



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: Kevin Garcia

DATE: June 13, 2014

SUBJECT: **Case No. ZBA-2014-MAJ-03:** a request by Prairie Signs, Inc. for a Major Variance to install a sign that is twenty feet in height onto existing non-conforming sign poles at 1303 E. Colorado Avenue, in the B-3 General Business District.

Introduction & Background

Prairie Signs, Inc. has filed a request on behalf of Dollar Tree to install a sign onto existing nonconforming sign poles at 1303 East Colorado Avenue. The building at this location has been occupied by Dollar Tree since November 2013, and was previously used as a hardware store. In order to provide additional signage for their business, the applicant would like to install a sign on existing nonconforming sign poles, which are 20 feet tall. The proposed sign would be 20 feet tall, 50 square feet in area, and set back 18 feet from the front property line. The subject property is located in the B-3, General Business zoning district. Per Table IX-1 of the Urbana Zoning Ordinance, signs in the B-3 district may be up to eight feet tall if set back eight to 15 feet from the front property line, and up to 16 feet tall if set back at least 15 feet. The requested sign height of 20 feet represents a 25% variance over the maximum allowable height of 16 feet. Section XI-3.C.2(b)(9) of the Urbana Zoning Ordinance states that a major variance is required for a variance in sign height of greater than 15%. Signs in the B-3 district may be up to 50 square feet in area.

Pursuant to Section XI-3.C.2(d)(1) of the Urbana Zoning Ordinance, in order for a major variance to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

Description of the Site

The site is located along Colorado Avenue, in a transitional zone between a residential area on the west and the Philo Avenue Business Corridor on the east. The site consists of one parcel, 1.2 acres in area. The site contains a building that was vacant prior to Dollar Tree moving in. The building was most recently occupied by Ace Hardware, which vacated the site more than two years ago. The subject lot is rectangular in shape. The surrounding land uses are typical of

commercial/residential transition areas. To the west of the site are dental offices. Across Colorado Avenue to the north is the County Market supermarket, and commercial strip retail. To the east of the site is Truly Fit, a gym. To the south of the site are duplexes and apartments.

Several other signs in the area, including the County Market and CVS Pharmacy signs along Philo Rd, and the Walgreens Pharmacy sign east of the site along Colorado Ave, are taller than 16 feet.

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	Retail Store	Community Business
North	B-3, General Business	Supermarket, Strip Retail	Community Business
South	R-5, Medium High Density Multiple-Family Residential	Residential Duplexes, Apartments	Multi-Family Residential
East	B-3, General Business	Gym/Fitness Center	Community Business
West	B-3, General Business	Professional Offices	Multi-Family Residential

Discussion

The applicant would like to install a sign on existing nonconforming sign poles to identify the Dollar Tree store at 1303 East Colorado Avenue. The new sign would be the same height (20 feet) as signs that had previously been installed on the sign poles. The Dollar Tree store opened in November 2013, and no sign has been installed on the existing nonconforming poles since the prior tenant, Ace Hardware, vacated the site more than two years ago. According to Section X-9.B.4 of the Urbana Zoning Ordinance, nonconforming signs may not be reestablished once a nonconforming sign has been removed from a site for more than 90 days, unless otherwise authorized by the Zoning Board of Appeals. Since the nonconforming sign has been absent for more than 90 days, and since the applicant wishes to install a sign that would exceed the height allowable in the B3 zone, a variance is required to reuse the sign poles without modifying their height.

The existing nonconforming sign poles, as seen in Exhibit D, are 20 feet tall and are set back 18 feet from the property line. The applicant would like to install a new sign cabinet on the existing sign poles, at a height of 20 feet. In the B3 district, a sign can be a maximum of 16 feet tall if located more than 15 feet from the property line, or 8 feet tall if located eight to 15 feet from the property line. Because the sign is set back more than 15 feet from the property line, it would

therefore require a 25% variance for height. According to the applicant, to alter the sign poles to conform to the standards of the B3 district would require structural alterations that would cost more than reusing the poles in their current condition. In addition, there is an existing fence on the property that could limit visibility of the sign to traffic heading east on Colorado Avenue if it were constructed at a height of 16 feet.

As stated above, the existing nonconforming sign poles have not been used since Ace Hardware occupied the site more than two years ago. Allowing the installation of a new sign on the existing poles would reestablish a nonconforming sign on this property now and into the foreseeable future. Section X-9: Nonconforming Signs and OASS of the Urbana Zoning Ordinance states that such signs may not be reestablished after they have been removed for 90 days. Furthermore, an administrative Zoning Ordinance interpretation issued on July 20, 2009 states that “signs not in use for a period of six (6) months” are considered to be abandoned, and “must be removed, including all sign supports and associated structures”. The Zoning Ordinance and aforementioned policy are clearly intended to bring nonconforming signs into conformance with new sign standards that were established in a June 2009 amendment to the Urbana Zoning Ordinance (Plan Case No. 2104-T-09). The amendment significantly reduced the allowable height of signs from 25-35 feet under the old code to eight-16 feet under the new code. The reduction in sign height was designed to, among other things, make signs in the City of Urbana more compatible with their surroundings, give preference to monument signs, and increase flexibility by allowing shorter signs within eight-15-foot setbacks. In addition, reduced sign height would help the City achieve goals from the 2005 Comprehensive Plan, including to “enhance Urbana’s commercial areas” and to “improve the appearance of Urbana’s commercial and industrial areas”.

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 special circumstance in this case is the existence of nonconforming sign poles. The applicant states that structurally altering the nonconforming sign poles to bring them into conformity would be more costly than if the poles were allowed to be reused as they stand. In addition, the applicant states that an existing fence on the property would make a 16-foot tall sign more difficult to see than a 20-foot tall 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 variance requested is not necessary due to special circumstances. The additional costs that would be required to bring the poles into conformity do not make it necessary to grant a variance. Other nonconforming sign structures that have been out of use for more than 90 days may also require structural alterations to bring them into compliance with the Urbana Zoning Ordinance. The situation is not unique to this property.

The applicant states that the existing cyclone-style fence on the property could limit the visibility of a 16-foot sign when approaching the property from the west. Photos taken from the sidewalk and from Colorado Avenue show that a 16-foot tall sign would be minimally obscured by the fence. In addition, the view of the sign would only be blocked from a western approach along Colorado Avenue. The western approach is from a residential neighborhood, so some shielding of the sign may be beneficial.

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

The variance requested is not due to a situation created by the Petitioner. The existing sign poles had been used in the past for signs that were 20 feet tall and compliant with earlier codes. The applicant was unaware of the requirement to remove the existing nonconforming sign poles and assumed that they could be reused.

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

The property occupies a site in a transitional zone between a residential neighborhood to the west and the Philo Road Business District to the east. While a 20-foot tall sign might be compatible with the character of Philo Road, Colorado Avenue is more residential than commercial in character. In addition, the character of Philo Road has been changing in recent years. The City of Urbana has invested considerable resources in making the Philo Road Business District more pedestrian- and transit-user friendly (e.g. installing pedestrian islands, enhanced crosswalks, new MTD bus stops and benches) and in general beautifying the corridor. While some signs in the area are taller than 16 feet, at least one pre-existing sign, at the McDonalds along Philo Road, has been replaced with a smaller conforming sign in recent years. With the changes occurring along Philo Road, and the character of Colorado Avenue being more residential than commercial in character, allowing a 20-foot tall sign may alter the essential character of the neighborhood.

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

It is unlikely that the variance would cause a nuisance to adjacent properties. An adjacent property owner has written a letter to express concern with the requested variance and the precedent that may be set if the variance is granted; however, the letter does not claim that the variance would cause any nuisance to adjacent properties.

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

The existing nonconforming sign poles are 20 feet tall. Without structurally altering the sign poles, the variance requested represents the minimum deviation necessary, as it does not propose to extend the height of the sign above the existing 20-foot sign poles.

Variance Components

While some of the variance criteria have been met, the request has not clearly demonstrated that there are special circumstances that necessitate the ordinance.

Summary of Staff Findings

1. Prairie Signs, Inc. is applying on behalf of Dollar Tree to install a new sign on existing nonconforming sign poles at 1303 East Colorado Avenue.
2. The proposed sign would be 20 feet tall and 50 square feet in area. The existing setback of 18 feet would not change.
3. The site is located in south Urbana, and is zoned B-3, General Business. The B-3 district allows a maximum sign height of 16 feet if a sign is set back further than 15 feet from the property line.
4. The proposed 20-foot tall sign would be 25% taller than the maximum allowable height of 16 feet. A major variance is required for any deviation greater than 15% for sign height; a major variance is therefore required to approve the proposed sign.
5. The Urbana Comprehensive Plan identifies the area as Community Business.
6. The proposed variance does not represent special circumstances due to the existing nonconforming sign poles. The existing fence will not likely obscure the legibility of the sign if the variance is not granted.
7. The proposed variance is not due to a situation created by the petitioner.
8. The proposed variance may slightly alter the character of the neighborhood.
9. The proposed variance is not likely to cause a nuisance to adjacent property owners.
10. The proposed variance regarding sign height represents the minimum possible deviation from Zoning Ordinance requirements to re-use the existing sign structure.

Options

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

- a. The Urbana Zoning Board of Appeals may forward the case to City Council with a recommendation to approve the variance as requested based on the findings outlined in this memo; or
- b. The Urbana Zoning Board of Appeals may forward the case to City Council with a recommendation to approve the variance along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, 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 analysis and findings presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **DENY** the variance to allow a sign that is 20 feet tall.

Attachments: Exhibit A: Location & Aerial Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Application
 Exhibit E: Site Plan
 Exhibit F: Site Photos

cc: Diana Bubenik, Prairie Signs, Inc.
 J. Berry Howell, DDS

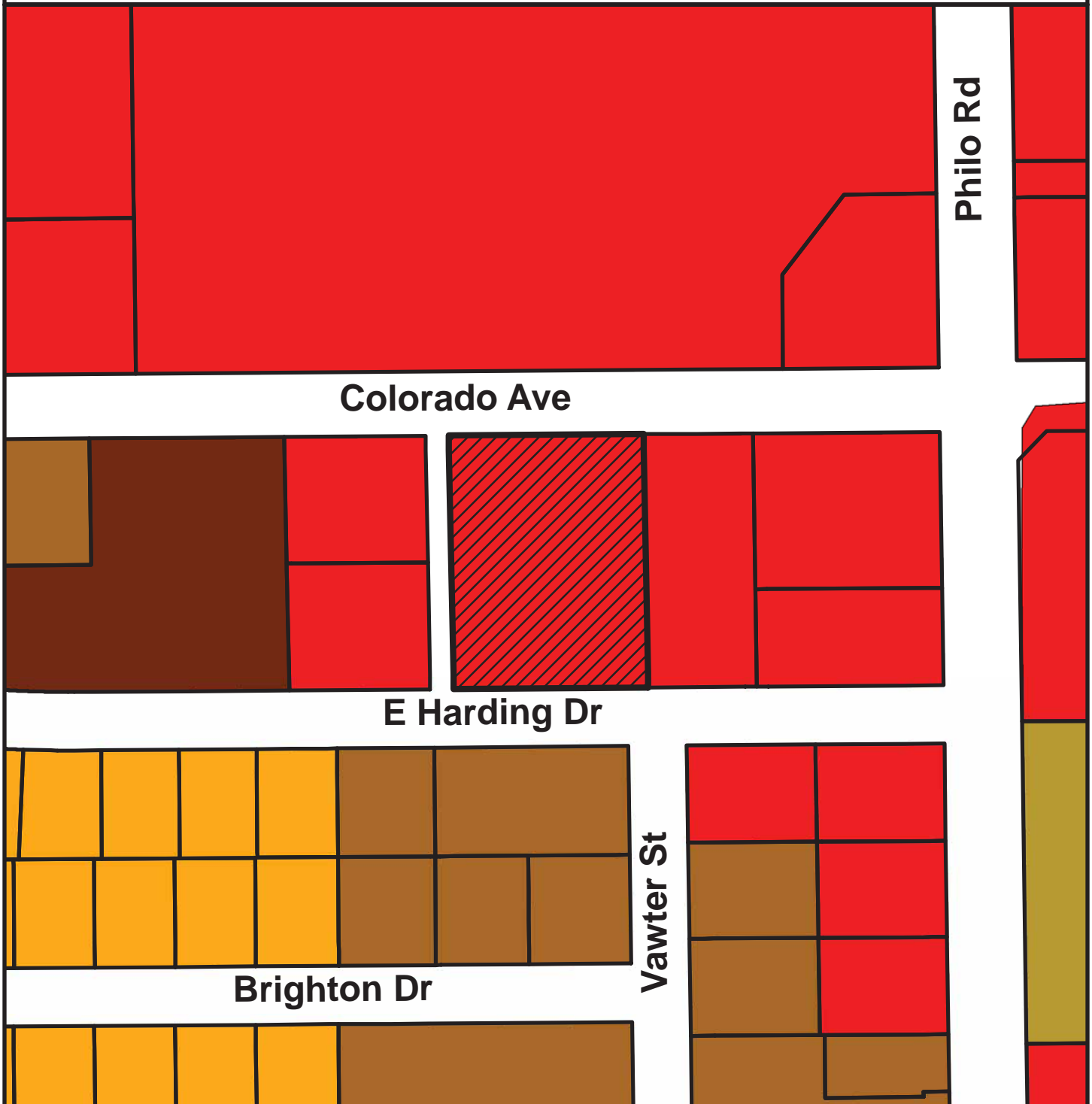
Exhibit A: Location and Existing Land Use Map



Case: 2014-ZBA-MAJ-03
 Subject: Application for Major Variance to Install a 20' Sign
 Location: 1303 E Colorado Ave
 Petitioner: Prairie Signs, Inc.

Prepared 06/13/2014 by Community Development Services Department

Exhibit B: Zoning Map

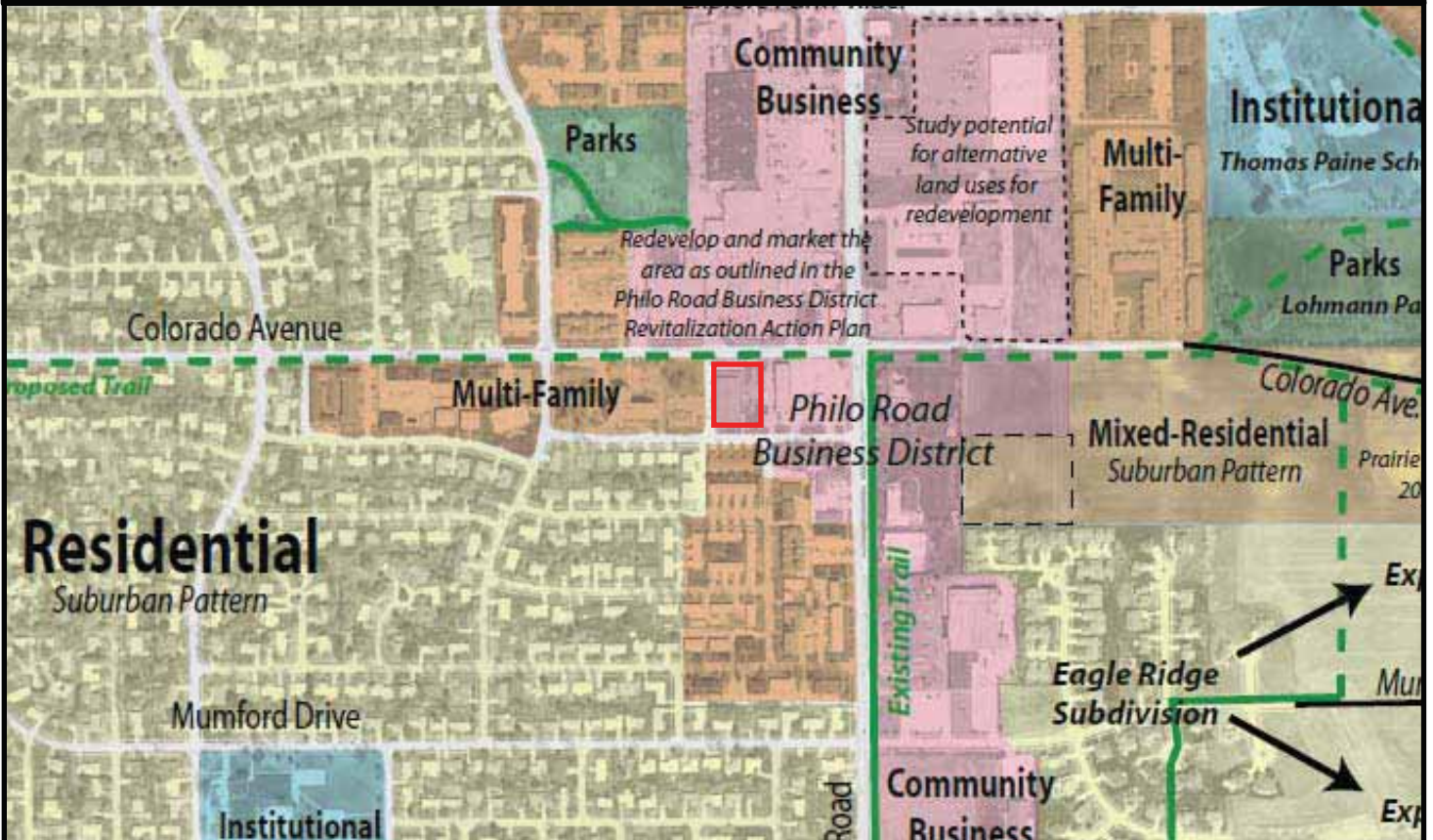


Case: 2014-ZBA-MAJ-03
Subject: Application for Major Variance to Install a 20' Sign
Location: 1303 E Colorado Ave
Petitioner: Prairie Signs, Inc.

 Subject Property

Prepared 06/13/2014 by Community Development Services Department

Exhibit C: Future Land Use Map



Case: 2014-ZBA-MAJ-03
Subject: Application for Major Variance to Install a 20' Foot Sign
Location: 1303 E. Colorado Avenue
Petitioner: Prairie Signs, Inc.

 Subject Property

Prepared 06/13/2014 by Community Development Services Department

Major



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. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 05-19-2014 ZBA Case No. ZBA-2014-MAJ-03
Fee Paid - Check No. 19229 Amount \$175.00 Date 05-19-2014

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 *(Insert Use/Construction Proposed and the Type and Extent of Variation Requested)* 20' OAH PYLON SIGN on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **PRAIRIE SIGNS INC** Phone: **309-452-0463**
Address (street/city/state/zip code): **1215 WARRINER ST, NORMAL, IL 61761**
Email Address: **DBUBENIK@PRAIRIESIGNS.COM**
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **CONTRACTOR**

2. OWNER INFORMATION

Name of Owner(s): **DOLLAR TREE** Phone: **757-321-5393**
Address (street/city/state/zip code): **1303 E COLORADO AVE, URBANA, IL 61801**
Email Address:

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: **1303 E COLORADO AVE**
PIN # of Location: **93-21-21-176-011**
Lot Size: 200X525

Current Zoning Designation: **B3**

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

Proposed Land Use: **RETAIL**

Legal Description: _____

4. CONSULTANT INFORMATION

Name of Architect(s): Phone:

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

Email Address:

Name of Engineers(s): Phone:

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

Email Address:

Name of Surveyor(s): Phone:

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

Email Address:

Name of Professional Site Planner(s): Phone:

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

Email Address:

Name of Attorney(s): 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.

Dollar Tree is requesting a variance to add a 5'x 10' cabinet sign to the existing sign poles with the overall height of the sign to be 20'. Zone B3 has height restrictions and this location would only be allowed to have a 16' sign based on the setback. The additional 4' in height will assist in visibility as there is a fence in close proximity that would block the view of the sign at a lower height. The current poles are setback 18' from the sidewalk and 30' from the street. Placing the sign in another location is not an option as there would be setback issues regardless of the height of the sign as well as the sign being in close proximity to power lines. This leaves the only location right where the existing poles are.

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 POLES ARE ALREADY IN PLACE SHOWING EVIDENCE THAT THE PREVIOUS OWNER/TENANT HAD A PYLON SIGN OF APPROXIMATELY THE SAME HEIGHT. WE ONLY PROPOSE TO BE ALLOWED TO DO THE SAME. IN ORDER TO LOWER THE OVERALL HEIGHT OF THE SIGN, THE EXISTING POLES WOULD NEED TO BE STRUCTURALLY ALTERED. THIS WOULD REQUIRE ADDITIONAL COSTS AND ENGINEERING.

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

THE POLES WERE ALREADY THERE AND IT WAS OUR INTENTION TO USE THEM FOR THE SAME PURPOSE AS THE LAST TENANT/OWNER.

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

WE ARE ONLY ASKING TO REUSE WHAT IS ALREADY THERE.

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

THE PROPOSED SIGN WILL NOT CAUSE ANY NUISANCE TO ADJACENT PROPERTIES. IT WILL NOT BLOCK ANY VISIBILITY AND IT IS REUSING WHAT IS ALREADY THERE.

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

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.

 Aran Suberil
Applicant's Signature

 5/16/14
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









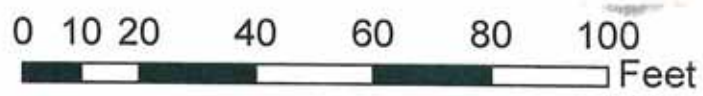
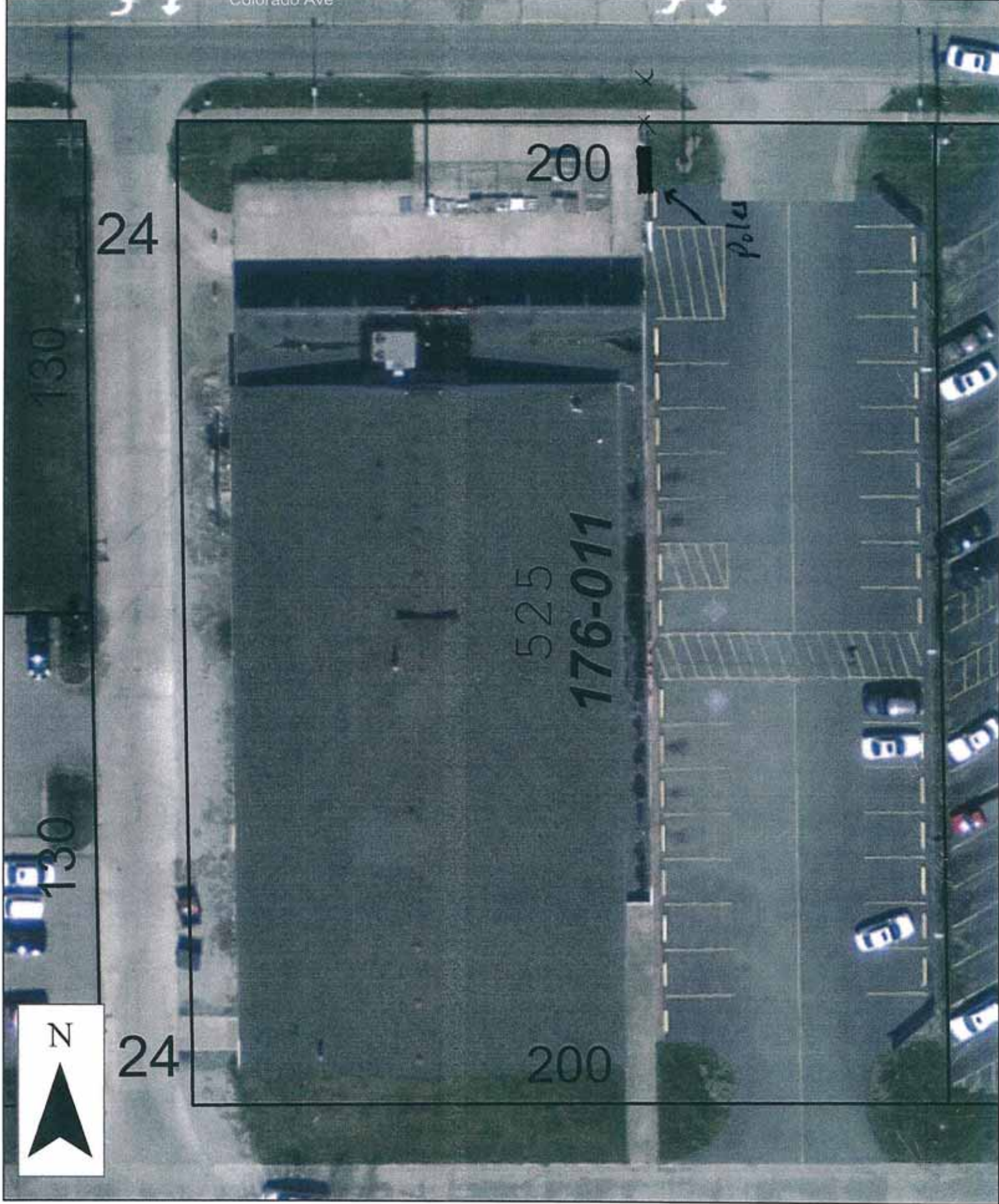




18'
Pole to Sidewalk



30'
Pole to Street



**Property Line locations are approximate. Survey needed for exact locations.

DOLLAR TREE

Urbana, IL



Sign B

Sign C

Sign A

REVIEWED
By Debbie Loefer at 8:10 am, Nov 11, 2013



Client: Dollar Tree Site #: ---
 Address: Urbana, IL
 Number: 97049_r1 Designer: AS Date: 08.15.13
 Page: 1 of 5 Project Manager: Natasha Wishart

REVISION INFO

11.08.13	ADD SURVEY INFO TO PYLON	JS

These drawings are not for construction. The information contained herein is intended to express design intent only. This original design is the sole property of Jones Sign Company. It cannot be reproduced, copied or exhibited, in whole or part, without first obtaining written consent from Jones Sign Company.

JONES SIGN

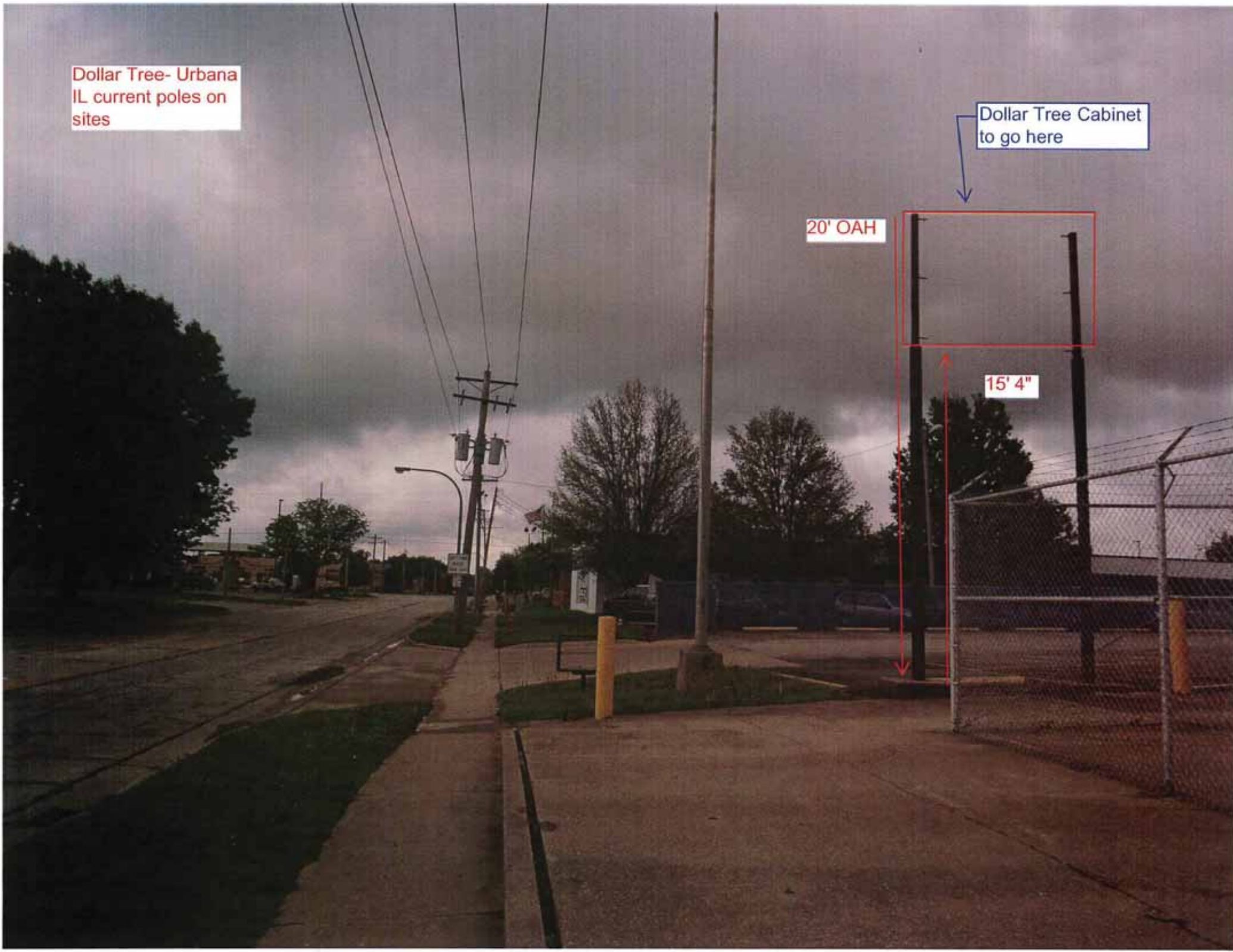
1733 Scheuring Road De Pere, WI 54115
 Tel: 920-983-6700 Fax: 920-983-9145
 www.jonesign.com

Dollar Tree- Urbana
IL current poles on
sites

Dollar Tree Cabinet
to go here

20' OAH

15' 4"

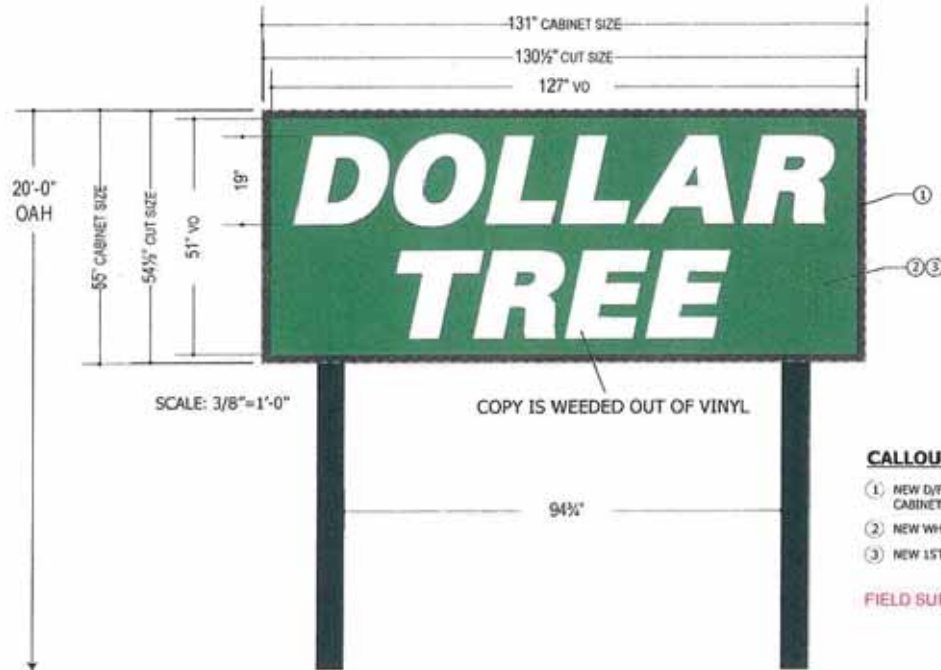


Sign C

Sign: Dollar Tree
 Sign Type: D/F Internally Illuminated Cabinet
 Illumination: Internally Lit
 Square Footage: 50.0

Landlord Approved:

Date:



CALLOUTS:

- ① NEW D/F INTERNALLY ILLUMINATED CABINET, CABINET & RETAINERS PAINTED COLOR TBD
 CABINET TO BE MOUNTED TO EXISTING 6" (10) STEEL POLES
- ② NEW WHITE LEXAN FACES
- ③ NEW 1ST SURFACE APPLIED VINYL: ARLON #2500-156 (VIVID GREEN) GRAPHICS

FIELD SURVEY REQUIRED PRIOR TO PRODUCTION



EXISTING ELEVATION
 NTS



PROPOSED ELEVATION
 NTS

Allowable Square Footage for this Elevation: 50.0

Actual Square Footage for this Elevation: 50.0

	Client: Dollar Tree Site #: _____	REVISION INFO _____ _____ _____ _____	11.08.13 ADD SURVEY INFO TO PYLON JS	These drawings are not for construction. The information contained herein is intended to express design intent only. This original design is the sole property of Jones Sign Company. It cannot be reproduced, copied or exhibited, in whole or part, without first obtaining written consent from Jones Sign Company.	
	Address: Urbana, IL		Number: 97049_r1 Designer: AS Date: 08.15.13		
	Page: 4 of 5 Project Manager: Natasha Wishart		1711 Scheuring Road De Pere, WI 54115 Tel: 920-983-6700 Fax: 920-983-9145 www.jonesign.com		
	_____ _____ _____				

TABLE IX-1. STANDARDS FOR FREESTANDING SIGNS¹

Zoning Districts Permitted	Maximum Number Permitted	Maximum Area Of Sign	Maximum Height Of Sign ²	Location of Sign
B-1, Neighborhood Business CRE, Conservation, Recreation and Education District	One sign per business, except that no sign is permitted if a projecting or roof sign exists on the lot. If a lot has two frontages, one sign per frontage is permitted.	32 square feet, or 50 square feet when signs from two or more frontages are combined or monument	12 feet tall if beyond 15 feet from a public right-of-way, or 6 feet tall if located 8 to 15 feet from a public right-of-way	Minimum setback of eight feet from public rights-of-way.
B-2, Neighborhood Business Arterial	One sign per business frontage, except that no sign shall be permitted on any frontage which has a projecting or roof sign. One additional sign is allowed on the property if any frontage exceeds 600 feet in length.			
MOR, Mixed Office Residential CCD, Campus Commercial District B-3U, General Business –University	One sign per business frontage, except that no sign is permitted if a projecting or roof sign exists on the same frontage.	32 square feet	8 feet tall	
B-3, General Business B-4, Central Business B-4E, Central Business Expansion MIC, Medical Institutional Campus IN, Industrial	One sign per business frontage. One additional sign is allowed on the property if any frontage exceeds 600 feet in length. Provided that no sign is permitted on any frontage which has a projecting or roof sign.	50 square feet ² 75 square feet if combined or monument ^{2,3}	16 feet tall if beyond 15 feet from a public right-of-way, or 8 feet tall if located 8 to 15 feet from a public right-of-way	

1. For buildings with multiple businesses, refer to Table IX-9, Freestanding Shopping Center Signs.


2. If a freestanding sign in the B-3, General Business, or IN, Industrial, zone is: (1) directed toward the users of an interstate highway; (2) within 2,000 feet of the center line of an interstate highway; and (3) more than 75 feet from the boundary of any residential zoning district; then the sign's height may be increased to 75 feet, and its maximum size may be increased to 150 square feet.

3. Combined and Monument Signs: If a property has two business frontages, a single sign may be constructed with a larger maximum area as defined in Table IX-1. Monument signs (as defined in Section IX-2.O) may be constructed with a larger maximum area as defined in Table IX-1.

Exhibit E: Site Plan



Case: 2014-ZBA-MAJ-03
Subject: Application for Major Variance to Install a 20' Sign
Location: 1303 E Colorado Ave
Petitioner: Prairie Signs, Inc.

 Proposed Sign Location

Prepared 06/13/2014 by Community Development Services Department

Exhibit F: Site Photos
1259-1301 E Colorado Ave
Urbana, IL 61801 – approximate address

Street View - Jun 2012



Front of property, from Google Streetview, June 2012



Front of property, looking south



Looking east, from sidewalk



Looking west, from sidewalk



Looking west, from sidewalk



Looking west, from street