage is not currently explicitly allowed by the Urbana Zoning Ordinance, but a text amendment to allow such signage is currently being researched with a text amendment proposal likely in coming months.

Pursuant to the Urbana Zoning Ordinance, in order to vary the maximum sign requirements by more than 15%, the Zoning Board of Appeals must recommend approval of the major variance to the Urbana City Council. Allowance of the electronic readerboard would also be considered a major variance and would require approval by the Urbana City Council.

The Zoning Board of Appeals recommended approval of both variances at their meeting on February 16, 2005, with unanimous votes of 5 - 0. At this meeting Dennis Roberts spoke in opposition to the variances, and specifically the proposed height (i.e., 25 feet high) and style of signage (free-standing versus monument). Zoning Board of Appeals members also noted concern about the aesthetic aspects of the proposed sign (see attached minutes for discussion). Joe Hurwitz of the Blackstone Group indicated to the Zoning Board of Appeals that if the variances were not granted, the intent of Walgreens was to construct

two side by side 50 square foot signs at 25 feet in height with a manual message board – as permitted by right -- at the corner of University and Cunningham Avenues. He noted that surrounding signs were of a freestanding style (rather than monument style) and that is what Walgreen’s would like to see at this site. Hurwitz also noted Walgreen’s willingness to landscape the corner, to reconstruct the sidewalk along Cunningham Avenue for improved pedestrian access and to construct a high quality “urban style” brick structure.

## **Background**

The subject site is a part of a significant redevelopment area for the City of Urbana. The northeast corner of the intersection of Five Points has been targeted for redevelopment since adoption of the City’s Tax Increment Finance District in 1985 and is also addressed by the 2002 Downtown Strategic Plan and a currently proposed amendment to the TIF District Plan. The Five Points intersection has among the highest traffic volumes in the County and has critical potential for adding retail uses to central Urbana. The site is an important link between the downtown area to the south and the Cunningham Avenue commercial corridor to the north.

The site previously contained the Yen Ching Restaurant and the Europe Inn. These properties were purchased by a local developer in 2004. At that time, the City entered into the development agreement with the owners of the property to assist in site clearance costs. An amendment to this agreement to address proposed redevelopment with a Walgreens drug store, and other commercial lots to the north and east is expected to be proposed in the near future. Other associated actions include replatting of the properties and conveyance of a small area to the southwest of the property to the development area. This portion was previously excess right-of-way and was recently purchased by the City of Urbana.

The developer representing the Walgreens drug store has requested the variances at this time as a result of their pending development interest in the site. It is expected that this developer will purchase the property from the current land owner and develop it with the drug store and with another commercial use to the north. Construction of the Walgreens drug store is expected to commence this Spring.

The subject site is surrounded on all sides by commercial and related uses. To the north is the Urbana News Bookstore and Geo Tavern, to the east is a carwash and National Guard Armory, to the south is Carters Furniture, to the west is the O’Brien Auto Sales use (proposed for redevelopment as a shopping center), Arby’s and McDonalds, and to the southwest is the Blockbuster video store. University Avenue and Cunningham Avenue are major arterials in this location and are within the jurisdiction of the Illinois Department of Transportation (IDOT).

## **Discussion**

Table IX-1, Standards for Freestanding Signs, in the Urbana Zoning Ordinance states that in the B-3, General Business Zoning District, each business is permitted one sign per business frontage up to 300 feet, and one additional sign for up to each 300 feet of business frontage thereafter. Under these standards, the subject site would be allowed to have one free-standing sign of up to 50 square feet in area along the University Avenue frontage and an additional free-standing sign of up to 50 square feet in area along the Cunningham Avenue frontage. There is no restriction against grouping of signs, so that the developer would be allowed to group these two signs at the corner of University Avenue and Cunningham Avenue for an effective sign face area of 100 square feet. The proposed variance would allow the developer to construct the Walgreens standard sign on a single pylon structure with 88.85 square feet in the primary panel and

23.11 square feet in the reader board panel, for a total of 111.96 square feet. This request exceeds the combined sign face allowance by 11.96 square feet, or 12%. The developer argues that the variance would allow use of the company standard sign and would be necessary due to the relatively high speeds of traffic in the vicinity and the relatively deep distance between the edge of pavement and the sign structure, due to the geometrics of University Avenue.

Photo examples of signage in the immediate vicinity of the site are attached. Signs in the area appear to generally meet the 50 square foot restriction. These include Urbana News, Geo's, Blockbuster Video, Carter's Furniture, Arby's, and Arrow Glass. The McDonald's sign may exceed 50 square feet, depending upon method of measurement for the golden arches. In other recent variance cases, the Zoning Board and City Council have allowed some provision for combining sign face allowances. This formed the basis for variances granted for the Bigfoot Gas Station on North Cunningham and for the Circle K on North Lincoln Avenue. Photos of these signs are also attached. The Apple Tree Plaza sign shows a grouping of two 50 square foot signs on the west side of North Cunningham Avenue.

The Urbana Zoning Ordinance does not explicitly allow LED electronic signs unless they are a part of community events signage (Section IX-6.5). Such signs are not allowed to blink, flash, or otherwise display electronic messages in a manner that may cause a traffic or safety hazard. This provision allowed for the community events for Lincoln Square Village at the northwest corner of Vine and Illinois Streets. Section IX-7 of the Zoning Ordinance prohibits signs that contain blinking flashing lights. The Zoning Ordinance does not address LED signs that may be used as a substitute for the manually changeable messages on a message board. With new technologies, LED message boards are now more economical and present a more polished appearance and efficient operation than do the manually changed message boards (see photos for examples). For this reason, the Zoning Administrator is considering updating the Zoning Ordinance to allow such signage as long as they appear relatively static and do not involve animation or blinking or flashing lights that might be considered unduly distracting.

Attached is a photograph of a Walgreens drug store in Champaign that includes a similar LED readerboard. Other LED technology signs are located in Urbana as part of the required pricing information for the gas stations at Green and Lincoln, as part of the Lincoln Square Village community events sign, and at the Park Inn in North Cunningham. The latter two signs allow for changing message displays under special provisions of the Zoning Ordinance (Lincoln Square Village) or were brought in as an allowable nonconforming sign as part of an annexation agreement (Park Inn).

### **Variance Criteria**

In reviewing a requested variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make specific findings based on variance criteria. The following is a summary of findings made by the Zoning Board of Appeals as they pertain to this case and the criteria outlined in the ordinance:

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

A special circumstance for the sign area variance is that this is a relatively large parcel located at the intersection of two arterial streets where traffic travels at high speeds. Because University Avenue has a relatively wide right-of-way, the distance from the edge of pavement to the sign location make a larger

sign face desirable for improved visibility. The high traffic speeds and the depth of the setback from the road edge contribute to the justification for a larger sign.

Other reasons cited in the application include the combination of two sign face allowances for a cleaner, more coherent image, a history of granting combined sign face allowances in other cases, and the need for additional sign face area to permit an effective message board.

The special circumstance for the LED message board variance is that the Urbana Zoning Ordinance is not fully up to date with respect to recent technologies that make it cost-effective and efficient to electronically change message boards. The petition states that this technology is much cleaner and more professional in appearance than other types of message boards. The message timing and content are controlled at the store site. The electronically changed messages are also safer for employees since they do not need to manually change the message using ladders or lifts.

2) *The proposed variances 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 requested sign area variance is not a special privilege in that this location has a unique configuration and traffic exposure for Urbana that is uncommon. Few other major retail intersections exist in this area.

However, similar circumstances may occur elsewhere where sign face allowances are desired to be combined into one larger sign. Similar variances have been considered by the City.

Similarly, the LED message board request is unique in that it involves technologies and use that have not previously been anticipated in the current Zoning Ordinance. A subsequent text change may be considered to allow use of this in other locations.

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

The new signage has not yet been created. The petitioner is aware of the zoning requirements and has applied for the necessary variances.

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

The subject area is highly commercial in character. There are numerous other commercial enterprises and free-standing signs in the vicinity, including outdoor advertising sign structures. The proposed sign would not alter the essential character of this neighborhood.

Most of the signage within the immediate vicinity of the site is approximately 50 square feet in area. However, some locations have multiple signs (O'Briens), billboards on site, or signs with major logo incorporation (Arby's, Blockbuster, and McDonalds). There are a number of message boards in the area as well, with manually changeable letters. The proposed LED would provide messaging with a more modern appearance. The proposed Walgreens sign would be consistent with the general character of signage in the area.

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

The parcel has been approved for commercial development and will be a part of a larger commercial redevelopment. The sign is within the setback and height limits required of the Zoning Ordinance. It would not cause a nuisance for surrounding commercial properties or adjacent roadways.

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

The sign request matches the industry standard produced by Walgreens. The petitioner is requesting only the amount of variance needed to accommodate the proposal as designed. However, the sign face variance does exceed the combined allowance of two 50 square foot signs by 12%. Recent variances that considered combined allowances have generally been below the total allowance (e.g., 82 square feet at Circle K on North Lincoln and 78 square feet for Big Foot on North Cunningham).

## **Options**

The City Council has the following options in this case:

- (a) The Council may grant one or both of the requested major variances based on the findings outlined in this memorandum; or
- (b) The Council may grant one or both of the requested major variances along with certain terms and conditions based on the findings outlined in this memorandum. If the Council elects to recommend conditions or recommend approval of the variance on findings other than those presented herein, it should articulate additional findings accordingly; or
- (c) The Council may deny one or both of the requested major variances. If the Council elects to do so, it should articulate findings supporting the denial.

## **Recommendation**

Based on the findings of the variance criteria outlined herein, the Zoning Board of Appeals voted 5 – 0 to forward both variance requests under ZBA-05-MAJ-02 to the Urbana City Council with a **recommendation for approval along with the following stated conditions**. Staff concurs with this recommendation:

For Sign Area:

1. That the sign be constructed in substantial conformity with the submitted site plan illustrating the design and location.
2. That the base of the pylon sign be planted with significant ornamental plantings to soften its appearance and to mark the significance of this corner. The plantings shall be indicated on a landscape Plan and shall be subject to the review and approval of the Urbana Zoning Administrator, in consultation with the Urbana Arborist.
3. That the proposed sign be the only free-standing sign to be constructed for the Walgreen's drug store (sign allowance will continue for the proposed business to the north).

4. That the petitioner consider the aesthetic aspects of the height of the sign as well as the commercial aspects.

For LED Display:

1. That the LED Display be limited to no more than 23.11 square feet in area, and be constructed in substantial conformity with the submitted design plan.
2. That the LED Display shall not be animated, flashing, multi-colored, or scrolling in any manner so as to avoid motorist distraction.
3. That frequency of message change shall be restricted to no more than once every three minutes.

Attachments:

Draft Ordinance

Draft February 16, 2005 ZBA Minutes

Exhibit A: Location Map

Exhibit E: Aerial Photo

Exhibit F: Sign Photos

Exhibit G: Preliminary Site Plan

Exhibit H: Application / Petitions

Cc:

Dennis Vehovic  
Blackstone Group  
One Lawrence Square  
Springfield, IL 62704

Five Points Northeast, LLC  
2404 North Mattis Ave.  
Champaign, IL 61826

ORDINANCE NO.2005-03-031

AN ORDINANCE APPROVING MAJOR VARIANCES

(To Allow a 124% Increase in the Maximum Allowable Area of a Freestanding Sign and to Allow a Readerboard with Electronically Changeable ("LED") Letters in the B-3, General Business Zoning District / Case No. ZBA-05-MAJ-02)

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, Blackstone Group, has submitted a petition requesting major variances to allow a 124% increase in the maximum allowable area of a freestanding sign in the B-3, General Business Zoning District, and to allow a readerboard to be constructed of electronically changeable "LED" rather than manually changeable letters at the northeast corner of the intersection of University Avenue and Cunningham Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 05-MAJ-02; 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 variances on February 16, 2005 and by a Five to Zero (5-0) vote of its members recommended approval of the requested variances with certain specified conditions; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variances referenced herein conform 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. The special circumstance for the sign area variance is that the subject parcel is relatively large and is located at the intersection of two arterial streets where traffic travels at high speeds. Because University Avenue has a relatively wide right-of-way, the distance from the edge of pavement to the sign location make a larger sign face desirable for improved visibility. The high traffic speeds and the depth of the setback from the road edge contribute to the justification for a larger sign. Other circumstances cited include the combination of two sign face allowances allowing for a cleaner, more coherent image, a history of granting combined sign face allowances in other cases, and the need for additional sign face area to permit an effective message board.
2. The special circumstance for the LED message board variance is that the Urbana Zoning Ordinance is not fully up to date with respect to recent technologies that make it cost-effective and efficient to electronically change message boards. This technology is much cleaner and more professional in appearance than other types of message boards. The electronically changed messages are also safer for employees since they do not need to manually change the message using ladders or lifts.
3. The requested sign area variance will not serve as a special privilege in that this location has a unique configuration and traffic exposure for Urbana that is uncommon. Few other major retail intersections exist in this area. However, similar circumstances may occur elsewhere where sign face allowances are desired to be combined into one larger sign. Similar variances have been considered by the City.
4. The requested LED message board request will not serve as a special privilege because it is unique in that it involves technologies and use that have not previously been anticipated in the current Zoning Ordinance. A subsequent text change may be considered to allow use of this in other locations.
5. The variances requested were not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. The new signage has not yet been created. The



petitioner is aware of the zoning requirements and has applied for a variance.

6. The proposed sign will not alter the character of the neighborhood which is highly commercial. There are numerous other commercial enterprises and free-standing signs in the vicinity, including outdoor advertising sign structures. The proposed sign would be consistent with the general character of signage in the area.
7. The proposed sign should not cause any significant impact on adjacent properties. The parcel has been approved for commercial development and will be a part of a larger commercial redevelopment. The sign is within the setback and height limits required of the Zoning Ordinance. It would not cause a nuisance for surrounding commercial properties or adjacent roadways.
8. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request which is to match the industry standard produced by Walgreens Drug Store. The petitioner is requesting only the amount of variance needed to accommodate the proposal as designed.

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

Section 1. The major variance requests by Blackstone Group, in Case #ZBA 05-MAJ-02 are hereby approved to allow a 124% increase in the maximum allowable area of a freestanding sign in the B-3, General Business Zoning District, and to allow a readerboard to be constructed of electronically changeable "LED" rather than manually changeable letters, as approved by the Zoning Board of Appeals, with the following conditions of approval:

For Sign Area:

1. That the sign be constructed in substantial conformity with the submitted site plan illustrating the design and location.
2. That the base of the pylon sign be planted with significant ornamental plantings to soften its appearance and to mark the significance of this corner. The plantings shall be indicated on a landscape Plan and shall

be subject to the review and approval of the Urbana Zoning Administrator, in consultation with the Urbana Arborist.

3. That the proposed sign be the only free-standing sign to be constructed for the Walgreen's drug store (sign allowance will continue for the proposed business to the north).
4. That the petitioner consider the aesthetic aspects of the height of the sign as well as the commercial aspects.

For LED Display:

1. That the LED Display be limited to no more than 23.11 square feet in area, and be constructed in substantial conformity with the submitted design plan.
2. That the LED Display shall not be animated, flashing, multi-colored, or scrolling in any manner so as to avoid motorist distraction.
3. That frequency of message change shall be restricted to no more than once every three minutes.

Section 2. The major variances described above shall only apply to the property located at the northeast corner of University Avenue and Cunningham Avenue, more particularly described as follows:

LEGAL DESCRIPTION:

A tract of ground bounded and described as follows: Beginning at the Northeast corner of University Avenue (U.S. Route 150) and Cunningham Avenue (U.S. Route 45) as the intersection exists after August 29, 1957 and as the beginning point was marked that date with a steel pipe by now deceased surveyor Mack Kinch and which pipe and point also was accepted May 1, 1979 by Illinois Land Surveyor Charles S. Danner; thence Northerly along the Easterly

line of the Cunningham Avenue as located by Surveyor Danner and disclosed by his unrecorded plat of survey on a local bearing of North 22 Degrees 43 Minutes 38 Seconds East 73.37 feet to the Northeast corner of a concrete right-of-way marker set by authority of the Illinois Department of Transportation; continuing North 22 Degrees 43 Minutes 38 seconds East 176.55 feet to the Southeast corner of a similar concrete marker; thence North 87 Degrees 51 Minutes 53 Seconds East 130.47 feet to the former position of a steel survey marker set by Surveyor Kinch May 12, 1952, as reestablished by Surveyor Danner May 1, 1979; thence South 00 Degrees, 00 Minutes 00 Seconds East 244.87 feet to a buried steel survey marker set by Surveyor Danner to mark the North line of University Avenue; thence South 89 Degrees 40 Minutes 00 Seconds West 162.75 feet along a line determined in 1979 by Surveyor Danner to be the North line of University Avenue; thence North 80 Degrees 45 Minutes 30 Seconds West 65.03 feet to the point of beginning, and

A tract of ground bounded and described as follows: Beginning at the Northeast corner of a concrete right-of-way marker set by Authority of the Illinois Division of Highways to represent the Easterly right-of-way line of state bond issue Route number 25, 40 feet Easterly of the centerline station 271 plus 18 as said centerline was constructed in the 1930's, said concrete marker also bearing North 22 Degrees 43 Minutes 38 Seconds East 73.37 feet from a steel survey marker set by Illinois Land Surveyor Charles S. Danner, May 1, 1979, to mark the then intersection of the North line of University Avenue and the East line of Cunningham Avenue in Urbana, Illinois; thence South 87 Degrees 51 Minutes 53 Seconds West 5.43 feet to the Southeast corner of a concrete right-of-way marker also set by the authority of the Illinois Division of Highways; thence continuing South 87 Degrees 51 Minutes 53 Seconds West 2.29 feet more or less to the Easterly line of Cunningham Avenue as dedicated (66 feet wide) in Hiram Shepard's Addition to the City of

Urbana, Illinois, thence Northeasterly along the East line of Cunningham Avenue as so dedicated to a point which bears South 87 Degrees 51 Minutes 53 Seconds West from a cross cut in as asphalt pavement which cross bears North 22 Degrees 43 Minutes 38 Seconds East 176.55 feet from the point of beginning; thence North 87 Degrees 51 Minutes 53 Seconds East 7.72 feet more or less to a point which bears North 22 Degrees 43 Minutes 38 Seconds East 176 feet from the point of beginning; thence South 22 Degrees 43 Minutes 38 Seconds West 176.55 feet to the point of beginning, all situated in Champaign County, Illinois.

And Also:

PARCEL 5X70703

A PARCEL OF LAND BEING A PART OF LOTS 35 AND 36 OF HIRAM SHEPHERD'S ADDITION TO THE CITY OF URBANA, DESCRIBED AS FOLLOWS:  
FROM THE NORTHEAST CORNER OF SAID LOT 35, MEASURE SOUTHERLY ON THE EAST OF SAID LOT 35 FOR 17.28 FEET TO THE NORTHERLY EXISTING RIGHT OF WAY LINE OF SBI ROUTE 10; THENCE WESTERLY ON THE NORTHERLY RIGHT OF WAY LINE OF SBI ROUTE 10 FOR 110.34 FEET TO THE PLACE OF BEGINNING.

FROM THE PLACE OF BEGINNING DEFLECT 89 DEGREES 11 MINUTES 59 SECONDS TO THE LEFT FROM THE LAST DESCRIBED COURSE SOUTHERLY FOR 51.75 FEET; THENCE DEFLECT 90 DEGREES 00 MINUTES 00 SECONDS TO THE RIGHT WESTERLY FOR 140.00 FEET; THENCE DEFLECT 68 DEGREES 06 MINUTES 33 SECONDS TO THE RIGHT NORTHWESTERLY FOR 70.24 FEET; THENCE DEFLECT 127 DEGREES 45 MINUTES 02 SECONDS TO THE RIGHT SOUTHEASTERLY FOR 58.86 FEET; THENCE DEFLECT 16 DEGREES 39

MINUTES 36 SECONDS TO THE LEFT EASTERLY FOR 111.51 FEET TO THE PLACE OF BEGINNING CONTAINING 7,922 SQUARE FEET, MORE OR LESS.

THE SAID PARCEL IS PART OF THE LAND AS DESCRIBED IN THE DEDICATION OF RIGHT OF WAY, DOCUMENT 265231 RECORDED IN BOOK 229 OF DEEDS ON PAGE 537 ON NOVEMBER 1, 1933, IN CHAMPAIGN COUNTY, ILLINOIS.

Said Parcel 5X70703 being more particularly described as follows:

COMMENCING AT AN IRON PIPE SURVEY MONUMENT SET AT THE NORTHEAST CORNER OF LOT 35 OF HIRAM SHEPHERD'S ADDITION AS FILED FOR RECORD IN DEED BOOK 32 PAGE 52 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY ILLINOIS; THENCE SOUTH 00 DEGREES 18 MINUTES 15 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 35, A DISTANCE OF 17.28 FEET TO AN IRON PIPE SURVEY MONUMENT SET AT THE INTERSECTION OF THE EAST LINE OF SAID LOT 35 AND THE NORTH RIGHT OF WAY LINE OF UNIVERSITY AVENUE (S.B.I. ROUTE 10); THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF SAID UNIVERSITY AVENUE (S.B.I.. ROUTE 10), A DISTANCE OF 109.88 FEET TO AN IRON PIPE SURVEY MONUMENT SET AT THE NORTHEAST CORNER OF PARCEL 5X70703 AS FILED FOR RECORD IN BOOK 1275 AT PAGE 381 IN THE OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY ILLINOIS FOR THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 33 MINUTES 23 SECONDS EAST ALONG THE EAST LINE OF SAID PARCEL 5X70703 A DISTANCE OF 51.75 FEET TO AN IRON REBAR SURVEY MONUMENT FOUND AT THE SOUTHEAST CORNER OF SAID PARCEL 5X70703; THENCE SOUTH 89 DEGREES 26 MINUTES 37 SECONDS WEST ALONG THE SOUTH LINE OF SAID PARCEL 5X70703, A DISTANCE OF 140.00 FEET TO

AN IRON REBAR SURVEY MONUMENT FOUND AT THE SOUTHWEST CORNER OF SAID PARCEL 5X70703; THENCE NORTH 22 DEGREES 26 MINUTES 12 SECONDS WEST ALONG THE WEST LINE OF SAID PARCEL 5X70703, A DISTANCE OF 70.24 FEET TO AN IRON PIPE SURVEY MONUMENT SET AT THE NORTHWEST CORNER OF SAID PARCEL 5X70703, SAID MONUMENT SET ALSO BEING THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF CUNNINGHAM AVENUE (U.S. ROUTE 45) AND THE FORMER NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY AVENUE (S.B.I. ROUTE 10); THENCE SOUTH 76 DEGREES 07 MINUTES 13 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 5X70703, SAID LINE ALSO BEING THE FORMER NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY AVENUE (S.B.I. ROUTE 10), A DISTANCE OF 56.45 FEET TO A CHISELED "X" SURVEY MONUMENT SET AT A BEND POINT IN THE NORTHERLY LINE OF SAID PARCEL 5X70703, SAID LINE ALSO BEING THE FORMER NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY AVENUE (S.B.I. ROUTE 10); THENCE NORTH 89 DEGREES 06 MINUTES 54 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 5X70703, SAID LINE ALSO BEING THE FORMER NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY AVENUE (S.B.I. ROUTE 10), A DISTANCE OF 111.51 FEET TO THE POINT OF BEGINNING, CONTAINING 8,060 SQUARE FEET MORE OR LESS, ALL AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY, ALL SITUATED IN URBANA, CHAMPAIGN COUNTY, ILLINOIS.

PERMANENT PARCEL NUMBER: 91-21-8-427-002 and former excess right-of-way to the south

LOCATED AT: Northeast corner of University Avenue and Cunningham Avenue

Section 3. 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 \_\_\_\_\_, 2005.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2005.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
2005.

\_\_\_\_\_  
Tod Satterthwaite, Mayor

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** February 16, 2005

**DRAFT**

**TIME:** 7:30 p.m.

**PLACE:** Urbana City Building  
400 S. Vine Street  
Urbana, IL 61801

---

**MEMBERS PRESENT:** Paul Armstrong, Herb Corten, Anna Merritt, Nancy Uchtmann, Harvey Welch

**MEMBERS ABSENT** Joe Schoonover, Charles Warmbrunn

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services; Rob Kowalski, Planning Manager; Paul Lindahl, Planner I; Teri Andel, Secretary

**OTHERS PRESENT:** Brian Adams, SunAe Bielak, Dong Kwan Cho, Gary Gebauer, Pastor Jong Ham, Joe Hurwitz, Wayne Koch, Jay and K.D. Lee, Carl Malmgren, Pastor Don Mason, Ulna McKaufsky, Gary Olsen, Don Pullins, Harry and Marilyn Querry, Dennis Roberts, Yoo-Seong Song, Sukie Stover, Dick Underwood, James Yoon

---

**NEW PUBLIC HEARINGS**

**ZBA-05-MAJ-02: Requests for major variances filed by Blackstone Group, Inc. to allow a 124% increase in the maximum allowable area of a freestanding sign in the B-3, General Business Zoning District, and to allow a readerboard to be constructed of electronically changeable LED rather than manually changeable letters.**

Elizabeth Tyler, Director of Community Development Services, presented this case to the Zoning Board of Appeals. She explained that this case was actually for two requests. She went on to talk about the two proposals, one for the increase of 124% in the maximum allowable area of a freestanding sign and the second to allow a readerboard to be constructed of electronically changeable LED letters.

Mr. Corten questioned whether the Zoning Board of Appeals would need to act on the second part of the variance to have electronic change. Ms. Tyler replied yes, because the Urbana Zoning



Ordinance had not been recently updated in this regard. So, it would not explicitly be allowed. The only way it would be allowed was if it would be a community event sign like the sign at Lincoln Square Village.

Ms. Tyler gave a brief background on the history of the proposed site and described the proposed area and the surrounding properties. She talked about the proposed planned development of the site. She discussed the standards for freestanding signs from Table IX-1 of the Urbana Zoning Ordinance. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. She read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

*Based on the findings of the variance criteria outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of both of the proposed major variances as requested to the Urbana City Council with the following conditions:*

***For Sign Area:***

- 1. That the sign be constructed in substantial conformity with the submitted site plan illustrating the design and location.*
- 2. That the base of the pylon sign be planted with significant ornament plantings to soften its appearance and to mark the significance of this corner. The plantings shall be indicated on a landscape plan and shall be subject to the review and approval of the Urbana Zoning Administrator, in consultation with the Urbana Arborist.*
- 3. That the proposed sign be the only free-standing sign to be constructed for the Walgreen's Drug Store (sign allowance will continue for the proposed business to the north).*

***For LED Display:***

- 1. That the LED display be limited to no more than 23.11 square feet in area, and be constructed in substantial conformity with the submitted design plan.*
- 2. That the LED display shall not be animated, flashing, multi-colored, or scrolling in any manner as to avoid motorist distraction.*
- 3. That frequency of message change shall be restricted to no more than once every three minutes.*

Mr. Armstrong wondered in relation to the master planning of the area how City staff had perceived this development in terms of additional criteria that might be applied to signage in the B-3 Zoning District, especially with regard to the future. Here was a case where a new building would be constructed at a major intersection. Obviously, it was already an area that was heavily commercialized, but yet it is also adjacent to Downtown Urbana. He asked if City staff felt that perpetuating these types of signs would be desirable in this zoning district or whether it would be advantageous, as this area continues to be developed, to move into a different direction in terms of signage. Ms. Tyler stated that City staff had looked into this more in the context to the south as

gateway sites in the Downtown Strategic Plan. There were some exhibits in the Downtown Plan that suggested “gateway” type of signage to mark the entry to the downtown area. Therefore, this would be something that would be very important to the southwest corner of 5 Points. On the northwest corner, City staff was also interested in some “gateway” feature such as “gateway” shops with some appearance in urban design. With the proposed Walgreen’s store, City staff was interested in their best urban model with the highest building materials.

Walgreen’s Drug Store was requesting this store by right. The City would not be providing development incentives for them to build. City staff had made some suggestions, and Walgreen’s had listened to some extent with providing the best possible architecture for our fabric. They will provide accessibility, and the City would be asking for sidewalk improvements.

It would be nice to see more gateway signs, but with the volume and the other visibility challenges in the area, she understood why Walgreen’s had chosen the pylon type sign. Walgreen’s had agreed to provide landscaping to help soften the pylon sign.

She went on to talk about things that City staff had looked at for the Tax Increment Finance (TIF) District #4, such as providing TIF funds for beautification. They have looked into breaking it up a little better, soften the edges, and close some existing curb cuts that were no longer used. She mentioned that these were some of the things that City staff would like to fund through the TIF in the future.

Mr. Armstrong asked if the City had deeded a parcel of property to Walgreen’s for the development. Ms. Tyler noted that for the larger development site, it would make this extent of the development possible. There was some excess right-of-way that the County owned. So, the City of Urbana purchased the right-of-way to allow for sufficient circulation and for the second property to the north to be developed. This was key to getting enough land area to get this project to occur. There would still be a healthy setback and green space.

Ms. Uchtmann questioned what the height of the proposed freestanding sign would be in relation to Arby’s and McDonald’s signs. Ms. Tyler believed it would be about the same height. These signs tend to be 25 feet in height.

Ms. Merritt viewed the proposed corner as a gateway to the downtown area. One of the reasons she voted in favor of the previous Aldi sign proposal was because she felt it would be a fairly good-looking structure. The proposal in this case was for a pylon sign. She did not think that pylon signs were very attractive. Although the Zoning Board of Appeals did not deal with aesthetics, with this case they may have a chance to perhaps to influence the way the sign would look. Was there some other way that they could show that Walgreen’s Drug Store was on the corner without perpetuating a 25-foot sign? Were any other possibilities discussed with Walgreen’s? Ms. Tyler remarked that the applicant’s desire was to provide the standard signage. The message board and the visibility were very important to Walgreen’s. Staff had discussed the building and sign design, and Walgreen’s had stated that they really wanted to come to the Zoning Board of Appeals with the proposed sign design. The City of Urbana did require signs to be set back, which allowed for the opportunity of landscaping and visual relief.

Ms. Tyler commented that the City of Urbana had very good sign regulations, even though they had not come to the Santa Fe, New Mexico point, where all the signs were monument signs and made of adobe. If at some point, the City began to do this, we would have over-whelming non-conformities for signage of freestanding signs of 25 feet tall and 50 square feet in area. It appeared to her to be a long-standing commercial corridor. The pylon signs were the sign pattern in this area.

Mr. Corten questioned whether Walgreen's believed that most of their customers were people passing through or people living in town. Ms. Tyler stated that would be a good question to ask the petitioner.

Joe Hurwitz, representative for Walgreen's Drug Store, stated that it was important for Walgreen's to be able to effectively advertise their business. They felt that it would be more aesthetically pleasing to combine the two 25-foot signs, which they would be allowed to have, into one sign, well landscaped at the corner with the electronic readerboard. The electronic readerboard would actually be an efficiency and safety issue, in that employees would not have to be outside changing script in inclement weather and around traffic.

Walgreen's Drug Store was the leading drug store chain in the country. They would be providing at this location a building of the highest quality. It would be all brick on all four sides. It would have a stone front, very attractive in nature. It would be an urban design, rather than a suburban with drivet all the way around it and with huge sign bands. Walgreen's had agreed at City staff's request to provide new sidewalks at the expense of Walgreen's.

Walgreen's was very desirous of locating at the proposed location. It was very important for them to do as much nationwide in a standard fashion as possible. They did not ask for funding assistance from the City of Urbana. The parcel, which was deeded from Champaign County, was purchased by Walgreen's seller. Walgreen's in turn would purchase it from the seller. It would not be a gift or any sort of a grant. Walgreen's was very excited about being in this neighborhood. They felt that the signage had been done in good taste.

Mr. Corten inquired as to how many Walgreen's stores were there in Champaign County. Mr. Hurwitz stated that to his knowledge, there was one at the corner of Florida Avenue and Philo Road in Urbana and another one on the corner of Springfield Avenue and Mattis Avenue in Champaign. The proposed Walgreen's store would be the third in the area. They planned to build an additional store in the City of Champaign as well.

He added that under the current code they would be able to have two 25-feet high signs with message boards. They felt that with grouping, in essence they could get close to their standard sign under the current code; however, they would rather have one sign with an electronic readerboard and have it properly landscaped.

Dennis Roberts, of 507 East Green Street and member of the City Council, stated that while he was very much in favor of Walgreen's occupying this particular corner, he questioned the proposed sign and its usage. He felt that there were questions here about the appropriateness of

the tall signs. These types of signs were up and down Cunningham Avenue and right across the street from the proposed site. While the height of the sign and its construction may be appropriate and meet the codes without a variance, there was a larger question coming before the Zoning Board of Appeals, which was “What are we choosing for the future in Urbana?” The City had worked hard on the Downtown Strategic Plan and developing a concept of what the future of our city would look like and how it would operate to the benefit of its residents. According to the Downtown Strategic Plan, the proposed site would serve as a gateway into the downtown area. Indeed, one could make an argument that the concept of the use of Cunningham Avenue was changing. It was not merely a convenient commercial strip, but rather people were starting to think of it as an entrance into the City.

There were sections of the Downtown Strategic Plan that were specific to future beautification desires for the entrance to the City. The Planning Division had specified the south and west corner, where Blockbuster currently is located, as a hopeful site for a gateway park into the City. The shops, which were currently being developed across the street on the north side of University Avenue, were being designated as the gateway shopping center. These shops were hoping to present to the City a plan showing aesthetically pleasing, well-designed, thoughtful retail stores for use in the future. So, now on the other side of the street, there would be a Walgreen’s. It seemed to him that the representatives from Walgreen’s could make a tremendously significant contribution to the City of Urbana by rethinking its signage. Was it necessary to use the old standard of a tall pole with a rectangle on top? Could we imagine going into a newer more refined and a more aesthetically advanced concept of signage?

Mr. Roberts went on to say in two to three years, when the TIF District received funds after O’Brien Auto Park moved to its northern location, the City planned to begin the beautification plans for Cunningham Avenue. When this happens, one of the first things that the City would probably address would be how to renovate the signage question along Cunningham Avenue from the old-fashioned, city-strip retail function to the more urban, thoughtful, well-articulated and better designed signage with lower masses and yet still be extremely visible.

Mr. Roberts read the goals of Gateways from the Downtown Strategic Plan on page 28. He did not believe that putting a flowerbed around the bottom of a 25-foot tall pole sign would truly meet the requirements of a gateway entrance to the City. He hoped that the petitioner would see what a great advantage it would be to lead the way in design development of the proposed site, since it was such a prime retail location.

If the Zoning Board of Appeals chose to approve the proposed request, then they might want to consider how important it was for Walgreen’s to have a digital reader display approved for the sign, which was basically like having a three-minute SPAM message on the busiest corner in the City of Urbana. Was it important for travelers and the citizens of Urbana to know that they could buy dog food at 25 cents off? He felt that there were other media sources, such as newspaper ads that could achieve the delivery of this type of information to the citizens of Urbana.

Mr. Welch asked for clarification of Mr. Roberts input. Did he want the Zoning Board of Appeals to suggest that the petitioner build a lower sign and not use the newer technology? Mr.

Roberts said that was correct. The corner was very prominent. It was an acute angle and was easily visible to traffic coming up the highway. Most people would know that there was a Walgreen's on the corner.

Mr. Welch commented that aesthetics was in the eye of the beholder. He, personally, thought that the manually changeable letter signs looked worse than the LED display signs. There was such a variance of opinion on things like aesthetics and what is pleasing to the eye. This was heard numerous times over and over again before the Zoning Board of Appeals and before other boards.

The petitioner has the option of building a 25-foot high sign with the old technology; however, they feel it would be more aesthetically pleasing to build a 25-foot high sign with electronic messages. Although Mr. Roberts had previously mentioned that the electronic messages were like SPAM, Mr. Welch commented that people could look away. Again, it all becomes in the eye of the beholder. Mr. Roberts stated that he was not promoting a sign with any billboard messaging. Since there currently was not any sign built, it was totally up for negotiation. If the City did not tell the petitioner what they would prefer to see and give them examples, then the City would never receive what they prefer. On the other hand, if a City expressed a desire to have certain criteria in the signage, then the City would have a basis for making a dialogue in preference. Aldi, Inc. automatically responded to the interests of the community by choosing to make a pedestal sign rather than a pole sign. Mr. Welch remarked that even the Aldi sign did not please everyone, as heard during the public hearing for the previous case. Mr. Roberts stated that they were heading into a more intelligent and modern direction. They could take their standard Walgreen's sign and instead of putting it on a 25-foot high pole, put it on a five-foot pedestal. They would achieve the same thing, and they could still have their readerboard, if so desired. The sign would not be in the treetops and would still completely solve the signage problem.

Mr. Corten inquired if the petitioner expected their customers to be local residents or travelers from out-of-town. Mr. Hurwitz said that they would never be completely sure. Typically, Walgreen's Drug Store was a local community-oriented store.

He commented that everyone was entitled to his or her own opinion. Walgreen's would be allowed by Urbana's codes to have two 25-foot signs. Walgreen's felt that they have tried extremely hard and were very pleased to work with City staff on the type of landscaping around the base of the sign. They were hoping in lieu of two 25-foot more cluttered signs, they would be able to have a single sign.

Ms. Uchtmann appreciated how Walgreen's had modified their sign. However, it seemed that in the upscale suburbs of Chicago that the Walgreen's signs were not at 25 feet. They were more of the monument type of signs. Mr. Hurwitz stated that he could only speak for what his company had done for Walgreen's. On an occasion, Walgreen's would accept the monument sign. He noted that the monument signs that Walgreen's have used are consistent in the neighborhoods in which they are located. There would not be a McDonald's, an Arby's, and the balance of the commercial users with 25-foot signs, and drop down to a monument sign. In the proposed location, there were already a significant number of pylon signs.

Ms. Merritt questioned what would happen or what the next step would be if the proposed variance requests were denied. Ms. Tyler answered by saying the indication was that Walgreen's would build two 25-foot signs with manual readerboards side by side.

With regards to the sign area, Mr. Armstrong moved that the Zoning Board of Appeals forward the variance request to the City Council with a recommendation for approval along with the conditions recommended by staff. Mr. Corten seconded the motion.

Mr. Corten requested that the Zoning Board of Appeals add to the motion that the petitioner considers the aesthetics aspects of the height of the sign as well as the commercial aspects. Mr. Armstrong agreed to the amendment.

Roll call was as follows:

Ms. Merritt	-	Yes	Ms. Uchtmann	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes			

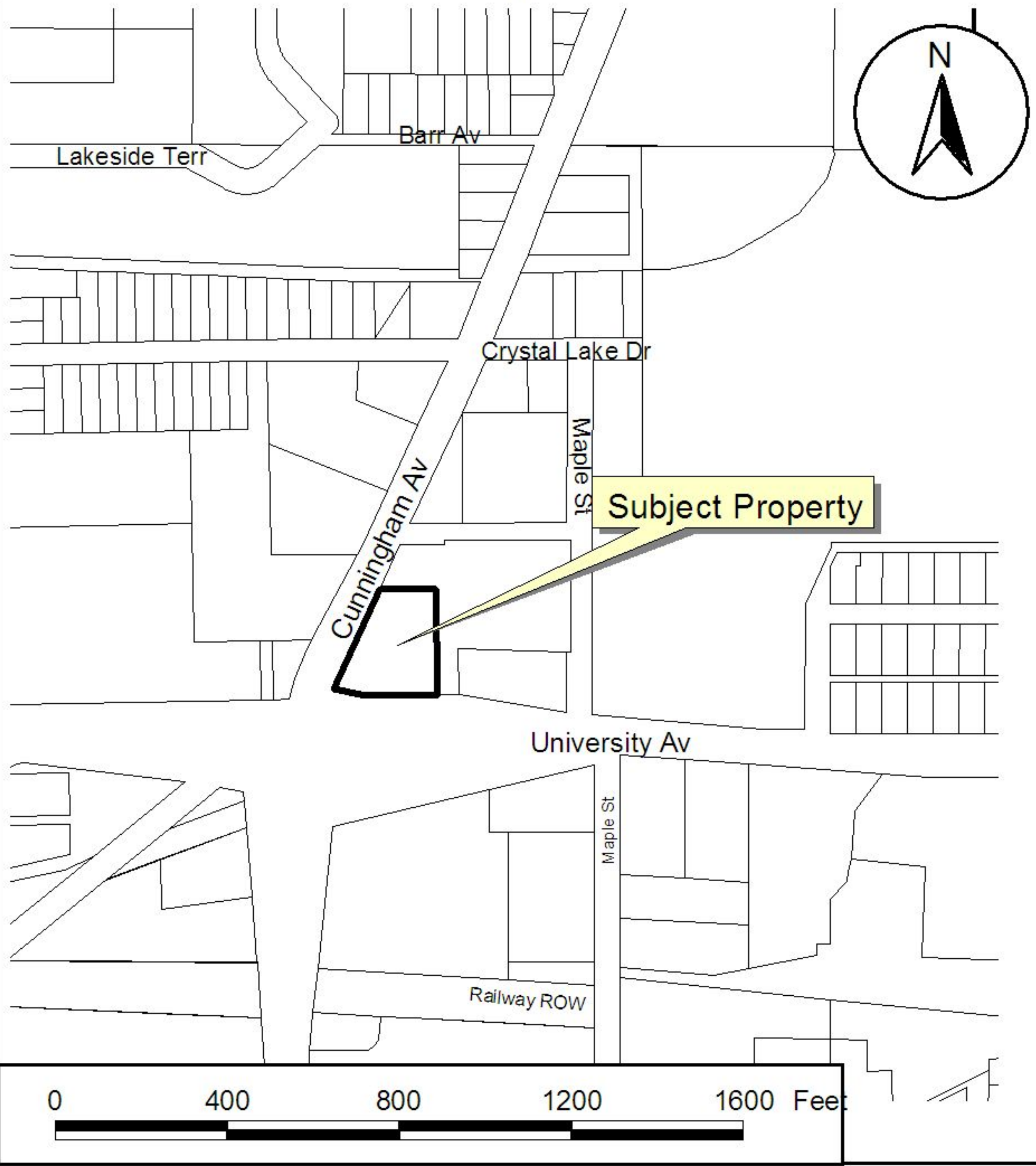
The motion for the sign area was passed by unanimous vote.

With regards to the LED display, Mr. Armstrong moved that the Zoning Board of Appeals forward the variance request to the City Council with a recommendation for approval along with the conditions recommended by staff. Mr. Welch seconded the motion. Roll call was as follows:

Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Ms. Merritt	-	Yes			

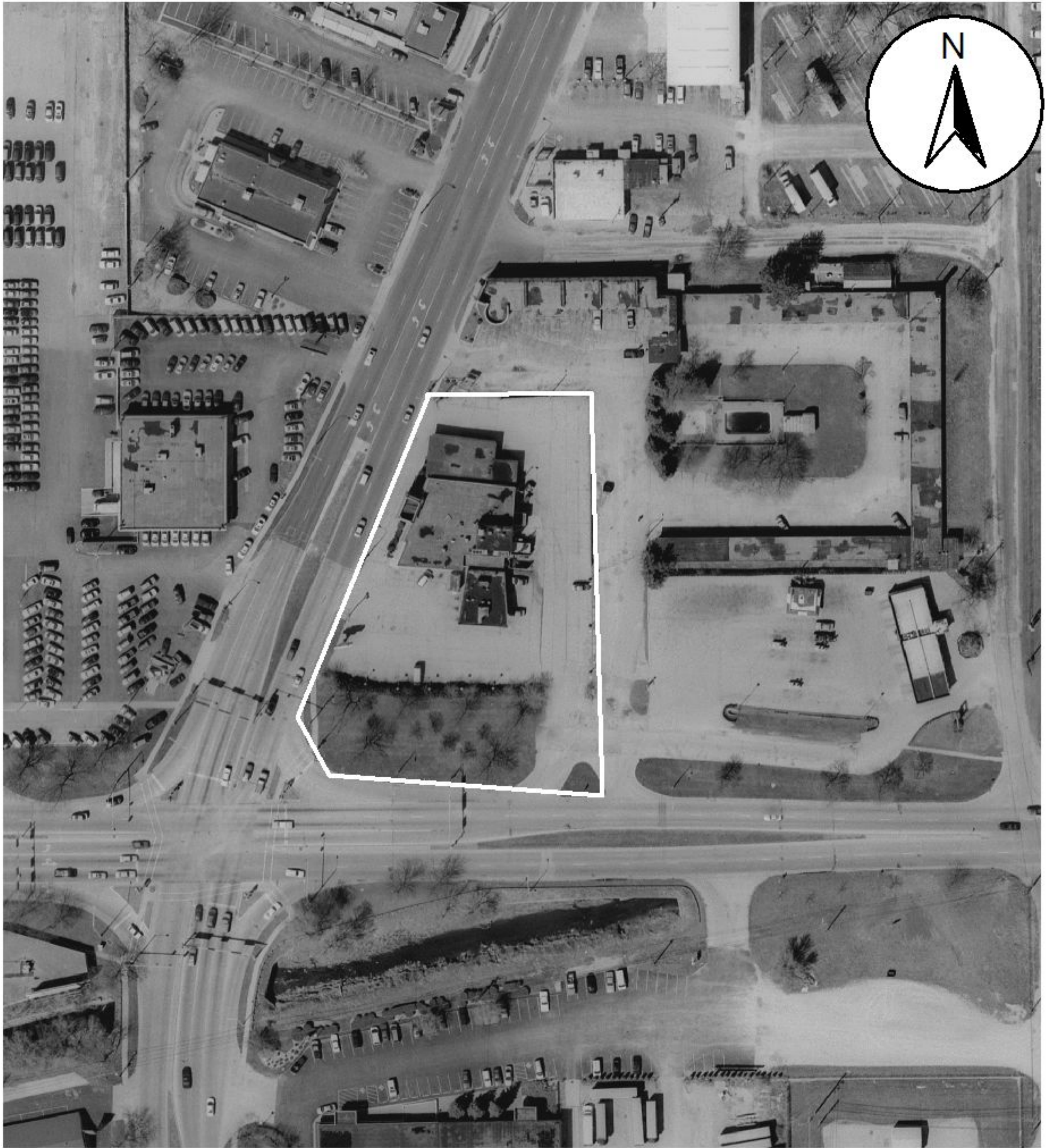
The motion for the LED display was approved by unanimous vote. Ms. Tyler noted that these two requests would be heard by the City Council on Monday, March 7, 2005.

# Exhibit "A": Location Map



ZBA Case: ZBA-05-MAJ-2  
A major variance to allow a 124 % increase in the maximum allowable area of a freestanding sign.  
Also to allow a LED readerboard.  
Petitioner: Hurwitz Enterprises  
NE corner of University Ave and Cunningham Av.  
B-3, General Business Zoning District  
Prepared 1/31/05 by Community Development Services - pal

# Exhibit "E" : Aerial Photo



ZBA Case: ZBA-05-MAJ-2  
A major variance to allow a 124 % increase in the maximum allowable area of a freestanding sign.  
Also to allow a LED readerboard.  
Petitioner: Hurwitz Enterprises  
NE corner of University Ave and Cunningham Av.  
B-3, General Business Zoning District  
Prepared 2/10/05 by Community Development Services - rkg



## Exhibit "F" Sign Photos



Walgreens Sign at Mattis and Springfield - Champaign



Arby's and McDonald's signs on west side of Cunningham Ave.



Carter's Furniture sign. Southeast corner of 5-Points intersection.



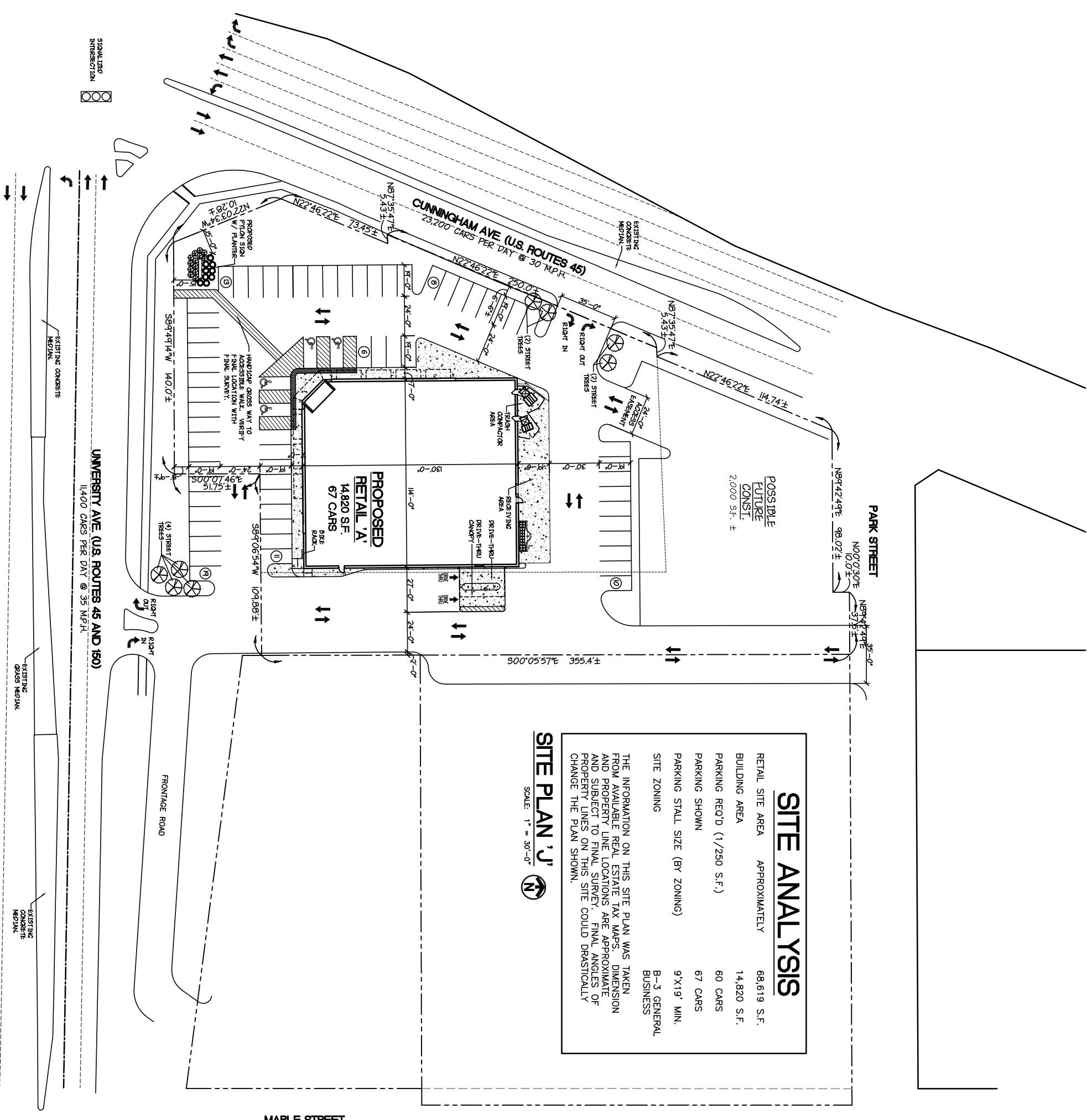
Arrow Glass sign. North of site on east side of Cunningham Ave.

## Exhibit "F" Sign Photos

### Apple Tree Plaza Double Sign



Circle K Sign, North Lincoln Avenue (82 Square feet)



**PARK STREET**  
 N00°03'01"E 100.0'±  
 N87°34'17"E 5.43'±  
 N22°46'22"E 114.74'±  
 N89°42'49"E 98.02'±

**UNIVERSITY AVE. (U.S. ROUTES 45 AND 150)**  
 11,400 CARS PER DAY @ 35 MPH

**SITE PLAN 'J'**  
 SCALE: 1" = 30'-0"

**SITE ANALYSIS**

RETAIL SITE AREA	APPROXIMATELY	68,619 S.F.
BUILDING AREA		14,820 S.F.
PARKING REQ'D (1/250 S.F.)		60 CARS
PARKING SHOWN		67 CARS
PARKING STALL SIZE (BY ZONING)		9'X19' MIN.
SITE ZONING		B-3 GENERAL BUSINESS

THE INFORMATION ON THIS SITE PLAN WAS TAKEN FROM AVAILABLE REAL ESTATE TAX MAPS. DIMENSION AND PROPERTY LINE LOCATIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY. FINAL ANGLES OF PROPERTY LINES ON THIS SITE COULD DRASTICALLY CHANGE THE PLAN SHOWN.

**MAPLE STREET**

**BLACKSTONE GROUP - DEVELOPER**  
 SITE PLAN FOR:  
**PROPOSED RETAIL**  
 UNIVERSITY AVE. AND CUNNINGHAM AVE.  
 URBANA, ILLINOIS

**NOVA GROUP INC.**  
 ARCHITECTS AND ENGINEERS  
 6312 HAZELWEST COURT SUITE 102  
 HAZELWOOD, MISSOURI 63042 (314) 731-5353  
 © 2004 NOVA GROUP, INC

project no. 204172A

drawn by	DKP
date	09/29/04
revision	09/30/04
	11/19/04
	12/08/04
	01/31/05
	01/13/05
	01/14/05
	01/18/05
	01/20/05

**SITE PLAN**  
 'J'