

ORDINANCE NO. 2019-07-037

AN ORDINANCE APPROVING A MAJOR VARIANCE

(201 West University Avenue / ZBA Case No. 2019-MAJ-02)

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 a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Gary Satterlee, on behalf of Culver's Restaurant, has submitted a petition for a major variance to allow a permitted freestanding sign to include an electronic display component in the B-4, Central Business Zoning District; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on June 19, 2019, in ZBA Case No. 2019-MAJ-02; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

WHEREAS, the Zoning Board of Appeals voted five (5) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance with one condition; and

WHEREAS, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(d) of the Urbana Zoning Ordinance; and

WHEREAS, the City Council has considered the variance criteria established in the Urbana

Zoning Ordinance and has made the following findings of fact:

1. Gary Satterlee, on behalf of Culver's, requests a Major Variance to allow an electronic display in the B-4, Central Business, Zoning District.
2. Section IX-4.C. of the Urbana Zoning Ordinance allows electronic displays only in the B-3, General Business, and CRE, Conservation-Recreation-Education Zoning Districts.
3. The request is due to the special circumstances created by recent right-of-way expansion that led to the recent B-4 rezoning to increase the parcel's buildable area to accommodate the tenant's business. Strict application of the Zoning Ordinance now prohibits any electronic displays in the new B-4 district.
4. The petitioner did not rezone the property to B-4, where electronic displays are restricted.
5. The variance request would not alter the essential character of the neighborhood, as there are several other electronic displays in this area along the periphery of the Central Business District.
6. The proposed sign would not be a nuisance to the neighborhood because it would adhere to the neighboring B-3 district's electronic display regulations, and would be smaller than normally allowed.
7. The request is a result of strict application of the Zoning Ordinance, which prohibits the applicant from utilizing their primary sign to its fullest extent with regard to advertising and message conveyance.
8. At their June 19, 2019, meeting, the Urbana Zoning Board of Appeals held a public hearing and voted with five (5) ayes and zero (0) nays to forward the case to the City Council with a recommendation of approval with a condition that the proposed electronic display's location and size generally conform to the site plan and specifications in Ordinance Attachment A.

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

Section 1.

In ZBA Case No. 2019-MAJ-02, the major variance requested by Gary Satterlee, on behalf of Culver's Restaurant, to allow a permitted freestanding sign to include an electronic display component in the B-4, Central Business Zoning District, is hereby approved in the manner proposed in the application with the following condition:

The proposed electronic display's location and size generally conform to the site plan and specifications in Ordinance Attachment A.

The major variance described above shall only apply to the property located at 201 West University Avenue, more particularly described as follows:

The East 50 feet of Lot 1 of a Subdivision of Outlot 2 of Hooper and Park's Addition to Urbana, except the North 33 feet thereof, as per plat recorded in Book "A" at page 40, situated in the City of Urbana in Champaign County, Illinois, excepting therefrom that part of the land dedicated to the City of Urbana in dedication of right of way for public road purposes recorded October 25, 2011 as Document No. 2011R22066.

PIN: 91-21-08-451-003, more commonly known as 413 North Race Street.

Section 2.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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

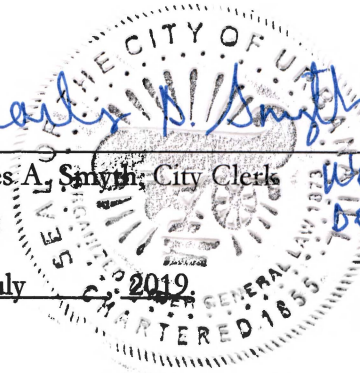
PASSED BY THE CITY COUNCIL this 15th day of July , 2019.

AYES: Brown, Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:

Charles A. Smyth by
Charles A. Smyth, City Clerk *Wendy M. Hunt*
Deputy clerk

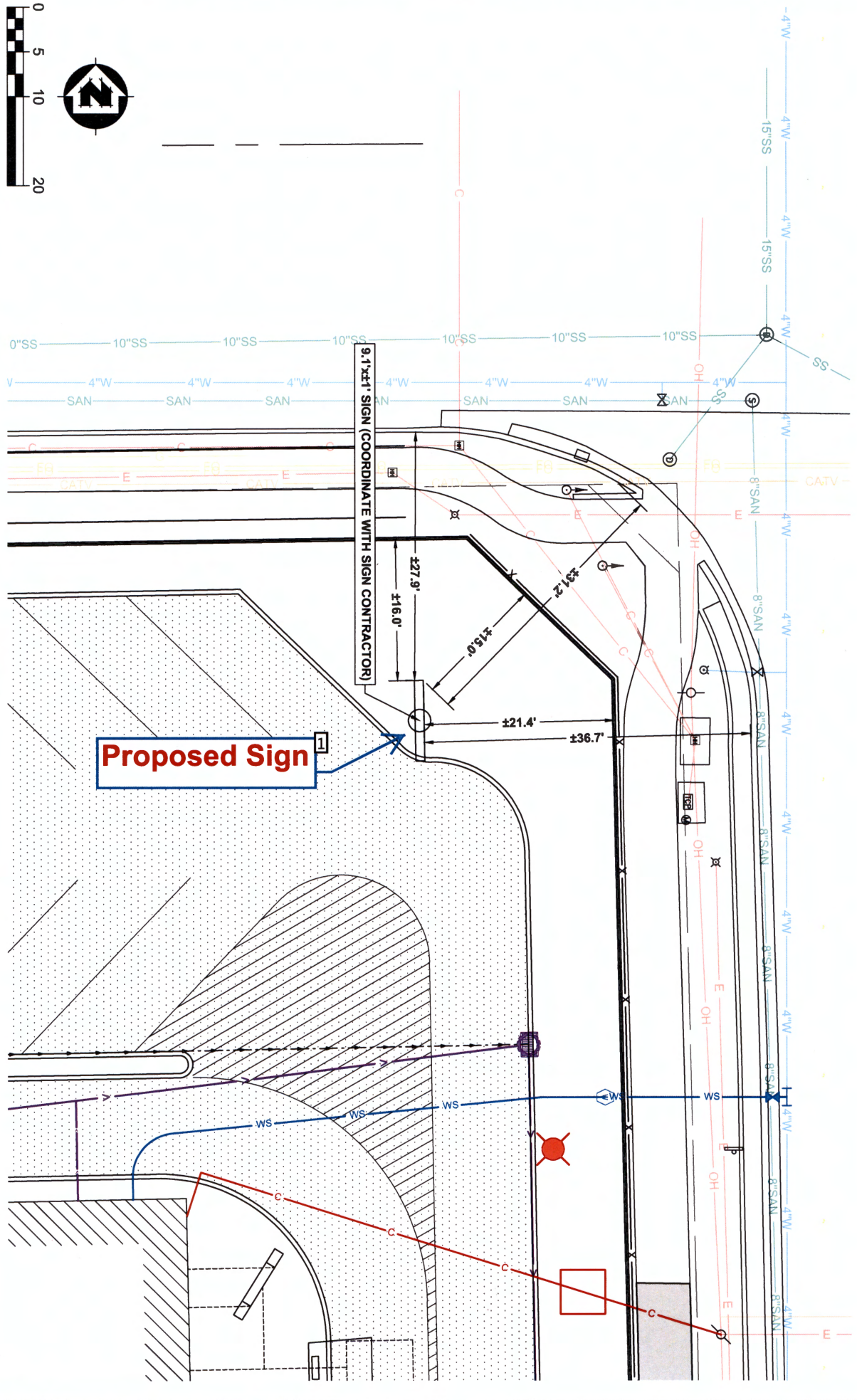
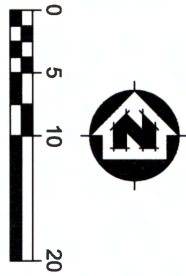


APPROVED BY THE MAYOR this 16th day of July , 2019.

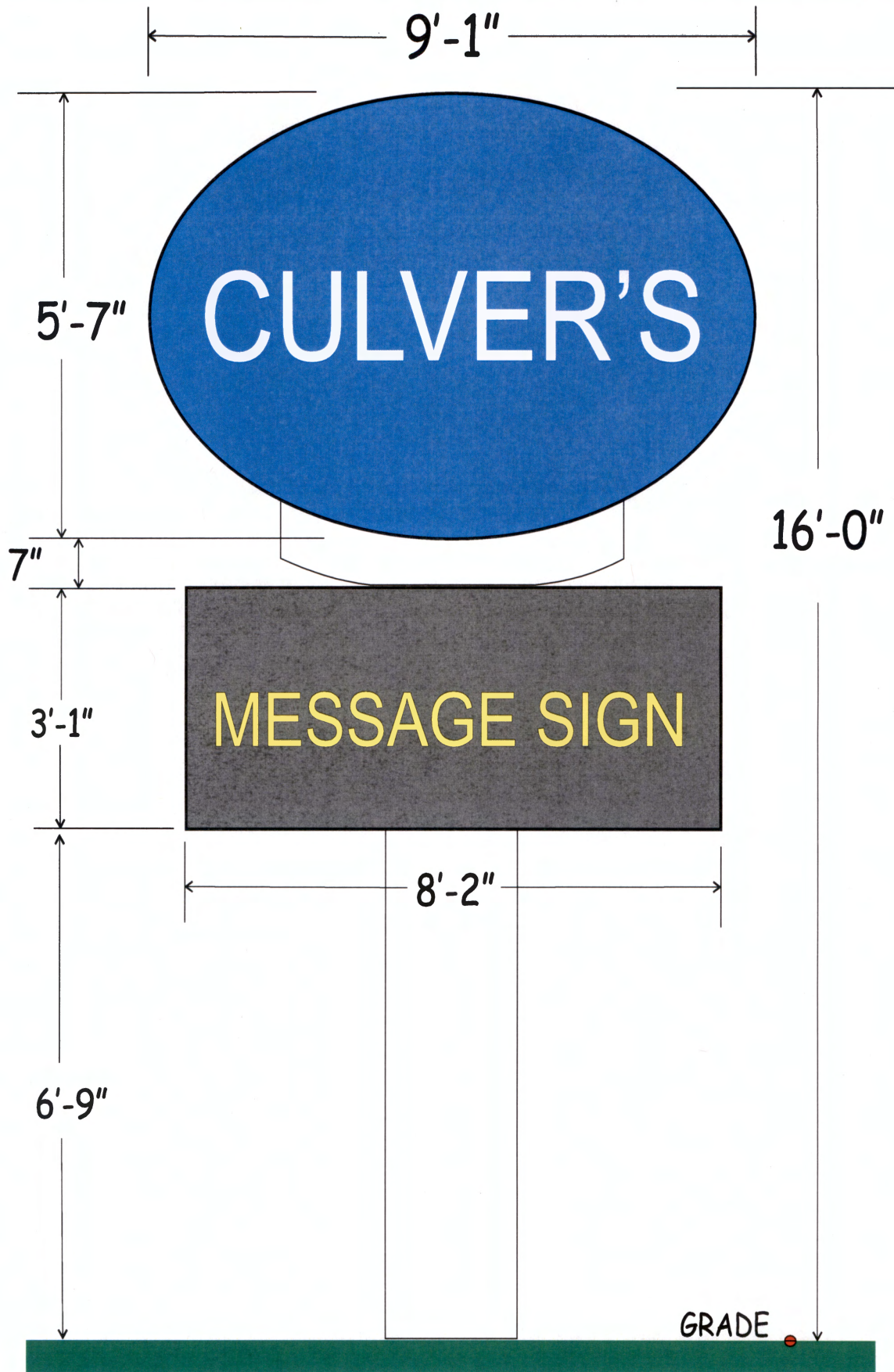
Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor

Ordinance Attachment A: Proposed Sign Site Plan and Design

PROJECT DATE:	OCT. 2018	DRAWN BY:	CAF	NO.	DATE	REVISION
DESIGNED BY:	CAF	CHECKED BY:	CAF			
DATE:						
 MSA ENGINEERING ARCHITECTURE SURVEYING PLANNING FINANCIAL ENVIRONMENTAL 201 W. Springfield Avenue, Champaign, IL 61820 217.244.1111 www.msa-engineers.com						
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS CULVERS (URBANA) TCT CONSTRUCTION MAIN SIGN DIMENSIONS EXHIBIT						
PROJECT NO.	14298001					
SHEET NO.	1 OF 1					



Ordinance Attachment A: Proposed Sign Site Plan and Design



University Ave.



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 15th day of July 2019 the City Council of the City of Urbana passed and approved Ordinance No. 2019-07-037, entitled:

AN ORDINANCE APPROVING A MAJOR VARIANCE (201 West University Avenue / ZBA Case No. 2019-MAJ-02)

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

The pamphlet form of Ordinance No. 2019-07-037 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 17th day of July 2019, 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 17th day of July, 2019.



Charles A. Smyth, City Clerk



City of Urbana
400 South Vine Street
Urbana, IL 61801

2019R21548
REC ON: 12/23/2019 11:32:06 AM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 52.00
RHSPS Fee: 9.00
REV FEE:
PAGES 8
PLAT ACT: PLAT PAGE:

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS

I, CHARLES A. SMYTH, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled:

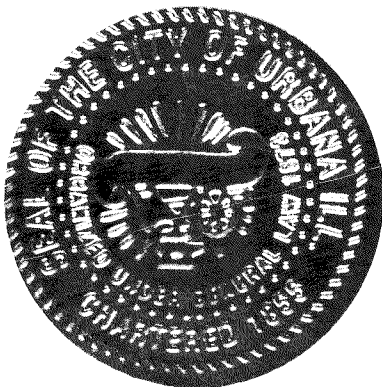
AN ORDINANCE APPROVING A MAJOR VARIANCE (201 WEST UNIVERSITY AVENUE / ZBA CASE NO. 2019-MAJ-02) [ORD. 2019-07-037].

approved by the City Council of the City of Urbana, Illinois, on the 15th day of July, AD, 2019, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 23rd day of December, AD, 2019.



Charles A. Smyth, City Clerk



ORDINANCE NO. 2019-07-037

**AN ORDINANCE APPROVING A MAJOR VARIANCE
(201 West University Avenue / ZBA Case No. 2019-MAJ-02)**

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 a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Gary Satterlee, on behalf of Culver's Restaurant, has submitted a petition for a major variance to allow a permitted freestanding sign to include an electronic display component in the B-4, Central Business Zoning District; and

WHEREAS, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on June 19, 2019, in ZBA Case No. 2019-MAJ-02; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

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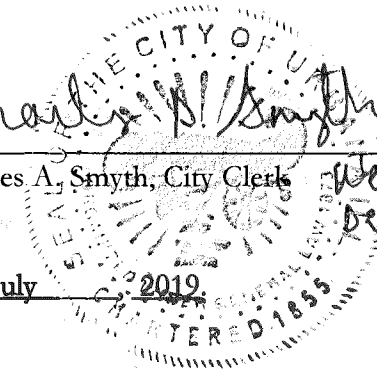
PASSED BY THE CITY COUNCIL this 15th day of July, 2019.

AYES: Brown, Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:


Charles A. Smyth by
Charles A. Smyth, City Clerk *Wendy M. Huff*
Deputy Clerk

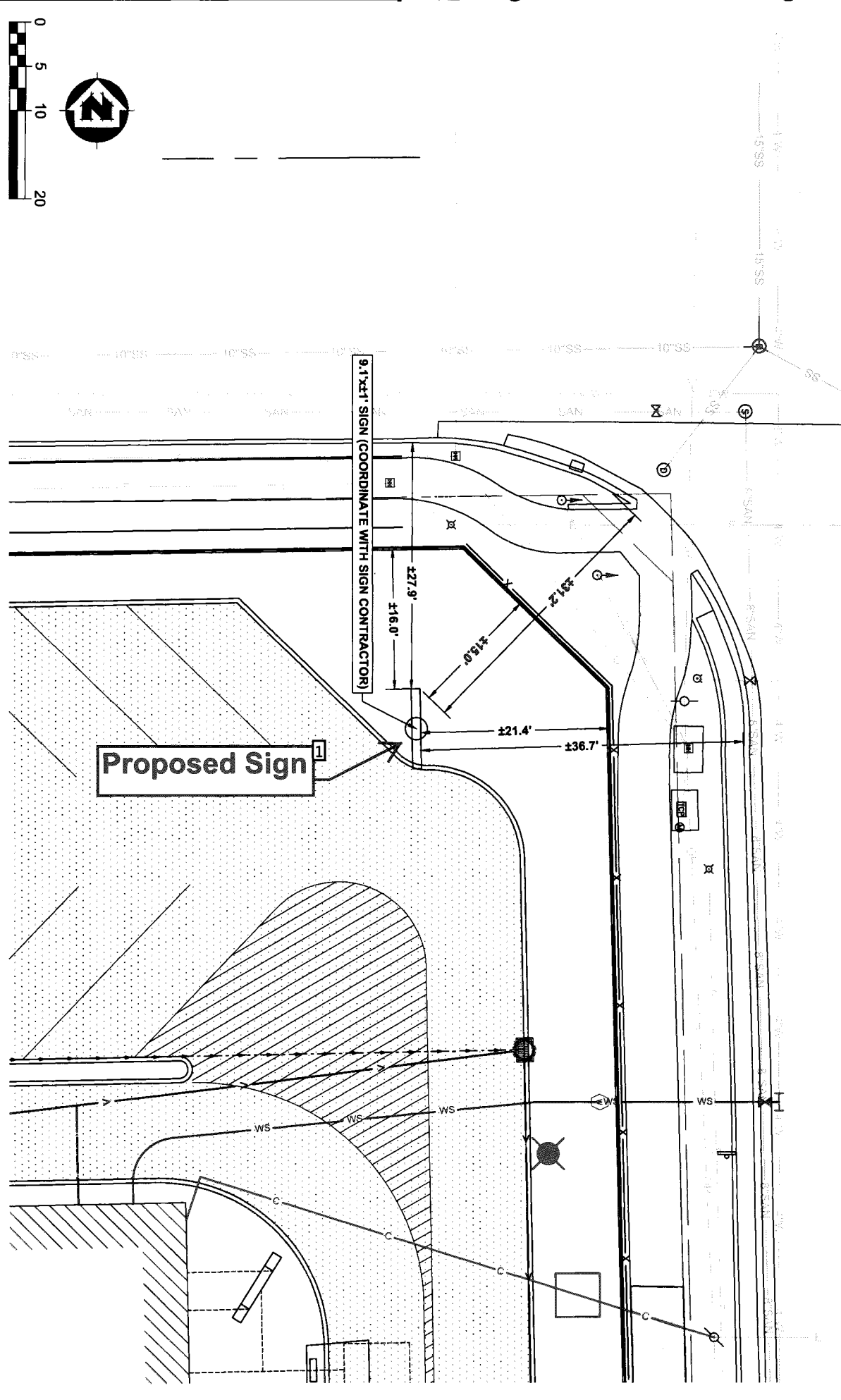


APPROVED BY THE MAYOR this 16th day of July, 2019.

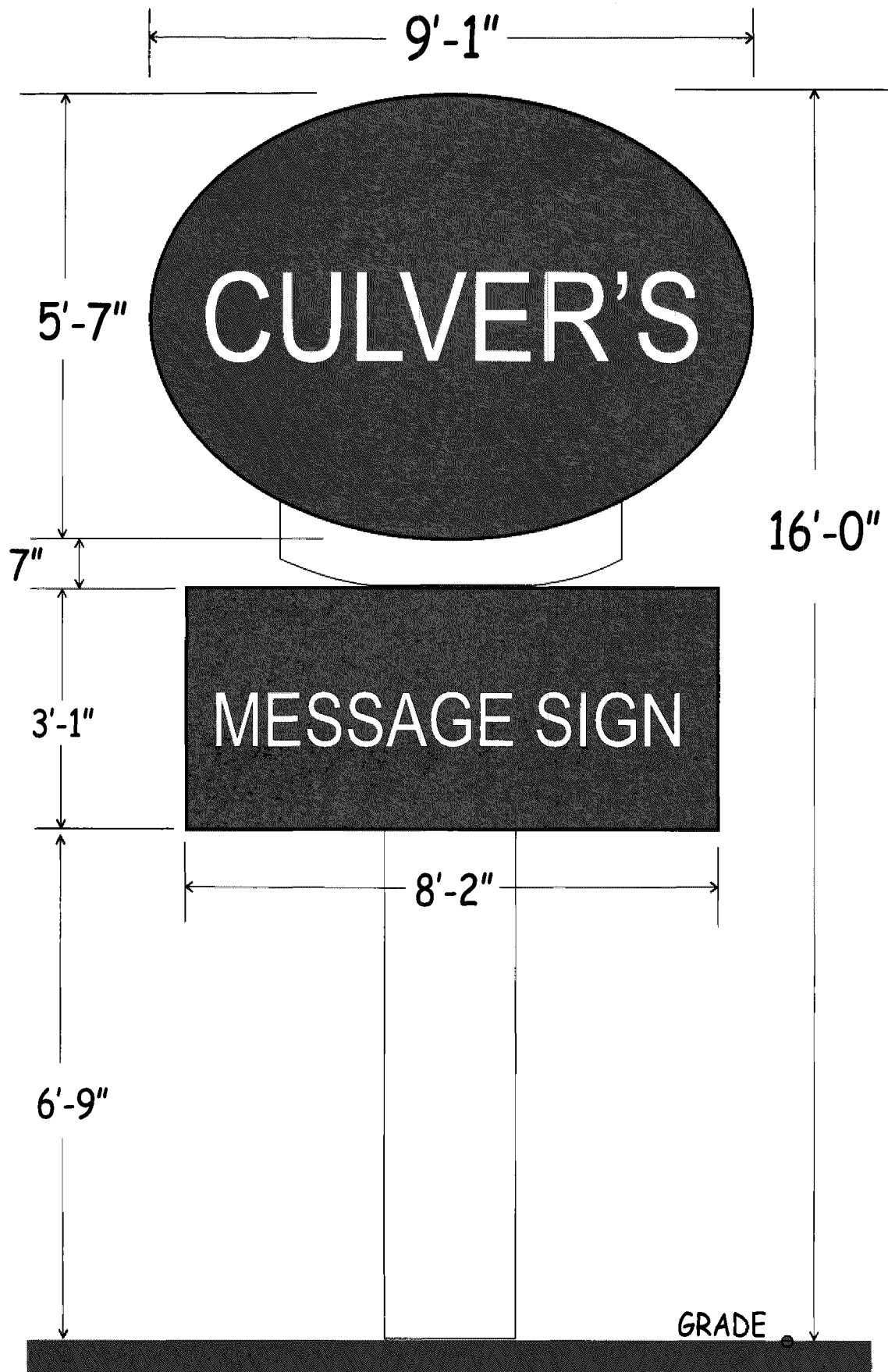
Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor

Ordinance Attachment A: Proposed Sign Site Plan and Design

PROJECT DATE	DIST. DATE	ISSUANCE DATE	NO.	DATE	REVISION
2019.07.03	2019.07.03	2019.07.03	1		
DESIGNED BY	DATE	NO.	DATE	REVISION	
 MSA ENGINEERING ARCHITECTURE SURVEYING 217 W. 12TH ST. SUITE 200 CHAMPAIGN, IL 61701 PH: 309.735.9276 WWW.MSA-IL.COM					
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS CULVERS (URBANA) TOT CONSTRUCTION					
MAIN SIGN DIMENSIONS EXHIBIT					
PROJECT NO. 1428901 SHEET NO. 1 OF 1					



Ordinance Attachment A: Proposed Sign Site Plan and Design



University Ave.

Ordinance No. 2019-07-038



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



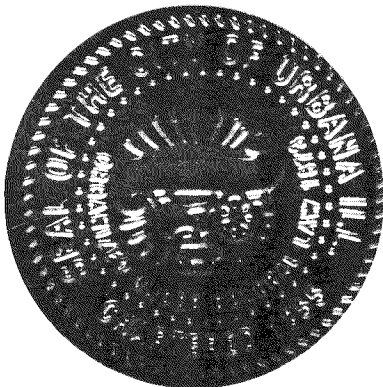
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Dated at Urbana, Illinois, this 17th day of July, 2019.



Charles A. Smyth, City Clerk