



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director/City Planner

**DATE:** March 2, 2005

**SUBJECT:** ZBA 05-MAJ-1: A request for a major variance filed by Aldi, Inc. to allow a 45% increase in the maximum allowable area of a freestanding sign in the B-1, Neighborhood Business Zoning District.

---

**Introduction**

Aldi, Inc. is requesting a major variance to increase the maximum allowable area of a freestanding sign to be installed on an undeveloped parcel at the northwest corner of U.S. Route 150 (University Avenue) and IL Route 130 (High Cross Road).

Table IX-1. Standards for Freestanding Signs in the Urbana Zoning Ordinance states that in the B-1, Neighborhood Business Zoning District each business is permitted one freestanding sign. In the case where a lot has two frontages, one sign per frontage is permitted provided the cumulative square footage of both freestanding signs does not exceed 32-square feet in area. The petitioner wishes to erect one freestanding monument sign with a face area of 46.3 square feet. This represents a 45% increase beyond the maximum permitted cumulative total. Pursuant to the Urbana Zoning Ordinance, in order to vary the maximum sign requirements by greater than 15%, the Zoning Board of Appeals must recommend approval of the major variance and forward it to City Council.

At a public hearing held February 16, 2005 the Zoning Board of Appeals voted 4-1 to forward the variance request to the Urbana City Council with a recommendation for approval.

**Discussion**

**Recent Site Case History**

Last year the Urbana City Council approved a request for a Special Use Permit to establish a grocery store on the subject property under Ordinance 2004-12-152. Aldi, Inc. intends to purchase the entire lot and subdivide into two separate parcels. The northern lot would contain 2.2 acres while the southern lot would contain 3.7 acres. The grocery store would be established on the southern lot (see attached site plans). At this time there are no submitted plans for development on the northern lot. On October 7, 2004 the Urbana Plan Commission held a public hearing and recommended approval of the request.

**Justification for Variance**

In the City of Urbana parcel lots similar in size to the subject property and those that are located at major intersections are more often zoned B-3 General Business. The parcel frontage along US Rt. 150 and IL Rt. 130 has a wide drainage ditch in the right of way. This makes the distance from the property line to the road edge approximately 65 feet which is much further than that typically found on most other B-1, or even B-3, zoned properties in the City.

Because of the relatively large size of the parcel (3.654 acres) and its location on two principal arterial roads, the applicant requests the variance so their sign will be more visible to passing traffic. The size of sign they are requesting is more consistent with those permitted in the B-3, General Business Zoning District but fits the functional nature of the property and its surrounding land uses. The sign will be far enough from any neighboring land uses that the increase in size will have little impact.

## **Variance Criteria**

On February 16, 2005 the ZBA voted their recommendation of approval based upon the following findings:

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

The special circumstance is that this is a large parcel located at the intersection of two arterial streets. Because U.S. Rt. 150 has a very wide right of way containing a large drainage ditch the sign will be located approximately 65 feet away from the edge of pavement making it difficult to read. The size of the lot and the extra wide right of way setback from the road edge contribute to the justification for a larger sign.

- 2) *The proposed variances 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 request will not serve as a special privilege because there are no other B-1 zoned lots of such large size on two major arterial roadways in the city. Other B-1 zoned properties do not have similar issues of extra wide right of way setback from the road edge as well. Most parcels in the city zoned B-1 are much smaller and are located within older neighborhoods where development is more compact and where larger signs could have a greater impact on adjacent land uses.

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

The new signage has not yet been created. The petitioner is aware of the zoning requirements and has applied for a variance.

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

The intersection of two major roadways, while currently vacant on the northwest and southeast corners is expected to have commercial development in the near future. The signage as proposed will have a lesser impact on the neighborhood than those commonly found in such areas.

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

The parcel has been approved for commercial development. The sign is proposed to match the design of the building and be constructed as a monument sign rather than a freestanding pole sign. The precise location of the sign will be approximately 315 feet from the nearest residential use which is on the east side of U.S. Rt. 130. The proposed sign should not cause any significant impact on adjacent properties.

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

The petitioner is requesting only the amount of variance needed to accommodate the proposal as designed.

### **Options for #ZBA-05-MAJ-1**

The City Council has the following options this case:

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

### **Recommendation**

Based on the findings outlined herein, in case **05-MAJ-01** the Zoning Board of Appeals voted 4-1 to forward the variance request to the Urbana City Council with a **recommendation for approval to allow a 45% increase in the maximum allowable area of a freestanding sign in the B-1, Neighborhood Business Zoning District subject to the condition proposed.** Staff concurs with the ZBA and recommends that City Council **GRANT** the variance with the following condition:

- 1) That the Freestanding Monument sign be constructed in substantial conformity with the attached site plan illustrating the design and location.

Attachments: Proposed Ordinance  
Draft February 16, 2005 ZBA Minutes  
Exhibit A: Location Map  
Exhibit F: Site Plan  
Exhibit G: Photos of Site  
Exhibit H: Petitioners' Application

Prepared by:

---

Paul Lindahl, Planner

Cc:

Wayne A. Koch, A.I.A.  
Architect  
Wightman & Associates, Inc.  
2303 Pipestone Road  
Benton Harbor, MI 49022

Brian Holcombe  
Director of Real Estate  
Aldi, Inc.  
1 Aldi Drive  
Dwight, IL 60420

Ivan Richardson  
Beringer Commons  
1606 Willow Road  
Urbana, IL 61801

H:\Paul L\4 - ZBA Cases\2005\ZBA 05-MAJ-01 Aldi's Inc Rt 130 and Rt 150\05-maj-01 aldi CC  
memo FINAL.doc

ORDINANCE NO.2005-03-030

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a 45% Increase in the Maximum Allowable Face Area of a Freestanding Sign in the B-1, Neighborhood Business Zoning District / Case No. ZBA-05-MAJ-1)

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 related to the parcel of land or the structure; and

WHEREAS, the petitioner, Aldi, Inc., has submitted a petition requesting a major variance to allow a 45% increase in the maximum allowable face area of a freestanding sign in the Urbana B-1, Neighborhood Business Zoning District at the northwest corner of U.S. Route 150 (University Avenue) and IL Route 130 (High Cross Road; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 05-MAJ-1; 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 major variance on February 16, 2005 and by a Four to One (4-1) vote of its members recommended approval of the requested variance with the condition:

That the freestanding monument sign be constructed in substantial conformity with the site plan illustrating the design and location, attached hereto as Exhibit "A"; 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 as requested:

1. The special circumstance is that this is a large parcel located at the intersection of two arterial streets. Because U.S. Rt. 150 has a very wide right of way containing a large drainage ditch the sign will be located approximately 65 feet away from the edge of pavement making it difficult to read. The size of the lot and the extra wide right of way setback from the road edge contribute to the justification for a larger sign.
2. The request will not serve as a special privilege because there are no other B-1 zoned lots of such large size on two major arterial roadways in the city. Other B-1 zoned properties do not have similar issues of extra wide right of way setback from the road edge as well. Most parcels in the city zoned B-1 are much smaller and are located within older neighborhoods where development is more compact and where larger signs could have a greater impact on adjacent land uses.
3. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. The new signage has not yet been created. The petitioner is aware of the zoning requirements and has applied for a variance.
4. The proposed sign will not alter the character of the neighborhood because the intersection of two major roadways, while currently vacant on the northwest and southeast corners, is expected to have commercial development in the near future. The signage as proposed will have a lesser impact on the neighborhood than those signs commonly found in such areas.
5. The proposed sign should not cause any significant impact on adjacent properties. The parcel has been approved for commercial development. The sign is proposed to match the design of the building and be constructed as a monument sign rather than a freestanding pole sign. The precise location of the sign will be approximately 315 feet from the nearest residential use which is on the east side of U.S. Rt. 130.
6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. The petitioner is requesting only the amount of variance needed to accommodate the proposal as designed.

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

Section 1. The major variance request by Aldi, Inc., in Case #ZBA 05-MAJ-1 is hereby approved to allow a 45% increase in the maximum allowable face area of a freestanding sign in the Urbana B-1, Neighborhood Business Zoning District, as approved by the Zoning Board of Appeals, with the following condition of approval:

That the freestanding monument sign be constructed in substantial conformity with the site plan illustrating the design and location, attached hereto as Exhibit "A".

Section 2. The major variance described above shall only apply to the property located at the northwest corner of U.S. Route 150 (University Avenue) and IL Route 130 (High Cross Road Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 456 of Beringer Commons Subdivision No. 4 situated in Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-10-407-013

Section 3. 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 \_\_\_\_\_, 2005.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2005.

AYES:

NAYS:

ABSTAINS:

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

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
2005.

\_\_\_\_\_  
Tod Satterthwaite, Mayor



**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** February 16, 2005

**DRAFT**

**TIME:** 7:30 p.m.

**PLACE:** Urbana City Building  
400 S. Vine Street  
Urbana, IL 61801

---

**MEMBERS PRESENT:** Paul Armstrong, Herb Corten, Anna Merritt, Nancy Uchtmann, Harvey Welch

**MEMBERS ABSENT** Joe Schoonover, Charles Warmbrunn

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services; Rob Kowalski, Planning Manager; Paul Lindahl, Planner I; Teri Andel, Secretary

**OTHERS PRESENT:** Brian Adams, SunAe Bielak, Dong Kwan Cho, Gary Gebauer, Pastor Jong Ham, Joe Hurwitz, Wayne Koch, Jay and K.D. Lee, Carl Malmgren, Pastor Don Mason, Gary Olsen, Don Pullins, Harry and Marilyn Querry, Dennis Roberts, Yoo-Seong Song, Sukie Stover, Dick Underwood, James Yoon

---

**NEW PUBLIC HEARINGS**

**ZBA-05-MAJ-01: A request for a major variance filed by Aldi, Inc. to allow a 45% increase in the maximum allowable area of a freestanding sign in the B-1, Neighborhood Business Zoning District.**

Paul Lindahl, Planner I, presented this case to the Zoning Board of Appeals. He began with an explanation of the proposed major variance and a brief description of the site. He showed a map of the proposed site and the surrounding areas. He talked about the B-1, Neighborhood Business Zoning District and the recent history of the case site. He discussed the standards for freestanding signs according to Table IX-1 of the Urbana Zoning Ordinance and reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

*Based on the findings of the variance criteria outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the proposed major variance as requested to the Urbana City Council with the following condition:*

*That the Freestanding Monument sign be constructed in substantial conformity with the attached site plan illustrating the design and location.*

Mr. Corten inquired if the proposed sign was considered to be a standard sign for Aldi? Or would it be larger or smaller than normal? Would it be lighted inside, so that it would show up at night? Mr. Lindahl replied that the Aldi representative would have to answer the first two questions. He noted that the sign would be illuminated. Rob Kowalski, Planning Manager, introduced the architect, Wayne Koch, and the representative from Aldi, Brian Holcombe, who were present to answer more specific questions. He noted that the layout of the store and the commercial development of the store had already been approved as a special use permit through the Plan Commission and the City Council. There was a previous request by Aldi, Inc. for the proposed sign; however, Aldi, Inc. decided to pull the request off the agenda until the special use permit had been decided upon.

Wayne Koch, of Wightman and Associates, mentioned that he was the architect for this project. He thanked Mr. Lindahl for a fine presentation of the application for the major variance. He restated that Aldi, Inc. had been granted a special use permit as a grocery store of over 15,000 square feet. The proposed sign would be located on the southeast corner of the property. It would be located approximately 500 feet plus away from the adjacent residential zoning districts to the west, north and northwest. It would be approximately 300 feet from the residential neighborhood to the west.

He went on to say that the proposed monument sign would be 46.3 square feet. A typical sign for an Aldi facility was a pylon sign, which measured 8 feet by 9 feet 6 inches, which equaled about 76 square feet in area. It was approximately 23 feet 6 inches tall. Aldi, Inc. had deviated from their typical sign considerably. The photo of an Aldi sign at another facility showed what the proposed sign would look like.

Mr. Koch mentioned that Aldi, Inc. was also proposing two wall signs. The Urbana Zoning Ordinance would allow them 300 square feet in total for the wall signs. They were only proposing 92.6 square feet for the wall signs. The Urbana Zoning Ordinance limits the maximum area of a freestanding sign to 32 square feet. They were proposing 46.3 square feet. Therefore, the total square feet allowed for total signage including the wall signs and the freestanding sign on the proposed parcel would be 332 square feet. Aldi, Inc. was only proposing a total of 138.9 square feet. Although the monument sign would be 45% over the maximum allowable area of a freestanding sign, Aldi's proposed total signage would be 58% less than the total signage allowed on the property.

He explained that the proposed sign would be just over 11 feet in height. The Urbana Zoning Ordinance would allow the sign to be 15 feet in height, plus a credit of 1 foot for every additional 2 feet of setback from the right-of-way line. Thus, they would be allowed to have a sign, which was

17 feet in height. Again, they would be 31% less than what the Zoning Ordinance allowed for height.

Mr. Koch stated that the proposed sign would be the same size as the sign in the photo. It would be illuminated from the interior.

Mr. Corten asked if the sign would be illuminated 24 hours a day/seven days a week or only during store hours. Mr. Koch replied no. The store hours were limited between 7 a.m. and 8 p.m. The sign would stay on approximately the same time the parking lot signs were on, which they were turned off approximately one hour after closing. Mr. Corten commented that the lit sign should not disturb neighbors 200 feet away at night while they were trying to sleep.

Ms. Merritt asked for clarification about the freestanding sign in addition to the two wall signs. Mr. Koch stated that he wanted to point out that the total proposed signage for the entire site would be considerably less than what would be allowed by the Zoning Ordinance. Ms. Merritt questioned if the signage on the building would show only the Aldi logo. Or would they have information on them? Mr. Koch answered by saying that they would have the same information as the monument sign.

Carl Malmgren, of 2906 Rutherford Drive, approached the Zoning Board of Appeals to speak. Chair Merritt swore in any members of the public who had arrived late. Mr. Malmgren mentioned that he lived down the street from the proposed Aldi store. He noted that he had a number of topics that he would like to discuss.

He stated that this was the third time that he had appeared before the Zoning Board of Appeals in the last four years, since he had moved into the Beringer Commons Subdivision. It seemed to him that special use permits and zoning variance requests were coming before the Board quite often to the point that he was becoming alarmed. Why was there zoning, if the City kept deviating from the zoning? Except for under extreme circumstances, the zoning should work with the area.

He did not believe that there should be a change in the sign size. He believed that the B-1 Zoning District was put into place on this lot for a good reason. If the City did not believe that the lot should be zoned B-1, then the zoning should have been changed.

The residents of Beringer Commons Subdivision had heard a great deal of testimony during the public hearing for the special use permit request. They were told that the Aldi proposal was the lesser of two evils that could come in. He did not feel that this was so, because there was an additional lot that Aldi could sell to the greater of two evils.

He felt that the sign should be the same size as the sign in Champaign. He did not think that because Aldi proposed to use 50% of the available signage for the lot that Aldi should be allowed to enlarge the monument sign.

He stated that words such as "high speed" had been used. He believed that 45 miles per hour (mph) was not considered high speed, as that was the speed limit on U.S. Route 150. Nor was 30 mph considered high speed, which was the speed limit on High Cross Road.

Mr. Malmgren went on to ask if the proposed Aldi used up 50% of the available signage for the lot as they were proposing to do and they sell the remaining unused portion of the lot to other businesses, then would those businesses be required to use the other 50% of the available signage. He pointed out that the available signage was not per business, but rather it was per lot.

If the Zoning Board of Appeals felt that they needed to or agreed to approve a special use permit or the proposed major variance yet again, he requested that they minimize the proposed sign since it would be adjacent to a residential area. In addition, the Board should require Aldi to turn the light off when the store closed, not when the parking lot lights were turned off.

Mr. Corten questioned if Mr. Malmgren felt that one size fits all. Mr. Malmgren said that he believed when the City made a decision about what would happen in an area, then it should be a considered decision to not undermine by allowing special use permits.

Gary Gebauer, of 2909 Rutherford Drive, stated that he had appreciated the types of concessions that Aldi store had done in previous meetings. However, he moved into the City of Urbana from Urbana Township knowing that his taxes would increase. He moved for a variety of reasons, one of which was that he was very frustrated with the lack of zoning in the township or the unwillingness to enforce the zoning. This was the third special use permit for the Beringer Commons Subdivision. For \$3,000 more in taxes, he did not see any difference in the zoning problems. The City's zoning did not seem to mean anything, because it was constantly changed.

Harry Query, of 2913 Rutherford Drive, pointed out that he lived just five doors down from the proposed grocery store. Most of the people of the Beringer Commons Subdivision were not present, because they felt it would not be worth their while. The City of Urbana did not pay any attention to what they had to say.

In the previous special use permit case, over 100 residents of the Beringer Commons Subdivision had signed a petition opposing the proposed Aldi grocery store. There was not any consideration of their opposition. The City Council members had already made up their minds before the meeting.

He did not understand why Aldi felt justified in asking for a larger sign. People would be able to see Aldi's regular sign from a long distance away. There was no question that anyone driving down U.S. Route 150 and IL Route 130 would know that there was an Aldi store on the corner without a larger, illuminated sign.

It was not necessary for the Aldi store to have a big, glowing tall sign out there. This was the approach to the City of Urbana. The City needed to beautify the entrance to the city and not clutter it up with signage.

Mr. Query encouraged the Zoning Board of Appeals to deny the major variance request. He did not believe that it would hurt Aldi, Inc. in any way.

Mr. Corten asked if Mr. Query knew that the lot was zoned B-1, Neighborhood Business, where any business could apply. Mr. Query stated that not just any business was allowed in the B-1

Zoning District. Mr. Corten inquired what the limits were in the B-1 Zoning District. Mr. Kowalski responded by saying that the B-1 District allowed a limited list of business uses. It was less permissive than the B-3, General Business Zoning District. A grocery store was permitted by right in a B-3 Zoning District, and it was permitted in a B-1 Zoning District only with a special use permit review and approval. Aldi, Inc. had already gone through the special use permit process and received approval for a grocery store use.

Ms. Uchtmann asked how much larger was the proposed sign over the sign at the Champaign Aldi store. Mr. Koch answered by saying that both of the Champaign store signs (the pylon and the wall signs) were older and larger. The pylon sign measured 6 foot 6 inches by 7 foot 8 inches.

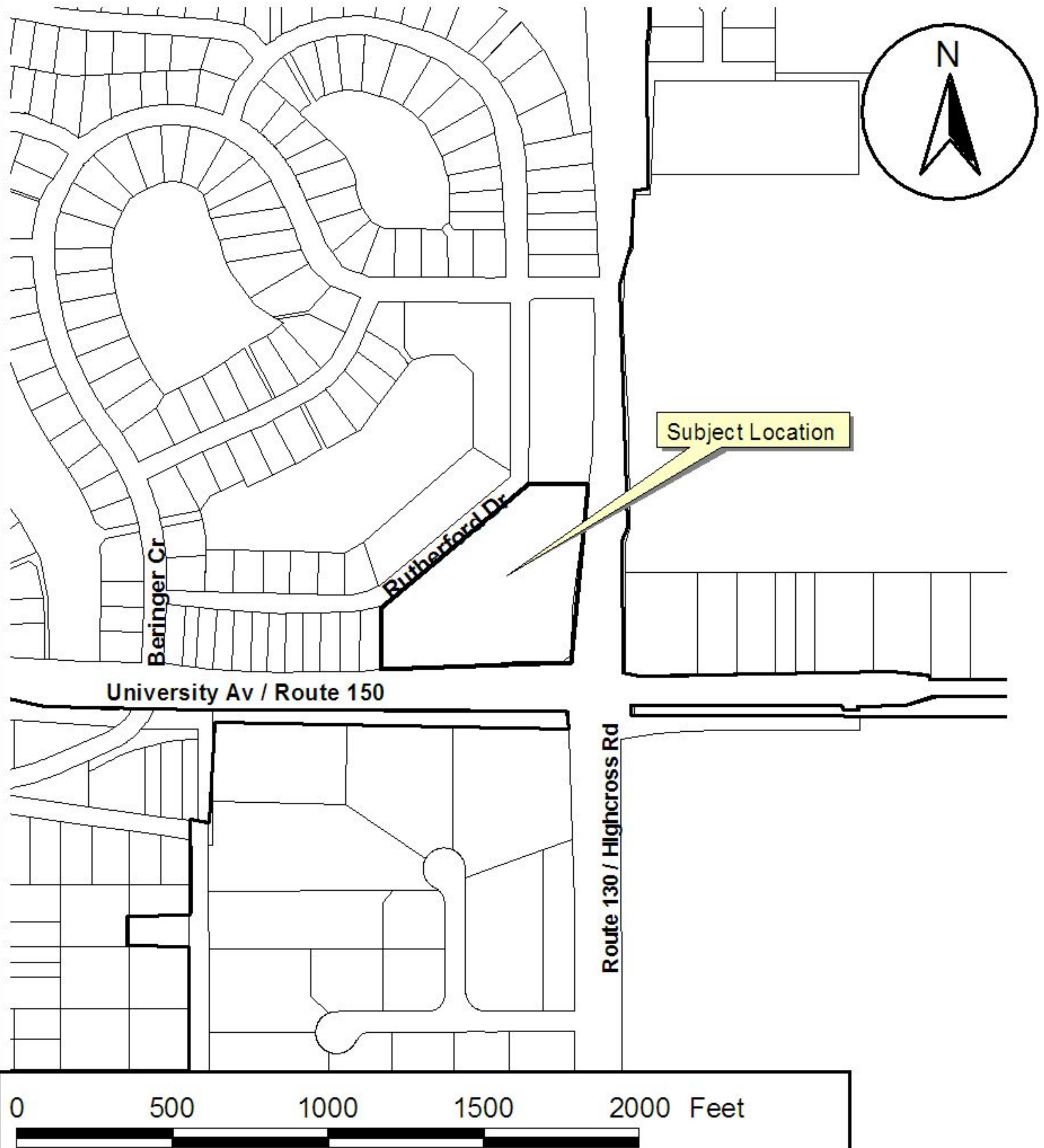
Mr. Corten inquired if Aldi, Inc. had moved down to a monument sign for the proposed site in order to meet some requirements. Mr. Koch said that was correct. They also wanted to be sensitive to the area. In addition, they moved the proposed sign away from the entrance drive, where a sign typically belonged because it marked the entry to the property. The reason they did this was to move it as far from the residential properties as possible.

Mr. Corten moved that the Zoning Board of Appeals forward this case to the City Council with a recommendation for approval along with the condition recommended by staff. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Ms. Uchtmann	-	No	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by a vote of 4-1 in favor. Mr. Kowalski noted that this case would go before the City Council on Monday, March 7, 2005 at 7:30 p.m.

# Exhibit "A": Location Map



ZBA Case: ZBA-05-MAJ-1  
Increase the allowable maximum size of a freestanding sign from 30 sq. ft. to 46.30 sq. ft.  
Petitioner: Aldi, Inc.  
NW corner of Route 150 and High Cross Rd  
B-1 Neighborhood Zoning District  
Prepared 1/31/05 by Community Development Services - pal



# Exhibit "G": Site Photos

Arrows point to telephone junction box 20 feet east and 20 feet south of sign location



#1 View east to intersection from Rt. 150 access drive



#2 View west from edge of Rt. 130 pavement



#3 View east from western end of subject property



#4 View from pavement edge on east side of Rt. 130.  
Closest house is 140 feet behind camera.



#5 View north across Rt. 150



#5 View east from ditch edge across Rt. 130 at houses