

ORDINANCE NO. 2009-04-031

**AN ORDINANCE AMENDING ORDINANCE NO. 2008-03-018 CONCERNING THE APPROVAL OF A
MAJOR VARIANCE**

(To Revise Conditions for Display Color - 2710 South Philo Road /
ZBA Case No. ZBA-2009-MAJ-02)

WHEREAS, the City Council has heretofore adopted Ordinance No. 2008-03-018 on April 7, 2008 approving a major variance to allow an Electronic Message Board (LED) Sign to be multi-colored at the southeast corner of Windsor and Philo Roads in the B-3, General Business Zoning District and more commonly known as 2710 South Philo Road (ZBA Case No. ZBA-2008-MAJ-02); and

WHEREAS, unforeseen issues have arisen causing The Atkins Group, petitioners of variance approved in Ordinance No. 2008-03-018, to request a revision to the conditions of the approved major variance relating to sign area and total number of signs; and

WHEREAS, said revisions were presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2009-MAJ-02; 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 held a public hearing on March 18, 2009, concerning the proposed revisions to the conditions of approval for the major variance and voted 6 ayes and 1 nay to recommend approval of the revised conditions to the Urbana City Council; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend Ordinance No. 2008-03-018 adopted on April 7, 2008 to remove the four conditions specified in said ordinance and replace with the conditions as provided in Section 1 herein.

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

Section 1. Ordinance No. 2008-03-018 is hereby amended by replacing the four conditions of said Ordinance with the following four conditions:

1. That the shopping center sign with LED display on Lot 201 be constructed in substantial conformity with the site plan and dimensioned color rendering ("Option A") submitted with the application dated Feb. 24, 2009.

2. That the variance for display color is approved for the proposed shopping center sign with LED display on Lot 201 ("Option A").

3. That the shopping center sign on Lot 201 ("Option A") will conform to the other requirements of Urbana Zoning Ordinance Section IX-4.D.3 which prohibit animation, flashing, or scrolling of electronic message board (LED) displays.

4. That the Pines at Stone Creek Commons Shopping Center shall be limited to a total of two freestanding shopping center signs. The locations shall be limited to the areas of Lots 201 and 208 of Pines at Stone Creek Commons Subdivision as depicted on the subdivision plat recorded March 30, 2007.

Section 2. 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).

PASSED by the City Council this _____ day of _____, 2009.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2009.

Laurel Lunt Prussing, 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 _____, 2009 the Corporate Authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE AMENDING ORDINANCE NO. 2008-03-018 CONCERNING THE APPROVAL OF A MAJOR VARIANCE (To Revise Conditions for Display Color - 2710 South Philo Road / ZBA Case No. ZBA-2009-MAJ-02) 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 _____, 2009 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 _____, 2009

(SEAL)

Phyllis D. Clark, City Clerk