



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, FAICP, Community Development Director

DATE: April 28, 2016

SUBJECT: **ZBA Case ZBA-2016-MAJ-05:** A request by Robert DeAtley, Barber & DeAtley, Inc., for a Major Variance to allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business District.

Introduction & Background

Robert DeAtley is representing the property's owner, 1106 W. University Avenue, LLC, which plans to open a quick service restaurant at this location. The owner plans to demolish the existing structure and build a new restaurant building in its place. The restaurant would be a fast-food establishment with dine-in and drive-through capacities.

The applicant is requesting a Major Variance for an increase in the allowance of the maximum height for a freestanding monument sign. Table IX-1 of the Zoning Ordinance allows freestanding monument signs in the B-3, General Business District to be no more than eight feet tall if located within eight to 15 feet from a public right-of-way. The applicant is proposing to locate the sign at a distance of eight feet from the property line. In order to allow for more visibility and due to the confines of the site, tree and building obstruction, development requirements for the restaurant, and location along a major corridor, the applicant is asking for a variance to install a sign at a height of 13 feet instead of eight. A deviation of 61.5% is considered a Major Variance per Section XI-3.C.2b of the Zoning Ordinance.

At their April 20, 2016 meeting, the Urbana Zoning Board of Appeals voted with six ayes and one nay to forward the Major Variance to the City Council with a recommendation for approval. One Board member expressed concern about the removal of any trees along University Avenue. Staff replied that any trees in the public right-of-way were subject to the City's tree removal policy and would not be removed for purposes of the proposed sign variance.

Description of the Site

The site is located along University Avenue, a main east-west arterial through the center of the City. The subject property, a parcel totaling 0.59 acres, is surrounded by mixed-use residential and commercial uses typical of the street's nature as a major thoroughfare just north of the

University of Illinois campus. The subject property is flanked by another restaurant to the east and by the Campus Circle apartment building to the north. To the west of the subject property is a building housing a bicycle shop and other commercial space. Towards the south and across the street are parking lots owned by the University. The subject property and neighboring parcels are all zoned B-3, General Business. The subject site and the surrounding properties to the north, east, and west are designated as Community Business in Urbana’s Comprehensive Plan. The parking lot to the south across University Avenue is designated as Institutional.

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	Comprehensive Plan Future Land Use
Subject Property	B-3, General Business	Restaurant Building – Vacant	Community Business
North	B-3, General Business	Apartments	Community Business
South	B-3, General Business	Parking Lot, Vacant Space	Institutional
East	B-3 General Business	Restaurant	Community Business
West	B-3, General Business	Bike Store and Commercial Space	Community Business

Discussion

The applicant is requesting permission to install a two-sided, freestanding monument sign to support a new restaurant business along University Avenue. The applicant desires to have the best possible visibility for being located along a high volume traffic corridor. According to Table IX-1 of the Zoning Ordinance, freestanding monument signs in the B-3 district are limited to being no taller than eight feet when located eight to 15 feet from the public right-of-way. The applicant is proposing a sign with a height of 13 feet.

A sign’s visibility at this location is challenging because of several factors. First, the developer is limited by the constraints of the property. The Zoning Ordinance requires 28 off-street parking spaces with a connecting drive aisle as well as stacking space for up to six cars for the establishment’s drive-through service. Configuring all the required elements onto this lot which has a relatively shallow depth of 130 feet results in a new building having a close proximity to University Avenue. Placement of the new building requires a sign that is closer than 15 feet from the property line thereby limiting options for the sign placement. The neighboring Durst Cycle and Campus Circle buildings have a setback of roughly ten feet further constraining visibility of any signage on the subject site. There are several medium sized oak trees along University

Avenue in front of the subject property further restricting visibility of the sign. Overall, the site has factors that would make sign visibility difficult without the requested variance.

The proposed sign would be compliant to all other specifications of the Zoning Ordinance including setback distance and area. An increase in height of the sign would not disrupt the scale of the frontage as it would not be taller than the building behind it or the trees in front. Approving a variance for sign height is a potential remedy for visibility challenges presented by the property. A similar, taller sign than permitted by-right in the Zoning Ordinance is not without precedent in this part of Urbana. For example, in case ZBA-2015-MAJ-03, the city permitted a larger projecting blade sign at the Campus Circle apartment building.

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 shallow depth of the property, minimal setback of neighboring buildings, and placement of trees along the public right-of-way are special circumstances that affect the sign's visibility for the development.

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

The existing trees and scale of nearby buildings create an obstruction for signage. Signage is further constrained by the relative shallowness of the lot. The lot's configuration and constraints are unique to the area and would not be generally applicable to other locations. The site is smaller than others along the corridor and would not be receiving a special privilege.

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

The variances requested are not due to a situation knowingly created by the Petitioner. The shallow lot depth, placement of neighboring buildings, and public street trees are outside the control of the applicant.

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

The variance will not alter the essential character of the neighborhood, which includes other intensive commercial development.

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

The variances would not cause a nuisance to the neighboring properties. The sign would not increase the scale of the property's frontage as it would be in close proximity to the principal building. The sign would be similar to existing signage on other properties along University Avenue. The sign would not impede visibility or traffic to the adjacent lots.

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

Given the conditions of the existing street trees, placement of buildings on adjacent lots, and the presence of a high-speed traffic arterial, the proposed size and placement of the sign would be necessary for proper identification along University Avenue. The sign would be compliant in regards to front yard setback and sign area. The height would be the only deviation from the Zoning Ordinance requirements.

Summary of Findings

1. Robert DeAtley, of Barber & DeAtley, Inc., has requested a Major Variance to allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business District.
2. The site is located along the University Avenue corridor and is zoned B-3, General business with a future land use designation of Community Business in the Comprehensive Plan.
3. The proposed variance is requested due to special circumstances of a constrained infill site, presence of neighboring buildings with minimal setbacks, and location of street trees in the public right-of-way which obstruct visibility.
4. The proposed sign would be five feet taller than the maximum allowable height of eight feet for a sign located within eight to 15 feet of the public right-of-way.
5. The proposed variance represents a special circumstance to the parcel concerned because of the conditions of an infill development along University Avenue.
6. The proposed variance does not serve as a special privilege as there are other signs of similar size near the subject property.
7. The proposed variance was not from a condition created by the applicant as they did not create the site conditions or Zoning Ordinance requirements.
8. The proposed variance will not alter the neighborhood character as it does not increase the scale of the street frontage.
9. The proposed variance would not cause a nuisance to the neighboring properties as it would not block their visibility from along the street.

10. The proposed variance represents the minimum deviation from the Zoning Ordinance requirements.
11. The proposed variance is necessary for visibility and identification of the proposed development.
12. On April 20, 2016, the Zoning Board of Appeals voted 6 ayes to 1 nay to forward Case No. ZBA-2016-MAJ-05 to the Urbana City Council with a recommendation of approval.

Options

The Urbana City Council has the following options in this case:

- a. **Approve** the variance based on the findings outlined in this memo; or
- b. **Approve** the variance along with certain **terms and conditions**. If conditions or findings differ from those recommended in the attached draft ordinance, these should be articulated accordingly; or
- c. **Deny** the variance. If the City Council elects to do so, the Council should articulate findings supporting its denial.

Recommendation

At their April 20, 2016 meeting, the Zoning Board of Appeals voted with 6 ayes and 1 nay to recommend **APPROVAL** of a variance allowing an increase from eight feet to 13 feet in the maximum allowable height on the freestanding monument sign based on the following condition:

1. The sign is developed as a monument-style freestanding in general compliance with the attached site plan and rendering.

Attachments:	Exhibit A:	Location & Aerial Map
	Exhibit B:	Zoning Map
	Exhibit C:	Future Land Use Map
	Exhibit D:	Rendering and Site Photos
	Exhibit E:	Site plan
	Exhibit F:	Petition for Variance

cc: Robert DeAtley, Barber & DeAtley, Inc.

ORDINANCE NO. 2016-05-031

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business District. / Case No. ZBA-2016-MAJ-05)

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 a structure; and

WHEREAS, Robert DeAtley of Barber & DeAtley, Inc. has submitted a petition for a major variance regarding sign height to allow a freestanding-monument sign that is 13 feet in height at 1106 West University Avenue in the B-3, General Business District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2016-MAJ-05; 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 April 20, 2016 and voted 6 ayes to 1 nay in Case No. 2016-MAJ-05 to recommend that the Corporate Authorities approve 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-4.B 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. Robert DeAtley, of Barber & DeAtley, Inc., has requested a Major Variance to allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business District.
2. The site is located along the University Avenue corridor and is zoned B-3, General business with a future land use designation of Community Business in the Comprehensive Plan.
3. The proposed variance is requested due to special circumstances of a constrained infill site, presence of neighboring buildings with minimal setbacks, and location of street trees in the public right-of-way which obstruct visibility.
4. The proposed sign would be five feet taller than the maximum allowable height of eight feet for a sign located within eight to 15 feet of the public right-of-way.
5. The proposed variance represents a special circumstance to the parcel concerned because of the conditions of an infill development along University Avenue.
6. The proposed variance does not serve as a special privilege as there are other signs of similar size near the subject property.
7. The proposed variance was not from a condition created by the applicant as they did not create the site conditions or Zoning Ordinance requirements.
8. The proposed variance will not alter the neighborhood character as it does not increase the scale of the street frontage.
9. The proposed variance would not cause a nuisance to the neighboring properties as it would not block their visibility from along the street.
10. The proposed variance represents the minimum deviation from the Zoning Ordinance requirements.

11. The proposed variance is necessary for visibility and identification of the proposed development.

12. On April 20, 2016, the Zoning Board of Appeals voted 6 ayes to 1 nay to forward Case No. ZBA-2016-MAJ-05 to the Urbana City Council with a recommendation of approval.

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

Section 1. In ZBA Case No. 2016-MAJ-05, the major variance requested by Robert DeAtley of Barber & DeAtley, Inc. to allow a freestanding monument sign that is 13 feet in height is hereby approved in the manner proposed in the application and subject to the following conditions:

1. The sign is developed as a monument-style freestanding in general compliance with the attached site plan and rendering.

The major variance described above shall only apply to the property located at 1106 West University Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 4,5, and 6 in John W. Stipes Subdivision of a part of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, situated in Champaign County, Illinois. Lot 525 in Ennis Ridge Sixth Subdivision, a subdivision in Champaign County, Illinois.

Parcel No.: 91-21-07-431-004

Section 2. The Urbana 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 _____, 2016.

PASSED by the City Council on this ____ day of _____, 2016.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2016.

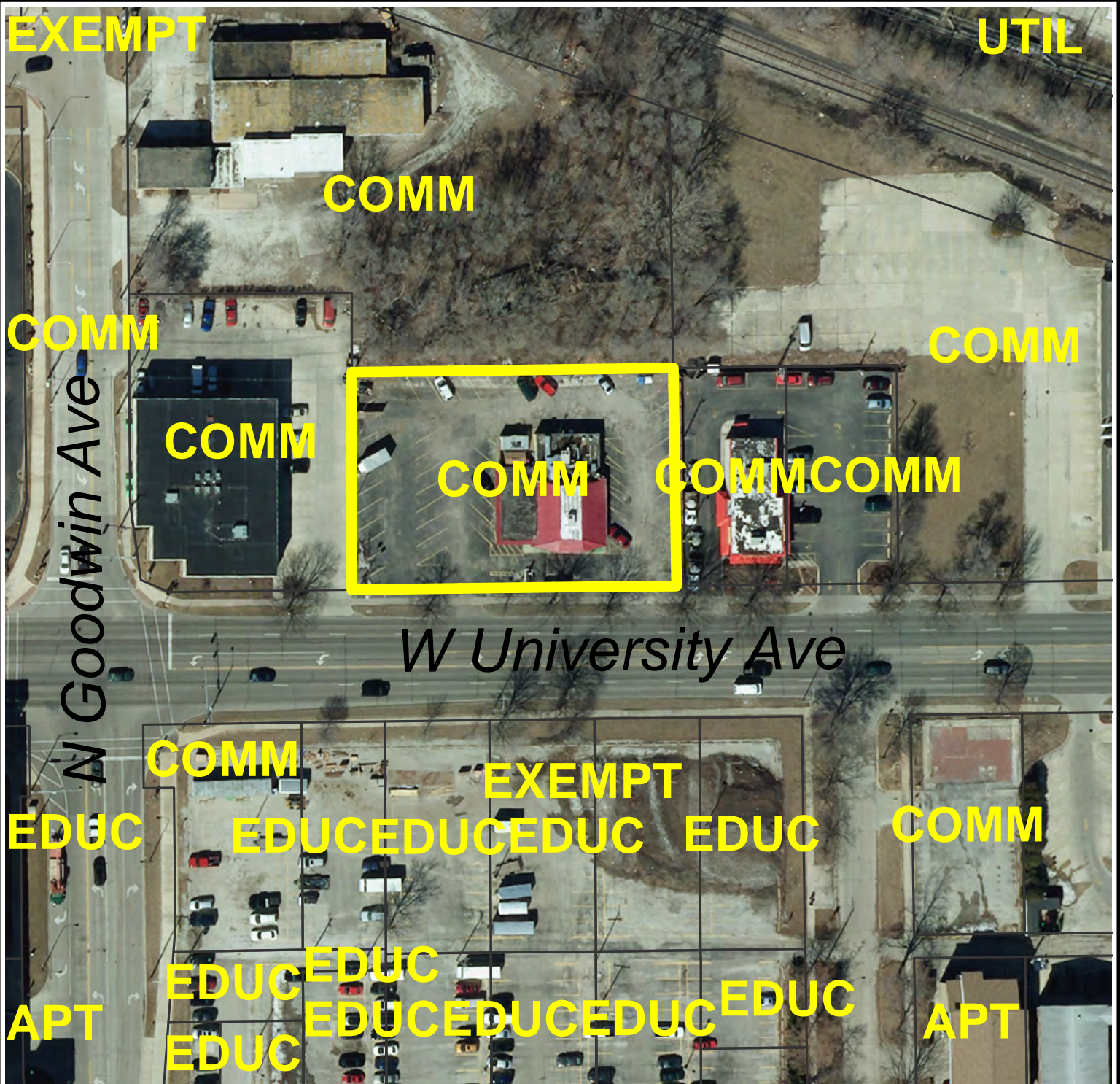
Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

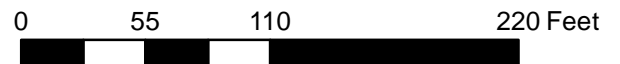
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2016, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (Allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business District. / Case ZBA-2016-MAJ-05) 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 _____, 2016, 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.

DATED at Urbana, Illinois, this ____ day of _____, 2016.

Exhibit A: Location & Existing Land Use Map



Case: ZBA-2016-MAJ-05
 Subject: Variance for Sign Height
 Location: 1106 West University Avenue
 Petitioners: Robert DeAtley




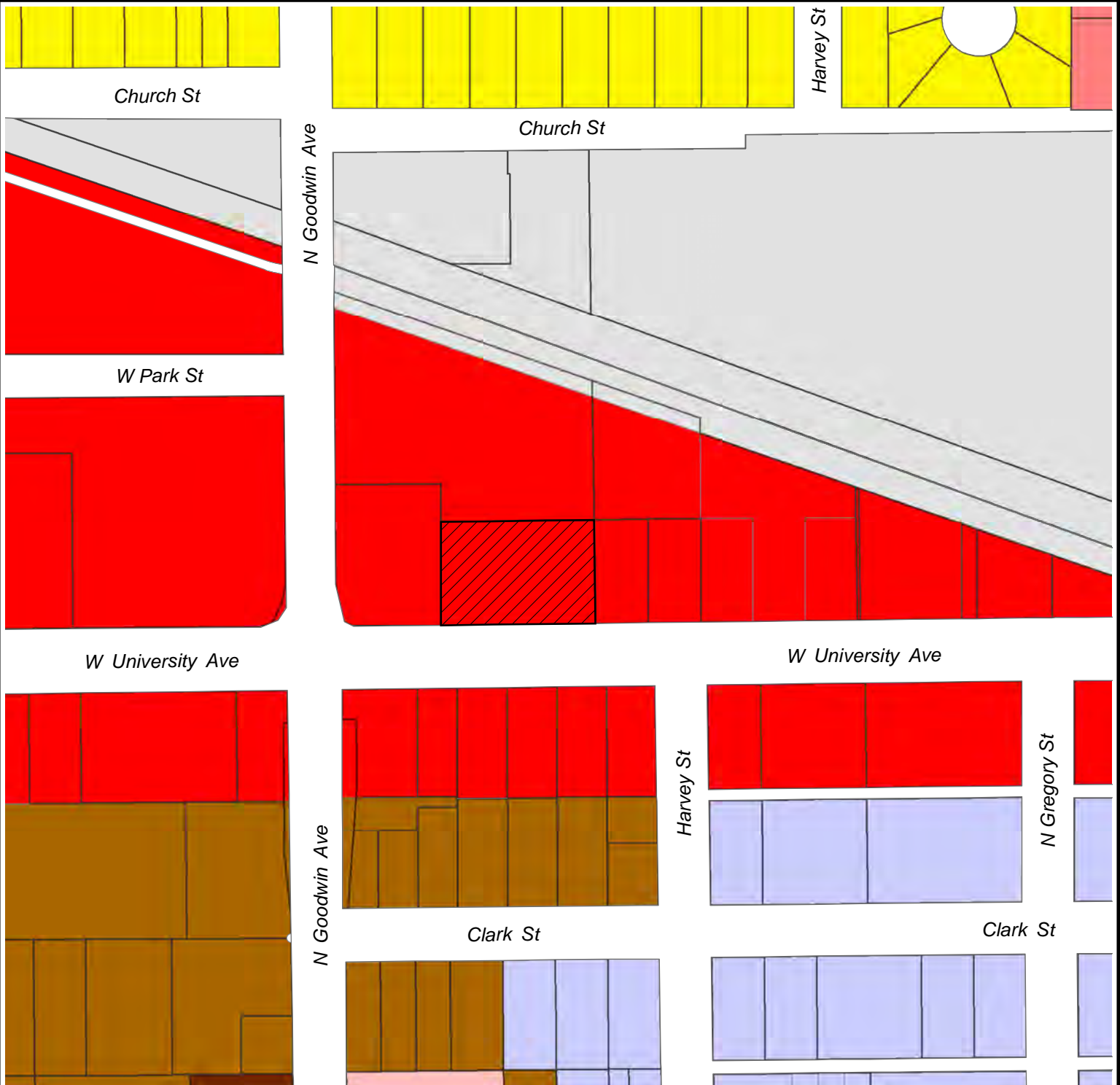
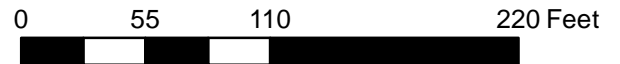
 Subject Property

Exhibit B: Zoning Map



Case: ZBA-2016-MAJ-05
 Subject: Variance for Sign Height
 Location: 1106 West University Avenue
 Petitioners: Robert DeAtley











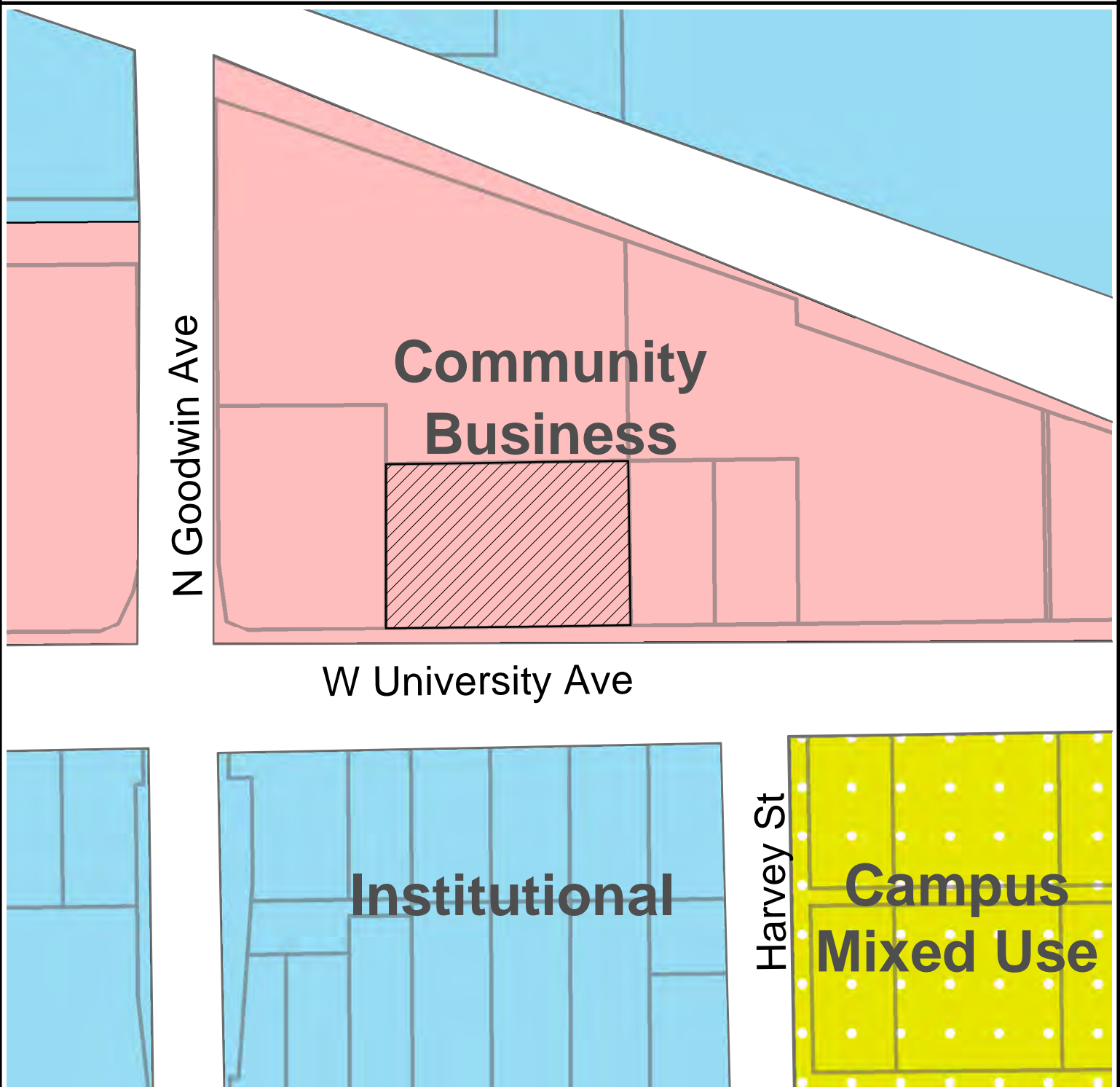
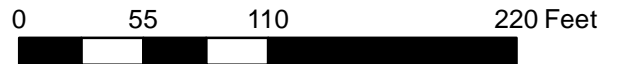
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|---|----|---|-----|--|------|---|------------------|
|  | B1 |  | B3 |  | IN-1 |  | R5 |
|  | B2 |  | B3U |  | R2 |  | Subject Property |

Exhibit C: Future Land Use Map

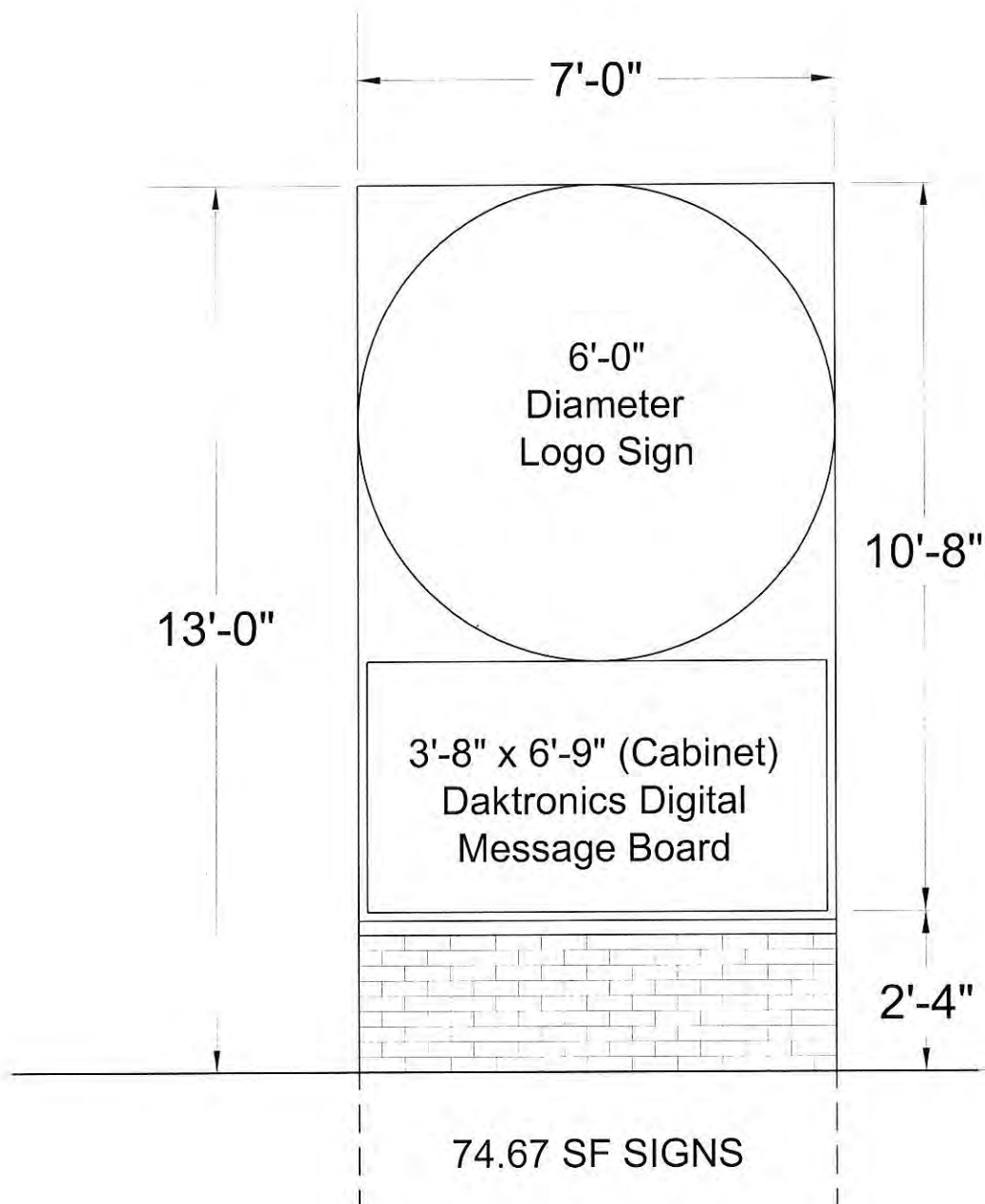


Case: ZBA-2016-MAJ-05
Subject: Variance for Sign Height
Location: 1106 West University Avenue
Petitioners: Robert DeAtley



- Campus Mixed Use
- Community Business
- Institutional
- Subject Property

1106 W. University Ave.
Proposed Sign,
3.16.16





1106 W. University Ave., Supporting Images of Existing Site



Application for Variance

ZONING BOARD OF APPEALS

APPLICATION FEE – \$175.00 (Major) and \$150.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. Estimated costs for these fees usually run between \$75.00 to \$225.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 03-28-2016 ZBA Case No. ZBA-2016-MAJ-05
Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following variation (*Describe the extent of the Variation Requested*)

Allowance of a monument sign 13'-0" tall to be located between 8'-0" and 15'-0" of the R.O.W. line on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Robert DeAtley, Vice President, Barber & DeAtley, Inc. Phone: (217) 367-5350
Address (street/city/state/zip code): 611 N. Goodwin Ave., Urbana IL 61801
Email Address: barberdeatley@aol.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): 1106 W. University Avenue, LLC Phone: (217) 649-8888
Address (street/city/state/zip code): Attn. Alexander C Lo, P.O. Box 388, Savoy, IL 61874
Email Address: alex@ringing.com
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 1106 W. University Ave., Urbana, IL 61801
PIN # of Location: 91-21-07-431-004
Lot Size: 201.9' East-West x 132.0' North-South

Current Zoning Designation: **B-3 General Business**

Current Land Use (*vacant, residence, grocery, factory, etc*): **Vacant**

Proposed Land Use: **Fast Food Restaurant**

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

Lots 4, 5, and 6 in John W. Stipes Subdivision of a part of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, situated in Champaign County, Illinois.

Commonly known as: **1106 W. University Avenue, Urbana, IL**
Permanent Index Number: **91-21-07-431-004**

4. CONSULTANT INFORMATION

Name of Architect(s): MSA Professional Services, Inc. Phone: (217) 352-6979

Address (*street/city/state/zip code*): **201 W. Springfield Ave., Champaign IL 61820**

Email Address: **epeterson@msa-ps.com**

Name of Engineers(s): SAME AS ARCHITECT Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s): SAME AS ARCHITECT Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Professional Site Planner(s): SAME AS ARCHITECT Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s): (no representation at this time) Phone:

Address (*street/city/state/zip code*):

Email Address:

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

National Franchise requires a minimum 6'-0" diameter logo sign and a 3'-8" x 6'-9" Digital Message Board (DMB) for all new construction stores. Content for DMB is automatically updated by the franchise. Due to the small in-fill site and the poor visibility of existing adjacent trees, sign must be located between 8'-0" and 15'-0" from the R.O.W. line. The only way to attain these two items with landscaping below them is to install them one on top of the other, requiring the 13'-0" height.

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

The site line of the sign is obstructed by the existing adjacent buildings and existing large shade trees, which are due to the infill nature of this site.

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

The unusually narrow depth of the site does not allow for the sign to be located further from the R.O.W. line, because the line of site to the sign would be blocked by both the proposed new construction, but also the existing adjacent buildings and adjacent trees on the neighbors' properties.

Explain why the variance will not alter the essential character of the neighborhood.

The existing business sign which will be removed as a part of the demolition of the existing site includes a large raised sign which is located approximately 2'-0" north of the R.O.W. line. The proposed is an improvement over this existing condition. The sign will be installed along a busy, 5-lane road, and is in keeping with the design of other existing signs located along this highway.

Explain why the variance will not cause a nuisance to adjacent property.

The proposed sign location is situated so that it is out of the sight visibility triangle. Also, the is similar in size and style to the sign at anotehr nearby fast foot restaurant, east of this site and on the other side of University Ave.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

Yes. As mentioned above, the sign is the minimum size allowed by the national franchise, which also allows a minimum amount of landscaping to be installed under the sign for beauty.

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.



Applicant's Signature

3/29/2016
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: April 20, 2016

DRAFT

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Joanne Chester, Matt Cho, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

STAFF PRESENT Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II; Brad Bennett, Assistant City Engineer

OTHERS PRESENT Brian Adams, Carolyn Baxley, Richard Cahill, Sohail Chaudhry, Caroline Coulston, Peter Coulston, Robert E. DeAtley, Andrew Fell, Linda Lorenz, Diane Marlin, Sarah McEvoy, Kara McKinn, Dan Newman, Esther Patt, Michael Plewa, Dennis Roberts, Steve Ross, Lois Steinberg, Michael Walker, Karl Weingartner

NEW PUBLIC HEARINGS

ZBA-2016-MAJ-05 – A request by Robert DeAtley, Barber & DeAtley, Inc., for a Major Variance to allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business Zoning District.

Chair Welch opened the public hearing for this case.

Christopher Marx, Planner I, presented this case to the Zoning Board of Appeals. He began by stating the purpose for the proposed variance. He gave a brief description of the proposed site and of the surrounding properties. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to the proposed variance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval with one condition. He noted that the applicant was available to answer questions.

Chair Welch asked if the Zoning Board of Appeals members had any questions for City staff.

Ms. Uchtmann inquired about the measurements of the existing monument sign. Mr. Marx replied that the height of the posts for the existing sign is 8 feet. He is not sure about the width of the sign.

Ms. Uchtmann asked if the proposed sign would be the same distance from the sidewalk. Mr. Marx stated that the proposed sign would be set back further from the sidewalk.

Ms. Uchtmann wondered why the oak trees were originally planted along this area at the taxpayer’s expense. Mr. Marx explained that the trees were planted to celebrate the Bi-Centennial of America in 1976. Ms. Uchtmann expressed concern over the trees being cut down. Mr. Marx explained that Urbana Tree Ordinance does not allow the removal of trees in the City right-of-way for development. The Ordinance only allows the removal of trees in the right-of-way if they present a danger to public safety. The reason in this case to remove two of the trees would be because of the Illinois Department of Transportation and the City of Urbana’s requirements for safe traffic flow into and out of the proposed site. Ms. Pearson added that the removal of the trees was related to the drive aisles and not the proposed sign.

With there being no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant to approach to speak.

Robert DeAtley approached the Zoning Board of Appeals to speak. He stated that he had worked with the franchisee to find a suitable location and they settled on the proposed site. With regards to the trees, the tree on the east end is diseased and not doing well. Also, the trees are currently blocking visibility to existing access aisles.

Mr. Cho inquired as to who the franchisee was. Mr. DeAtley replied that the franchisee did not wish to share that information at this time. However, the proposed major variance is an important part of the franchisee moving forward with their development.

With no further comments or questions, Chair Welch closed the public input portion of the hearing. He, then, opened it for additional questions for City staff or discussion by the Board members.

Ms. Uchtmann made a recommendation that if the Zoning Board of Appeals approve the variance, then they place a condition requiring the franchisee to protect the existing oak tree and if it doesn’t thrive, then to replace it. Ms. Pearson stated that this is already a requirement of Urbana’s Tree Policy.

Mr. Cho moved that the Zoning Board of Appeals forward Case No. ZBA-2016-MAJ-05 to the City Council with a recommendation for approval as recommended by City staff. Ms. Chester seconded the motion. Roll call was as follows on the motion:

Mr. Cho	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	No	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes			

The motion passed by a vote of 6-1. Ms. Pearson noted that the case would be forwarded to the Urbana City Council on May 2, 2016.