



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: Paul Lindahl, Planner II

DATE: September 14, 2007

SUBJECT: ZBA 2007-MIN-03: a request by Adams Signs & Graphics Company a contractor for Wal-Mart Stores, Inc. for a Minor Variance to allow installation of a 20 square foot wall sign located at 100 S. High Cross Road in the B-3, General Business Zoning District.

Introduction and Background

Adams Signs & Graphics Company on behalf of Woodforest National Bank is applying for a minor variance to allow installation of a 20 square foot wall sign located on the Wal-Mart Superstore at 100 S. High Cross Road. Woodforest National Bank is a new in-store tenant at Wal-Mart and has requested placement of a sign on the exterior front façade of the building.

The Wal-Mart superstore is a 200,000 square foot building with multiple interior tenants and is located over 400 feet from the road. The front façade of the building is approximately 20,000 square feet. Zoning Ordinance Table IX-2 states that wall signage allowed in the B-3 district may be 10% of the wall area not to exceed 350 square feet maximum.

The previous Zoning Administrator interpreted the since the goal of the ordinance was to ensure signage was proportional to the wall of the structure, the numerical square foot maximum would apply to any single sign element, and the percentage maximum to the sum of the elements. The proposed 20 square foot sign is 5.7% of the 350 square foot sign element maximum. Therefore the request is for a variance of 6%. Section XI-3.C.2.b of the Urbana Zoning Ordinance states that the Zoning Board of Appeals can approve a Minor Variance to allow a sign to exceed the specified maximum requirement by up to 15%. Pursuant to the Urbana Zoning Ordinance, the Zoning Board of Appeals may grant final approval or denial of the minor variance request.

Description of the Site

The subject site is zoned B-3, General Business. To the east and south is undeveloped land also zoned B-3. To the west is IN, Industrial zoning where the Tatman Industrial Park is located. To the northwest is B-1, Neighborhood Business, where the Aldi's store is located. There is unincorporated (County) AG-2 agricultural zoning to the north where there are houses and trailers along the north side of Route 150.

Survey of Zoning, Existing Land Use, and Comprehensive Plan Designation

Location	Zoning	Existing Land Use	Comprehensive Plan – Future Land Use Designation
Subject Property	B-3, General Business	Retail	Regional Business
North	County – AG-2, Agriculture	Residential	Community Business
South	B-3, General Business	Vacant - Agriculture	Regional Business
East	B-3, General Business	Vacant - Agriculture	Regional Business
West	IN, Industrial	Light Industrial – Office Park	Light Industrial

Please refer to the attached Comprehensive Plan, Zoning and Land Use maps for further information.

Issues and Discussion

Wal-Mart has tenants such as Subway inside their superstore and they have allowed small signs on the exterior to mark their location inside the store. The request is for a new 2' x 10' sign to be erected on the front façade of the building (see attached application exhibits). The complete signage package for the building was reviewed when the building was constructed in 2005. The wall sign regulations at that time allowed signage of 10% of the wall area up to a maximum of 175 square feet.

The previous Zoning Administrator interpreted the since the purpose of the ordinance was to ensure signage was proportional to the wall of the structure, the numerical square foot maximum would apply to any single sign element, and the percentage maximum to the sum of the elements. The result of applying this interpretation is that the Wal-Mart building has 1,120 square feet of existing signage on the wall.

In 2006 the wall sign regulations were amended by City Council to allow signage of 10% of the wall area up to an increased maximum of 350 square feet. In practice this is still a small amount of signage on the wall of any large building. In fact in a similar June 2007 variance case, Vineyard Church requested a 126-percent increase in the amount of allowable wall signage on their new building addition. All large buildings subject to this type of percentage and maximum signage restriction encounter this same difficulty. Examples of buildings impacted include churches, schools, and commercial and industrial buildings. The attached exhibits for the current case make it clear that even an allotment of signage in excess of the revised 350 square foot maximum does not look excessive on a large building.

Staff has recommended that a need exists to treat very large buildings in a different fashion. Again the purpose of an Ordinance change would be to ensure signage remain uncluttered, and be proportional to the wall of the structure. A recommended strategy is to calculate the allowable area only as a percentage of the wall. For a 10,000 square foot façade a 10% limit would allow 1,000 square feet of total signage.

To reiterate the variance request in this case: the proposed 20 square foot sign is 5.7% of the 350 square foot sign element maximum. Therefore the request is for a variance of 6%, and the attached exhibits show that the new signage will have an insignificant effect on the aesthetics of the building or its visual impact on neighboring properties.

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 practical difficulty in carrying out the strict application of the Ordinance is that the bank is an interior tenant to Wal-Mart and needs exterior signage to direct customers. The special circumstances are this is a 200,000 square foot building located at least 200 feet from the road. The area of signage allowed on the building is not sufficient to accommodate all the needed information given the scale of the building.

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 proposed variance is not a special privilege because the variance is necessary to provide needed information on the large façade of this structure and is not generally applicable to other smaller structures in the district. This is a 200,000 square foot building with multiple interior tenants and is located at least 200 feet from the road.

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

The petitioners have applied for the variance as required and have not knowingly created the situation or conditions.

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

The character of the neighborhood is regional commercial business. The addition of the sign will not change the character of the neighborhood which consists of commercial and industrial zoned property.

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

Signs of this nature are already in place on the building façade and are far enough from neighboring property so as not to negatively impact surrounding properties. The new sign will not cause a nuisance to adjacent commercial and industrial zoned property.

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

The requested 20 square foot sign is the smallest size that allows adequate visibility from the road.

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

The practical difficulty is that the bank is an interior tenant to Wal-Mart and without exterior signage customers will not know the bank is there or which entrance to use. This is a 200,000 square foot building with multiple interior tenants and is located at least 200 feet from the road.

Summary of Findings

1. The practical difficulty in carrying out the strict application of the Ordinance is that the bank is an interior tenant to Wal-Mart and needs exterior signage to direct customers. The special circumstances are this is a 200,000 square foot building located at least 200 feet from the road. The area of signage allowed on the building is not sufficient to accommodate all the needed information at a scale visible from the adjacent roads.
2. The proposed variance is not a special privilege because the variance is necessary to provide needed information on the large façade of this structure and is not generally applicable to other smaller structures in the district.
3. The petitioners have applied for the variance as required and have not knowingly created the situation or conditions.
4. The character of the neighborhood is regional commercial business. The addition of the sign will not change the character of the neighborhood which consists of commercial and industrial zoned property.
5. Signs of this nature are already in place on the building façade and are far enough from neighboring property so as not to negatively impact surrounding properties. . The new sign will not cause a nuisance to adjacent commercial and industrial zoned property.

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 2007-MIN-03 with the following conditions:

That the sign be constructed in substantial conformity with the submitted plan and photographs illustrating its design and location.

Attachments:

- Exhibit #1: Application
- Exhibit #2: Sign Illustrations

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

Cc:

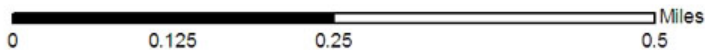
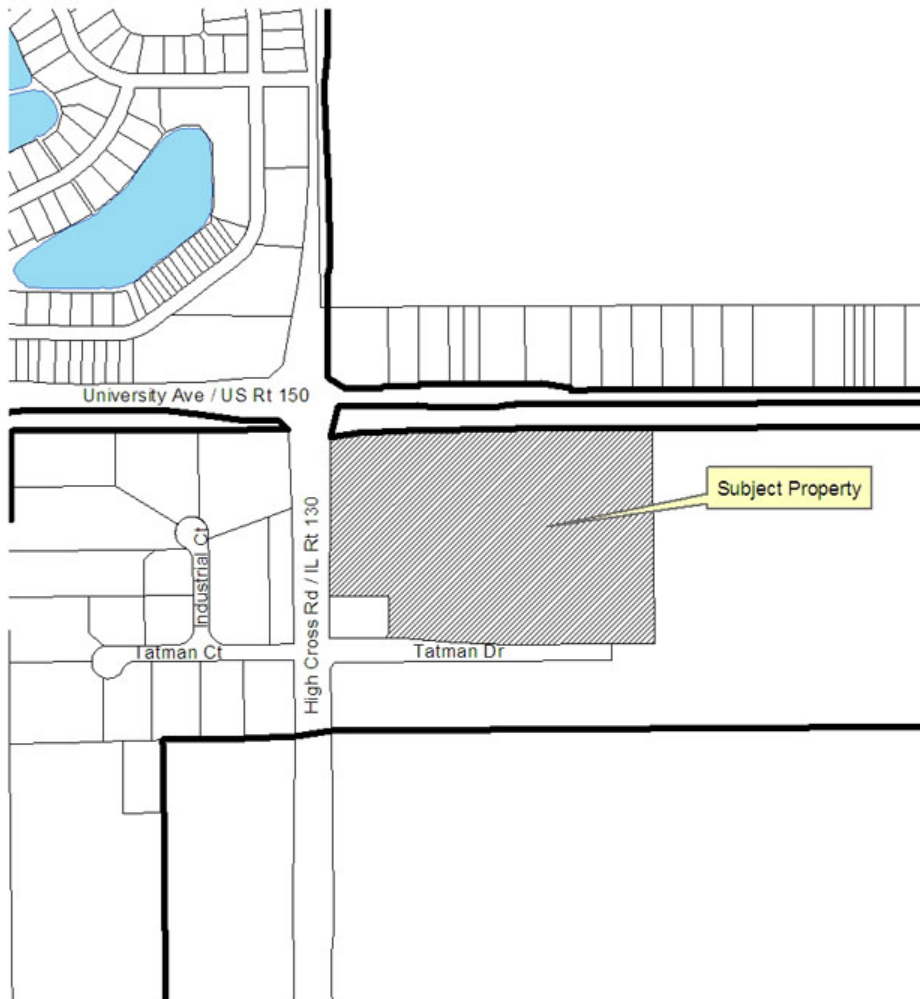
Adams Signs & Graphics
PO Box 347
Massillon, OH 44648

Wal-Mart Stores, Inc.
1300 SE 8th Street
Bentonville, AR 72716

Wal-Mart
100 S. High Cross Road
Urbana, IL 61802

Location Map

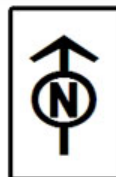
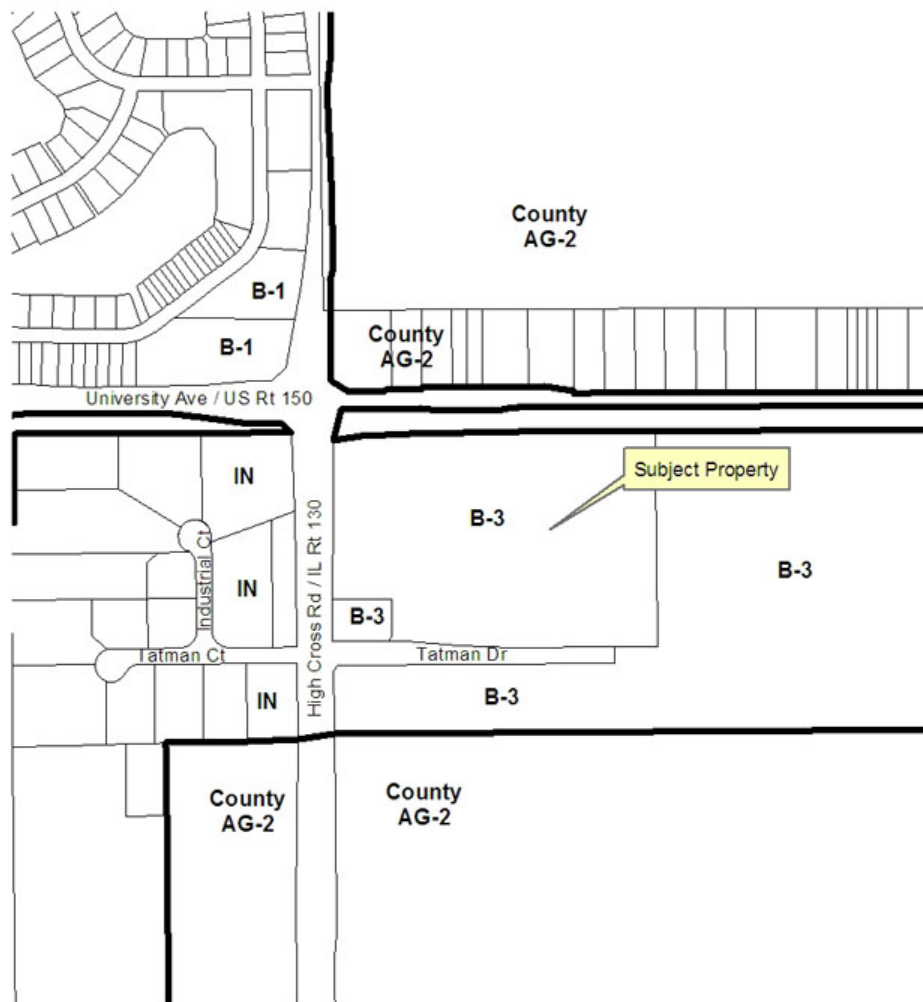
EXHIBIT "A"



ZBA Case: 2007-MIN-03
Subject: Minor Variance request to install a wall sign in excess of allowed maximum
Petitioner: Adams Sign Co. / Wal-Mart Stores
Location: 100 S. High Cross Rd
Zonig District: B-3, General Business

Zoning Map

EXHIBIT "B"



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Location: 100 S. High Cross Rd
Zonig District: B-3, General Business

- B-1, Neighborhood Business
- B-3, General Business
- IN, Industrial
- County AG-2, Agriculture

Existing Land Use w Aerial Photo

EXHIBIT "C"

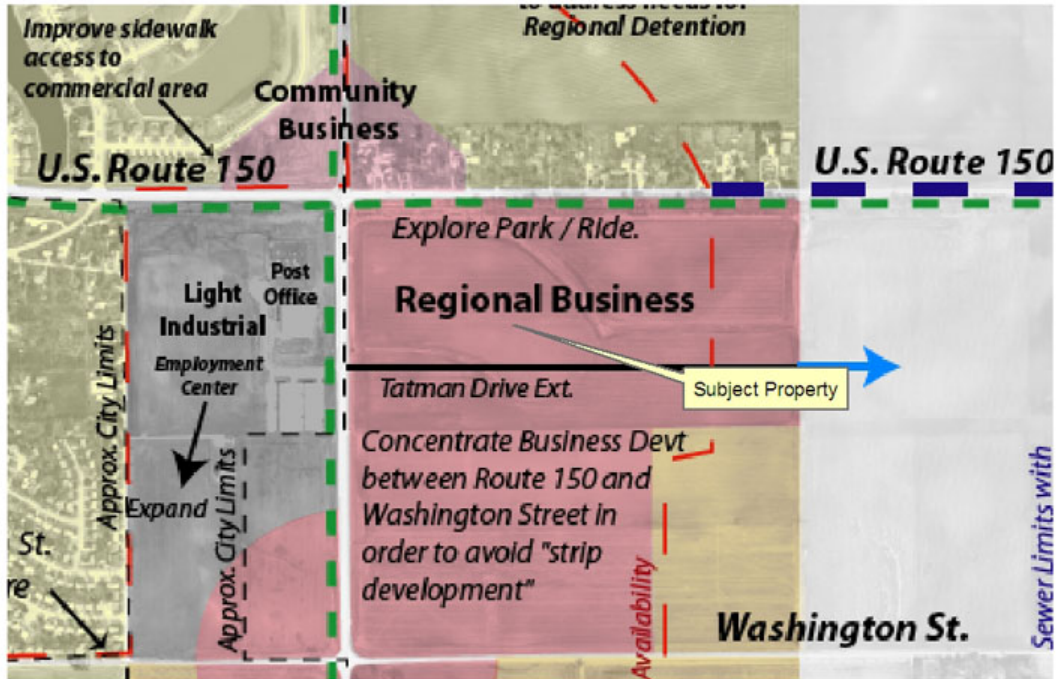


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Future Land Use Map

EXHIBIT "D"

Source: Comprehensive Plan Future Land Use
Map # 78 , p. 7 - Detailed Section



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