

AN ORDINANCE APPROVING A MAJOR VARIANCE

**(To Allow a 45% Increase in the Maximum Allowable Face Area
of a Freestanding Sign in the B-1, Neighborhood Business
Zoning District / Case No. ZBA-05-MAJ-1)**

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 related to the parcel of land or the structure; and

WHEREAS, the petitioner, Aldi, Inc., has submitted a petition requesting a major variance to allow a 45% increase in the maximum allowable face area of a freestanding sign in the Urbana B-1, Neighborhood Business Zoning District at the northwest corner of U.S. Route 150 (University Avenue) and IL Route 130 (High Cross Road; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 05-MAJ-1; 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 major variance on February 16, 2005 and by a Four to One (4-1) vote of its members recommended approval of the requested variance with the condition:

That the freestanding monument sign be constructed in substantial conformity with the site plan illustrating the design and location, attached hereto as Exhibit "A"; 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 as requested:

1. The special circumstance is that this is a large parcel located at the intersection of two arterial streets. Because U.S. Rt. 150 has a very wide right of way containing a large drainage ditch the sign will be located approximately 65 feet away from the edge of pavement making it difficult to read. The size of the lot and the extra wide right of way setback from the road edge contribute to the justification for a larger sign.
2. The request will not serve as a special privilege because there are no other B-1 zoned lots of such large size on two major arterial roadways in the city. Other B-1 zoned properties do not have similar issues of extra wide right of way setback from the road edge as well. Most parcels in the city zoned B-1 are much smaller and are located within older neighborhoods where development is more compact and where larger signs could have a greater impact on adjacent land uses.
3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. The new signage has not yet been created. The petitioner is aware of the zoning requirements and has applied for a variance.
4. The proposed sign will not alter the character of the neighborhood because the intersection of two major roadways, while currently vacant on the northwest and southeast corners, is expected to have commercial development in the near future. The signage as proposed will have a lesser impact on the neighborhood than those signs commonly found in such areas.

5. The proposed sign should not cause any significant impact on adjacent properties. The parcel has been approved for commercial development. The sign is proposed to match the design of the building and be constructed as a monument sign rather than a freestanding pole sign. The precise location of the sign will be approximately 315 feet from the nearest residential use which is on the east side of U.S. Rt. 130.
6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. The petitioner is requesting only the amount of variance needed to accommodate the proposal as designed.

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

Section 1. The major variance request by Aldi, Inc., in Case #ZBA 05-MAJ-1 is hereby approved to allow a 45% increase in the maximum allowable face area of a freestanding sign in the Urbana B-1, Neighborhood Business Zoning District, as approved by the Zoning Board of Appeals, with the following condition of approval:

That the freestanding monument sign be constructed in substantial conformity with the site plan illustrating the design and location, attached hereto as Exhibit "A".

Section 2. The major variance described above shall only apply to the property located at the northwest corner of U.S. Route 150 (University Avenue) and IL Route 130 (High Cross Road Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 456 of Beringer Commons
Subdivision No. 4 situated in Champaign County,
Illinois.

PERMANENT PARCEL #: 91-21-10-407-013

Section 3. 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 7th day of March, 2005.

PASSED by the City Council this 7th day of March,
2005.

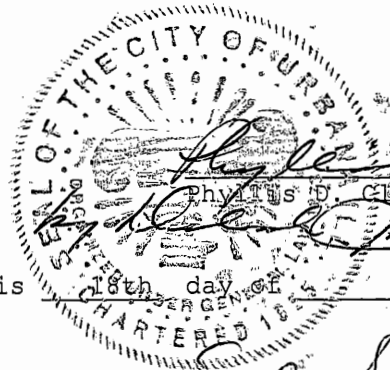
AYES: Alix, Chynoweth, Hayes, Roberts, Whelan, Wyman

NAYS: Patt

ABSTAINS:

APPROVED by the Mayor this 18th day of March,

2005.



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Tod Satterthwaite
Deputy Clerk

Tod Satterthwaite
Tod Satterthwaite, Mayor