

ORDINANCE NO. 9798-128

AN ORDINANCE
APPROVING A GENERAL VARIANCE TO INCREASE THE MAXIMUM ALLOWABLE
AREA OF A FREESTANDING SHOPPING CENTER SIGN
(200 N. Vine -- Case No. ZBA-98-GV-1)

WHEREAS, the Zoning Ordinance provides for a general variance procedure to permit the Zoning Board of Appeals and the City Council to consider special situations where strict application of the Zoning Ordinance may cause hardships situations where other permitted variances are not adequate; and

WHEREAS, Robert M. Randall, Leasing Agent on behalf the owner of the subject property, S M Properties Urbana, L.L.C., has submitted a petition requesting a 20.6 percent general variance to allow 49 square feet of additional signage to be added to the existing 140 square foot freestanding shopping center sign located at 200 N. Vine.

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 98-GV-1; and

WHEREAS, after due publication in accordance with Section IX-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed general variance on May 28, 1998; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the general variance referenced herein conforms with the general variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a general variance:

1. The granting of the variance will be in harmony with the general purpose and intent of the Ordinance, and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare because the area is surrounded by dense commercial development.
2. The variance requested is necessary due to special conditions and circumstances relating to the land or structure involved, or to the use or occupancy thereof, which are not generally applicable to other lands or structures in the same district so that the proposed variance will not serve as a special privilege but will alleviate some demonstrable and unusual hardship.

The subject lot has one building which houses several businesses and has a unified exterior appearance, but due to the setback of the building from Vine Street, it is difficult to identify the individual businesses.

3. Literal interpretation of the provisions of this Ordinance would impose a hardship by depriving the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Ordinance; and

If the individual stores did not exist together as a unified shopping center development, but instead were located on 4000 square foot lots with a minimum width of 40 feet, as is permitted in the B-4E Zoning District, then individual businesses could be allowed up to a 50 square foot sign.

4. The special conditions, circumstances or hardships are not the result of the actions of the applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that:

The general variance request by Robert M. Randall, Leasing Agent on behalf the owner of the subject property, S M Properties Urbana, L.L.C., in Case #ZBA-98-GV-1 is hereby approved to allow 49 square feet of additional signage to be added to the existing 140 square foot freestanding shopping center sign located at 200 N. Vine in a manner proposed in the application.

The general variance described above shall only apply to the property located at 200 N. Vine, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: A portion of the Southeast Quarter of Section 8, and a portion of the Northeast Quarter of Section 17, both being located in Township 19 North, Range 9 East of the Third Principal Meridian in the City of Urbana, Illinois, more particularly described as follows: Beginning at the intersection of the South Right-of-Way line of the Consolidated Rail Corporation (Conrail) and the East Right-of-Way line of Vine Street, said point lying 50.00 feet South of the centerline of Conrail and 75.00 feet East of the centerline of Vine Street; thence South $83^{\circ}03'21''$ East (an assumed bearing) along the South Right-of-Way line of Conrail, said line lying 50.00 feet South of and parallel to the centerline of Conrail, for a distance of 638.06 feet to a point lying on the West Right-of-Way line of Maple Street; thence South $03^{\circ}34'09''$ West along the West Right-of-Way line of Maple Street for a distance of 435.34 feet; thence South $35^{\circ}23'55''$ East along the West Right-of-Way line of Maple Street for a distance of 199.19 feet to a point lying on the North Right-of-Way line of Main Street; thence South $80^{\circ}58'46''$ West along the North Right-of-Way line of Main Street for a distance of 201.96 feet; thence South $82^{\circ}16'29''$ West along the North Right-of-Way line of Main Street for a distance of 304.23 feet; thence North $87^{\circ}22'57''$ West along the North Right-of-Way line of Main Street for a distance of 281.07 feet to a point lying on the East Right-of-Way line of Vine Street; thence north $43^{\circ}17'19''$ West along the East Right-of-Way line of Vine Street for a distance of 21.93 feet; thence North $21^{\circ}57'12''$ West along the East Right-of-Way line of Vine Street for a distance of 6.23 feet; thence North $01^{\circ}25'08''$ East along the East Right-of-Way line of Vine Street for a distance of 118.05 feet to a point lying 33.00 feet East of the centerline of Vine Street; thence North $03^{\circ}07'04''$ East along the East Right-of-Way line of Vine Street, said line lying 33.00 feet East of and parallel to the centerline of Vine Street, for a distance of 42.10 feet; thence South $86^{\circ}52'56''$ East along the East Right-of-Way line of Vine Street, said line being perpendicular to the

centerline of Vine Street, for a distance of 2.00 feet; thence North 03°07'04" East along the East Right-of-Way line of Vine Street, said line lying 35.00 feet East of and parallel to the centerline of Vine Street, for a distance of 3.00 feet; thence North 86°52'56" West along the East Right-of-Way line of Vine Street, said line being perpendicular to the centerline of Vine Street, for a distance of 2.00 feet; thence North 03°07'04" East along the East Right-of-Way line of Vine Street, for a distance of 2.00 feet; thence North 03°07'04" East along the East Right-of-Way line of Vine Street, said line lying 33.00 feet East of and parallel to the centerline of Vine Street, for a distance of 126.03 feet to a point lying on the South line of Outlot 4 of the Original Outlots to the Town (now City) of Urbana, said South line being the South Right-of-Way line of Water Street; thence South 87°22'57" East along the East Right-of-Way line of Vine Street, said line also being the South Right-of-Way line of Water Street, for a distance of 42.00 feet to a point lying 75.00 feet East of the centerline of Vine Street; thence North 03°07'04" East along the East Right-of-Way line of Vine Street, said line lying 75.00 feet East of and parallel to the centerline of Vine Street, for a distance of 424.54 feet to the Point of Beginning, containing 10.613 acres more or less, and all being situated in the City of Urbana, Champaign County, Illinois.

PERMANENT PARCEL #s: 91-21-08-478-018 and 91-21-08-479-001

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 1st day of June, 1998.

PASSED by the City Council this 1st day of June, 1997.

AYES Hayes, Huth, Kearns, Patti, Taol, Whelan, Wyman

NAYES _____

ABSTAIN _____



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Robert J. Roberts
Robert J. Roberts, Deputy Clerk

APPROVED by the Mayor this 12th day of June, 1998.

Tod Satterthwaite
Tod Satterthwaite, Mayor