

ORDINANCE NO. 2016-05-031

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business District. / Case No. ZBA-2016-MAJ-05)

**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**, Robert DeAtley of Barber & DeAtley, Inc. has submitted a petition for a major variance regarding sign height to allow a freestanding-monument sign that is 13 feet in height at 1106 West University Avenue in the B-3, General Business District; and

**WHEREAS**, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2016-MAJ-05; 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 April 20, 2016 and voted 6 ayes to 1 nay in Case No. 2016-MAJ-05 to recommend that the Corporate Authorities approve 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-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. Robert DeAtley, of Barber & DeAtley, Inc., has requested a Major Variance to allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business District.

2. The site is located along the University Avenue corridor and is zoned B-3, General business with a future land use designation of Community Business in the Comprehensive Plan.

3. The proposed variance is requested due to special circumstances of a constrained infill site, presence of neighboring buildings with minimal setbacks, and location of street trees in the public right-of-way which obstruct visibility.

4. The proposed sign would be five feet taller than the maximum allowable height of eight feet for a sign located within eight to 15 feet of the public right-of-way.

5. The proposed variance represents a special circumstance to the parcel concerned because of the conditions of an infill development along University Avenue.

6. The proposed variance does not serve as a special privilege as there are other signs of similar size near the subject property.

7. The proposed variance was not from a condition created by the applicant as they did not create the site conditions or Zoning Ordinance requirements.

8. The proposed variance will not alter the neighborhood character as it does not increase the scale of the street frontage.

9. The proposed variance would not cause a nuisance to the neighboring properties as it would not block their visibility from along the street.

10. The proposed variance represents the minimum deviation from the Zoning Ordinance requirements.

11. The proposed variance is necessary for visibility and identification of the proposed development.

12. On April 20, 2016, the Zoning Board of Appeals voted 6 ayes to 1 nay to forward Case No. ZBA-2016-MAJ-05 to the Urbana City Council with a recommendation of approval.

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

**Section 1.** In ZBA Case No. 2016-MAJ-05, the major variance requested by Robert DeAtley of Barber & DeAtley, Inc. to allow a freestanding monument sign that is 13 feet in height is hereby approved in the manner proposed in the application and subject to the following conditions:

1. The sign is developed as a monument-style freestanding in general compliance with the attached site plan and rendering.

The major variance described above shall only apply to the property located at 1106 West University Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 4,5, and 6 in John W. Stipes Subdivision of a part of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, situated in Champaign County, Illinois. Lot 525 in Ennis Ridge Sixth Subdivision, a subdivision in Champaign County, Illinois.

Parcel No.: 91-21-07-431-004

**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 2<sup>nd</sup> day of May, 2016.

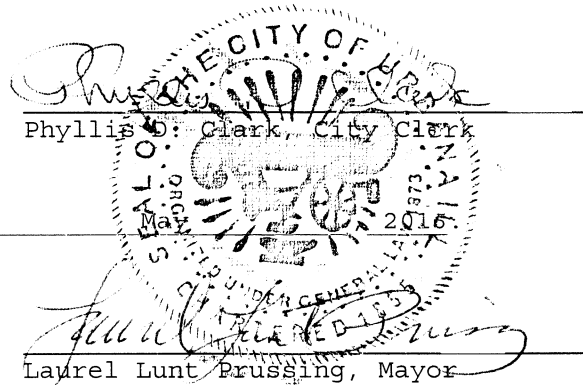
**PASSED by the City Council** on this 2<sup>nd</sup> day of May, 2016.

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

NAYS:

ABSTAINS:

**APPROVED by the Mayor** this 5<sup>th</sup> day of \_\_\_\_\_



Phyllis D. Clark  
Phyllis D. Clark, City Clerk

Laurel Lunt Prussing  
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 2<sup>nd</sup> day of May, 2016, the City Council of the City of Urbana passed and approved Ordinance No. 2016-05-031, entitled:

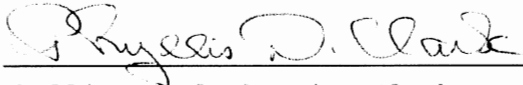
**AN ORDINANCE APPROVING A MAJOR VARIANCE (ALLOW AN INCREASE IN THE MAXIMUM ALLOWABLE HEIGHT FOR A FREESTANDING MONUMENT SIGN FROM 8 FEET TO 13 FEET AT 1106 WEST UNIVERSITY AVENUE IN THE B-3, GENERAL BUSINESS DISTRICT. / CASE NO. ZBA-2016-MAJ-05)**

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

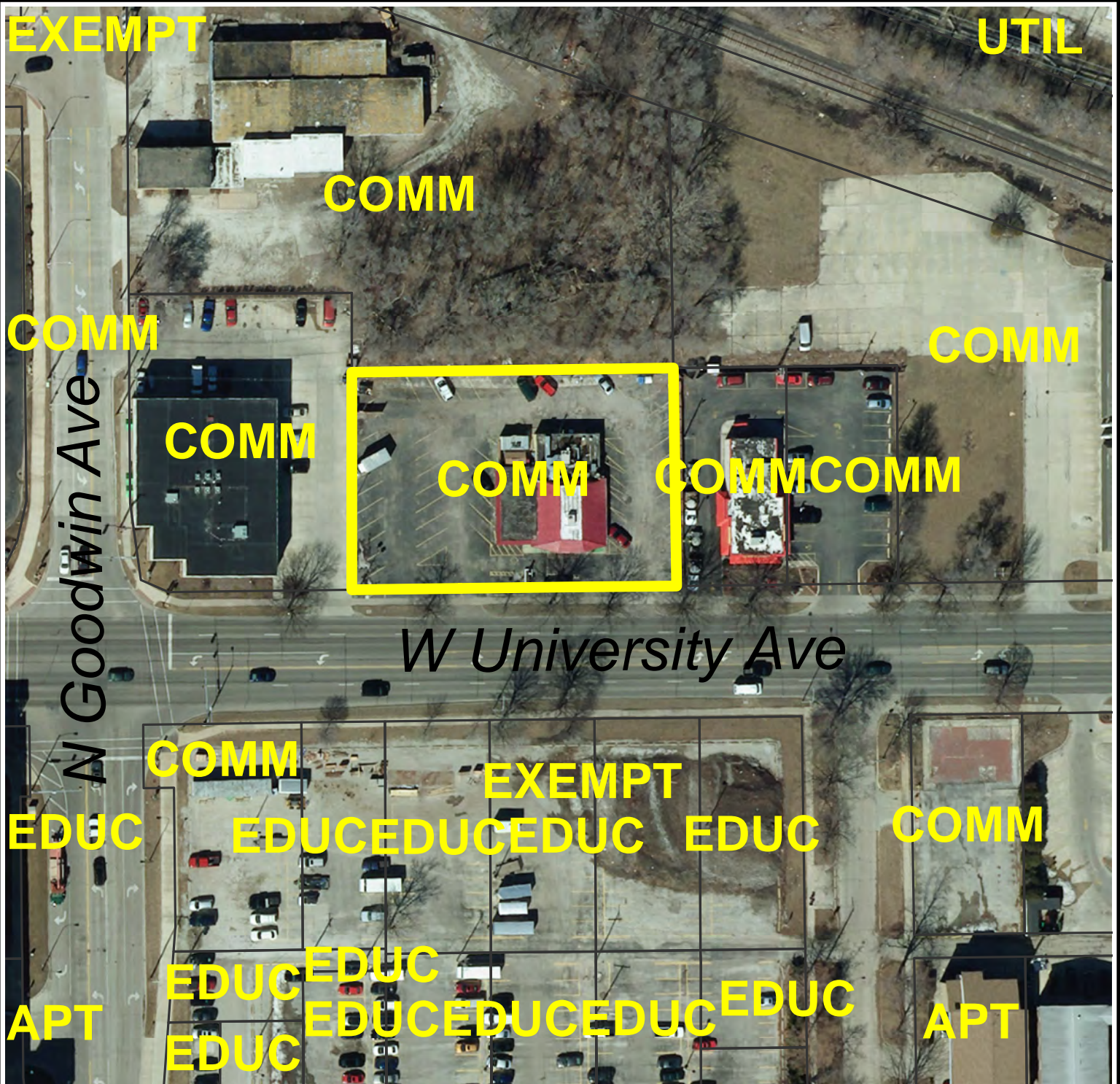
The pamphlet form of Ordinance No. 2016-05-031 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 5<sup>th</sup> day of May, 2016, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 5<sup>th</sup> day of May, 2016.

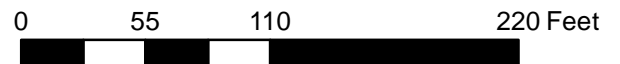



  
Phyllis D. Clark, City Clerk

# Exhibit A: Location & Existing Land Use Map

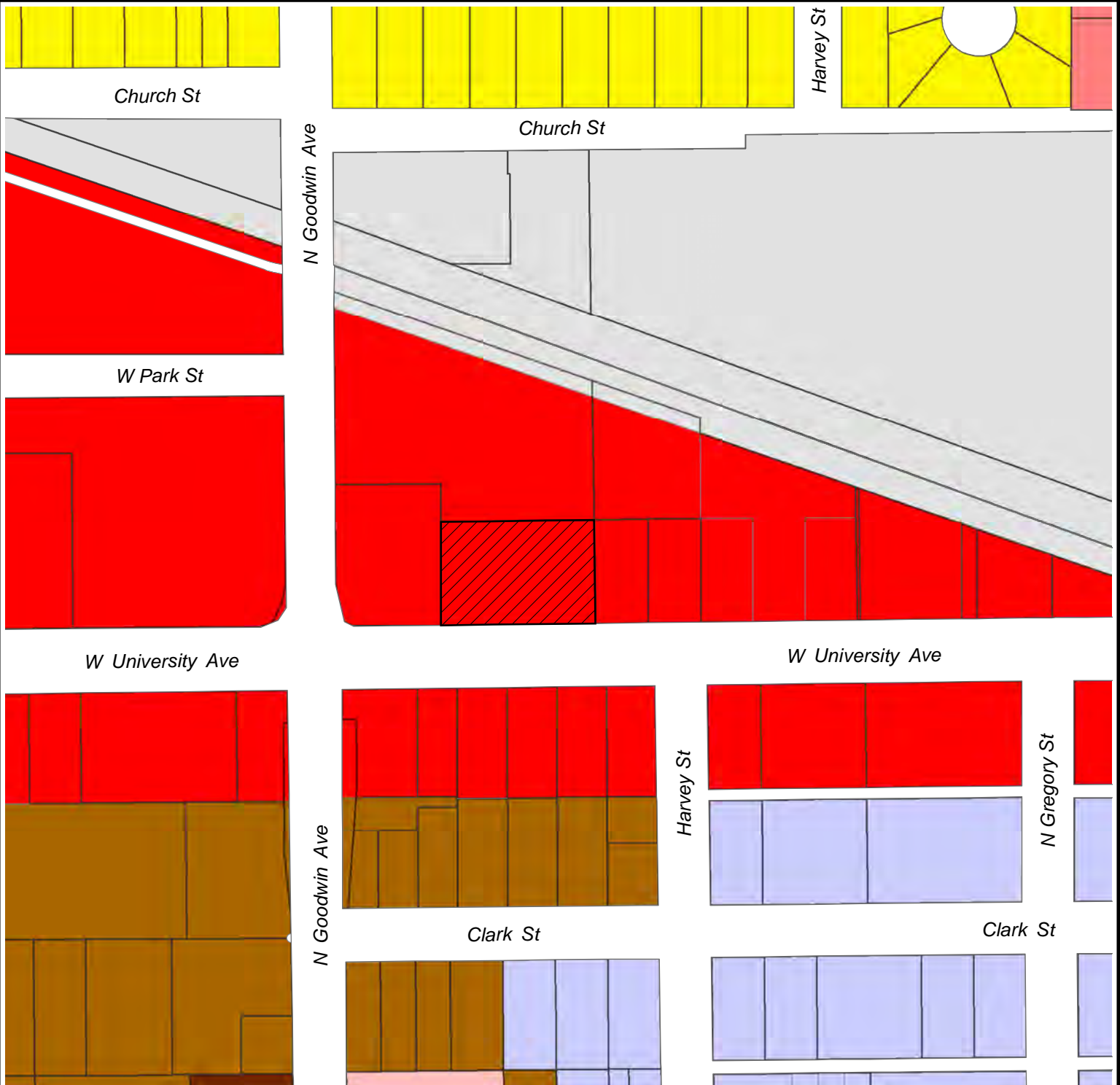


Case: ZBA-2016-MAJ-05  
 Subject: Variance for Sign Height  
 Location: 1106 West University Avenue  
 Petitioners: Robert DeAtley

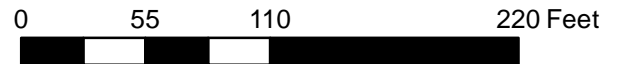










 Subject Property

# Exhibit B: Zoning Map

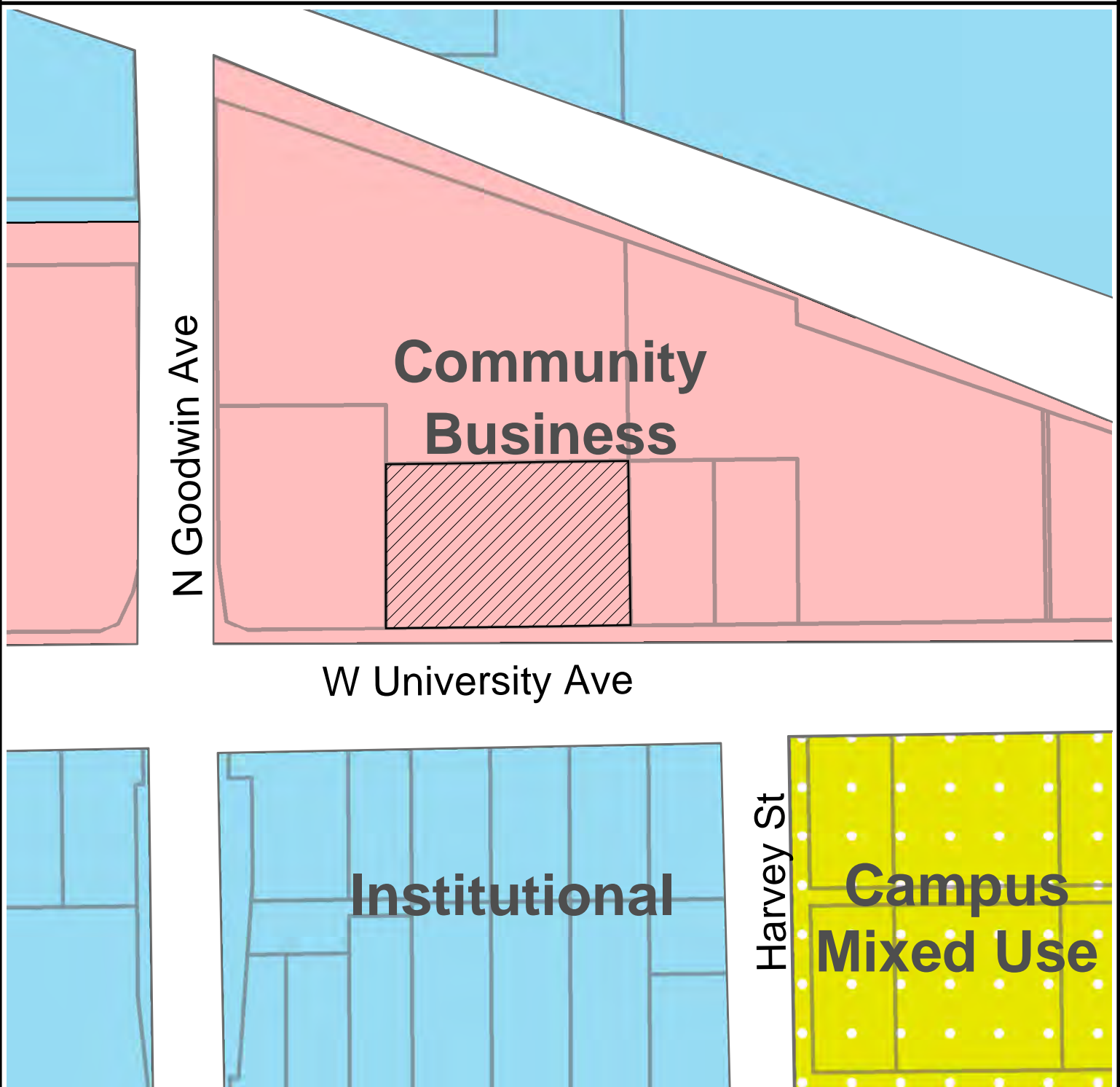


Case: ZBA-2016-MAJ-05  
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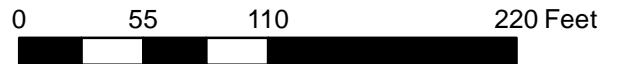


- |   |    |   |     |  |      |   |                  |
|---|----|---|-----|--|------|---|------------------|
|  | B1 |  | B3  |  | IN-1 |  | R5               |
|  | B2 |  | B3U |  | R2   |  | Subject Property |

# Exhibit C: Future Land Use Map



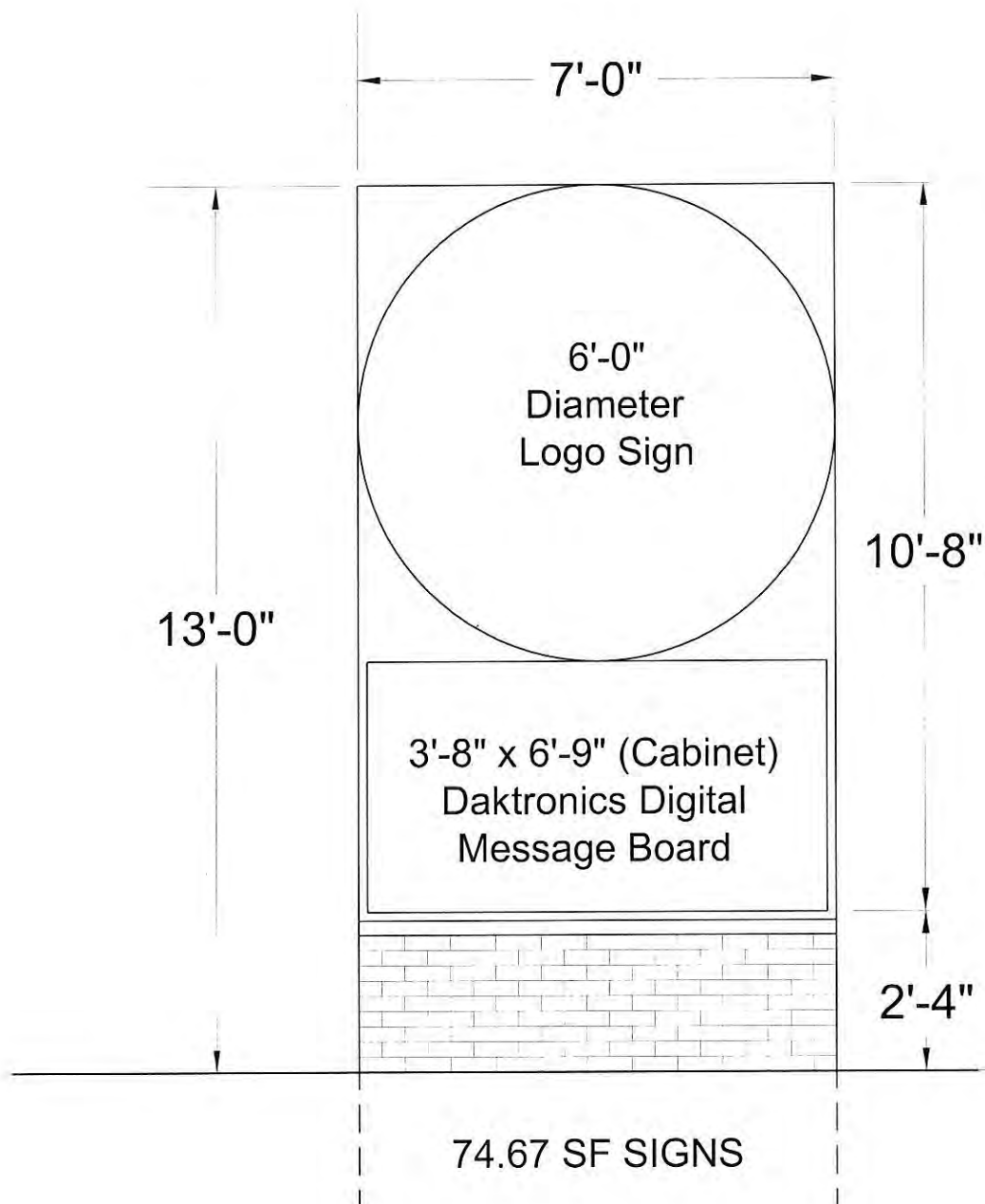
Case: ZBA-2016-MAJ-05  
Subject: Variance for Sign Height  
Location: 1106 West University Avenue  
Petitioners: Robert DeAtley



- Campus Mixed Use
- Community Business
- Institutional
- Subject Property



1106 W. University Ave.  
Proposed Sign,  
3.16.16





1106 W. University Ave., Supporting Images of Existing Site

