

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To Allow an Electronic Message Board (LED) Sign to Increase the Frequency of Message Changes from Once Per Three Minutes to Once Per Ten Seconds at the Southeast Corner of Windsor Road and Philo Road in the B-3, General Business, Zoning District - 2710 South Philo Road / Case No. ZBA-2008-MAJ-01)**

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

WHEREAS, The Atkins Group has submitted a request to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once per ten seconds at the south east corner of Windsor and Philo Roads in the B-3, General Business Zoning District at 2710 S. Philo Road; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2008-MAJ-01; 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 held a public hearing on the proposed major variance on March 12, 2008 and voted 6 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

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

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The special circumstances or practical difficulties are, first, that this is a neighborhood shopping center designed with more than half the tenants in buildings oriented toward pedestrian plazas approximately 350 feet from Philo Road, and, being small-scale commercial buildings, will lack street visibility; and second, the variances concerning timing and color are requested as a means of reducing shopping center signage overall. The Urbana Zoning Ordinance would allow by right four shopping center signs with a combined 800 square feet of signage, but the petitioners propose to erect only one shopping center sign of 78.7 square foot. The public interest will be served by a 90% reduction in shopping center signage for this property.

2. The proposed variance will not serve as a special privilege because other shopping centers in the B-3, General Business District either have necessary visibility for their tenants or provide equivalent means to achieve tenant visibility, namely shopping center signs with traditional tenant directories.

3. The variance requested was not the result of a situation or condition having knowingly or deliberately created been created by the Petitioner. The petitioners did not deliberately design the Pines shopping center layout in an effort to create a need for unconventional signage.

4. The requested variances will not alter the essential character of the neighborhood which includes a Meijer supermarket and convenience store across the street. Additionally, the proposed sign design will be consistent with the high quality of materials and colors of The Pines at Stone Creek Commons Shopping Center.

5. The requested variances will not cause a nuisance to adjacent property. The proposed sign will not be animated, flashing, or scrolling.

Multi color is allowed by right on conventional signs that could otherwise be permitted at the site.

6. The variance represents generally the minimum deviation from requirements. The petitioners state the minimum time delay needs to be 10 seconds to allow a sufficient viewing opportunity for multiple tenants to be represented. This level of exposure is considered adequate by the petitioners. The petitioners feel the use of color is needed for the tenants' trademark logos to be easily recognizable to the viewers.

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

The major variance request by The Atkins Group has submitted a request to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to once per ten seconds at the south east corner of Windsor and Philo Roads in the B-3, General Business Zoning District at 2710 S. Philo Road, subject to the following conditions:

1. That the monument sign with LED Electronic Message Board be constructed in substantial conformity with the submitted site plan 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 prohibit Electronic Message Board (LED) signs from being animated, flashing, or scrolling.

4. That the variance is granted contingent on no other tenant directory, or shopping center signs being permitted on the Pines property.

The major variance granted above shall only apply to the property particularly described as follows:

LEGAL DESCRIPTION: Lot 201 of The Pines at Stone Creek Commons Subdivision as recorded at the office of the Champaign County Recorder of Deeds as Document Number 2007R07482 on March 30, 2007, and situated in the City of Urbana, Illinois.

PARCEL INDEX NUMBER: A part of 93-21-28-200-033

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 Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 7th day of April, 2008.


PASSED by the City Council this 7th day of April, 2008.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

APPROVED by the Mayor this 11th day of April, 2008.



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

*Paul Prussing*  
Paul Prussing, Mayor