



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, CAO

FROM: April D. Getchius, AICP, Director

DATE: August 17, 2000

SUBJECT: Case ZBA 00-MAJ-5, Request for a major variance filed by the Church of Christ. The petitioner proposes an increase in the allowed area for an institutional sign at 2601 South Philo Road.

Introduction

The Church of Christ is proposing to redesign an existing sign and build a new 42-square foot institutional sign on South Philo Road. The Urbana Zoning Ordinance allows institutional signs in any zoning district without a permit provided that the display surface is no more than 20-square feet. Since the request is a variance of more than 25% of the regulations, it is classified as a major variance and requires final approval from the Urbana City Council. On August 10, 2000 the Urbana Zoning Board of Appeals voted unanimously to recommend approval of the case to City Council.

Background

Description of the Site

The subject site is a 9 acre tract of land on the northwest corner of Philo Road and Windsor Road in southeast Urbana. The existing sign sits on the east property line as it fronts onto Philo Road. There is an existing 36-square foot concrete base which currently displays "Church of Christ". This sign does not comply with the current regulations for an institutional sign but was probably reviewed as a standard business sign when it was installed approximately 15 to 20 years ago. There is also a row of hedges in front of the existing sign which is periodically cut back so the sign is visible (see attached photos).

The site is located across Philo Road from a large tract of land owned by Meijer, Incorporated. Meijer received approval in 1995 to build a superstore and gas station on the site. Provisions were agreed to

concerning the size of the Meijer signs. To this date, Meijer has not started building this store. Since the subject site is rather large, the sign is not located directly adjacent to any residential development. The closest home is approximately 100 yards to the north.

Proposal

The petitioner proposes to keep the existing base of the sign and add a new 42 square foot display board on top. The message board would display the church name along with an abbreviated summary of their weekly activities (see attached illustration). The sign would not be illuminated.

The petitioner justifies the sign by indicating that it is not close to any residential uses and that the Meijer Superstore proposal across Philo Road received approval for signs that would be much larger in area and taller in height. Although the Meijer tract is zoned B-3, General Business and would allow larger and taller signs, the petitioner indicates that the proposed 42-square foot sign is significantly smaller than what is being approved in an area that is changing to more commercial uses.

Findings

Variance Criteria

In reviewing a requested variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals and Urbana City Council to make findings based on specific variance criteria. On August 10, 2000 the Zoning Board of Appeals made the following findings as they pertain to this case and the criteria outlined in the ordinance:

- 1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

In this case, the size of the parcel (9 acres) is so large that a larger sign is justified in order to be effectively displayed to traffic of Philo Road. Also, the petitioner wishes to utilize the existing concrete base which was donated to the church. Since the base is 36 square feet in area, locating a 20-square foot sign on top would look disproportional.

- 2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The variance will not serve as a special privilege because although the site is zoned R-3, it is located in an area that is rapidly changing to commercial zoning. As described above, the Meijer tract across Philo Road is approved for a sign that would be over twice the size in area

and 5 times the height of the proposal.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The addition to the sign has not yet been built. A variance was requested first.

4. *The variance will not alter the essential character of the neighborhood.*

The variance will not alter the essential character of the neighborhood because it is located on a 9 acre tract of land and the sign location is a significant distance from neighboring residential uses. Also, the sign will be significantly smaller than those approved for the Meijer Superstore across Philo Road.

5. *The variance will not cause a nuisance to the adjacent property.*

The variance will not be a nuisance to neighboring properties because it will be located approximately 100 yards from any residential uses and it will not be illuminated. The sign will not be a nuisance to traveling motorists and should not cause any sight distance problems for traffic.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The petitioner is only requested the amount of variance needed to permit a 42 square foot sign.

Options

The Urbana City Council has the following options in this case:

- a. The City Council may grant the variance as requested based on the ZBA findings outlined in this memo; or
- b. The City Council may grant the variance subject to certain terms and conditions. If City Council elects to impose conditions or grant the variance on findings other than those presented herein, they should articulate its findings in support of the approval and any conditions imposed; or
- c. The Urbana City Council may deny the variance request. If City Council elects to do so, it should articulate findings supporting its denial.

Staff Recommendation

Based on the findings outlined herein, staff recommends that the Urbana City Council **APPROVE** of the variance as recommended by the Urbana Zoning Board of Appeals.

Attachments: Proposed Ordinance
 Photo Renderings of Sign

c: Richard Wolfe, Petitioner

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ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase in the allowed area for an institutional sign in the City's R-3, Single And Two-Family Residential Zoning District, from 20-square feet to 42-square feet at 2601 South Philo Road -- Case No. ZBA-00-MAJ-5)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Church of Christ, has submitted a petition requesting a major variance to allow an increase in the allowed area for an institutional sign from 20-square feet to 42-square feet; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-00-MAJ-5; 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 (ZBA) held a public hearing on the proposed general variance on August 10, 2000, and the ZBA by unanimous vote of its members recommended to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance:

1. There are special circumstances or special practical difficulties with reference to the parcel concerned in carrying out the strict application of the ordinance because the size of the parcel (nine acres) is sufficiently large so that a larger sign is justified in order to be effectively displayed to traffic of Philo Road. Also, the petitioner wishes to utilize the existing concrete base which was donated to the church. Since the base is 36 square feet in area, locating a 20-square foot sign on top would look disproportional.
2. The variance will not serve as a special privilege because although the site is zoned R-3, it is located in an area that is rapidly changing to commercial

zoning. Further, the Meijer site across Philo Road has approval to erect signs significantly larger in area and taller in height.

3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.

4. The variance will not alter the essential character of the neighborhood because it is located on a nine-acre tract of land and the sign location is a significant distance from neighboring residential uses. Also, the sign will be significantly smaller than those approved for the Meijer Superstore across Philo Road.

5. The variance will not be a nuisance to neighboring properties because it will be located approximately 100 yards from any residential uses and it will not be illuminated. The sign will not be a nuisance to traveling motorists and should not cause any sight distance problems for traffic.

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

The major variance request by the Church of Christ, in Case #ZBA-00-MAJ-5 is hereby approved to allow the increase in the required area for an institutional sign from 20-square feet to 42-square feet in the R-3, Single and Two-Family Residential Zoning District, in the manner proposed in the application for the major variance in that case, and with the following condition of approval:

- 1. The proposed sign may only be illuminated by method of floodlights installed in the ground.

The major variance described above shall only apply to the property located at 2601 South Philo Road, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, except the East 150 feet of the South 150 feet thereof, containing 9.58 acres, more or less.

PERMANENT PARCEL #: 93-21-21-381-017

The 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 _____ day of _____, 2000.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, 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 _____ day of _____, 2000, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (Increase in the allowed area for an institutional sign in the City's R-3, Single and Two-Family Residential Zoning District, from 20-square feet to 42-square feet at 2601 South Philo Road -- Case No. ZBA-00-MAJ-5)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2000, 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 _____ day of _____, 2000.

