

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

DATE: February 16, 2005
TIME: 7:30 p.m.
PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

APPROVED

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

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Corten moved to approve the minutes from the January 12, 2005 meeting as presented. Ms. Uchtmann seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- ▶ Photo of an Aldi sign for case number ZBA-05-MAJ-01
- ▶ Email from WUNA-List for case number ZBA-05-A-01

Note: Chair Merritt swore in members of the audience who wanted to speak during the public hearings.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-05-MAJ-01: A request for a major variance filed by Aldi, Inc. to allow a 45% increase in the maximum allowable area of a freestanding sign in the B-1, Neighborhood Business Zoning District.

Paul Lindahl, Planner I, presented this case to the Zoning Board of Appeals. He began with an explanation of the proposed major variance and a brief description of the site. He showed a map of the proposed site and the surrounding areas. He talked about the B-1, Neighborhood Business Zoning District and the recent history of the case site. He discussed the standards for freestanding signs according to Table IX-1 of the Urbana Zoning Ordinance and reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He 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 the proposed major variance as requested to the Urbana City Council with the following condition:

That the Freestanding Monument sign be constructed in substantial conformity with the attached site plan illustrating the design and location.

Mr. Corten inquired if the proposed sign was considered to be a standard sign for Aldi? Or would it be larger or smaller than normal? Would it be lighted inside, so that it would show up at night? Mr. Lindahl replied that the Aldi representative would have to answer the first two questions. He noted that the sign would be illuminated. Rob Kowalski, Planning Manager, introduced the architect, Wayne Koch, and the representative from Aldi, Brian Holcombe, who were present to answer more specific questions. He noted that the layout of the store and the commercial development of the store had already been approved as a special use permit through the Plan Commission and the City Council. There was a previous request by Aldi, Inc. for the proposed sign; however, Aldi, Inc. decided to pull the request off the agenda until the special use permit had been decided upon.

Wayne Koch, of Wightman and Associates, mentioned that he was the architect for this project. He thanked Mr. Lindahl for a fine presentation of the application for the major variance. He restated that Aldi, Inc. had been granted a special use permit as a grocery store of over 15,000 square feet. The proposed sign would be located on the southeast corner of the property. It would be located approximately 500 feet plus away from the adjacent residential zoning districts to the west, north and northwest. It would be approximately 300 feet from the residential neighborhood to the west.

He went on to say that the proposed monument sign would be 46.3 square feet. A typical sign for an Aldi facility was a pylon sign, which measured 8 feet by 9 feet 6 inches, which equaled about 76 square feet in area. It was approximately 23 feet 6 inches tall. Aldi, Inc. had deviated from their typical sign considerably. The photo of an Aldi sign at another facility showed what the proposed sign would look like.

Mr. Koch mentioned that Aldi, Inc. was also proposing two wall signs. The Urbana Zoning Ordinance would allow them 300 square feet in total for the wall signs. They were only proposing 92.6 square feet for the wall signs. The Urbana Zoning Ordinance limits the maximum area of a freestanding sign to 32 square feet. They were proposing 46.3 square feet. Therefore, the total square feet allowed for total signage including the wall signs and the freestanding sign on the proposed parcel would be 332 square feet. Aldi, Inc. was only proposing a total of 138.9 square feet. Although the monument sign would be 45% over the maximum allowable area of a freestanding sign, Aldi's proposed total signage would be 58% less than the total signage allowed on the property.

He explained that the proposed sign would be just over 11 feet in height. The Urbana Zoning Ordinance would allow the sign to be 15 feet in height, plus a credit of 1 foot for every additional 2 feet of setback from the right-of-way line. Thus, they would be allowed to have a sign, which was 17 feet in height. Again, they would be 31% less than what the Zoning Ordinance allowed for height.

Mr. Koch stated that the proposed sign would be the same size as the sign in the photo. It would be illuminated from the interior.

Mr. Corten asked if the sign would be illuminated 24 hours a day/seven days a week or only during store hours. Mr. Koch replied no. The store hours were limited between 7 a.m. and 8 p.m. The sign would stay on approximately the same time the parking lot signs were on, which they were turned off approximately one hour after closing. Mr. Corten commented that the lit sign should not disturb neighbors 200 feet away at night while they were trying to sleep.

Ms. Merritt asked for clarification about the freestanding sign in addition to the two wall signs. Mr. Koch stated that he wanted to point out that the total proposed signage for the entire site would be considerably less than what would be allowed by the Zoning Ordinance. Ms. Merritt questioned if the signage on the building would show only the Aldi logo. Or would they have information on them? Mr. Koch answered by saying that they would have the same information as the monument sign.

Carl Malmgren, of 2906 Rutherford Drive, approached the Zoning Board of Appeals to speak. Chair Merritt swore in any members of the public who had arrived late. Mr. Malmgren mentioned that he lived down the street from the proposed Aldi store. He noted that he had a number of topics that he would like to discuss.

He stated that this was the third time that he had appeared before the Zoning Board of Appeals in the last four years, since he had moved into the Beringer Commons Subdivision. It seemed to him that special use permits and zoning variance requests were coming before the Board quite often to the point that he was becoming alarmed. Why was there zoning, if the City kept deviating from the zoning? Except for under extreme circumstances, the zoning should work with the area.

He did not believe that there should be a change in the sign size. He believed that the B-1 Zoning District was put into place on this lot for a good reason. If the City did not believe that the lot should be zoned B-1, then the zoning should have been changed.

The residents of Beringer Commons Subdivision had heard a great deal of testimony during the public hearing for the special use permit request. They were told that the Aldi proposal was the lesser of two evils that could come in. He did not feel that this was so, because there was an additional lot that Aldi could sell to the greater of two evils.

He felt that the sign should be the same size as the sign in Champaign. He did not think that because Aldi proposed to use 50% of the available signage for the lot that Aldi should be allowed to enlarge the monument sign.

He stated that words such as "high speed" had been used. He believed that 45 miles per hour (mph) was not considered high speed, as that was the speed limit on U.S. Route 150. Nor was 30 mph considered high speed, which was the speed limit on High Cross Road.

Mr. Malmgren went on to ask if the proposed Aldi used up 50% of the available signage for the lot as they were proposing to do and they sell the remaining unused portion of the lot to other businesses, then would those businesses be required to use the other 50% of the available signage. He pointed out that the available signage was not per business, but rather it was per lot.

If the Zoning Board of Appeals felt that they needed to or agreed to approve a special use permit or the proposed major variance yet again, he requested that they minimize the proposed sign since it would be adjacent to a residential area. In addition, the Board should require Aldi to turn the light off when the store closed, not when the parking lot lights were turned off.

Mr. Corten questioned if Mr. Malmgren felt that one size fits all. Mr. Malmgren said that he believed when the City made a decision about what would happen in an area, then it should be a considered decision to not undermine by allowing special use permits.

Gary Gebauer, of 2909 Rutherford Drive, stated that he had appreciated the types of concessions that Aldi store had done in previous meetings. However, he moved into the City of Urbana from Urbana Township knowing that his taxes would increase. He moved for a variety of reasons, one of which was that he was very frustrated with the lack of zoning in the township or the unwillingness to

enforce the zoning. This was the third special use permit for the Beringer Commons Subdivision. For \$3,000 more in taxes, he did not see any difference in the zoning problems. The City's zoning did not seem to mean anything, because it was constantly changed.

Harry Query, of 2913 Rutherford Drive, pointed out that he lived just five doors down from the proposed grocery store. Most of the people of the Beringer Commons Subdivision were not present, because they felt it would not be worth their while. The City of Urbana did not pay any attention to what they had to say.

In the previous special use permit case, over 100 residents of the Beringer Commons Subdivision had signed a petition opposing the proposed Aldi grocery store. There was not any consideration of their opposition. The City Council members had already made up their minds before the meeting.

He did not understand why Aldi felt justified in asking for a larger sign. People would be able to see Aldi's regular sign from a long distance away. There was no question that anyone driving down U.S. Route 150 and IL Route 130 would know that there was an Aldi store on the corner without a larger, illuminated sign.

It was not necessary for the Aldi store to have a big, glowing tall sign out there. This was the approach to the City of Urbana. The City needed to beautify the entrance to the city and not clutter it up with signage.

Mr. Query encouraged the Zoning Board of Appeals to deny the major variance request. He did not believe that it would hurt Aldi, Inc. in any way.

Mr. Corten asked if Mr. Query knew that the lot was zoned B-1, Neighborhood Business, where any business could apply. Mr. Query stated that not just any business was allowed in the B-1 Zoning District. Mr. Corten inquired what the limits were in the B-1 Zoning District. Mr. Kowalski responded by saying that the B-1 District allowed a limited list of business uses. It was less permissive than the B-3, General Business Zoning District. A grocery store was permitted by right in a B-3 Zoning District, and it was permitted in a B-1 Zoning District only with a special use permit review and approval. Aldi, Inc. had already gone through the special use permit process and received approval for a grocery store use.

Ms. Uchtmann asked how much larger was the proposed sign over the sign at the Champaign Aldi store. Mr. Koch answered by saying that both of the Champaign store signs (the pylon and the wall signs) were older and larger. The pylon sign measured 6 foot 6 inches by 7 foot 8 inches.

Mr. Corten inquired if Aldi, Inc. had moved down to a monument sign for the proposed site in order to meet some requirements. Mr. Koch said that was correct. They also wanted to be sensitive to the area. In addition, they moved the proposed sign away from the entrance drive, where a sign typically belonged because it marked the entry to the property. The reason they did this was to move it as far from the residential properties as possible.

Mr. Corten moved that the Zoning Board of Appeals forward this case to the City Council with a recommendation for approval along with the condition recommended by staff. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Ms. Uchtmann	-	No	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by a vote of 4-1 in favor. Mr. Kowalski noted that this case would go before the City Council on Monday, March 7, 2005 at 7:30 p.m.

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-foot 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.

Chair Merritt called for a five-minute break at 9:20 p.m. The meeting was called back to order at 9:25 p.m.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

ZBA-05-A-01: An Appeal of a decision by the Urbana Development Review Board.

Nancy Uchtmann, member of the Zoning Board of Appeals, stated that she would be abstaining from the proposed appeal case due to a conflict of interest.

Chair Merritt explained that since the Zoning Board of Appeals had heard from most of the proponents and opponents in the audience during a recent public hearing for a variance request for the proposed development, input would be limited to five minutes for each person interested in speaking at this public hearing.

Mr. Lindahl presented this case to the Zoning Board of Appeals. He mentioned that the proposed development had been reviewed and denied by the Development Review Board. He explained that the Development Review Board was required to have at least four of its members vote in favor of approval of any site plan application brought before them in order for the application to be approved. At the previous Development Review Board meeting, there were only four members in attendance, and the vote was 3-1 in favor of approval. Because there were only three votes in favor of approval, the site plan application was not approved. In a case such as this, the Zoning Ordinance states that any site plans not approved by the Development Review Board would cause the Secretary of the Development Review Board to bring an appeals case to the Zoning Board of Appeals.

He gave a brief introduction of the proposed development and reviewed the various steps in the hearing process in which the proposed development had already been through. He discussed the objectives for reviewing the appeal's case and talked about the MOR Design Guidelines. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Staff recommended approval of the proposal based on the opinion that the proposal is in conformance with the stated intent and criteria of the MOR District and in compliance with the MOR Design Guidelines.

Mr. Kowalski added that staff's recommendation to the Development Review Board included three conditions of approval. Should the Zoning Board of Appeals sustain the appeal, staff recommended that the Board include the three conditions listed below:

- 1. Construction of the addition shall be in conformance with the approved site plans and architectural renderings. Any significant deviation from these plans shall require consideration by the Development Review Board.*
- 2. The existing mature trees in the front yard, the parkway and the west property line shall be preserved. Prior to a building permit being issued, a landscape plan shall be submitted and approved by the City Arborist indicating the location of these trees and demonstrating that the addition will not critically damage existing root structures. In the course of this review, the City Arborist may inspect existing vegetation to determine their existing health and viability. Removal of any existing vegetation based on the recommendation of the City Arborist is authorized.*
- 3. Prior to a building permit being issued a Certificate of Exemption must be completed in order to shift a portion of the northern property line 8.0 feet north as shown on the site plan.*

Mr. Kowalski understood that this was a different case than the Zoning Board of Appeals had been use to hearing. Staff tried to give the Board enough background information to get them up to speed.

Mr. Corten asked if the proposed development would be an extension of a current church or a new church. Mr. Lindahl responded by saying that the proposed development would be an addition to the existing church. The existing church extended from 602 to 606 West Green Street, and the proposed addition would be almost entirely placed on 608 West Green Street. It would directly connect to the existing church structure.

Mr. Corten noticed that it made a difference that the proposal was for an addition to an existing structure. Mr. Lindahl replied that it made a difference in that the proposed addition should be compatible and complimentary to the existing structure.

Gary Olsen, of Olsen & Associates Architects, approached the Zoning Board of Appeals. Chair Merritt swore him in to oath. Mr. Olsen stated that he had tallied up the number of people serving on the various commissions and boards that had previously reviewed related cases to the

proposed development. Five members of the Historic Preservation Commission and five members of the Zoning Board of Appeals had all previously voted in favor of the proposed development. Three out of the four members of the Development Review Board had voted in favor of the proposed development as well. As a result, there were thirteen people in favor of and one person in opposition of the proposed development.

Brian Adams, of 412 West Elm Street and member of the Development Review Board, stated that he bought his house because he found the architectural and historic context of the area very attractive. The location of his home was very convenient to Downtown Urbana and was close to two separate bus lines.

He pointed out that one problem or issue that had come up over the past several years was that many of the older, historic buildings in the area had been allowed to deteriorate to a point where they could not be habitable or salvaged anymore. These buildings have been eventually torn down and replaced with structures commonly referred to as student filing cabinet type of apartment buildings, which do not fit into the architectural context of the neighborhood.

To address this issue, the City came up with a criterion to guide the construction of new buildings, so that they would fit in with the existing architecture in the area. When he looked at the plans for the proposed church expansion, he found that the proposed addition would not really conform to many of the suggestions that the City had put forth.

Although the new plan complimented the architecture of the existing church structure, the church, itself, was sort of an architectural anomaly in the area, because a majority of the architecture in the neighborhood dated back to the late 1900s and early twentieth century. The proposed plan would not compliment any of the existing architecture in the area, outside of the existing church building. As a result, he found that the proposed development would not meet the character of the MOR Zoning District.

Mr. Adams believed that approving the proposed development might set a dangerous precedent in the neighborhood. The City could easily encourage the continued expansion of these types of structures that led to the MOR Design Guidelines.

Ulna McKaufsky, of 412 West Elm Street, mentioned that she moved to this area, because they liked the old houses very much and would be close to the downtown area, as well as to the University of Illinois. She noted that she was personally extremely interested in the history of Urbana and in the development of Urbana.

She was astounded to hear that the proposed new addition was believed to be in compliance with the MOR Design Guidelines. It was not in compliance with the guidelines; rather it was in compliance with the existing church structure, which was an oddity in the neighborhood. The sanctuary was built in a Scandinavian style, which was totally alien to the City of Urbana. It looked more like a ski lodge in Colorado and did not fit the neighborhood. She understood that there was a strive to build an expansion that was similar to the existing church structure. The school was built in 1953 or 1954 and was a 1950's shoebox style. The office part looked like any American office building.

It was obvious that the church had not tried to comply with the MOR Zoning District requirements. They could have designed something that would compliment both the existing church and the neighborhood as well. Yet all of the committees say that they comply.

The proposed new addition was only one of the things that the church had created or was planning on creating in this neighborhood. The church also owned a very large proportion of Elm Street and Green Street. The church currently sits on six City lots, and was proposing to expand onto another lot. The church also occupies ten City lots, which have been converted into parking lots. This was a total of 17 City lots. All in all, the church had destroyed ten historic buildings to put in the parking lots and the modern building. In addition to this, the church had previously owned two lots that they converted into parking, and then sold to a developer, who replaced the parking lot with a new apartment building.

Very slowly, the church had been taking over this area of the City and was basically a leader in tearing down historic homes. This happened slowly and no one noticed it.

In 1975, Professor Lachlan Blair recommended that three areas be converted into historic districts because of the large number of well-preserved buildings. One area was Main Street, one was the Carle Park area, and the last one was the Elm-Green-High-Illinois Street area. By now, the last area had been very much destroyed. Of this destruction, the church was responsible for most of it. So, it would be nice if the church would try to make amends by minimally complying with the requirements of the MOR Zoning District in the construction of their new addition.

Mr. Corten commented that he was not sure that the church could build anything that would look like the old houses and still be useful to the church. He asked Ms. McKaufsky if she had thought it through or discussed it with an architect to find out if it was possible. Ms. McKaufsky thought in as much, they could not put a building there that looked like a Victorian building or a Queen Anne. However, they could build a structure that looked more like a 4-Square or similar to the Unitarian Church, but in a modern sense. The church could use materials such as limestone and other materials that would not give it a ski lodge appearance. The church should not use the proportion of the roof to the building, where it would appear that the roof squashes the building. They could make the structure higher and the roof smaller. She suggested that the church uses compatible materials and compatible proportions.

Mr. Corten stated that she knew the church was already there when she moved into her house. It seemed to him that if the church wanted to build an addition to the existing structure, then the addition should be compatible with the existing building.

Pastor Don Mason, of the First Presbyterian Church of Urbana, asked the members of both congregations to stand up. He noted that there were four points he would like to make, which were as follows:

- 1) The church had been at this location for almost 150 years. The zoning regulations came later than the construction of any of the existing church buildings. The regulations did not really relate to churches.
- 2) The unique nature of the two churches working together.
- 3) The church was quite pleased with Mr. Olsen, as were many of the neighbors of the church. The owners and the residents in the Ricker Historic Landmark House were very pleased with the aesthetic nature of the design of the proposed addition. The members of the Development Review Board affirmed the setback, the green space, the attractiveness of the building itself, and made good suggestions about the landscaping.
- 4) The church was learning new things from their neighbors. The church was committed to working with their neighbors on resolving some of their issues with parking and traffic to help restore better communications and relations with the neighborhood.

James Yoon, representative for the Korean Church, stated that their partnership with the First Presbyterian Church was unique and adds to the cultural diversity and richness of the City of Urbana as well. Even though there had been a lot of thought going into the possibility of moving out, the Korean Church valued growing with the neighborhood. He believed that the Korean Church contributed to the vitality of the First Presbyterian Church of Urbana.

Aesthetics were in the eye of the beholder. From the designs, one could see that the two churches had done their best through the architect to make sure that the proposed addition would be least intrusive and would blend well with the existing structures. The proposed new addition would not only be vital to the two churches, but it would also enrich the cultural diversity as well as the living experience of the City of Urbana and the University of Illinois.

Mr. Armstrong moved that the Zoning Board of Appeals overturn the original decision of the Development Review Board and grant the appeal along with the three conditions recommended by staff and listed on page nine of Exhibit N, the January 10, 2005 Written Staff Report for the Development Review Board. Mr. Corten seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. Ms. Tyler noted that the variance request for the Floor Area Ratio (FAR) increase for the First Presbyterian Church would be heard by the City Council on Monday, February 21, 2005.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

February 16, 2005

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:11 p.m.

Respectfully submitted,

**Rob Kowalski, Planning Manager
Urbana Zoning Board of Appeals**