



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, AICP, Director, Community Development Services

DATE: March 20, 2008

SUBJECT: **ZBA 2008-MAJ-01:** A request to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once per ten seconds at the southeast corner of Windsor and Philo Roads in the B-3, General Business Zoning District.

ZBA 2008-MAJ-02: A request to allow an Electronic Message Board (LED) Sign to be multi-colored.

Introduction

The Atkins Group is requesting two major variances. The first is to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once every ten seconds. The second variance would allow the electronic display to be multi-colored. Urbana Zoning Ordinance Section IX-4.D.3 states such signs shall not be animated, flashing, multi-colored, scrolling or that they shall change more than once every 3 minutes. The signs may be up to 30% of the sign allowance for the property. The subject property is located on the southeast corner of Windsor and Philo Roads in the B-3, General Business Zoning District. Note that while the request is for two different variances both are necessary to install the sign as designed.

At their March 12, 2008 meeting, the Zoning Board of Appeals recommended approval of both major variances by of vote of 6-eyes and 0-nays.

Background

The petitioners have created a mixed use general business project at the southeast corner of Windsor and Philo Roads called The Pines at Stone Creek Commons. According to the applicant this type of mixed use development constructed under a common design theme is best served by a flexible approach to signage. The purpose of the message board is to provide all businesses of The Pines visibility to Windsor and South Philo Roads without creating either an oversized shopping center sign structure or a proliferation of individual freestanding tenant signs. Use of an electronic message board will allow the overall size of the sign to be smaller while still allowing display of the names and logos of all the tenants. The use of multi-colored displays is

now common in many parts of the country given the increasing availability of affordable LED technology. The use of color to show retail tenant logos and trademarks to foster brand recognition is considered by the petitioners to be an important component of marketing for the development and is not a restriction in any other sign type. The petitioners consider the increase in frequency of message changes to be necessary to accommodate sufficient cycles for enough of the business tenants' names to be viewed on the LED message board in the time a car might pass the site of be stopped at the intersection.

The issue is whether there are certain features of the property which justify the Electronic Message Board sign solution rather than a larger sign or a greater number of signs than would otherwise be permitted in the B-3 district. In order to preserve the visual aesthetic of the development the petitioners propose a reduction in their allowable conventional signage as a trade off for the increased Electronic Message Board (LED) sign message change rate and multicolor display.

The Urbana Zoning Ordinance Table IX-9 allows a General Shopping Center in the B-3 zoning district to install a shopping center sign of 150-square feet plus an additional 50-square feet allowance for a tenant directory. The petitioners propose to have a total sign area of 78.7-square feet with an electronic message board of 26.7-square feet totaling 17.7% of the 150-square foot allowance. The electronic message board will comply with the Zoning Ordinance requirement restricting it to 30% of the sign allowance for the property.

Adjacent Land Uses and Zoning Designations

The subject site is an area of southeast Urbana that is developing with a mix of residential and commercial uses. The majority of The Pines at Stone Creek Commons shopping center is currently under construction. Further north across Windsor Road and also under construction is the Meijer Superstore and gas station. To the east of the site is the Stone Creek Commons office park. To the west of the site is the University of Illinois Pomology agricultural research farm. On the northwest corner of Philo and Windsor Roads is an electrical utility substation with church owned land further to the north and west. There are no existing or proposed residential dwellings within approximately 725-feet of the proposed sign. The Urbana Comprehensive Plan designates this area for a future land use of community business at the southwest corner of Philo and Windsor Roads with mixed residential and park development further to the west.

Zoning and Land Use Table

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	2005 Comprehensive Plan – Future Land Use
Subject Property	B-3, General Business	Commercial - Retail	Community Business
North	B-3, General Business	Commercial - Retail	Regional Business
South	B-3, General Business	Commercial - Retail	Community Business
East	B-3, General Business	Commercial - Office	Office
West	County AG-2 Agriculture	Agriculture / Institutional	Community Business

Issues and Discussion

Visibility of signage is a primary requirement of retailers. Shopping Centers pose a special challenge when multiple tenants seek to have sign visibility on the road frontage. Such traditional sign methods can result in an appearance that may not be consistent with the aesthetic objectives of the project. It is the petitioner's goal for the site to become a high quality neighborhood destination shopping center. The signage is considered by the petitioners to be necessary to attract viable retail merchants.

The location of The Pines at the southern gateway to Urbana is worthy of a high quality approach to site design and signage treatments. With that in mind the orientation of the retail center was planned in an effort to develop a unique neighborhood shopping experience. This orientation does not focus on frontage to South Philo Road or Windsor Roads and so does not allow tenants to optimize visibility by use of conventional signage methods.

An early signage concept for The Pines was to develop a monument sign that would accommodate the names and logos of all the tenants in the shopping center. After generating and reviewing multiple designs, the petitioners determined that maximizing the dimensions of the monument sign (as allowed by the City of Urbana) would not have the desired result. The petitioners believe that the design aesthetic of The Pines would be undermined if a large conventional shopping center sign were installed showing each tenant's name and logo. According to the petitioners such a sign would be too large and would not complement the architecture of the shopping center.

Instead the petitioners propose "...a tastefully designed and fully integrated monument sign and message board that are consistent with the materials and colors of the adjacent retail center..." The goal of the proposed shopping center sign and LED message board is to eliminate the need for independent tenant signs and thus maintain a more uniform and unique environment. The purpose of the LED message board is to provide all businesses of The Pines visibility to Windsor and South Philo Roads, but to allow the overall size of the shopping center sign to be smaller while still displaying the names and logos of all the tenants.

The petitioner's state that the 3-minute image duration permitted by the Zoning Ordinance will not accommodate sufficient cycles for enough of the business tenants' names to be viewed on the LED message board in the time a car might pass or be stopped at the intersection. The duration needed for a vehicle to traverse the stretch of property within viewing distance of the sign will be limited, and a car could pass by within the 10 second period if it does not have to stop at the intersection. The petitioners state the LED sign minimum time delay needs to be 10 seconds to allow a sufficient viewing opportunity for multiple tenants to be represented. Under these conditions it is likely that many drivers will still only experience two or three tenant representations lasting 10 seconds as they wait for a signal change at the intersection and then pass the sign. The proposed sign will conform to the other requirements Zoning Ordinance Section IX.4.D.3 that states Electronic Message Board (LED) signs shall not be animated, flashing, or scrolling.

City staff does not anticipate any safety hazards to motorists as a result of the increased frequency. With regard to outdoor advertising signs under the jurisdiction of the Illinois Department of Transportation, IDOT changed its administrative code in October 2006 to allow digital billboards (within 660 feet of highways) to change their message no more than every 10 seconds. The Illinois Administrative code Section 92/522.20 Definitions states:

"Multiple Message Sign" means an outdoor advertising sign that displays a series of message changes, regardless of the technology used. A multiple message sign provides for a fixed message of at least ten seconds in length with a transition time between message changes of three seconds or less. Multiple message signs contain a default design that will freeze the message in one position if a malfunction occurs.

This 45-page document can be viewed on line here: <http://www.dot.state.il.us/landacq/illadm.pdf>

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria 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?*

The purpose of the message board is to provide all businesses of The Pines visibility to Windsor and South Philo Roads. The practical difficulty is that the 3-minute image duration permitted by the Zoning Ordinance will not accommodate sufficient cycles for enough of the business tenants' names to be viewed on the LED message board in the time a car might pass. The second difficulty is that the restriction to monochrome does not allow for viewer recognition of the tenants trademarked color logos. The special circumstance is that the design aesthetic of The Pines would be undermined if a large conventional shopping center sign or multiple individual signs were installed showing each tenant's name and logo.

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.*

Visibility of signage is a primary requirement of retailers. However traditional sign methods can result in an appearance that may not be consistent with the aesthetic objectives of the project. The location of The Pines at the southern gateway to the city is worthy of a high quality approach to site design and signage treatments. With that in mind the orientation of the retail center was planned in an effort to develop a unique neighborhood shopping experience. This orientation does not focus on frontage to South Philo Road or Windsor Roads and so does not allow tenants to optimize visibility by use of conventional signage methods.

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

An early signage concept was to develop a monument sign that would accommodate the names and logos of all the tenants. After generating and reviewing multiple designs it was determined by the petitioners that maximizing the dimensions of the monument sign as allowed by the Urbana Zoning Ordinance would not maintain the visual aesthetic they desired. The petitioners believe that the allowable signage would be too large and would not complement the architecture of the surrounding environment. The petitioners still have the option of the conventional approach, but feel that it would undermine their efforts to create a superior design environment at The Pines.

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

The goal of the proposed shopping center sign and LED message board is to eliminate the need for independent "tenant" monument signs and thus maintain a more uniform and less cluttered environment. The proposed sign is designed to be a fully integrated monument sign and message board that is consistent with the high quality of materials and colors of The Pines. The proposed sign will fit in with the immediate neighborhood which is at the corner of two busy commercial roads.

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

This is a newly developed area with a Meijer Superstore and gas station / convenience store adjacent to the north and an office park to the east. The Pines signage including the use of a color display and the increased cycle time of the LED board will not make a significant impact by comparison. It is important to recognize that the use of multi color would be allowed by right on the larger conventional signs that could otherwise be permitted at the site. The proposed sign will not be animated, flashing, or scrolling. The sign will not be a nuisance to the adjacent properties.

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

The petitioners state the minimum time delay needs to be 10 seconds to allow a sufficient viewing opportunity for multiple tenants to be represented. The duration needed for a vehicle to traverse the stretch of property within viewing distance of the sign will be limited and could easily be accomplished within the 10-second period. Under these conditions it is likely that many drivers will only experience two or three tenant representations as they wait for a signal change and then pass the sign. This level of exposure is considered adequate by the petitioners. The petitioners feel the use of color is needed for the tenants' trademark logos to be easily recognizable to the viewers.

7. *The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land.*

The purpose of the message board is to provide all businesses of The Pines with recognizable visibility to Windsor and South Philo Roads while reducing the amount of signage overall. The practical difficulty is that the three minute image duration permitted by the Zoning Ordinance will not accommodate sufficient cycles for enough of the business tenants' names to be viewed on the LED message board in the time a car might pass. The second difficulty is that the restriction to monochrome does not allow for viewer recognition of the tenants trademarked color logos. The special circumstance according to the petitioners is that the design aesthetic of The Pines would be undermined if a large conventional shopping center sign were installed showing each tenant's name and logo.

Summary of Findings

1. The practical difficulty in strict application of the Zoning Ordinance is that the 3-minute image duration permitted by the Zoning Ordinance will not accommodate sufficient cycles for enough of the business tenants' names to be viewed on the LED message board in the time a car might pass. The second difficulty is that the restriction to monochrome does not allow for viewer recognition of the tenants trademarked color logos. The special circumstance is that the design aesthetic of The Pines would be undermined if a large conventional shopping center sign or multiple individual signs were installed showing each tenant's name and logo.
2. The proposed variance will not serve as a special privilege because the orientation of the retail center was planned in an effort to develop a unique neighborhood shopping experience. This orientation does not focus on frontage to South Philo Road or Windsor Roads and so does not allow tenants to optimize visibility by use of conventional signage methods.
3. The variance requested was not the result of a situation or condition having been created by the Petitioner. The petitioners believe that the allowable signage would be too large and would not complement the architecture of the surrounding environment. The petitioners still have the option of the conventional approach, but feel that it would undermine their efforts to create a superior design environment at The Pines.
4. The proposed sign is designed to be a fully integrated monument sign and message board that is consistent with the high quality of materials and colors of The Pines. The proposed sign will fit in with the immediate neighborhood which is at the corner of two busy commercial roads.
5. The Pines signage as proposed will not make a significant impact in this developing area adjacent to the Meijer Superstore and gas station. It is important to recognize that the use of multi color would be allowed by right on the larger conventional signs that could otherwise be permitted at the site. The proposed sign will not be animated, flashing, or scrolling. The sign will not be a nuisance to the adjacent properties.
6. The variance represents generally the minimum deviation from requirements. The petitioners state the minimum time delay needs to be 10 seconds to allow a sufficient viewing opportunity for multiple tenants to be represented. This level of exposure is considered adequate by the

petitioners. The petitioners feel the use of color is needed for the tenants' trademark logos to be easily recognizable to the viewers.

At the March 12, 2008 hearing the Zoning Board of Appeals viewed a computer slideshow simulation of the message changes at 10-second frequency. Several board members remarked it was helpful to see a simulation of the sign display. Discussion at the meeting included the observation that the type of signs as proposed used a new technology that would become more prevalent. The Board felt the 10-second frequency of changes had little visual impact as long as they were not animated. The petitioners stated the message board would display names of all the tenants of the Pines including the outlot tenants. The messages would also include product or sale advertisements, time and temperature, and community messages.

The Zoning Board of Appeals also asked staff to communicate to the City Council that they felt text changes to the Zoning Ordinance should be considered to meet the likelihood of additional requests for LED message boards at locations in the city.

Options

The City Council has the following options in ZBA cases 2008-MAJ-01 and 2008-MAJ-02:

- a. Approve the proposed major variances; or
- b. Approve the proposed major variances subject to changes. If the City Council elects to impose conditions or approve the variance on findings other than those articulated herein, the Council should articulate findings accordingly; or
- c. Deny the proposed major variances. If the City Council elects to do so, the Council should articulate findings supporting its denial.

Recommendation - ZBA 2008-MAJ-01 (message frequency)

Based on the findings provided herein, the Zoning Board of Appeals by of vote of 6-eyes and 0-nays recommended **APPROVAL** of the Major Variance. City staff concurs with this recommendation. The following conditions were included in the recommendation:

1. That the monument sign with LED Electronic Message Board be constructed in substantial conformity with the submitted site plan illustrating the design and location.
2. That the variance for message frequency is approved for the proposed monument sign with LED Electronic Message Board located in the application site diagram at the corner of Philo and Windsor Roads and does not extend to any other signs located at The Pines at Stone Creek Commons property.
3. That the sign will conform to the other requirements of Urbana Zoning Ordinance Section

IX.4.D.3 that prohibit Electronic Message Board (LED) signs from being animated, flashing, or scrolling.

4. That the variance is granted contingent on no other tenant directory, or shopping center signs being permitted on the Pines property.

Recommendation - ZBA 2008-MAJ-02 (message color)

Based on the findings provided herein, the Zoning Board of Appeals by of vote of 6-ayes and 0-nays recommended **APPROVAL** of the Major Variance. City staff concurs with this recommendation. The following conditions were included in the recommendation:

1. That the monument sign with LED Electronic Message Board be constructed in substantial conformity with the submitted site plan illustrating the design and location.
2. That the variance for message frequency is approved for the proposed monument sign with LED Electronic Message Board located in the application site diagram at the corner of Philo and Windsor Roads and does not extend to any other signs located at The Pines at Stone Creek Commons property.
3. That the sign will conform to the other requirements of Urbana Zoning Ordinance Section IX.4.D.3 that prohibit Electronic Message Board (LED) signs from being animated, flashing, or scrolling.
4. That the variance is granted contingent on no other tenant directory, or shopping center signs being permitted on the Pines property.

Prepared by:

Paul Lindahl, Planner II

Attachments:

Draft Ordinance Approving Major Variance ZBA Case 2008-MAJ-01
Draft Ordinance Approving Major Variance ZBA Case 2008-MAJ-02
Draft Minutes of March 12, 2008 Zoning Board of Appeals Hearing

Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Existing Land Use Map w/ Aerial Photo
Exhibit D: Future Land Use Map

Exhibit E: Site Photos
Exhibit F: Sign Illustrations
Exhibit G: Application
Exhibit H: Sign Location Diagram
Exhibit I: watchFire Sign Fact sheet

Cc:

The Atkins Group, Inc.
Attn: Jane Solon
2805 S. Boulder Drive
Urbana, IL 61802

HDC Engineering, LLC
201 W. Springfield Ave., Suite 300
Champaign, IL 61824-0140

Smith-Burgett Architects
102-A W. Main Street
Urbana, IL 61801

ORDINANCE NO.2008-03-017

AN ORDINANCE APPROVING A MAJOR VARIANCE

(A request to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once per ten seconds at the south east corner of Windsor and Philo Roads in the B-3, General Business Zoning District. - 2710 S. Philo Road / Case No. ZBA-2008-MAJ-01)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or the structure; and

WHEREAS, The Atkins Group has submitted a request to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once per ten seconds at the south east corner of Windsor and Philo Roads in the B-3, General Business Zoning District at 2710 S. Philo Road; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2008-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 held a public hearing on the proposed major variance on March 12, 2008 and voted 6 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The practical difficulty in strict application of the Zoning Ordinance is that the 3-minute image duration permitted by the Zoning Ordinance will not accommodate sufficient cycles for enough of the business tenants' names to be viewed on the LED message board in the time a car might pass. The second difficulty is that the restriction to monochrome does not allow for viewer recognition of the tenants trademarked color logos. The special circumstance is that the design aesthetic of The Pines would be undermined if a large conventional shopping center sign or multiple individual signs were installed showing each tenant's name and logo.
2. The proposed variance will not serve as a special privilege because the orientation of the retail center was planned in an effort to develop a unique neighborhood shopping experience. This orientation does not focus on frontage to South Philo Road or Windsor Roads and so does not allow tenants to optimize visibility by use of conventional signage methods.
3. The variance requested was not the result of a situation or condition having been created by the Petitioner. The petitioners believe that the allowable signage would be too large and would not complement the architecture of the surrounding environment. The petitioners still have the option of the conventional approach, but feel that it would undermine their efforts to create a superior design environment at The Pines.
4. The proposed sign is designed to be a fully integrated monument sign and message board that is consistent with the high quality of materials and colors of The Pines. The proposed sign will fit in with the immediate neighborhood which is at the corner of two busy commercial roads.
5. The Pines signage as proposed will not make a significant impact in this developing area adjacent to the Meijer Superstore and gas station. It is important to recognize that the use of multi color would be allowed by right on the larger conventional signs that could otherwise be permitted at the site. The proposed sign will not be animated, flashing, or scrolling. The sign will not be a nuisance to the adjacent properties.

6. The variance represents generally the minimum deviation from requirements. The petitioners state the minimum time delay needs to be 10 seconds to allow a sufficient viewing opportunity for multiple tenants to be represented. This level of exposure is considered adequate by the petitioners. The petitioners feel the use of color is needed for the tenants' trademark logos to be easily recognizable to the viewers.

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

The major variance request by The Atkins Group has submitted a request to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once per ten seconds at the south east corner of Windsor and Philo Roads in the B-3, General Business Zoning District at 2710 S. Philo Road, subject to the following conditions:

1. That the monument sign with LED Electronic Message Board be constructed in substantial conformity with the submitted site plan illustrating the design and location.
2. That the variance for message frequency is approved for the proposed monument sign with LED Electronic Message Board located in the application site diagram at the corner of Philo and Windsor Roads and does not extend to any other signs located at The Pines at Stone Creek Commons property.
3. That the sign will conform to the other requirements of Urbana Zoning Ordinance Section IX.4.D.3 that prohibit Electronic Message Board (LED) signs from being animated, flashing, or scrolling.
4. That the variance is granted contingent on no other tenant directory, or shopping center signs being permitted on the Pines property.

The major variance granted above shall only apply to the property particularly described as follows:

LEGAL DESCRIPTION: Lot 201 of The Pines at Stone Creek Commons Subdivision as recorded at the office of the Champaign County Recorder of

Deeds as Document Number 2007R07482 on March 30, 2007, and situated in the City of Urbana, Illinois.

Parcel Index Number: A part of 93-21-28-200-033

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 Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the ____ day of _____, 2008.

PASSED by the Corporate Authorities this ____ day of _____, 2008.

AYES:
NAYS:
ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2008.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

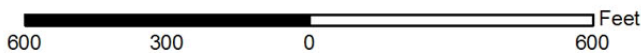
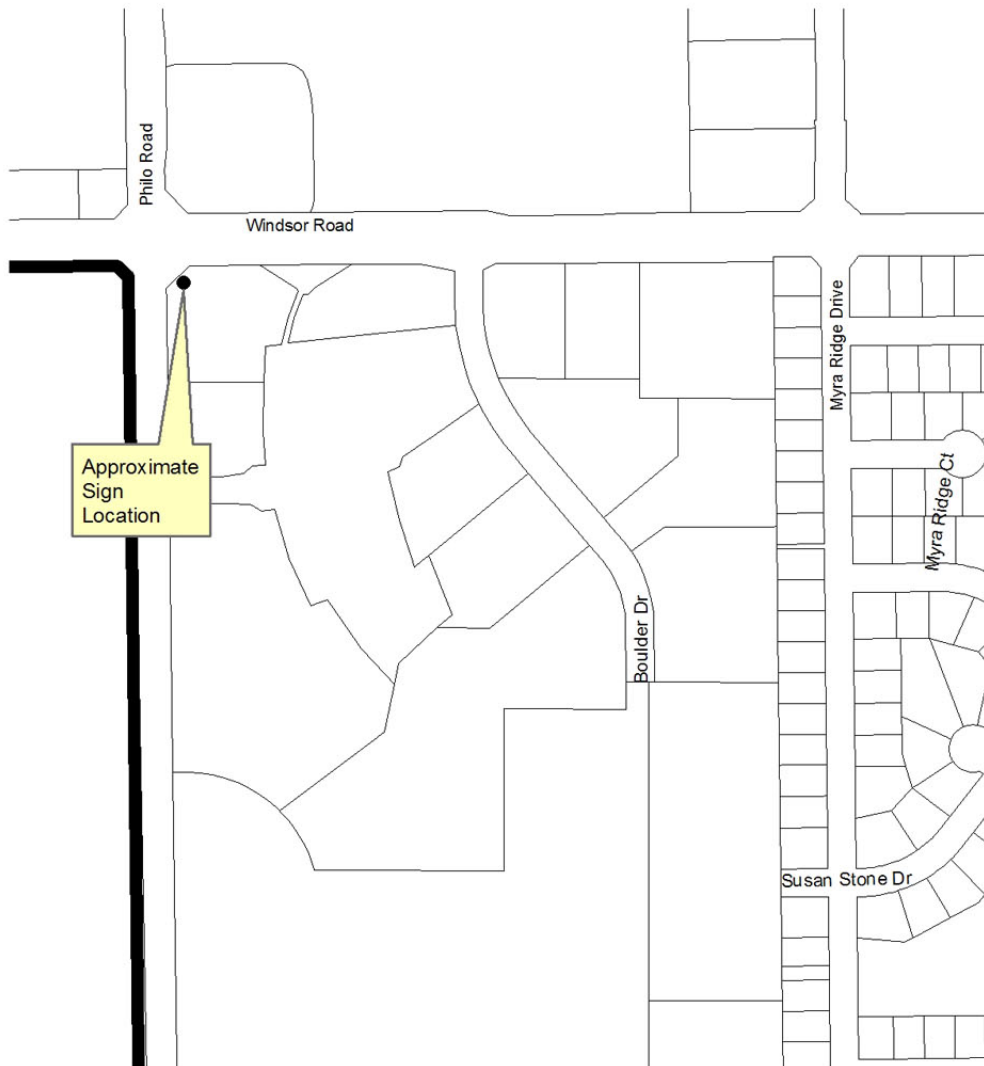
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2008, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled

"AN ORDINANCE APPROVING A MAJOR VARIANCE (A request to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once per ten seconds at the south east corner of Windsor and Philo Roads in the B-3, General Business Zoning District. - 2710 S. Philo Road / Case No. ZBA-2008-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 _____, 2007, 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.

Location Map

EXHIBIT "A"



ZBA Case: 2008-MAJ-01, and 2008-MAJ-02

Subject: A request for a Major Variance to allow an Electronic Message Board Sign to increase the frequency of message changes from once per three minutes to once every ten seconds, and allow the electronic display to be multi-colored.

Location: 2710 S. Philo Road

Zoning District: B-3, General Business

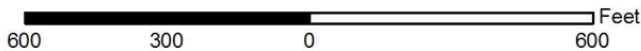
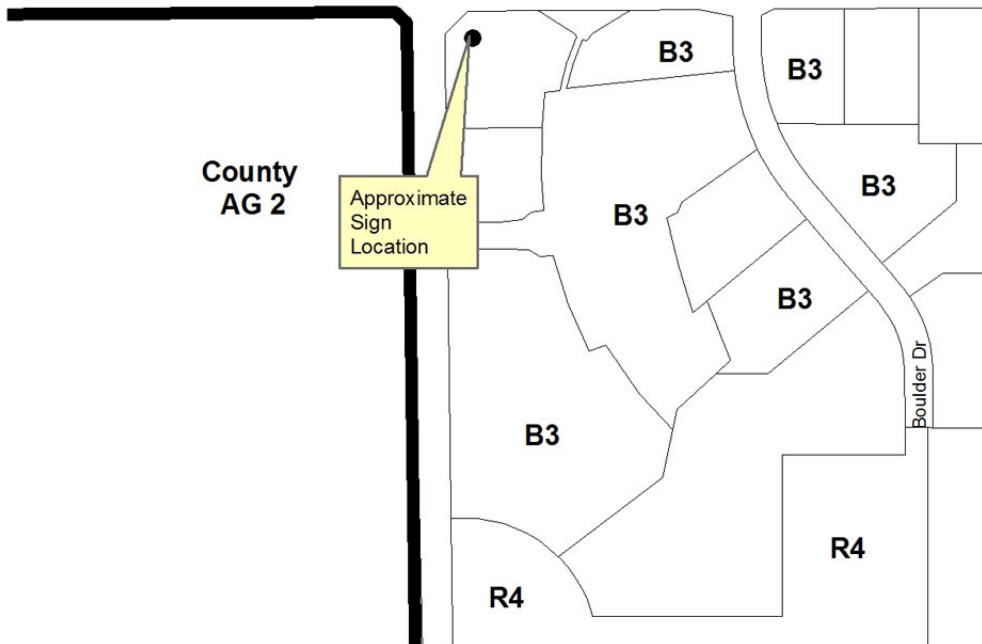
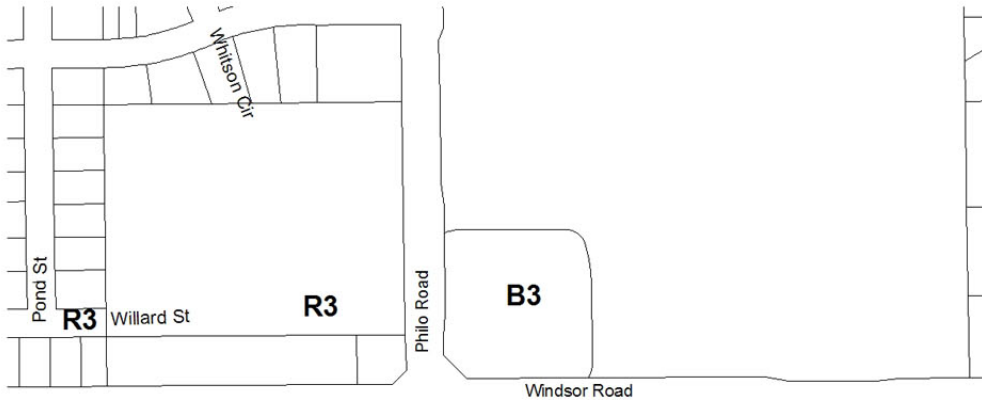
Petitioner: The Atkins Group

PIN: 93-21-28-201-001

Prepared 2/27/08 by Community Development Services -pal

Zoning Map

EXHIBIT "B"



ZBA Case: 2008-MAJ-01, and 2008-MAJ-02

Subject: A request for a Major Variance to allow an Electronic Message Board Sign to increase the frequency of message changes from once per three minutes to once every ten seconds, and allow the electronic display to be multi-colored.

Location: 2710 S. Philo Road

Zoning District: B-3, General Business

Petitioner: The Atkins Group

PIN: 93-21-28-201-001

Prepared 3/04/08 by Community Development Services -pal

B-3, General Business

R-3, Single and Two-Family Residential

R-4, Medium Density Multiple Family Residential

AG-2, Agriculture (Champaign County)

Existing Land Use w Aerial Photo

EXHIBIT "C"

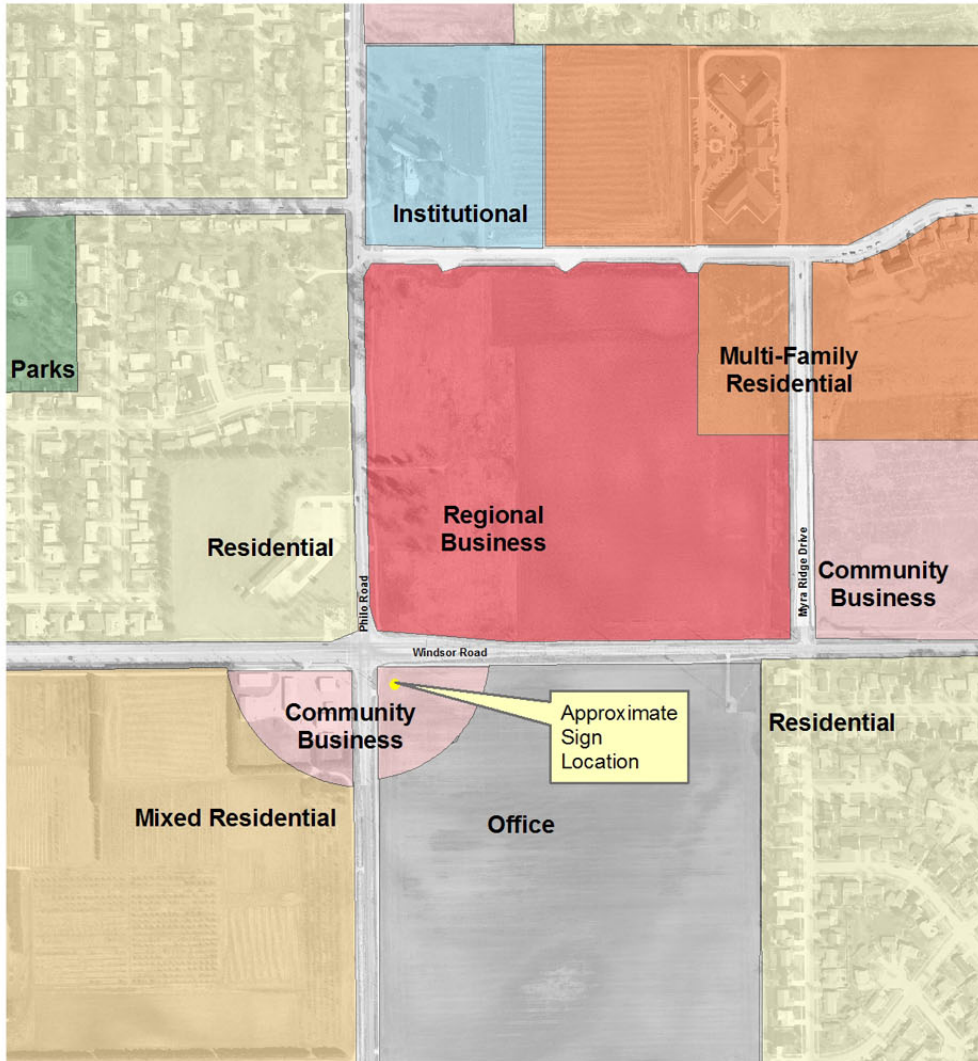


ZBA Case: 2008-MAJ-01, and 2008-MAJ-02
Subject: A request for a Major Variance to allow an Electronic Message Board Sign to increase the frequency of message changes from once per three minutes to once every ten seconds, and allow the electronic display to be multi-colored.
Location: 2710 S. Philo Road
Zoning District: B-3, General Business
Petitioner: The Atkins Group
PIN: 93-21-28-201-001
Prepared 3/03/08 by Community Development Services -pal

Future Land Use Map

EXHIBIT "D"

Source: Comprehensive Plan Future Land Use
Text Adapted from Maps # 13 and 14, pp. 84-85



ZBA Case: 2008-MAJ-01, and 2008-MAJ-02
Subject: A request for a Major Variance to allow an Electronic Message Board Sign to increase the frequency of message changes from once per three minutes to once every ten seconds, and allow the electronic display to be multi-colored.
Location: 2710 S. Philo Road
Zoning District: B-3, General Business
Petitioner: The Atkins Group
PIN: 93-21-28-201-001
Prepared 3/03/08 by Community Development Services -pal



#1 View East on Windsor Avenue



#2 View South down Philo Road

96"

40"



← Electronic Message Board

6"

72"



84"



MINUTES OF A RESCHEDULED MEETING

URBANA ZONING BOARD OF APPEALS

DATE: March 12, 2008

DRAFT

TIME: 7:30 p.m.

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

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

MEMBERS EXCUSED: Joe Schoonover

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Robert Myers, Planning Manager; Paul Lindahl, Planner II; Lisa Karcher, Planner II; Connie Eldridge, Grants Management Secretary

OTHERS PRESENT: Dave Cocagne, Chris Dillion, John Kunzie, Jenny Park, Bob Patel, Tim Pellegrini, Jane Solon, Jason Wisniewski

NEW PUBLIC HEARINGS

ZBA Case No. 2008-MAJ-01: A major variance request by the Atkins Group to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once per ten seconds at the southeast corner of Windsor and Philo Roads in the City's B-3, General Business Zoning District.

ZBA Case No. 2008-MAJ-02: A major variance request by the Atkins Group to allow an Electronic Message Board (LED) Sign to be multi-colored at the southeast corner of Windsor and Philo Roads in the City's B-3, General Business Zoning District.

Paul Lindahl, Planner II, presented these two cases to the Zoning Board of Appeals together. He discussed the proposed use of the site and what signage is allowed according to the current standards in the Urbana Zoning Ordinance. He stated that the proposed two major variances would reduce the amount of freestanding signage overall.

He referred to Exhibit F to show what the proposed sign would look like. He discussed the administrative code of the Illinois Department of Transportation (IDOT) and explained that they updated their code so messages on digital signs within 600 feet of highways could change no more than every ten seconds.

Mr. Lindahl read the options of the Zoning Board of Appeals and presented staff's recommendation for approval of each case with the standard conditions, which are as follows:

ZBA-2008-MAJ-01:

- 1. That the monument sign with LED Electronic Message Board be constructed in substantial conformity with the submitted site plan illustrating the design and location.*
- 2. That the variance for message frequency is approved for the proposed monument sign with LED Electronic Message Board located in the application site diagram at the corner of Philo and Windsor Roads and does not extend to any other signs located at The Pines at Stone Creek Commons property.*
- 3. That the sign will conform to the other requirements of Urbana Zoning Ordinance Section IX.4.D.3 that prohibit Electronic Message Board (LED) signs from being animated, flashing, or scrolling.*
- 4. That the variance is granted contingent on no other tenant directory or shopping center signs being permitted on the Pines property.*

ZBA-2008-MAJ-02:

- 1. That the monument sign with LED Electronic Message Board be constructed in substantial conformity with the submitted site plan illustrating the design and location.*
- 2. That the variance for message frequency is approved for the proposed monument sign with LED Electronic Message Board located in the application site diagram at the corner of Philo and Windsor Roads and does not extend to any other signs located at The Pines at Stone Creek Commons property.*
- 3. That the sign will conform to the other requirements of Urbana Zoning Ordinance Section IX.4.D.3 that prohibit Electronic Message Board (LED) signs from being animated, flashing, or scrolling.*
- 4. That the variance is granted contingent on no other tenant directory or shopping center signs being permitted on the Pines property.*

He mentioned that there were representatives present from the Atkins Group (petitioner) and from the manufacturers of the proposed sign.

Ms. Uchtmann noticed that there is already a sign for Monical's Pizza and for Busey Bank. Would each tenant be able to put a sign on their building? Mr. Lindahl replied yes. One of the major points behind this is that in the central lot, which is about five acres, there are eight to

twelve tenants that do not have any signs along the streets. They have signs and logos on the buildings themselves, but they are much further away from the road and much less visible than the corner outlots. In order to give the retail customers the visibility that they need, the petitioner is requesting the proposed variances for a shopping center sign which would in essence provide visibility.

Ms. Uchtmann asked if the proposed sign would be reserved for the tenants who would not have a sign facing Philo or Windsor Roads. Mr. Lindahl said yes. The tenants located on the outlots will have their own signs.

Chair Merritt inquired if the tenants in the outlots would be included in the scroll. Mr. Lindahl said that they would need to ask the petitioner that question.

Mr. Warmbrunn wondered why these are considered major variances rather than minor variances. Mr. Lindahl answered that these two cases are considered major because in the Urbana Zoning Ordinance, multi-colored LED signs were excluded. As for frequency, under the current Zoning Ordinance, a message is allowed to change once every three minutes. The proposed variance request, if approved, would allow the messages to change once every ten seconds. This percentage of a difference from the standard constitutes a major variance.

Mr. Warmbrunn asked how frequently the Walgreen's sign, located at the Five Points corner, is allowed to change. Robert Myers, Planning Manager, said that the Walgreen's sign changes once every three minutes. Mr. Warmbrunn questioned if this would be the first sign allowed in the City of Urbana to change quicker than once every three minutes. Mr. Myers replied yes. Elizabeth Tyler, Director of Community Development Services Department, added that Walgreen's requested three minutes as part of a variance for their sign two or three years ago. The City modeled the language in the Zoning Ordinance after the Walgreen's sign was approved. We are seeing more and more of the LED signs for message boards rather than the manual signs, so the City included the LED signs in a text amendment to allow them by right. The size limits and the time limit were based on the Walgreen's sign.

Mr. Warmbrunn stated that they are now talking about ten seconds per message change. He inquired as to what "flashing" means. Mr. Lindahl said that the original technology for message boards was something that people would think of as "the old time Time Square" kind of thing, where they used incandescent lights to create letters, used scrolling and could flash on and off. This was the kind of proliferation of busy startling signs that no one wanted. So, when we talk about animated or flashing signs in the Zoning Ordinance, this is more like what they mean. Simply changing once every ten seconds without a visible transition is not considered flashing.

Mr. Warmbrunn mentioned that the digital billboards that IDOT allows to change every ten seconds are not much larger than the proposed sign. They are larger, because they are located further away. People can see them for about a half a mile. In this case, someone heading east will not be able to pick up this sign until they get about 100 yards from the intersection due to the fence where the University of Illinois (U of I) has the trees, etc. Mr. Lindahl was not sure exactly how visible the sign would be.

Mr. Corten arrived at 7:50 p.m.

Mr. Welch wondered if the Zoning Ordinance should be amended to reflect these technological changes so the Zoning Board of Appeals does not have to deal with these types of variance requests over and over again. It seems to him that this is “a sign of things to come”, especially if IDOT has changed their code to allow messages to change once every ten seconds. Laws that don’t continue to change with the times are not necessarily good laws or codes. Mr. Lindahl replied that in some ways we could agree with that. City staff has thought that a text amendment might be in order. Chair Merritt added that it is appropriate for the Zoning Board of Appeals to make such suggestion to City staff, correct? Mr. Lindahl said that is correct.

Mr. Myers noted that City staff will take this suggestion under advisement. They will carefully consider how this would impact other sign provisions for the City of Urbana before proposing an amendment to the code. In this case, the applicants are making the case in the application that they have special circumstances because of the layout of the shopping center and are reducing other signage on the property to mitigate increased message frequency.

Mr. Myers continued that there are two issues with changes in Federal and state laws. First, in 2006, IDOT changed the law for routes controlled by IDOT. Changeable message signs, whether they are billboards or other changeable message sign, are allowed to change no more than every ten seconds. He believes this has an affect on how Illinois communities will look at their own sign codes. Second, in the fall of 2007, the Federal Highway Administration came out with the results of a long study that they did on whether changeable message signs are considered “flashing” or “intermittent” signs. The State of Illinois, in receiving Federal highway funds, is prohibited from having flashing or intermittent signs along Federally-funded routes. So the Federal government wanted to determine if the signs that states allow to change every ten seconds or so should be considered flashing or intermittent. Their study determined that these signs should not be considered flashing or intermittent. The study found that states have different standards for the minimum number of seconds, ranging from four to ten seconds. The Federal Highway Administration has recommended to states a minimum of eight to ten second message changes for multiple message signs not to be considered “intermittent” or “flashing”.

With no further questions for City staff, Chair Merritt opened the public hearing up to take testimony and/or gather input from the petitioner and other members of the audience.

Jenny Park, of Meyer Capel Law Firm and representative of the Atkins Group, approached the Zoning Board of Appeals to speak. She mentioned that Jane Solon from the Atkins Group is present to answer any questions as well as John Kunzie, a representative from Watchfire. Mr. Kunzie brought a display of what the sign would be so the Zoning Board of Appeals could actually see what it would look like. She invited them up to join her in presenting their case.

Ms. Solon stated that she brought a site plan to give the Zoning Board of Appeals an idea of where the message board would be placed and where the retail stores are located that do not have much frontage on Philo or Windsor Roads. Signage is very important to retailers so pedestrians and vehicular traffic can see where the stores are located.

She pointed out that they created the shopping center using this specific design so that it is a neighborhood center that has a community feel. There are plazas out front with benches and green space. People can ride their bicycles or skate down the boardwalk. They want it to be a place where people can meet. This is the reason why many of the stores are set back from the roads.

She answered a previous question by saying that the tenants having frontage on either roads, such as Monical's Pizza or Busey Bank, will be allowed to have their names on the proposed sign as well. Mr. Corten inquired as to how many names would be displayed on the sign. Ms. Solon replied by saying that there would be as many names as there are tenants.

Ms. Solon gave a PowerPoint simulation of what the proposed sign would display. The proposed sign would display the names of the shops as well as advertising for the shops and community events and spirit. The presentation represented the ten second delay in message changes.

Mr. Corten asked if this would not be considered a safety hazard or dangerous for vehicular drivers being distracted. Ms. Solon clarified that it is not considered dangerous.

Ms. Park noted that the proposed sign would be placed where there will be traffic signals. So, it will essentially be drivers sitting at red lights that will be watching the sign rather than drivers going by.

Mr. Myers added that the variances requested would not allow scrolling, animation, and flashing messages, only increased frequency and color.

Mr. Armstrong agreed with Mr. Welch's earlier point that this appears to be technology that will become more ubiquitous as time goes on. He expressed his appreciation for Ms. Solon bringing the actual video of the sign's display, because it is more difficult to make these types of decisions when the members are looking at static images than to consider how much and how long the messages would be displayed and the impact of that it may have. Quite frankly, it does not seem to have any significantly more impact than the time and temperature that could be read on a bank sign. There are certainly more distractions on the roadway than the proposed sign. It seems to him to be relatively low impact visually. He feels it would be a different issue if they were considering animated billboards or something of that nature.

Chair Merritt reminded everyone that the alternative would be that they could put four large signs. Mr. Lindahl noted that is true. They could have two shopping center signs per frontage, and they could have shopping center directory signs listing all of the tenants such as at Lincoln Square Mall. The signs could be up to 30 feet tall.

Mr. Corten wondered when the sign would be installed. Ms. Solon replied that they just need the approval to do so.

With no further questions or comments from the audience, Chair Merritt closed the public input portion of the hearing and opened it up for the Zoning Board of Appeals discussion and/or motions.

Mr. Armstrong moved that the Zoning Board of Appeals forward ZBA Case No. 2008-MAJ-01 to the City Council with a recommendation for approval and that it conform to the conditions provided in the written staff report. Mr. Corten seconded the motion. Roll call on the motion was as follows:

Paul Armstrong	-	Yes	Herb Corten	-	Yes
Anna Merritt	-	Yes	Nancy Uchtmann	-	Yes
Charles Warmbrunn	-	Yes	Harvey Welch	-	Yes

The motion was passed unanimously.

Mr. Armstrong moved that the Zoning Board of Appeals forward ZBA Case No. 2008-MAJ-02 to the City Council with a recommendation for approval and that is conform to the conditions provided in the written staff report. Mr. Corten seconded the motion. Roll call on the motion was as follows:

Paul Armstrong	-	Yes	Herb Corten	-	Yes
Anna Merritt	-	Yes	Nancy Uchtmann	-	Yes
Charles Warmbrunn	-	Yes	Harvey Welch	-	Yes

The motion was passed by unanimous vote.

Mr. Myers explained that because both these cases are major variance requests, they will go before the City Council on March 24, 2008. The City Council will be holding a special Council meeting that night.

Mr. Warmbrunn remarked that City staff should review the Zoning Ordinance regarding LED signs and the frequency of message changes. Mr. Myers stated that if this is the consensus of the Zoning Board of Appeals, then City staff will take this into consideration. Chair Merritt commented that there is definitely a consensus. Mr. Welch agreed.