

Passed: January 9, 2012
Signed: January 10, 2012

ORDINANCE NO. 2012-01-004

AN ORDINANCE APPROVING MAJOR VARIANCES

(To exceed the maximum number permitted and maximum sign area for three subdivision signs for Stone Creek Subdivision near the intersection of E. Windsor Road and S. Stone Creek Blvd. / Case No. ZBA-2011-MAJ-04)

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

WHEREAS, Mike Martin, on behalf of the Stone Creek Homeowners Association and the Atkins Group, has submitted a petition for two major variances to allow three subdivision identification signs to be installed on the Subdivision's E. Windsor Road frontage in the R-2, Single-Family Residential Zoning District rather than two and to allow one of the signs to measure 47 square feet in area; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2011-MAJ-04; 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 December 21, 2011 and voted 3 ayes and 0 nays to recommend that the Urbana City Council approve the requested variances; and

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Urbana City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. Mike Martin, on behalf of Stone Creek Homeowners Association and The Atkins Group, has applied for Major Variances to exceed the number and size of subdivision signs limited by Table IX-8 (Standards for Subdivision Signs) of the Urbana Zoning Ordinance. Table IX-8 limits subdivisions to no more than one sign per major road providing direct access to the subdivision, at no larger than 25 square feet each.
2. The Atkins Group and Stone Creek Homeowners Association are currently improving and beautifying the entrances to Stone Creek Subdivision through extensive landscaping and landscape features, street lights, identification signage, and accent lighting. In Resolution 2011-10-035R, the Urbana City Council approved an Agreement to install and maintain these improvements within City rights-of-way. The three subdivision signs in question are part of this larger project but located outside City rights-of-way.
3. Special circumstances and practical difficulties exist in terms of the number of signs as Stone Creek Subdivision, despite encompassing 480 acres and having a 4.0 linear mile perimeter, is limited to no more than one subdivision sign along both Windsor Road and Route 130 due to transportation access controls. Special circumstances and practical difficulties exist concerning the size of the one sign due to a 240-foot setback of this sign from Windsor Road necessitated by a retention pond.
4. The proposed variances will not serve as a special privilege because the subdivision sign standards in Table IX-8 of the Urbana Zoning Ordinance do not anticipate the needs to properly identify such a large subdivision nor a subdivision sign needing to be set back 240 feet from a roadway.

5. Rather than by a situation having knowingly been created by the petitioner, the requested variances results from a combination of the size and frontage of Stone Creek Subdivision, the limitations of the Urbana Zoning Ordinance in terms of subdivision signs, placement of a retention pond, and transportation access controls.
6. The variance will neither alter the essential character of the neighborhood nor cause a nuisance to adjacent properties. Two existing subdivision signs will be replaced with three with the third new location measuring only 12 square feet in area. The subdivision signs will be oriented away from residences and from the rear would appear as low stone walls in well-landscaped areas.
7. The variances represent generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. At 12-square feet in area two of the three subdivision signs will be less than half the maximum size permitted by the Zoning Ordinance.

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

Section 1. In Case No. 2011-MAJ-04, the two major variances requested by Mike Martin, to increase the number of subdivision signs along E. Windsor Road to three, with one subdivision sign measuring up to 47 square feet in area, are hereby approved in the manner proposed in the application and subject to the following conditions:

1. That the number and size of subdivision signs do not exceed those shown in the attached Exhibit E, Site Plans.
2. That the sign locations substantially conform to those shown in the attached Exhibit E, Site Plans.

The major variances described above shall only apply to the properties located at 2602 S. Stone Creek Blvd., 2671 S Muirfield Place, and 2602 E. Windsor Road, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 1, Lot 2, and Lot G100 of Stone Creek Subdivisions No. 1
Parcel Identification Numbers: 93-21-22-100-005, 93-21-22-453-001, and
93-21-22-375-003

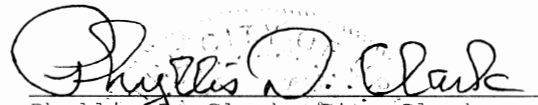
Section 2. The Urbana City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled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

PASSED by the City Council this 9th day of January, 2012.

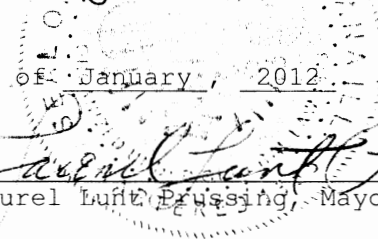
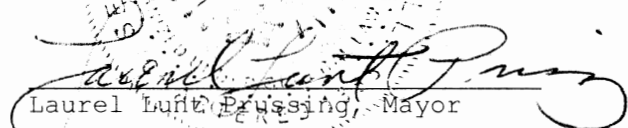
AYES: Bowersox, Lewis, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 10th day of January, 2012.



Laurel Luft Prussing, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 9th day of January, 2012, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2012-01-004 entitled:

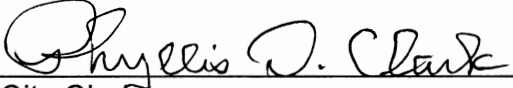
“AN ORDINANCE APPROVING A MAJOR VARIANCE (TO EXCEED THE MAXIMUM NUMBER PERMITTED AND MAXIMUM SIGN AREA FOR THREE SUBDIVISION SIGNS FOR STONE CREEK SUBDIVISION NEAR THE INTERSECTION OF EAST WINDSOR ROAD AND SOUTH STONE CREEK BOULEVARD / CASE NO. ZBA-2011-MAJ-04)”

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2012-01-004 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 10th day of January, 2012, and continuing for at least ten (10) days thereafter. Copies of said Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 10th day of January, 2012.





City Clerk