

ORDINANCE NO. 2015-04-036

AN ORDINANCE APPROVING MAJOR VARIANCES

(Increase in the area of a projecting sign up to 64.75 square feet in the B-3, General Business District at 1010 West University Avenue and 508 North Goodwin Avenue / Case No. ZBA-2015-MAJ-02)

(Allow a projecting sign located above the first story in the City's B-3, General Business District at 1010 West University Ave and 508 North Goodwin Avenue / Case No. ZBA-MAJ-03)

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 a structure; and

WHEREAS, Bainbridge CC Urbana Apartment REIT, Inc. has submitted a petition for two major variances regarding signage size and placement to allow a two-sided projecting blade sign that is 64.75 square feet in area and extends above the first floor at 1010 West University Avenue and 508 North Goodwin Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2015-MAJ-02 and 2015-MAJ-03; 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 variances on April 15, 2015 and voted 3 ayes to 1 nay in Case No. ZBA-2015-MAJ-02 and 4 ayes to 0 nays in Case No. ZBA-2015-MAJ-03 to recommend that the Corporate Authorities approve the requested variances; 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-4.B 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. A Special Use Permit was approved on May 19, 2014 (Ordinance No. 2014-05-050) to allow for the subject site to be developed with a five-story, mixed-use building with commercial on the ground floor and four floors of apartments with interior parking on two levels.
2. The petitioner proposes to construct a two-side projecting blade sign on its University Avenue frontage that is 64.75 square feet in area and extends above the first floor.
3. Table IX-3 of the Zoning Ordinance requires that a projecting sign in the B-3, General Business zoning district not extend above the first story and be no more than 32 square feet in area.
4. The petitioner is requesting major variances from Table IX-3 to allow a projecting sign to extend above the first story and be an area of 64.75 square feet.
5. The variances are necessary due to the building's scale, close proximity to the street, and need for proper identification along a high volume traffic corridor that is University Avenue.
6. Granting the requested variances would not have a negative impact on the character of the neighborhood as it would be similar in scale to the building and comparable to signage of other nearby businesses within the University Avenue corridor.
7. The requested variances would not cause a nuisance to adjacent properties. The proposed sign does not extend the shadow or footprint of the building.
8. The requested variances represent the minimum deviation from the Zoning Ordinance needed to accommodate this project. The proposed sign represents the best size for identification and is the building's only signage.

9. On April 16, 2015, the Zoning Board of Appeals voted 3 ayes to 1 nay to approve Case No. ZBA-2015-MAJ-02.

10. On April 16, 2015, the Zoning Board of Appeals voted 4 ayes to 0 nays to approve Case No. ZBA-2015-MAJ-03.

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

Section 1. In ZBA Case Nos. 2015-MAJ-02 and 2015-MAJ-03, the two major variances requested by Bainbridge CC Urbana Apartment REIT, Inc. to allow a two-sided projecting blade sign that extends above the first story and is 64.75 square feet in area are hereby approved in the manner proposed in the application.

The major variances described above shall only apply to the property located at 1010 West University Avenue, and 508 North Goodwin Avenue Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

THE EAST 135 FEET OF LOT 1, AND ALL OF LOTS 9, 11 AND 12, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOT 10 IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOT 1, EXCEPT THE EAST 135 FEET, AND ALSO EXCEPT THE SOUTH 48 FEET OF THE WEST 134.62 FEET THEREOF, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

PIN Nos:

91-21-07-431-023, 91-21-07-431-019, 91-21-07-431-007, 91-21-07-431-021

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).

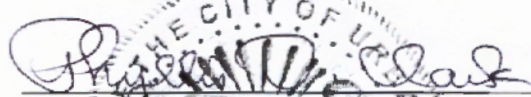
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 22nd day of April, 2015.

PASSED by the City Council on this 20th day of April, 2015.

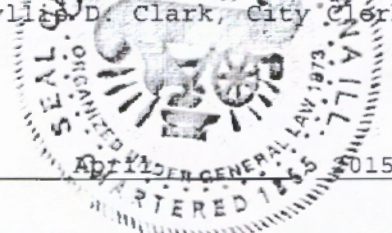
AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth

NAYS:

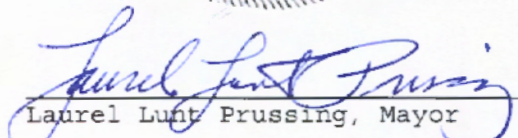
ABSTAINS:



Phyllis D. Clark, City Clerk



APPROVED by the Mayor this 23rd day of April, 2015.



Laurel Lunt 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 20th day of April, 2015, the City Council of the City of Urbana passed and approved Ordinance No. 2015-04-036, entitled:

AN ORDINANCE APPROVING MAJOR VARIANCES

(Increase in the area of a projecting sign up to 64.75 square feet in the B-3, General Business District at 1010 West University Avenue and 508 North Goodwin Avenue / Case No. ZBA-2015-MAJ-02)

(Allow a projecting sign located above the first story in the City's B-3, General Business District at 1010 West University Ave and 508 North Goodwin Avenue / Case No. ZBA-MAJ-03)

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

The pamphlet form of Ordinance No. 2015-04-036 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 23rd day of April, 2015, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

In Urbana, Illinois, this 23rd day of April, 2015.



Phyllis D. Clark
Phyllis D. Clark, City Clerk