

NOTICE OF REGULAR MEETING

ZONING BOARD OF APPEALS



DATE: Wednesday, December 21, 2005

TIME: 7:30 P.M.

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

AGENDA

1. **Call to Order, Roll Call, and Declaration of Quorum**

2. **Changes to Agenda**

3. **Approval of Minutes**

November 16, 2005

4. **Written Communications**

5. **Continued Public Hearings**

6. **New Public Hearings**

ZBA Case # 05-MIN-03 – Request filed by Johnson Development Company for a minor variance to allow a 14.6% increase in the size of a highway-oriented freestanding sign at 1003 Kenyon Road in the B-3, General Business Zoning District.

7. **Old Business**

8. **New Business**

9. **Audience Participation**

10. **Staff Report**

11. **Study Session**

12. **Adjournment**



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Matt Wempe, Planner I

DATE: December 16, 2005

SUBJECT: ZBA 05-MIN-03: A request to allow a 14.6% increase in the size of a highway-oriented freestanding sign at 1003 Kenyon Road in the B-3, General Business Zoning District.

Introduction and Background

The petitioner, Johnson Development Company, has proposed to construct an interstate-oriented freestanding sign for the Holiday Inn Express at 1003 Killarney Street. The sign is proposed to be up to 172 square feet in area which constitutes a 14.6% increase. In March 2005 the City Council approved a development agreement for the Holiday Inn Express property. One of the stipulations of this agreement is that the city staff would recommend approval of a major variance for the area of the sign. This was intended to “ensure visibility to both eastbound and westbound traffic on Interstate 74.” City approval of an increase in the sign area was an important consideration in the developer’s decision to locate in Urbana as opposed to competing sites in a neighboring community. In subsequent discussions with staff, the petitioner has agreed to only pursue a minor variance for the area of the sign.

Description of the Site

The property is located at the intersection of Killarney and Kenyon just west of the Lincoln Avenue interstate exit. The Holiday Inn Express has built on open land on the northern portion of the Holiday Inn property, and is approximately 650 feet from the center line of the interstate. In addition, the petitioner has been in the process of purchasing excess Illinois Department of Transportation (IDOT) right-of-way from the State. Currently, the purchase agreement is pending approval by the General Assembly, although IDOT officials have granted permission to construct access drives off of Kenyon Road. In May 2005, the city recorded a minor subdivision plat for the Holiday Inn Express (see Exhibit A) to subdivide the Holiday Inn and Holiday Inn Express sites. Once the acquisition from IDOT is approved, a new plat will be prepared and recorded. Existing entrances to the Holiday Inn site off of Killarney Street will be preserved, and an additional entrance off of Kenyon will serve the Holiday Inn Express property.

Zoning and Land Use Table

The property is zoned B-3, General Business and is adjacent to commercial and office properties. Both the Holiday Inn and Holiday Inn Express will share a common parking lot in between the two buildings. Major recent developments in the north Lincoln Avenue area include expected commercial development pursuant to a recent B-3 rezoning of the Speedway property, construction of the Capstone Condominiums apartment complex, and the possible addition to the Campus Connections apartments.

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

Location	Zoning	Existing Land Use	Future Land Use
Subject Property	B-3, General Business	Hotel & Convention Center	Regional Business
North	IDOT Right-of-Way	Interstate 74	Interstate 74
South	R-4, Medium Density Multiple Family Residential	Multi-Family Residential	Multi-Family Residential
East	B-3, General Business	Vacant, Gas Station, Hotel	Regional Business
West	B-3, General Business	Office	Regional Business

Issues and Discussion

Prior to construction of the Holiday Inn Express, the City Council approved a development agreement with the petitioner. As part of the agreement, the City agreed to recommend the approval of a major variance for an interstate-oriented freestanding sign. The intention of this stipulation was to “assure visibility to both eastbound and westbound traffic on Interstate 74.” The Zoning Ordinance allows interstate-oriented freestanding signs in the B-3 District up to 75 feet in height and 150 square feet in area. Such signs must meet the following criteria:

1. The sign is directed primarily towards the users of an interstate highway
2. The sign is within 2,000 feet of the center line of an interstate highway
3. The sign is more than 500 feet away from any residential district, school, park, hospital or nursing home.

The proposed sign meets all of these criteria; the proposed location is approximately 650 feet from the center line of I-74 and 900 feet from the nearest residential district.

The minor variance is requested because of the large landscaped area between the interstate and the property. The City maintains a regional detention basin for the north Lincoln Avenue area north of Kenyon Road and south of the interstate. This basin is landscaped with a significant number of large trees and other vegetation that hide signs and business adjacent to the interstate. Other interstate exits in Urbana, such as Cunningham and University Avenues, do not have these types of landscaped areas. Businesses in these areas are located much closer to the interstate, and this affords much greater visibility to passing motorists.

Additionally, due to IDOT regulations, the sign must be located on the portion of land currently owned by Holiday Inn Express (see Exhibit G). Although the petitioner is in negotiations to purchase the excess land, until such purchase is approved the sign cannot be located on IDOT property. This is because off-premise signage within the immediate proximity of an interstate is prohibited by IDOT regulations.

Because of these constraints, the sign must be located further back from the interstate than a typical interstate-oriented freestanding sign. Because of their reliance on the interstate, the distance from the interstate poses a problem for the petitioner.

As shown on Exhibit G, the sign is proposed to be located on IDOT right-of-way. Although this is currently prohibited by IDOT, the petitioners have indicated that they have submitted an application to IDOT that would allow the sign to be placed on the land prior to the approval of the purchase agreement.

The petitioner has indicated that he is appealing the IDOT decision. In the future, the petitioner may request to have both the Holiday Inn and Holiday Inn Express signs on a single pole if the appeal is successful.

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 distance between the Holiday Inn Express and the interstate requires a larger sign to establish visibility. The zoning ordinance allows an interstate-oriented freestanding sign to be 75 feet high and an area of 150 square feet. However, because of the landscaped regional detention basin and IDOT sign regulations, the sign must be located further away from the interstate than a typical interstate-oriented sign (approximately 650 feet). These constraints limit the visibility of the sign to motorists. The development agreement between the City and the petitioner recognized these practical difficulties, and stipulated that the City will recommend approval of the variance to ensure visibility of the sign.

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 landscaped regional detention basin and IDOT sign regulations impose a significant burden on the location and visibility of the proposed sign. In order for the sign to be adequately visible to passing motorists, a larger sign is necessary.

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

The petitioner is aware of the requirements of the Zoning Ordinance and has applied for the variance prior to construction. The landscaped regional detention basin and IDOT sign regulations are out of the control of the petitioner.

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

The proposed sign will conform with height standards for interstate-oriented signage. The areas immediately adjacent to the interstate have been developed to take advantage of the ease of access. This includes other hotels, gas stations and restaurants in the north Lincoln area. There are already a number of highway oriented signs in this area, including a Speedway and Ramada Inn sign immediately east of the area. The area west of the property is industrial, and the sign would be located far away from residential areas to the south.

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

Signs of this nature are already in place throughout the neighboring properties, and the sign will be placed so as not to negatively impact surrounding properties.

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

The petitioner has only requested up to a 22 square foot increase in the sign size, and has scaled back their original plans at the request of staff.

Options

The Zoning Board of Appeals has the following options in this case:

- a. The Urbana Zoning Board of Appeals may approve the variance as requested based on the findings outlined in this memo;
- b. The Urbana Zoning Board of Appeals may approve the variance as requested along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
- c. The Zoning Board of Appeals may deny the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

Based on the findings outlined herein, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Urbana Zoning Board of Appeals **APPROVE** the proposed minor variance in case ZBA 05-MIN-03 with the following conditions:

1. That the sign shall only be located on the Holiday Inn Express property, as illustrated in Exhibit G. The sign may only be placed on the adjacent Illinois Department of Transportation right-of-way with written approval from IDOT officials, or upon the purchase of said right-of-way.
2. That the sign be constructed in substantial conformity with the submitted site plan illustrating the design and location.

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Existing Land Use Map
Exhibit D: Future Land Use Map

Exhibit E: Aerial Map
Exhibit F: Sign Illustrations
Exhibit G: Sign Location Map
Exhibit H: Holiday Inn Express
Development Agreement

Cc: George Johnson
1999 Wabash Avenue, Suite 206
Springfield, IL 62704

Cummings Signs
4255 Napier Field Road
Dothan, AL 36303

Berns, Clancy & Associates
Attn: Ed Clancy
405 East Main Street
Urbana, IL 61801

Exhibit A: Location Map

Interstate 74



Kenyon Rd

Killarney St

Lincoln Av

200 0 200 400 Feet

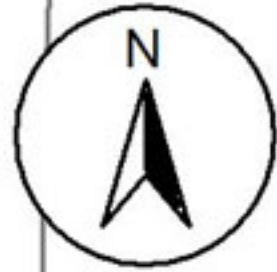


ZBA Case: ZBA-05-MIN-03
Petitioner: Holiday Inn / Holiday Inn Express
Location: 1001 and 1003 Killarney
Description: Allow an increase in the maximum size of a freestanding highway-oriented sign

Prepared 12/6/2005 by Community Development Services - mhw

Exhibit B: Zoning Map

Interstate 74



Kenyon Rd

B-3

Killarney St

B-3

Lincoln Av

R-4

200 0 200 400 Feet



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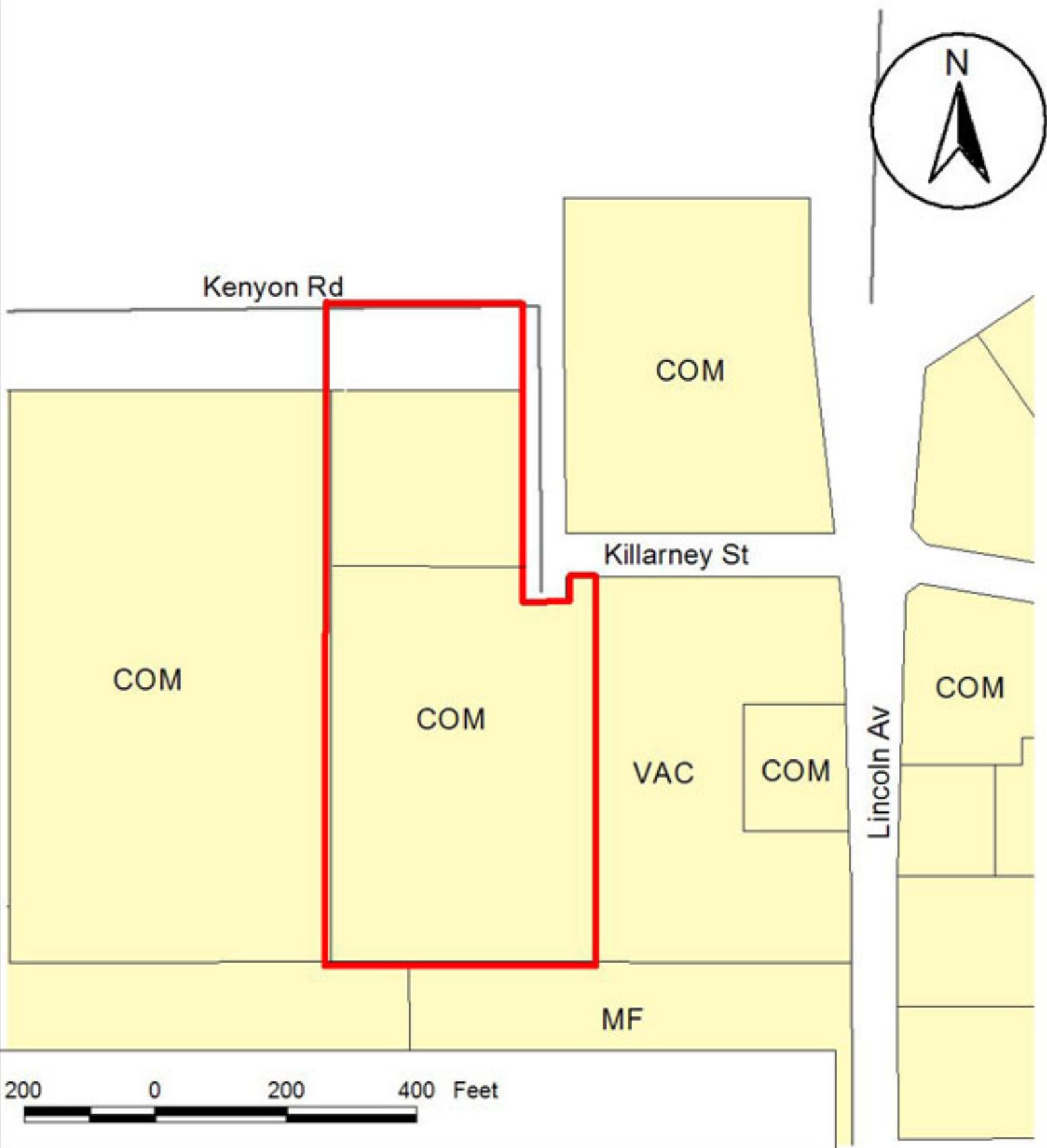
-  B3 - General Business
-  R4 - Medium Density Multiple-Family

Exhibit C: Existing Land Use Map



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COM - Commercial
MF - Multi-Family
VAC - Vacant Land

Exhibit D: Future Land Use Map

**Lincoln Avenue Interchange
Designated
Gateway to the University**

This area shown in
detail on Map #1

Kenyon Rd

Light Industrial / Office
Development Opportunities

**Regional
Business**

Ramada

Explore Park / Ride

Regional
Business Devt.
Opportunity

Andraes
Harley
Davidson

Holiday
Inn

Mix of O
and Light Indu
Enhance

Expand

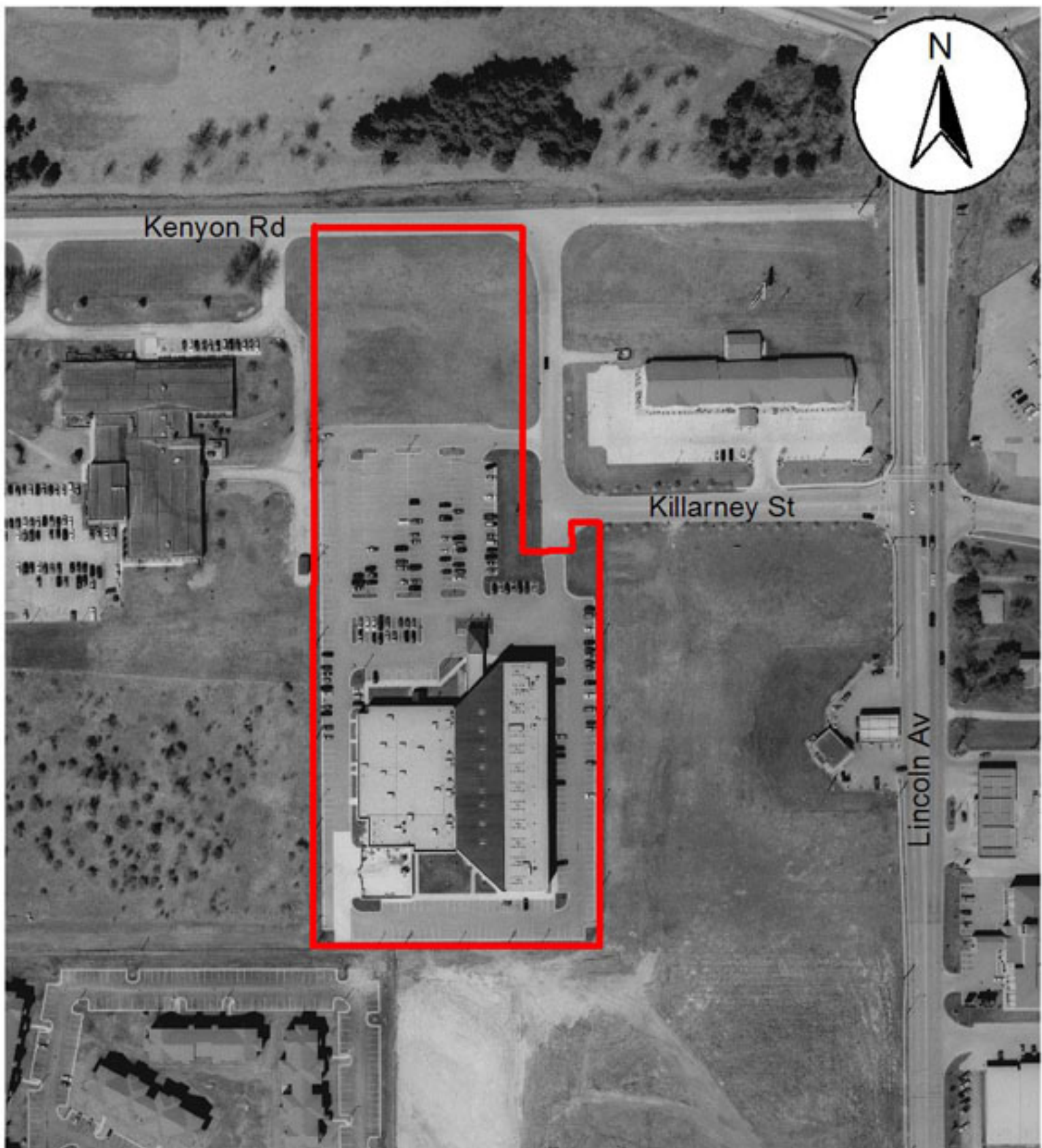
**Multi-Family
Condominiums
Approved 2004**

**Community
Business**



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Exhibit E: Aerial Map



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