

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(Increase in the allowed height of a freestanding sign from 75 feet to 100 feet at 2012 North Lincoln Avenue -- Case No. ZBA-01-MAJ-4)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the petitioner, Andrae's Harley Davidson, has submitted an application requesting a major variance to allow the increase in the allowable height of a freestanding sign from 75 feet to 100 feet at 2012 North Lincoln Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-4; and

WHEREAS, after due publication in accordance with Section XI-10 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 17, 2001, and the ZBA, by a unanimous vote of its members, recommended to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.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 major variance:

1. There are special practical difficulty related to the location of the site and the general vegetation in the area that limits visibility for the intended sign. The agreed upon use for this site is Andrae's Harley Davidson which is a type of business directed towards a vehicular market. The applicant indicates that the success of the new facility depends upon the ability to advertise to interstate travelers. Further, the Zoning Ordinance allows for signs within a specific proximity to the interstate to be taller and larger so they can be visible to motorists. However, because of the location of the site and the vegetation in the area, a sign of 75 feet in height would not be visible from Interstate 74.

2. The variance will not serve as a special privilege because the location of the site along with the existing vegetation in the area precludes the developer from having a sign that can be adequately seen from the interstate when constructing a sign within the regulations for freestanding signs intended for display to highway motorists.

3. The developer has not yet erected the sign and is requesting the variance prior to construction but as agreed upon in a development agreement approved by the Urbana City Council.

4. The variance will not alter the essential character of the neighborhood which is commercial and industrial in nature and contains uses with signs directed towards attracting highway travelers.

5. The variance should not cause a nuisance to the gas stations to the south or west nor to the Urbana Gardens restaurant to the north of the industrial uses to the east. In fact, some of these uses may benefit from the variances with additional customer base.

6. The petitioner is only requesting the amount of variance needed to accommodate the proposed sign with 100 feet in height.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Andrae's Harley Davidson, in Case #ZBA-01-MAJ-4 is hereby approved to allow the increase in the allowable height of a freestanding sign from 75 feet to 100 feet in the City's B-3, General Business Zoning District, at 2012 North Lincoln Avenue, in the manner proposed in the application for the major variance in that case.

The major variance described above shall only apply to the property located at 2012 North Lincoln Avenue, Urbana, Illinois, more particularly described as follows:

**LEGAL DESCRIPTION:**

**Tract I**

Commencing at the Southwest corner of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, thence with line between Sections 5 and 8 assumed East as a Meridian, along centerline of proposed Federal Aid Route #39, Section 14,

Champaign County, proceed North 0 degrees 11 ½ minutes East 1655 feet; thence East 40 feet to the East right-of-way of said proposed Federal Aid Route #39 for a true point of beginning; thence along the East Right-of-Way Line North 0 degrees 11 ½ minutes East 35.6 feet and North 5 degrees 27 ½ minutes East 68.7 feet; thence East 151.47 feet; thence South 0 degrees 11 ½ minutes West 104 feet; thence West 158 feet to the true point of beginning, in Champaign County, Illinois.

EXCEPT, Commencing at the Southwest corner of the Southwest quarter of said Section 5; thence North 0 degrees 00 minutes 48 seconds West along the West line of said Southwest quarter 1655.00 feet; thence Easterly along a line perpendicular to said West line 34.20 feet to a point on the existing East right of way line of Lincoln Avenue; thence South 89 degrees 30 minutes 27 seconds East along a South property line 5.80 feet to the Place of Beginning; thence North 0 degrees 00 minutes 48 seconds West along said existing right of way line 35.38 feet; thence North 5 degrees 15 minutes 53 seconds East along said existing right of way line 68.70 feet; thence South 89 degrees 34 minutes 05 seconds East along a North property line 13.68 feet; thence South 5 degrees 29 minutes 29 seconds West 104.25 feet to a point on the South property line and 50.00 feet East of the West line of said Southwest quarter; thence North 89

degrees 30 minutes 27 seconds West along said South property line 10.00 feet to the Place of Beginning.

**Tract II**

Commencing at the Southwest corner of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, thence North on the West line of said Section 5, 1,508.66 feet, thence East 36.55 feet to the true point of beginning, thence North 89 degrees 56.5 minutes East 190.80 feet, thence North on a line parallel with the West line of Section 5, 250 feet, thence South 89 degrees 56.5 minutes West 27 feet, thence South on a line parallel with the said West Section line 104 feet, thence West on a line parallel to the South line of said tract 163.80 feet to the East line of Lincoln Avenue, thence South on the East line of Lincoln Avenue 146 feet to the point of beginning, all in Champaign County, Illinois.

EXCEPT, Commencing at the Southwest corner of the Southwest Quarter of said Section 5; thence North 0 degrees 00 minutes 48 seconds West along the West line of said Southwest Quarter 1508.66 feet; thence Easterly along a line perpendicular to said West line 33.00 feet to the place of beginning; thence North 0 degrees 00 minutes 48 seconds West along the existing East right of way line by dedication of Lincoln Avenue 146.63 feet to the North property line; thence South 89 degrees 30 minutes 27

seconds East along said North property line 17.00 feet to a point 50.00 feet East of the West line of said Southwest Quarter; thence South 1 degree 56 minutes 24 seconds West 146.68 feet to a point on the South property line 45.00 feet East of said West line; thence North 89 degrees 28 minutes 33 seconds West along said South property line 12.00 feet to the place of beginning.

**Trust Tracts**

- 1) Lot 4, Lincoln Centre Subdivision,  
Champaign County, Illinois
- 2) Outlot "A", Lincoln Centre Subdivision,  
Champaign County, Illinois

**PERMANENT PARCEL #:** 91-21-05-301-005; 91-21-05-301-006; 91-21-05-301-002; 91-21-05-301-003

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 4<sup>th</sup> day of         June        , 2001

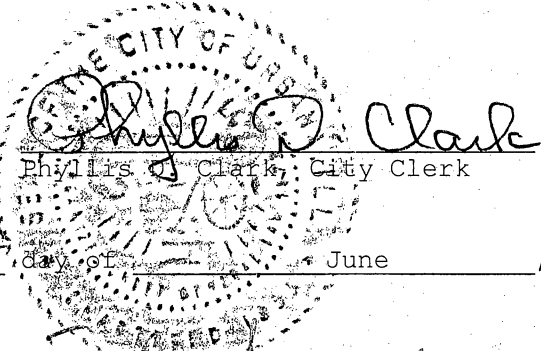
PASSED by the City Council this 4<sup>th</sup> day of June,

2001 .

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:



Phillips Clark  
Phillips Clark, City Clerk

APPROVED by the Mayor this 13<sup>th</sup> day of June,

2001 .

Tod Satterthwaite  
Tod Satterthwaite, Mayor