



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: September 2, 2004

SUBJECT: ZBA 04-MAJ-09 and 04-MAJ-10: Two requests for major variances filed by Clark-Lindsey Village to permit a 100% increase in letter size height from 6-inch letters to 12 inches on two identification signs.

Introduction

These are two requests for major variances filed by Clark-Lindsey Village. The petitioners propose to change the identification signage for their facility at 101 W. Windsor Road. The specific variance requests are to allow an increase in the permitted letter size of the words “Clark-Lindsey Village.”

The petitioners will construct a new brick gateway wall at the Clark-Lindsey entrance on Windsor Road. The new wall will incorporate one new sign with the larger sized letters. (See attached plans)

The second request is to modify replace the existing monument sign at the southeast corner of Race Street and Windsor Road with a new brick monument sign incorporating the large letters. The current sign at the corner has non-conforming 14-inch lettering. The proposed change will actually establish a reduction in size.

The variances requested are to increase the allowable height of identification sign letters by 100%, from 6-inches to 12 inches on both signs. The requests are considered major variances.

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.

On August 18, 2004 the Zoning Board of Appeals conducted a public hearing to consider the requests and for both cases voted unanimously to recommend approval to City Council.

Background

Description of the Site / Area

The site is located on the southeast corner of the intersection of Race Street and Windsor Road. The surrounding area contains a mix of uses occupying larger land tracts and includes farm fields, a church, and parks. Further to the

north on the east side of Race Street and the north side of Windsor Road are residential uses.

Discussion

Section IX-5.B.3 of the Urbana Zoning Ordinance states that up to two identification signs per premises are allowed in any zoning district without a permit but that in accordance with Section IX-5.B.12 the individual characters of the signs may not exceed six inches in height.

The new signs are intended to allow improved message visibility to passing vehicles approaching from the north, east, and west. The new sign location should not impair the safe visibility of traffic traveling on Windsor Road from vehicles waiting to exit Clark-Lindsey.

Variance Criteria

In reviewing a requested variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make specific findings based on variance criteria. On August 18, 2004 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 Clark-Lindsey Village is located on a large parcel on Windsor Road, which is a wide arterial street with a higher speed of the traffic. The setback of sign locations on this street contributes to the need for sign letters of larger size.

- 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 sign lettering is part of an overall gateway feature desired by Clark-Lindsey that clearly identifies their location. The fact that the parcel is very large and is located on a major arterial street helps to justify the variance.

- 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.

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

The new signage will further enhance the character of the neighborhood by maintaining high standards of streetscape design.

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

The new design will improve visibility of the facility especially at the main entrance and will not cause a nuisance to 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-04-MAJ-09 and 04-MAJ-10

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.

Staff Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 5-0 to forward the variance requests to the Urbana City Council with **a recommendation for approval to permit a 100% increase in letter size height from 6-inch letters to 12 inches on two identification signs**. Staff concurs with the ZBA and recommends that City Council **GRANT** the variances in **ZBA Case #'s 04-MAJ-09 and 04-MAJ-10**.

Attachments: Proposed Ordinance
 Draft August 18, 2004 ZBA Minutes
Exhibit A: Location Map
Exhibit H: Petitioners' Application w/ Site Plan

Prepared by:

Paul Lindahl, Planner

Cc:

Clark Lindsey Village
Attn: Bryan Jones
101 West Windsor Road

Isaksen Glerum PC Architects
114 West Main Street
Urbana, IL 61801

ORDINANCE NO. 2004-09-120

An Ordinance Approving A Major Variance

(To Allow a 100% Increase in the Maximum Permitted Letter Size From 6" to 12" for an Identification Sign at the Main North Entrance of 101 W. Windsor Road in the R-3, Single- and Two-Family Residential Zoning District / Case No. ZBA-04-MAJ-10)

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, Clark Lindsey Village, located at 101 W. Windsor Road in the R-3, Single- and Two-Family Residential Zoning District, has submitted a petition requesting a major variance to permit a 100% increase in letter size height from 6-inch letters to 12 inches on an identification sign; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-04-MAJ-10; 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 August 18, 2004 and the ZBA voted 5 ayes and 0 nays to recommend 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 variances referenced herein conform 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. There are special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. The special circumstance is Clark-Lindsey Village is located on a large parcel on Windsor Road, which is a wide arterial street with a higher speed of the traffic. The setback of sign locations on this street contributes to the need for sign letters of larger size.

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. The sign lettering is part of an overall gateway feature desired by Clark-Lindsey that clearly identifies their location. The fact that the parcel is very large and is located on a major arterial street helps to justify the variance.

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

4. The new signage should not detract from the essential character of the neighborhood because they will further enhance the character of the neighborhood by maintaining high standards of streetscape design.

5. The new design will improve visibility of the facility especially at the main entrance and will not cause a nuisance to 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.

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

The major variance request by Clark Lindsey Village, in Case #ZBA-04-MAJ-10, is hereby approved to permit a 100% increase in letter size height from 6-inch letters to 12 inches on an identification sign at the main north entrance of 101 W. Windsor Road in the Urbana R-3, Single- and Two-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 101 W. Windsor Road, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Tract 7 of McCullough's Plat part of N4, Section 29, T19N, R9E of the Third Principal Meridian, Champaign County.

PERMANENT PARCEL #: 91-21-29-200-008

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 _____, 2004.

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 _____, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled:

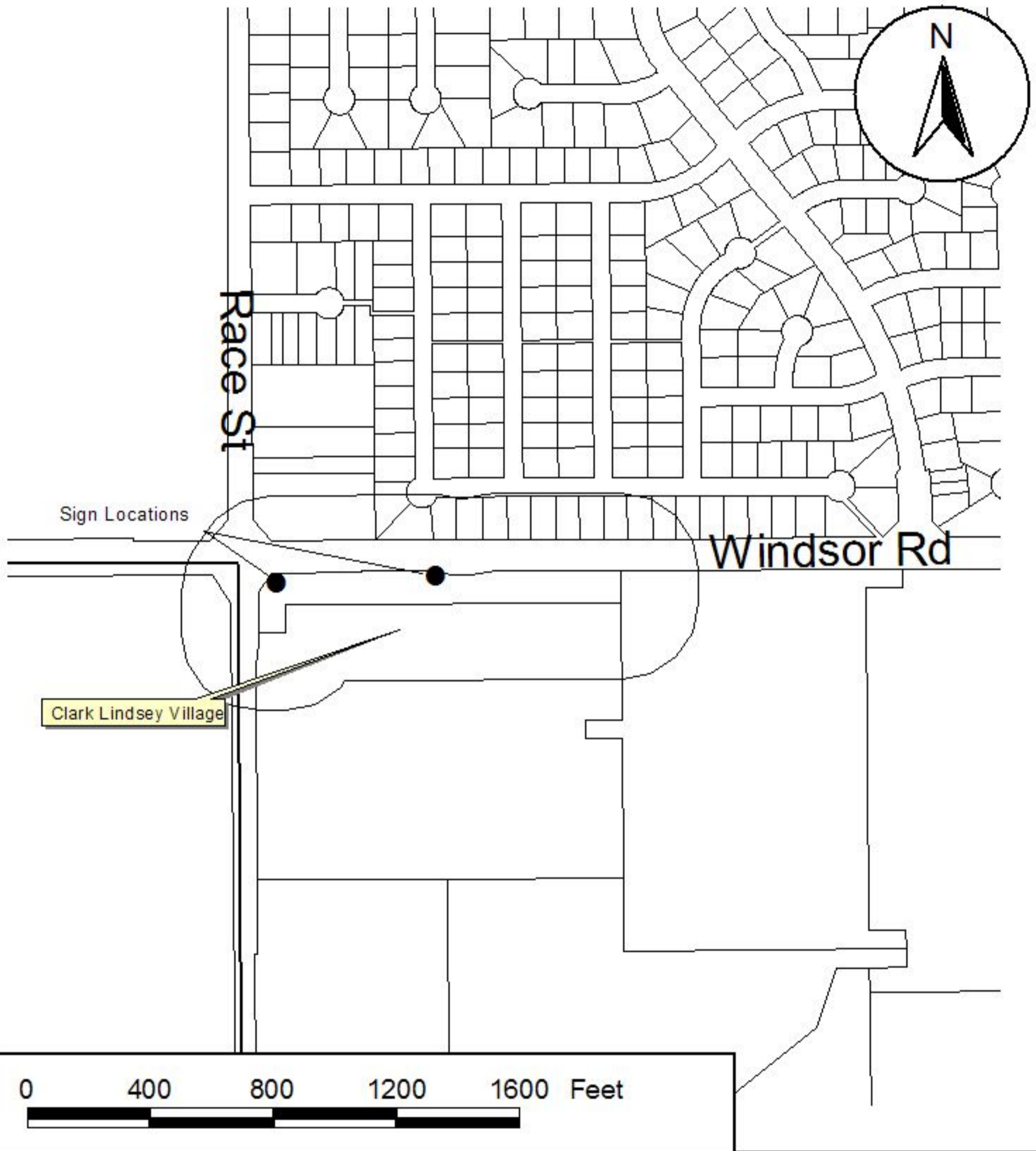
An Ordinance Approving A Major Variance

(To Allow a 100% Increase in the Maximum Permitted Letter Size From 6" to 12" for an Identification Sign at the Main North Entrance of 101 W. Windsor Road in the R-3, Single- and Two-Family Residential Zoning District / Case Nos. ZBA-04-MAJ-10)

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 _____, 2004, 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.

Exhibit "A": Location Map



ZBA Cases #: 04-MAJ-09, and -010
A Request to Increase Lettering Height in Two Signs
from 6" to 12" in the R-3 Zoning District

Petitioner: Clark Lindsey Village
101 W. Windsor Rd.