

ORDINANCE NO.2008-03-018

AN ORDINANCE APPROVING A MAJOR VARIANCE

(A request to allow an Electronic Message Board (LED) Sign to be multi-colored 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-02)

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 be multi-colored 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-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 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 be multi-colored 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 color 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

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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.