



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: Robert Myers, AICP, Planning Manager

DATE: March 13, 2009

SUBJECT: Case Nos. ZBA-2009-MAJ-01: Request by the Atkins Group, Inc. to revise approved major variances allowing an electronic message board display to change no more than once every ten seconds, and for the display to be multi-colored, at 2710 and 2810 South Philo Road in the B-3, General Business Zoning District.

Introduction and Background

The Atkins Group is applying to revise two major variances approved by the Zoning Board of Appeals and City Council in 2008. The petitioner applied for and received two major variances (2008-MAJ-01 and 2008-MAJ-02) concerning a freestanding shopping center sign. The shopping center, named The Pines at Stone Creek Commons, is located on the southeast corner of Philo and Windsor Roads in Urbana, across Windsor Road from Meijer supermarket. At its March 12, 2008 meeting, the Zoning Board of Appeals, following a public hearing, voted 6 ayes and 0 nays to recommend approval of the requested variances. The City Council subsequently approved the requested variances on April 7, 2008. The ordinances approving the variances (see attached ordinance Nos. 2008-03-017 and 2008-03-018) specify several conditions, including that the sign be constructed in substantial conformity with attached plans illustrating the sign and its location. Specifically, the conditions of the variance stipulate that the sign be no more than 78.7 square feet in area and only one freestanding shopping center sign be installed on the property.

For further background on this case, please refer to the attached March 7, 2008 staff memorandum to the Zoning Board of Appeals, as well as attached March 12, 2008 ZBA minutes.

Issues and Discussion

The applicants have proceeded with plans to fabricate and erect their approved signage. Two unforeseen issues have arisen. Atkins is seeking to redress these problems by having the terms of their approved variances revised.

First, now that commercial establishments have opened in the shopping center, it has become

evident that one free-standing shopping center sign will be inadequate to direct and instruct patrons. The applicants report, for instance, that customers have difficulty locating Milo's Restaurant. Milo's is situated in the back of the shopping center off Philo Road. The applicants are requesting that the condition limiting the Pines to one freestanding sign be removed to allow for a second freestanding sign at their Philo Road entrance.

Second, the illustration submitted and approved last year showed dimensions that differed from the applicant's stated intent. The correct drawing, attached within Exhibit "E", illustrates a sign 113.33 square feet in area as opposed to the 78.7 square feet as approved.

The applicants are not requesting any changes from how their shopping center sign conforms to Zoning Ordinance standards. For the electronic display portion of their shopping center sign (which comprises 29% of the overall sign area), Ordinance Nos. 2008-03-017 and 2008-03-018 allow a ten-second delay between displays and a multi-colored display. The applicants will conform to these approved variations. Additionally, the second free-standing sign would conform to all Zoning Ordinance requirements. A necessary point of clarification is whether or not the second freestanding sign on Philo Road would include electronic LED display.

Variance Criteria

The variance criteria and analysis have not changed from the attached March 7, 2008 staff memorandum to the Zoning Board of Appeals. In City staff's view, modifying the size of the approved sign from 78.7 to 113 square feet, and allowing a second free-standing sign at their Philo Road entryway, does not appreciably change the rationale for the approved variances.

Options

In Major Variance cases 2009-MAJ-01 and 2009-MAJ-02, the Zoning Board of Appeals may:

- a. Recommend approval of one or both variances based on the findings outlined in this memo;
- b. Recommend approval of one or both variances with certain terms and conditions. If the Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
- c. Recommend denial of one or both of the variance requests. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting denial.

Recommendation – ZBA 2008-MAJ-01

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 Zoning Board of Appeals forward major variance case **ZBA 2008-MAJ-01** (display frequency) to the Urbana City Council with a recommendation of **APPROVAL** with the following conditions:

1. That the monument sign with LED Electronic Message Board be constructed in substantial conformity with the submitted plans illustrating the design and location.
2. That the variance for message frequency is approved for the proposed monument sign with LED Electronic Message Board located in the application site diagram at the corner of Philo and Windsor Roads and does not extend to any other signs located at The Pines at Stone Creek Commons property.
3. That the sign will conform to the other requirements of Urbana Zoning Ordinance Section IX.4.D.3 that prohibits Electronic Message Board (LED) signs from being animated, flashing, or scrolling.
4. That no other freestanding shopping center signs shall be allowed for the property.

Recommendation – ZBA 2008-MAJ-02

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 Zoning Board of Appeals forward major variance case **ZBA 2008-MAJ-02** (display color) to the Urbana City Council with a recommendation of **APPROVAL** with the following conditions:

1. That the monument sign with LED Electronic Message Board be constructed in substantial conformity with the submitted plans illustrating the design and location.
2. That the variance for message color is approved for the proposed monument sign with LED Electronic Message Board located in the application site diagram at the corner of Philo and Windsor Roads and does not extend to any other signs located at The Pines at Stone Creek Commons property.
3. That the sign conform to the other requirements of Urbana Zoning Ordinance Section IX.4.D.3 that prohibits Electronic Message Board (LED) signs from being animated, flashing, or scrolling.
4. That no other freestanding shopping center signs shall be allowed for the property.

Attachments:

- Exhibit A: Location Map
- Exhibit B: Zoning Map
- Exhibit C: Existing Land Use Map w/ Aerial Photo
- Exhibit D: Future Land Use Map
- Exhibit E: Application with sign illustrations
- Exhibit F: March 7, 2008 City staff memo to ZBA
- Exhibit G: Minutes from the March 12, 2008 ZBA meeting
- Exhibit H: Approved Ordinance Nos. 2008-03-017 and 2008-03-018
- Exhibit I: Site Photos

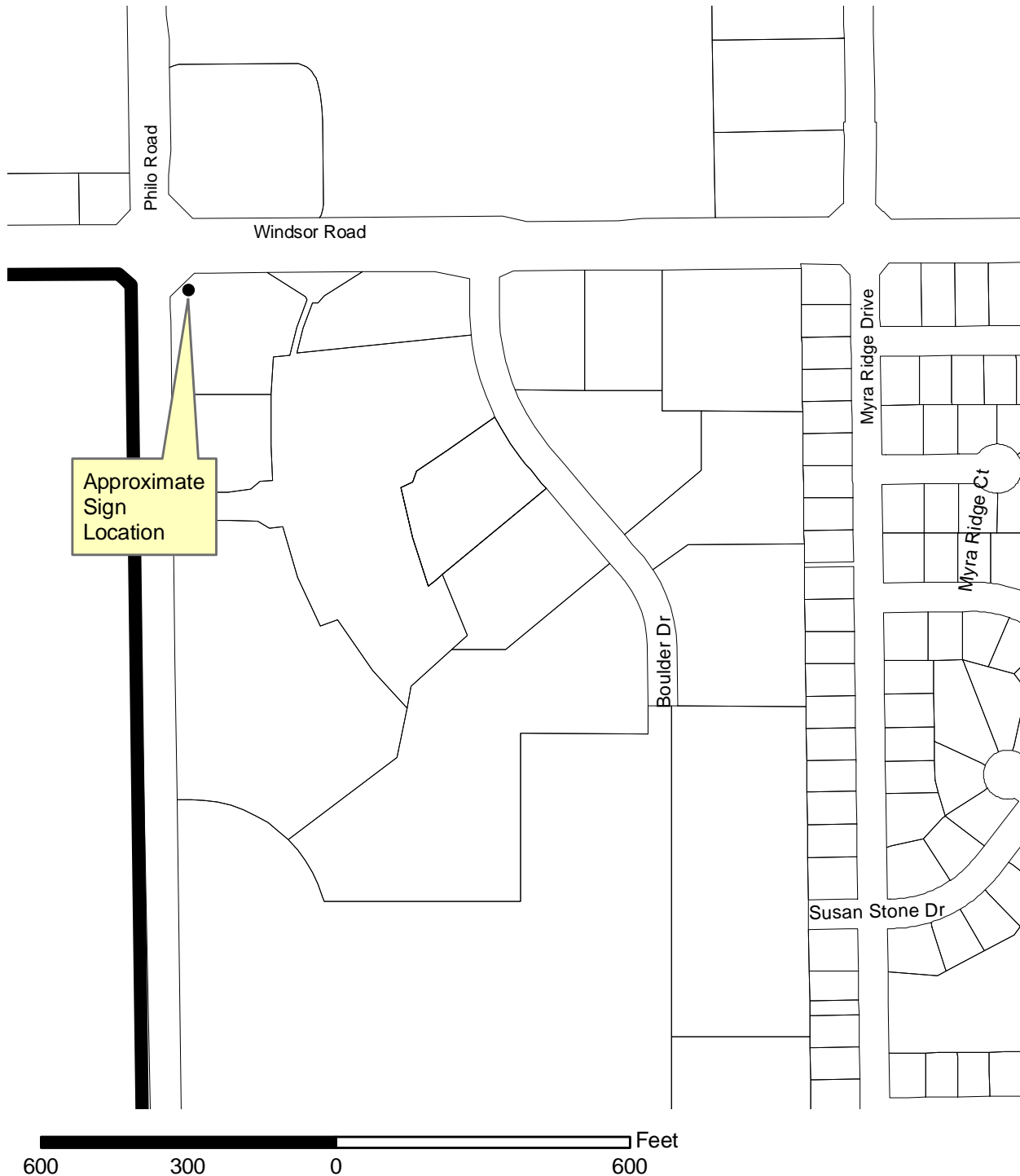
c:

The Atkins Group, Inc.
Attn: Jane Solon
2805 S. Boulder Drive
Urbana, IL 61802

Location Map

EXHIBIT "A"

F



ZBA Case: 2009-MAJ-01, and 2009-MAJ-02

Subject: A request for a Major Variance to allow an Electronic Message Board Sign to increase the frequency of message changes from once per three minutes to once every ten seconds, and allow the electronic display to be multi-colored.

Location: 2710 S. Philo Road

Zoning District: B-3, General Business

Petitioner: The Atkins Group

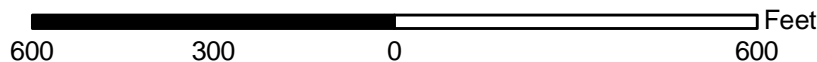
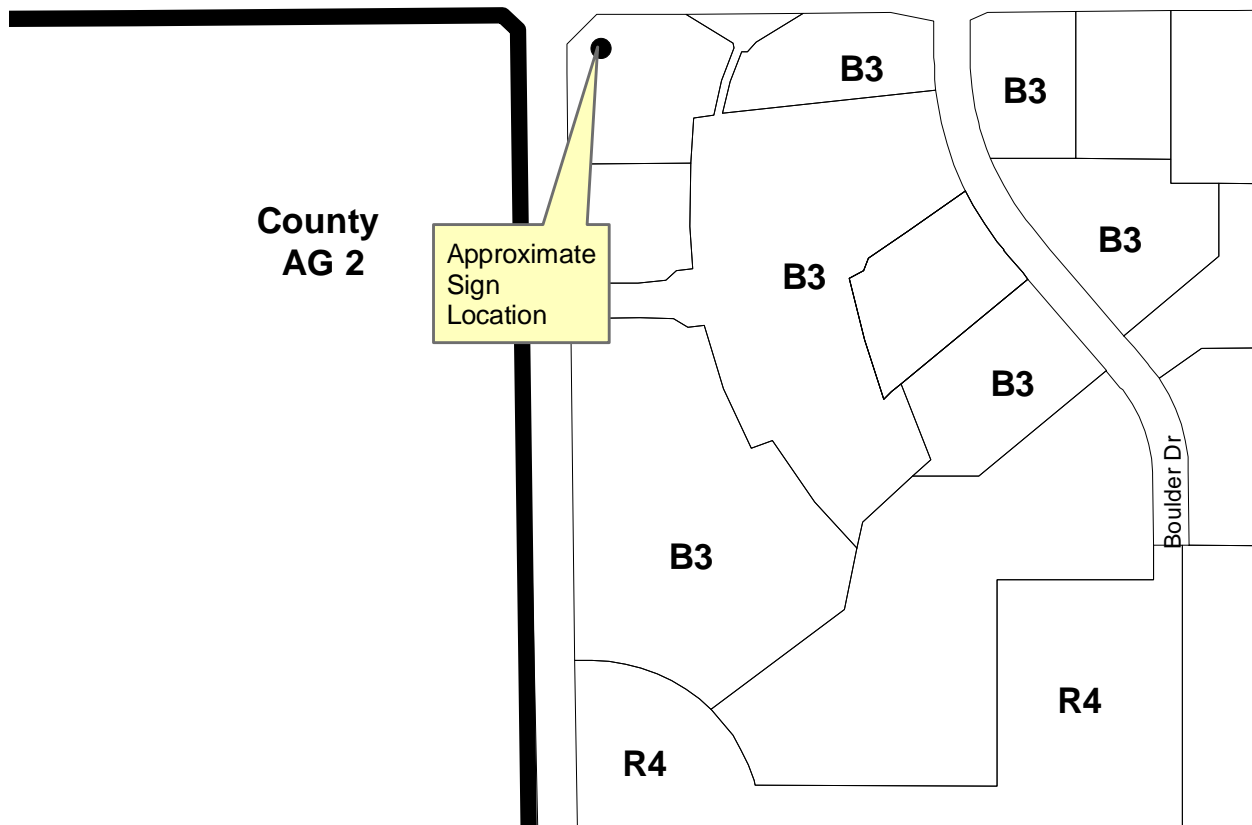
PIN: 93-21-28-201-001

Prepared 3/06/09 by Community Development Services -jme

Zoning Map

EXHIBIT "B"

F

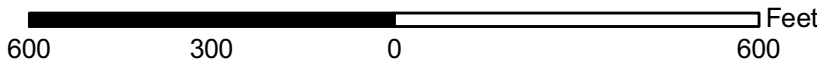


ZBA Case: 2009-MAJ-01, and 2009-MAJ-02
Subject: A request for a Major Variance to allow an Electronic Message Board Sign to increase the frequency of message changes from once per three minutes to once every ten seconds, and allow the electronic display to be multi-colored.
Location: 2710 S. Philo Road
Zoning District: B-3, General Business
Petitioner: The Atkins Group
PIN: 93-21-28-201-001
Prepared 3/06/09 by Community Development Services -jme

- B-3, General Business
- R-3, Single and Two-Family Residential
- R-4, Medium Density Multiple Family Residential
- AG-2, Agriculture (Champaign County)

Existing Land Use w Aerial Photo

EXHIBIT "C"

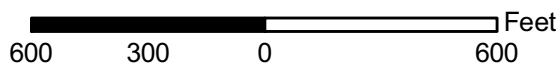
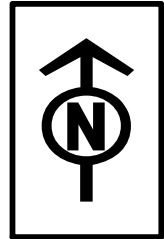
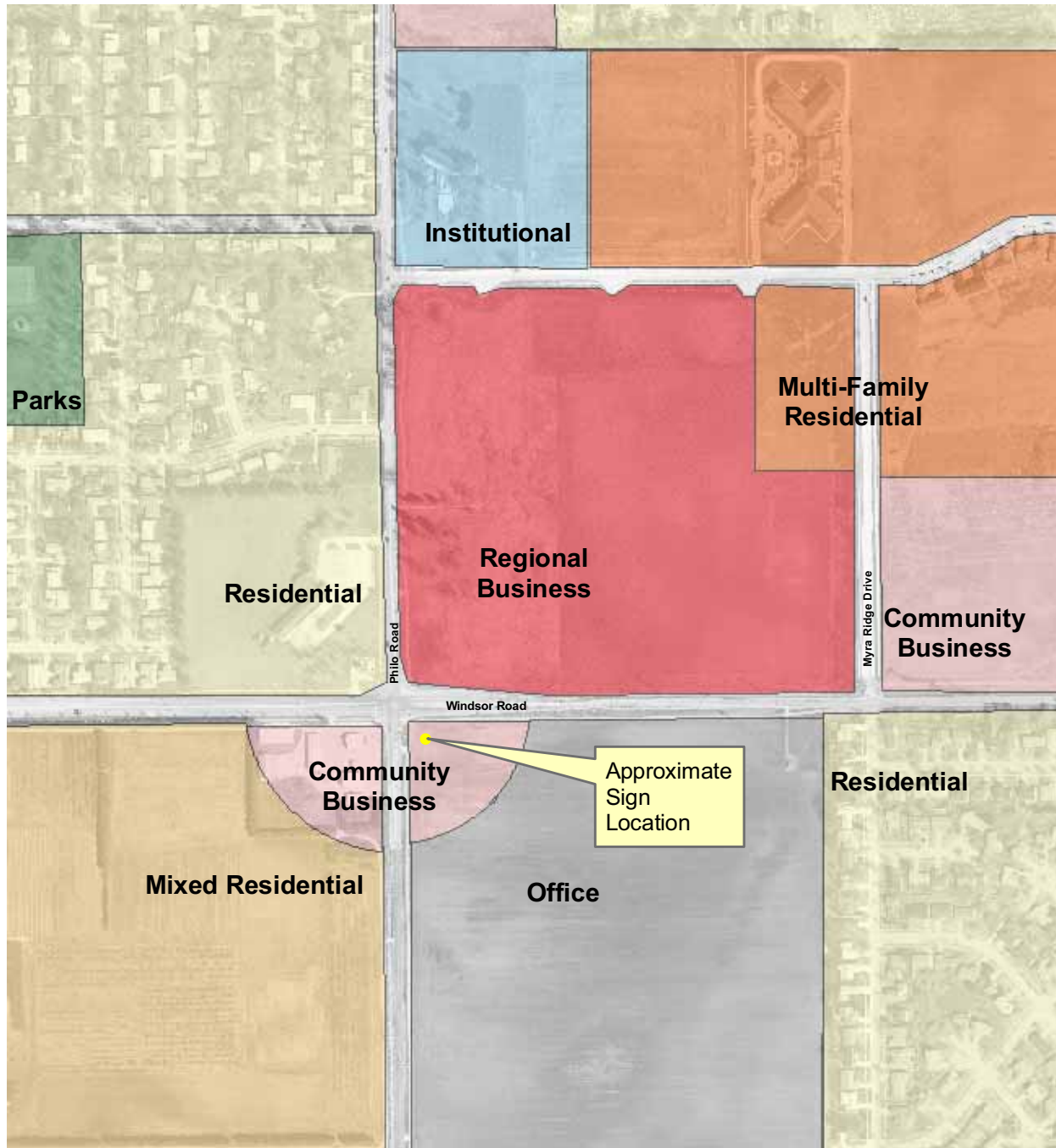


ZBA Case: 2009-MAJ-01, and 2009-MAJ-02
Subject: A request for a Major Variance to allow an Electronic Message Board Sign to increase the frequency of message changes from once per three minutes to once every ten seconds, and allow the electronic display to be multi-colored.
Location: 2710 S. Philo Road
Zoning District: B-3, General Business
Petitioner: The Atkins Group
PIN: 93-21-28-201-001

Future Land Use Map

EXHIBIT "D"

Source: Comprehensive Plan Future Land Use
Text Adapted from Maps # 13 and 14, pp. 84-85



ZBA Case: 2009-MAJ-01, and 2009-MAJ-02
Subject: A request for a Major Variance to allow an Electronic Message Board Sign to increase the frequency of message changes from once per three minutes to once every ten seconds, and allow the electronic display to be multi-colored.
Location: 2710 S. Philo Road
Zoning District: B-3, General Business
Petitioner: The Atkins Group
PIN: 93-21-28-201-001
Prepared 3/06/09 by Community Development Services -jme

4. Name of Owner(s): Busey Bank Phone: 365-4500
Address: 201 West Main Street, Urbana Illinois 61801
(street/city) (state) (zip)

If there are additional owners, please attach extra pages to the application.

5. Name of Professional Site Planner(s) N/A _____ Phone _____
Address _____
(street/city) (state) (zip)

6. Name of Architect(s): smith/burgett architects Phone: 367-6725
Address: 102A West Main Street, Urbana Illinois 61802
(street/city) (state) (zip)

7. Name of Engineers(s): HDC Phone: 352-6976
Address: 201 West Springfield Avenue, Champaign Illinois 61820
(street/city) (state) (zip)

8. Name of Surveyor(s): HDC Phone: 352-6976
Address: 201 West Springfield Avenue, Champaign Illinois 61820
(street/city) (state) (zip)

If there are additional consultants, please attach extra pages to application.

DESCRIPTION, USE, AND ZONING OF PROPERTY: Attach an additional sheet if necessary

Legal Description: Lots 201 and 208 of The Pines at Stone Creek Commons. Please see attached final plat _____

Lot Size: irregular _____ feet x _____ feet = 231,303.60 square feet

Present Use: Newly constructed retail _____
(vacant, residence, grocery, factory, etc)

Zoning Designation: B-3 _____

REASONS FOR REQUEST FOR MODIFICATION OF VARIATION:

Note: The following questions must be answered completely. If additional space is needed, please attach additional sheets.

- 1. 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.** The master plan of the retail center has been carefully designed to create a unique retail environment. The individual stores in the shopping center lack visibility from the street because the buildings are inwardly-oriented and perpendicular to the street. Although the City council granted two variance to provide for relief (Cases ZBA 208-MAJ-01 and ZBA 2008-MAJ-02), unforeseen circumstances have shown the terms of the variance to be overly restrictive. The size of the sign needs to be increased (incorrect dimensions were shown in the exhibit which was attached to the two variance previously granted) and a second free standing is necessary to direct patrons where to enter off of Philo Road for business that are located to the rear (far south end) such as Milo's Restaurant.
- 2. Explain how the modification to 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 individual stores in the shopping center lack visibility from the street so a sign large enough to accommodate tenants' logos and/or community events in a readable format is necessary. The Windsor sign needs to be able to communicate effectively especially with logo colors that patrons identify with. A second sign that would meet all current Sign Codes on Philo Road is necessary to identify The Pines for traffic traveling on Philo Road. Even though the existing Zoning Ordinance would allow this shopping center to have 8 freestanding signs, we plan to only install two. – To date, Busey Bank, Monical's Restaurant, Subway, and Milo's Restaurant are in agreement to forego freestanding signs for their respective premises. All other forms of tenant signage will be wall mounted on the respective facades of the tenant's building.
- 3. Explain how the modification to variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).** This modification is necessary due to the fact that the incorrect dimensions were on the exhibit to the variance applications that was previously granted and that patrons are finding it difficult to identify the entrance off of Philo Road for Milo's Restaurant and other future that will be located to the south end of The Pines.
- 4. Explain why the modification to variance will not alter the essential character of the neighborhood.** To date, Busey Bank, Monical's Restaurant, Subway and Milo's Restaurant are in agreement to forego monument signs for their respective premises so that the proposed signs can be used for all tenants, thus eliminating a clutter landscape of individual monument signs for tenants at The Pines. It will still represent the neighborhood feel of the area.
- 5. Explain why the modification to variance will not cause a nuisance to adjacent property.** Meijer Superstore is located adjacent to our property/retail development. Its signage has been maximized and our signage will be insignificant by comparison. It is our goal to become a "destination" shopping environment and the signage is supplementary yet "necessary" to attract viable retail merchants.

6. **Does the modification to variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.** Yes this is the minimum condition necessary to provide retail tenants with adequate signage opportunities vital to their success. It provides signage that is legible to vehicular and pedestrian traffic traveling on Windsor and Philo Road while still providing a landscape that is not clutter with multiple yard/monument signs.

PLEASE NOTE: The Urbana Zoning Ordinance provides that, by submitting this request for variation for this property, you are granting permission to Staff of the Department of Community Development Services to place a temporary yard sign in the front yard of the property to provide notice of the time and place of the public hearing to consider this request. The sign will be placed in the front yard at least fifteen (15) but not more than thirty (30) days prior to the date of the hearing, and will be removed no later than ten (10) days after the completion of the public hearing. Please call 384-2440 if you have any questions about this requirement.

Respectfully submitted this 24th day of February, year, 2009. A.D.

[Handwritten Signature]

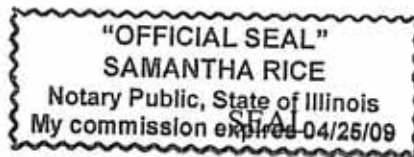
Signature of Applicant

STATE OF ILLINOIS)
)
) SS
CHAMPAIGN COUNTY)

Mark E. Dixon, being first duly sworn on his/her/their oath, deposes and says, that he/she/they is/are the same person named in and who subscribed the above and foregoing petition, that he/she/they has/have read the same and knows the contents thereof, and that the matters and things therein set forth are true in substance and in fact as therein set forth.

Subscribed and sworn to before me on this 24 day of February year 2009 A.D.

Samantha Rice
Notary Public



Petitioner's Attorney: Jenny Park
(if applicable) c/o Meyer Capel
 P.O. Box 6750
 Champaign, IL 61826-6750

(telephone number): 352-1800

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street
Urbana, IL 61801

Or Fax to (217) 384-2367

Please call (217) 384-2440 if you have any questions.

120"

40"

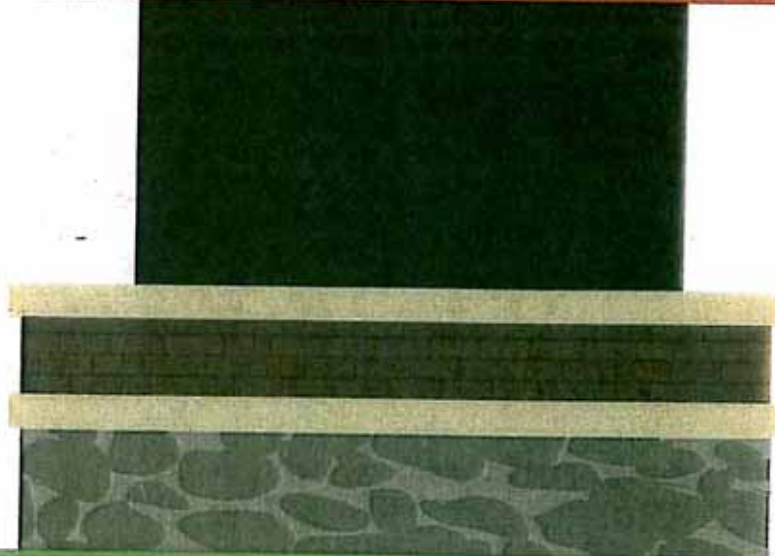


6"

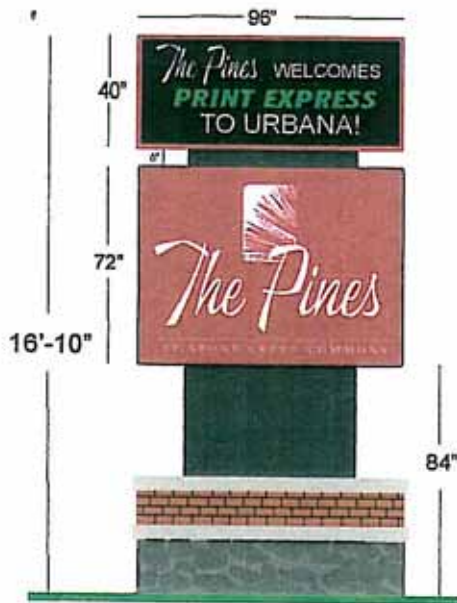
90"



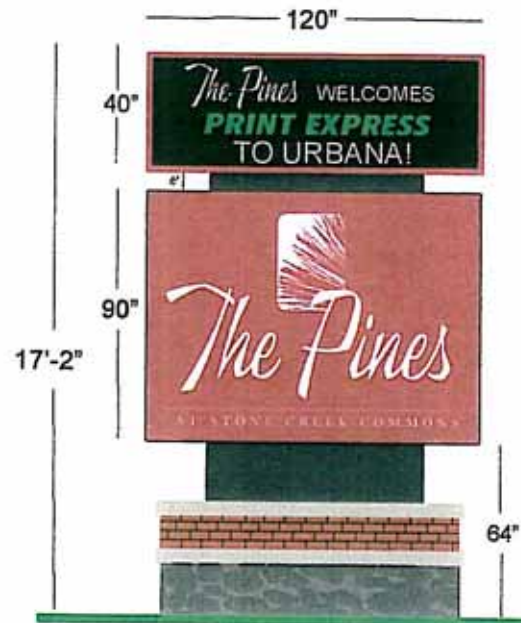
64"



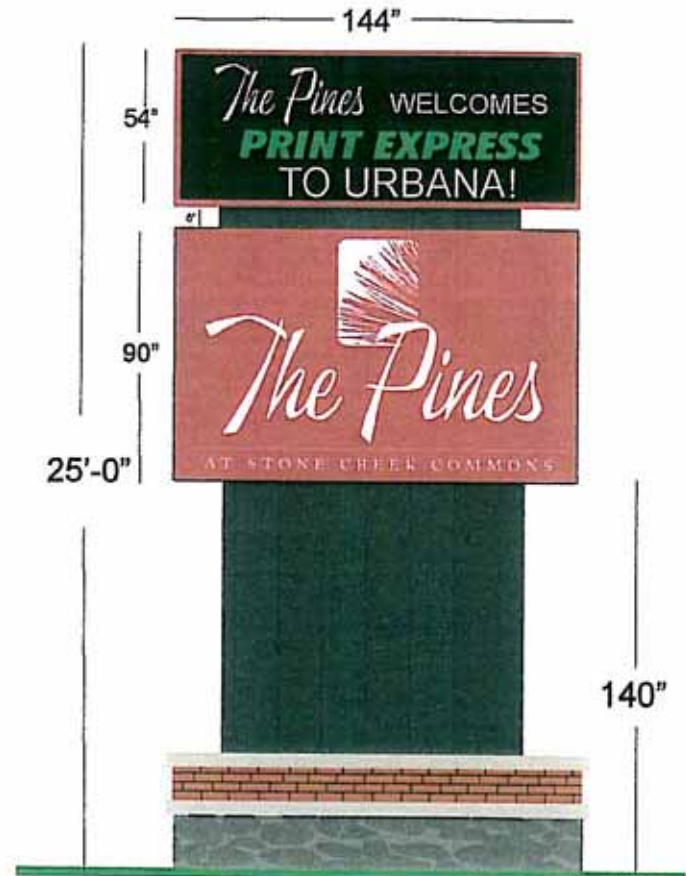
Option A



78.5 Sq. FT



113 Sq. FT



150 Sq. FT

Exhibit I: Site Photos



Fig. 1: Looking east along Windsor Road



Fig. 2: Looking south along Philo Road



Fig. 3: Looking north along Philo Road