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# Recording Cover Sheet

AN ORDINANCE APPROVING A MAJOR VARIANCE  
(201 E. Green St./Case ZBA-2021-MAJ-04- New Lincoln  
Square, LLC)

**2021R21199**  
REC ON: 09/03/2021 03:24:31 PM  
CHAMPAIGN COUNTY  
**MIKE INGRAM**  
REC FEE: 51.00  
RHSPS Fee:  
STATE TAX:  
COUNTY TAX:  
PLAT ACT:  
PAGES 6

Prepared for recording by:

Phyllis D. Clark, City Clerk

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400 S. Vine St., Urbana, IL 61801

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(5)

Return to:

Phyllis D. Clark, City Clerk  
City of Urbana  
400 S. Vine Street  
Urbana, IL 61801

## CLERK'S CERTIFICATE

STATE OF ILLINOIS            )  
  )  SS  
COUNTY OF CHAMPAIGN    )

I, PHYLLIS D. CLARK, 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 E. Green St./Case ZBA-2021-MAJ-04- New Lincoln Square, LLC)**

Adopted by the City Council of the City of Urbana, Illinois, on the 14<sup>th</sup> day of June, AD, 2021, 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 13<sup>th</sup> day of August, AD, 2021.



  
\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**ORDINANCE NO. 2021-06-021**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(201 E. Green St. / Case ZBA-2021-MAJ-04 – New Lincoln Square, LLC)**

**WHEREAS**, the City of Urbana (City) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City's home rule powers and functions as granted in the Illinois Constitution, 1970; and

**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**, New Lincoln Square, LLC, has petitioned the City for a major variance to increase the message change frequency for electronic messages boards (e-boards) from one message per three minutes to one message per minute, to allow faster message changes for two e-boards at 201 East Green Street, 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 May 19, 2021, in ZBA Case No. 2021-MAJ-04; 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. The property is zoned B-4, Central Business, Zoning District.
2. James Webster, on behalf of New Lincoln Square, LLC, requests a major variance to increase the message change frequency for electronic message boards (e-boards) to one message per minute, up from one message per three minutes as required by Section IX-4.C.2 of the Urbana Zoning Ordinance, at 201 East Green Street in the B-4, Central Business District.
3. The variance should grant relief from a situation not created by the petitioner and, according to the applicant, the increase in the number of messages displayed would positively affect economic development at Lincoln Square.
4. The variance would not alter the essential character of the neighborhood nor cause a nuisance to adjacent properties, as the e-boards have been in use for over twenty-five years, and there is no record of a nuisance created by the original e-boards.
5. The variance is the minimum deviation from the requirements of the Zoning Ordinance, as other options would likely be more distracting to passing drivers.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

In ZBA Case No. 2021-MAJ-04, the major variance requested by New Lincoln Square, LLC, to increase the message change frequency for e-boards from one message per three minutes to one message per minute for two e-boards is hereby approved in the manner proposed in the application with the following condition: existing signs on the exterior of Lincoln Square, including the Illinois and Green Street shopping center signs, must be in compliance with City regulations prior to installation of the replacement electronic message boards.

Legal Description:

Lot 3 of the Replat of Lot 5 of the Central Business Addition, City of Urbana, Cunningham Township,  
Champaign County, Illinois

P.I.N.: 92-21-17-212-022

Address: 201 East Green Street, Urbana, Illinois

**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 of this Ordinance with the Champaign County Office of Recorder of Deeds.

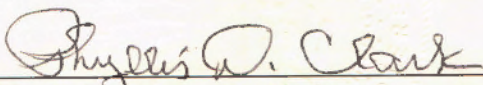
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this 14th day of June, 2021.

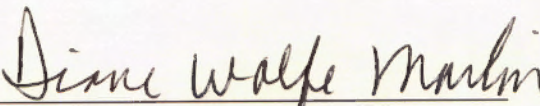
AYES: Wu, Evans, Hursey, Kolisetty, Bishop, Wilken, Quisenberry.

NAYS: None

ABSTENTIONS: None

  
\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this 21<sup>st</sup> day of June, 2021.

  
\_\_\_\_\_  
Diane Wolfe Marlin, 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 14<sup>th</sup> day of June 2021 the City Council of the City of Urbana passed and approved Ordinance No. 2021-06-021 entitled:

**AN ORDINANCE APPROVING A MAJOR VARIANCE  
(201 E. Green St./Case ZBA-2021-MAJ-04- New Lincoln Square, LLC)**

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

The pamphlet form of Ordinance No. 2021-06-021 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 13<sup>th</sup> day of August 2021, 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 13<sup>th</sup> day of August, 2021.



Phyllis D. Clark  
Phyllis D. Clark, City Clerk