

**ORDINANCE NO. 2020-01-001**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(Plasma Facility Sign at 907 N. Lincoln Ave. / ZBA Case No. 2019-MAJ-12)**

**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**, the Stough Real Estate Holdings, LLC, has submitted a petition for a major variance to allow a freestanding commercial sign in the R-5, Medium-High Density Multi-Family Residential Zoning District; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on January 15, 2020, in ZBA Case No. 2019-MAJ-12; 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 seven (7) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance with two conditions; 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. The property is zoned R-5, Medium-High Multiple-Family Residential.
2. Stough Real Estate Holdings, LLC, requests a Major Variance to allow a freestanding commercial sign in the R-5, Medium-High Multiple-Family Residential zoning district; and

3. City Council approved a Special Use Permit on December 2, 2019 (Ordinance No. 2019-12-069) with the following conditions: provide a landscape plan with any building permit; build to general conformance with the proposed site plan; and provide a MTD bus shelter along Lincoln Avenue; and
4. The variance does not serve as a special privilege to the property owner, as there are non-residential and non-institutional uses allowed in the R-5 zone, but signs for those non-residential and non-institutional uses are not allowed; and
5. The property owner did not deliberately create this situation, as the Zoning Ordinance allows non-residential and non-institutional uses, but does not allow signs for non-residential and non-institutional uses; and
6. The variance will not alter the essential character of the neighborhood, as the proposed use is located near two medical campuses and commercial, institutional, and residential properties with freestanding signs; and
7. The variance will not create a nuisance, as it will be difficult to see the sign from adjacent property owners and will conform to light-level limitations specified by the Zoning Ordinance; and
8. The variance represents the minimum deviation necessary from the zoning ordinance, as the variance would simply allow a freestanding commercial sign in a district that does not allow a freestanding commercial sign.

**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-12, the major variance requested by Stough Real Estate Holdings, LLC, to allow the construction of a freestanding commercial sign in the R-5, Medium-High Density Multi-Family Residential Zoning District, is hereby approved in the manner proposed in the application with the following conditions: that the owner dedicates right-of-way as illustrated in Attachment "A," and the sign generally conforms to the sign plan in Attachment "B," and set back at least eight (8) feet from the property line. Such attachments are attached hereto and incorporated herein by reference. The major variance described above shall only apply to the property located at 907 North Lincoln Avenue, more particularly described as follows:

Commencing at a point on the West line of Lincoln Avenue which is 33 feet West and 835 feet South of the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian in the City of Urbana, Champaign County, Illinois; thence Westerly 302.6 feet to the Northeast corner of Lot 1 of O.S. Carman's Third Subdivision, thence South along the East line of Lots 1 through 7 of said Subdivision, a distance of 368.05 feet to the Northwest corner of Lot 8 of said Subdivision; thence East 302.6 feet to the West line of Lincoln Avenue; thence North 369.05 feet to the point of beginning, except the East 7.0 feet of even width of the South 191.0 feet, as shown on Dedication of Right of Way for Public Road Purposes; recorded August 18, 1994 as Document Number 94R22196, Book 2140, Page 0089. Situated in Champaign County, Illinois.

Commonly known as 907 North Lincoln Avenue  
P.I.N.: 91-21-07-282-021

**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. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

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 27<sup>th</sup> Day of January , 2020.

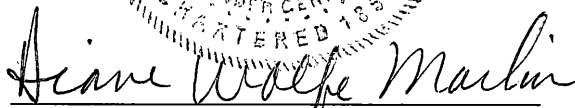
AYES: Brown, Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:

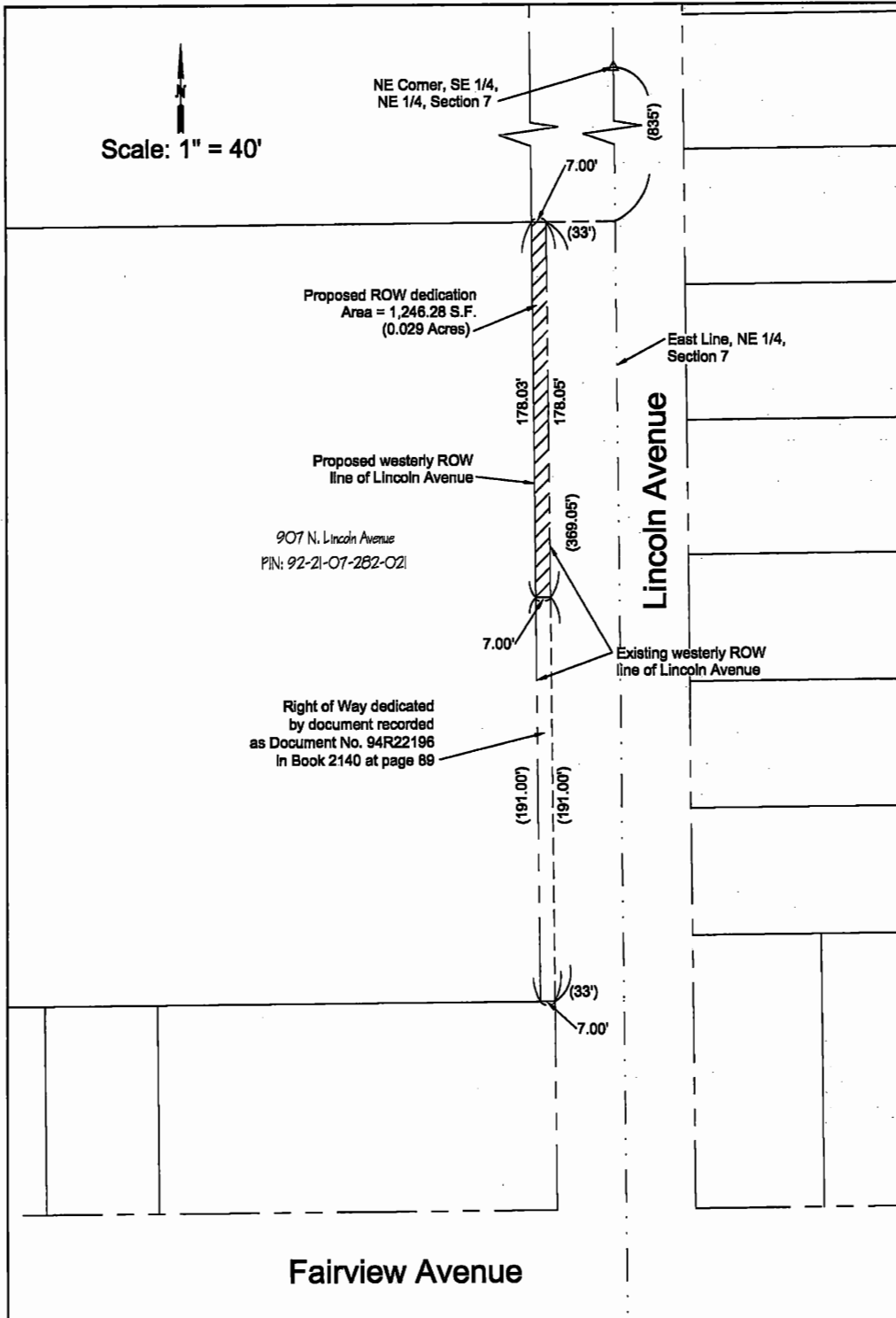
  
\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this 28<sup>th</sup> Day of January, 2020:

  
\_\_\_\_\_  
Diane Wolfe Marlin, Mayor.

# ATTACHMENT A

## Dedication of Right of Way



Proposed ROW Acquisition  
907 N. Lincoln Avenue

City of Urbana  
Public Works Department  
Engineering Division  
Date: 1/03/2020



## ATTACHMENT A

### Dedication of Right of Way

#### Legal Description

A part of the Northeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

The East 7.00 feet of even width of the following described tract:

Beginning at a point on the West line of Lincoln Avenue which is 33 feet West and 835 feet South of the Northeast corner of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian in the City of Urbana, County of Champaign and State of Illinois, thence Westerly 302.6 feet to the Northeast corner of Lot 1 of O.S. Carman's Third Subdivision, thence South along the East line of Lots 1 through 7 of said Subdivision, a distance of 368.05 feet to the Northwest corner of Lot 8 of said Subdivision, thence East 302.6 feet to the West line of Lincoln Avenue, thence North 369.05 feet to the point of beginning, all situated in the City of Urbana, County of Champaign, and State of Illinois.

EXCEPT:

The South 191.00 feet thereof.

Said dedication containing 1,246.28 square feet (0.029 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois, and being as shown by a plat hereto attached and considered a part hereof. Being a portion of Permanent Parcel No. 91-21-07-282-021.

# ATTACHMENT B

## Sign Design

### CONCEPT

**QTY 1 - DF**  
Illuminated Monument Sign: Routed Copy and Acrylic Backed  
Scale: 3/4" = 1'

**DESIGNER**  
DIVERSIFIED SIGNS & GRAPHICS  
www.dvsrfindesigns.com

**DATE**  
1/11/2018

**PROJECT**  
Stough Goup  
Exterior Signage  
Atlanta, GA

**DESIGNER**  
Michael Paul

**DESIGNER**  
Lee Yarbrough

**CONCEPT**

**REVISIONS**

**FINAL PRODUCTION**

**PLEASE NOTE**  
This drawing is not to be construed as a contract. It is intended for informational purposes only. Any changes to this drawing must be approved in writing by the Designer. The Designer is not responsible for any errors or omissions in this drawing. The Designer is not responsible for any delays or cancellations. The Designer is not responsible for any damages or injuries. The Designer is not responsible for any legal actions. The Designer is not responsible for any other matters. The Designer is not responsible for any other matters. The Designer is not responsible for any other matters.

**QTY 1 - D/F**

**SIGN TYPE**  
QTY. 1 - SF

- Illuminated Monument Sign: Aluminum Construction, Routed Copy and Acrylic Backed

**Scale: NTS**

Install  P/U  Ship  Deliver

**Color Specifications:**

- (C1) 3M 3630-36 Trans. (PMS 281C)
- (C2) Digital Print (Fade Bar)
- (C3) PMS Cool Grey 11C
- (C4) PMS 281C (Address Numbers)
- (C5) MF#33172 (Silver Surfer Metallic)

(PRINTED COLORS ARE FOR CONCEPTUAL USE ONLY, ACTUAL COLORS TO BE CONFIRMED PRIOR TO FABRICATION.)

**1 of 3**





## 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 27<sup>th</sup> day of January, 2020, the City Council of the City of Urbana passed and approved Ordinance No. 2020-01-001, entitled:

**AN ORDINANCE APPROVING A MAJOR VARIANCE (Plasma Facility Sign at 907 N. Lincoln Ave. / ZBA Case No. 2019-MAJ-12)**

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

The pamphlet form of Ordinance No. 2020-01-001 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 29<sup>th</sup> day of January, 2020, 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 29<sup>th</sup> day of January, 2020.



  
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Charles A. Smyth, City Clerk