



## 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

**DATE:** February 1, 2007

**SUBJECT:** ZBA-07-MAJ-01: Request by Carmen Davis Kirby (Bella Home) for a Major Variance to allow a 460% increase in the display area of a projecting sign and to install the sign on the second level of the building at 110 W. Main Street in the B-4, Central Business Zoning District.

---

### Introduction

Carmen Davis Kirby, owner of Bella Home, has submitted a request for a major variance to allow a 56 square foot vinyl projecting sign over the public right-of-way on the second level of 110 W. Main Street. The business will sell home décor and clothing, and is a companion to the petitioner's other store, Bella Home, located in Champaign. According to Table IX-3 of the Urbana Zoning Ordinance, a projecting sign in the B-4, Central Business Zoning District may be up to 32 square feet in area unless it is located over the public right-of-way, in which case it may only be a maximum of 12 square feet (the proposed sign will be located over the public right-of-way). Additionally, such signs are limited to the first floor of a building.

### Background

The building at 110 W. Main Street is owned by Norman and Carolyn Baxley, and currently houses three commercial tenants (Heartland Gallery, Priceless Books, and Bella Home). Both Heartland Gallery and Priceless Books are located on the ground level of the building, and have approximately 30 feet of combined commercial window frontage. Bella Home, located on the second level of the building, is accessed via a stairway that opens onto Main Street, between the other two businesses. There are two sets of three windows across the second level, with the proposed sign location in between the two sets (see Exhibit G). The proposed sign will be 14 feet tall by 4 feet wide, or 56 square feet and made of vinyl (see Exhibit F). The proposed sign would utilize existing sign hardware located on the second level which is anchored to the building and matches the architectural detailing of the building. A canopy extends across the frontage of the entire building and will be updated to include the names of all three businesses. The petitioner will also have their operating hours on the stairwell door.

Main Street has historically been the retail center of downtown Urbana. Long-standing uses include the Heel-to-Toe stores, Cinema Gallery, and Priceless Books. In the past year, Heartland Gallery and Bella Home have added to the mixture of uses. Other uses along Main Street include professional offices (lawyers and architects), a bakery, a barbershop, and a bar and restaurant.

## **Development Regulations**

According to Table IX-3. Standards for Projecting Signs, such signs located in the B-4 District may be up to 32 square feet, or 12 square feet if any portion of a sign extends over the public right-of-way. The majority of downtown buildings have no setback (allowed by ordinance), thus restricting the allowance for projecting signs. Additionally, such signs are limited to the first floor of a building. Projecting signs that extend over the public right-of-way may not project more than five feet from the face of a building, and no closer than two feet from the face of the curb. The proposed sign will project approximately four feet. Additional provisions in the B-4 District prohibit internal illumination when a projecting sign extends over the public right-of-way, imposes a maximum thickness of six inches, and requires a minimum separation of 20 feet between such signs. The proposed sign will meet these additional provisions.

The Urbana Building Inspector has noted that the existing sign hardware must be inspected by either a structural engineer or an architect prior to the issuance of a sign permit, if the variance request is approved.

## **Surrounding Properties**

The property is located in the middle of downtown Urbana, and is surrounded by a mixture of commercial, office, institutional, and residential uses. Uses at street level along the south side of Main Street include the Urbana Parking Garage, Crane Alley, several lawyers' offices, and a barber shop. Upper level uses include the Urbana Parking Garage, a rental property leasing office, a technology firm, and a student environmental group. Uses at street level along the north side of Main Street include several art galleries, a bakery, a shoe store, and several offices. The upper levels on the north side of Main Street are mostly occupied with office uses, with the exception of the petitioner. Further east of the property is County Plaza (which contains office uses), the Champaign County Courthouse, and the Champaign County Sheriff's Office. The 2005 Urbana Comprehensive Plan and the 2002 Downtown Strategic Plan contain goals and objectives targeted at increasing the vitality and pedestrian friendliness of downtown Urbana.

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

<b>Direction</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>2005 Comprehensive Plan Future Land Use</b>
Site	B-4, Central Business	Commercial	Central Business
North	B-4, Central Business	Commercial Office Restaurant	Central Business
East	B-4, Central Business	Commercial Office Institutional	Central Business
South	B-4, Central Business	Commercial Office Parking Deck	Central Business
West	B-4, Central Business	Commercial Office	Central Business

**Discussion**

Over the past five years, there has been a renewed focus on increasing the vitality and pedestrian friendliness of downtown Urbana. Both the 2002 Downtown Strategic Plan and the 2005 Urbana Comprehensive Plan detail a number of goals, objectives, and strategies for making downtown more of a destination within the City and region. These plans address topics such as the creation of housing opportunities, the rejuvenation of Lincoln Square Village, utilizing financial and other development incentives, construction of streetscape, and creating a unique identity for downtown. The benefits of these strategies have started to materialize in recent years, with the opening of new business and investment and expansion in existing business and buildings. All of this has started downtown Urbana on the path of becoming "...the heart of our City..." as envisioned in the 2002 Downtown Strategic Plan.

**Zoning Board of Appeals Discussion**

At their January 31, 2007 meeting, the Zoning Board of Appeals reviewed the case and voted 6 ayes to 1 nay to recommend approval of the request to the City Council. The Board discussed the signage needs of the petitioner as they related to previous project sign variance requests and the character of downtown Urbana. One board member expressed his surprise that there was no recognition of second level tenants in the 2002 Downtown Strategic Plan or the Zoning Ordinance. A decision sheet outlining the Board’s findings will be distributed at the City Council meeting.

**Requirements for a Variance**

- The proposed variance will not serve as a special privilege because the variance requested is necessary due to special conditions and 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 building at 110 W. Main can accommodate commercial tenants on the second level. Although this is not unique, many buildings in the B-4 Zoning District cannot make a similar accommodation. Furthermore, the building's orientation results in a lack of commercial window frontage for any second level tenant. The two tenants at ground level have approximately 15 feet of window display space in which to showcase products. There is no such display space available for a second level tenant.

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

The petitioner contacted the City to determine the requirements for projecting signs, and has filed requests for the appropriate variance.

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

According to Section IV-2 of the Urbana Zoning Ordinance, the purpose of the B-4, Central Business Zoning District is "to provide an area for the focus of the city, in which the full range of commercial and business uses may locate in a limited area of high intensity uses, with the appropriate forms of physical development at a high density." The 2002 Downtown Strategic Plan further describes the downtown area as "...the heart of our City..." and "...a cohesive area, and is distinguished by its unique visual character..." Both of these statements help to convey the character of downtown Urbana.

Opportunities for second floor retail in downtown are limited, in large part because existing buildings are configured for second floor spaces. The proposed sign has been designed to retain the artistic and architectural integrity of the building. The maximum projection allowed by the Table IX-3. Standards for Projecting Signs is five feet, which is approximately the same as the canopy on the ground level. In addition, the existing sign hardware matches architectural detailing on the building. The proposed sign is intended to garner both pedestrian and vehicular attention in order to help facilitate an infill business.

4. *The variance will not cause a nuisance to adjacent property;*

The Urbana Building Inspector has stated that the existing sign hardware will require certification by either a structural engineer or an architect to ensure the proposed sign will be securely fastened to the building. The proposed sign will be located in the middle of the building with a minimal projection, and is not expected to impede visibility for other signs and/or businesses located on the north side of Main Street.

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

The proposed sign is intended to utilize the existing sign hardware on the second level of the building, which has been used in the past. Because the proposed sign is located over the public right-of-way, the Zoning Ordinance imposes size restrictions more stringent than if a sign were not located over the public right-of-way. These restrictions do not account for upper level retail uses that often require visibility to become and remain viable business uses. The proposed sign will be within the other standards specified in Table IX-3, such as projection, number of signs, and spacing. In addition, due to windows and architectural detailing, there are limited placement options on the second level of the building for non-projecting signs (see Exhibit G).

6. *The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land.*

The petitioner occupies the second level of the building at 110 W. Main. This is the first retailer to occupy a second floor location in downtown Urbana in some time. Because of the building's orientation, there is a lack of commercial window frontage for any second level tenant. In addition, due to windows and architectural detailing, there are limited placement options on the second level of the building for non-projecting signs. The visibility of a retail store, regardless of location, can be important to the long-term success of a business. The proposed sign can help offset the lack of window display space on the second level of the building.

## **Findings**

1. The proposed sign will be 56 square feet and will be located above the public right-of-way on the second level of the building at 110 W. Main utilizing existing sign hardware.
2. Table IX-3. Standards for Projecting Signs states that such signs located in the B-4, Central Business Zoning District may be up to 32 square feet, or 12 square feet if any portion of a sign extends over the public right-of-way. Such signs are limited to the first floor of a building. Additional provisions in the B-4 District prohibit internal illumination when a projecting sign extends over the public right-of-way, imposes a maximum thickness of six inches, and requires a minimum separation of 20 feet between such signs. The proposed sign will meet these additional provisions.
3. The Urbana Building Inspector has stated that the existing sign hardware will require certification by either a structural engineer or an architect to ensure the proposed sign will be securely fastened to the building.
4. The variance will not serve as a special privilege because the building's orientation results in a lack of commercial window frontage for any second level tenant.
5. The variance requested was not caused by the petitioner because the petitioner has requested the appropriate variances.
6. The variance will not alter the essential character of the neighborhood because the proposed sign has been designed to retain the artistic and architectural integrity of the building, garner pedestrian and vehicular interest, and meet the other standards for projecting signs.
7. The variance will not cause a nuisance to adjacent property because the Urbana Building Inspector has stated that the existing sign hardware will require certification by either a structural engineer or an architect to ensure the proposed sign will be securely fastened to the building.
8. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request because the proposed sign is located over the public right-of-way. The Zoning Ordinance imposes size restrictions more stringent than if a sign were not located over the public right-of-way. These restrictions do not account for upper

level retail uses that often require visibility to become and remain viable business uses.

9. The variance requested is the result of practical difficulties or particular hardship of the building's orientation, as there is a lack of commercial window frontage for any second level retail tenant. In addition, due to windows and architectural detailing, there are limited placement options on the second level of the building for non-projecting signs.

## Options

The City Council has the following options in case no. ZBA-07-MAJ-01:

- a. The City Council may approve of the variance as requested based on the findings outlined in this memo; or
- b. The City Council may approve of the variance along with certain terms and conditions. If the City Council elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or
- c. The City Council may deny the variance request. If the City Council elects to do so, the Council should articulate findings supporting its denial.

## Recommendation

Based on the findings outlined herein, the Urbana Zoning Board of Appeals recommends that the City Council **APPROVE** the proposed Major Variance in case ZBA 07-MAJ-01. Staff concurs with this recommendation.

Prepared by:

---

Matt Wempe  
Planner II

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Existing Land Use Map  
Exhibit D: Future Land Use Map  
Exhibit E: Aerial Map  
Exhibit F: Sign Rendering  
Exhibit G: Major Variance Application  
Exhibit H: Site Photos  
Exhibit I: Correspondence

Cc: Cathy Murphy                      Carmen Davis Kirby                      Carolyn Baxley  
110 W. Main                      2904 Artesia Crossing                      510 W. Main Street  
Urbana, IL 61801                      Urbana, IL 61802                      Urbana, IL 61801

**ORDINANCE NO. 2007-02-020**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(A request to allow a 460% increase in the display area of a projecting sign and to install the sign on the second level of the building in the B-4, Central Business Zoning District.  
110 W. Main Street / Case No. ZBA-2007-MAJ-01)

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

WHEREAS, the renter of the subject property, Carmen Davis Kirby, has submitted a petition requesting a major variance to allow a 56 square foot sign above the public right-of-way and to install the sign on the second level of the building at 110 W. Main Street in the B-4, Central Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-01; 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 January 31, 2007 and voted 6 ayes and 1 nay 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 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. The proposed sign will be 56 square feet and will be located above the public right-of-way on the second level of the building at 110 W. Main utilizing existing sign hardware.

2. Table IX-3. Standards for Projecting Signs states that such signs located in the B-4, Central Business Zoning District may be up to 32 square feet, or 12 square feet if any portion of a sign extends over the public right-of-way. Such signs are limited to the first floor of a building. Additional provisions in the B-4 District prohibit internal illumination when a projecting sign extends over the public right-of-way, imposes a maximum thickness of six inches, and requires a minimum separation of 20 feet between such signs. The proposed sign will meet these additional provisions.
3. The Urbana Building Inspector has stated that the existing sign hardware will require certification by either a structural engineer or an architect to ensure the proposed sign will be securely fastened to the building.
4. The variance will not serve as a special privilege because the building's orientation results in a lack of commercial window frontage for any second level tenant.
5. The variance requested was not caused by the petitioner because the petitioner has requested the appropriate variances.
6. The variance will not alter the essential character of the neighborhood because the proposed sign has been designed to retain the artistic and architectural integrity of the building, garner pedestrian and vehicular interest, and meet the other standards for projecting signs.
7. The variance will not cause a nuisance to adjacent property because the Urbana Building Inspector has stated that the existing sign hardware will require certification by either a structural engineer or an architect to ensure the proposed sign will be securely fastened to the building.
8. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request because the proposed sign is located over the public right-of-way. The Zoning Ordinance imposes size restrictions more stringent than if a sign were not located over the public right-of-way. These restrictions do not account for upper level retail uses that often require visibility to become and remain viable business uses.
9. The variance requested is the result of practical difficulties or particular hardship of the building's orientation, as there is a lack of commercial window frontage for any second level retail tenant. In addition, due to windows and architectural detailing, there are limited placement options on the second level of the building for non-projecting signs.

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

The major variance request by Carmen Davis Kirby, in Case #ZBA-2007-MAJ-01, is hereby approved to allow a 56 square foot sign above the public



right-of-way and to install the sign on the second level of the building at 110 W. Main Street in the B-4, Central Business Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 110 W. Main Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Commencing 6 inches West of the Southwest corner of Lot 36 of the original town of Urbana, in Champaign County, Illinois, running thence East 24 feet One (1) inch; thence North 23 feet 8 inches; thence West 17 ¼ inches; thence North to Goose Alley; thence West 41 feet 4 ½ inches more or less to the center of the West wall of the brick building on said lot; thence South to the South line of said Lot 38; thence East 18 feet 9 inches more or less, to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL NO: 92-21-17-202-016

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 \_\_\_\_\_, 2007.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

AYES:

NAYS:

ABSTAINS:

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

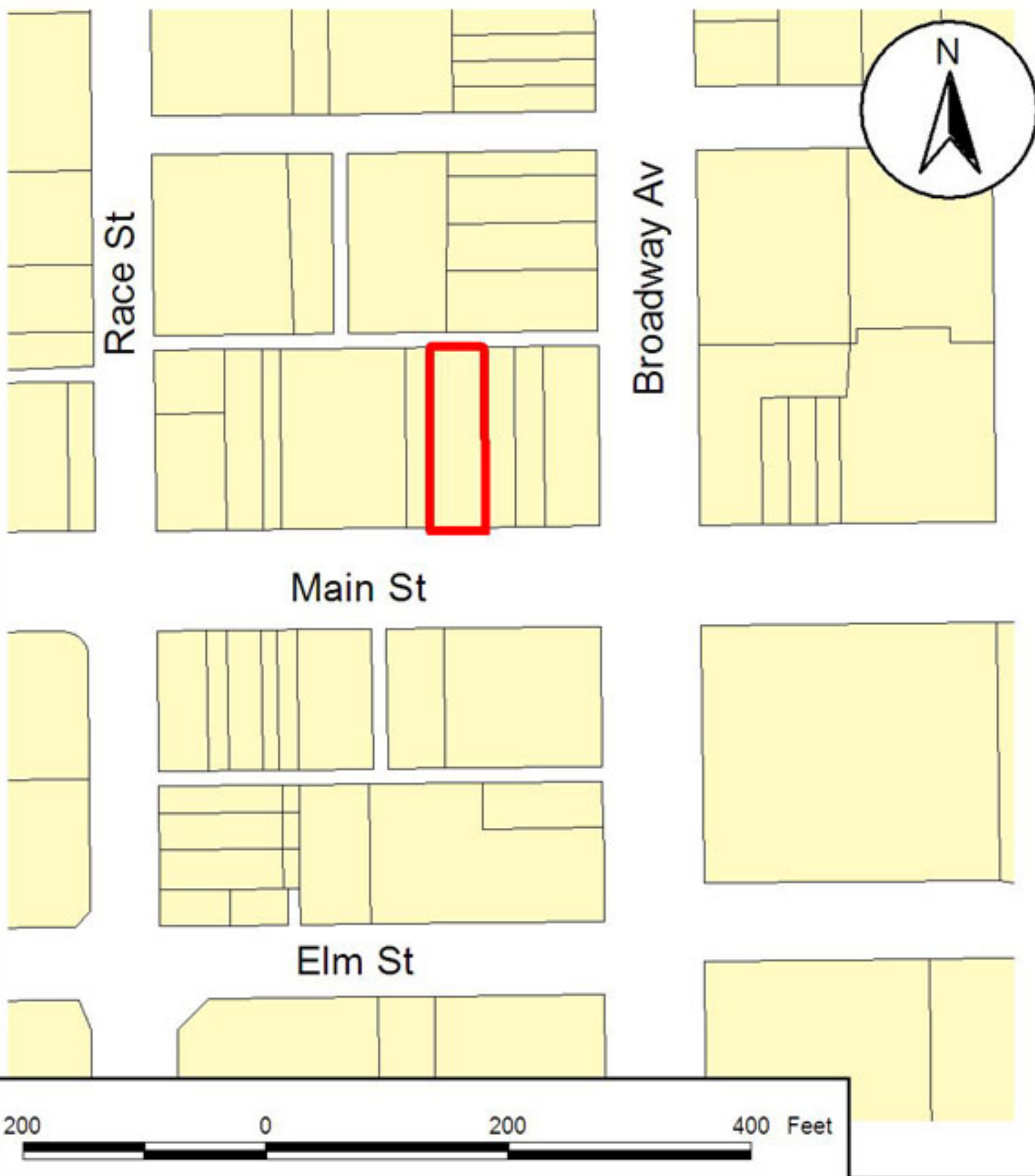
APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
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 \_\_\_\_\_, 2007, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (A request to allow a 460% increase in the display area of a projecting sign and to install the sign on the second level of the building in the B-4, Central Business Zoning District. 110 W. Main Street / Case No. ZBA-2007-MAJ-01)" 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 \_\_\_\_\_, 2007, 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 Case: 2007-MAJ-01  
Petitioner: Carmen Davis Kirby (Bella Home)  
Location: 110 W. Main Street  
Description: 460% Increase in Projecting Sign Area and Placement on Upper Floor of a Building

# Exhibit B: Zoning Map



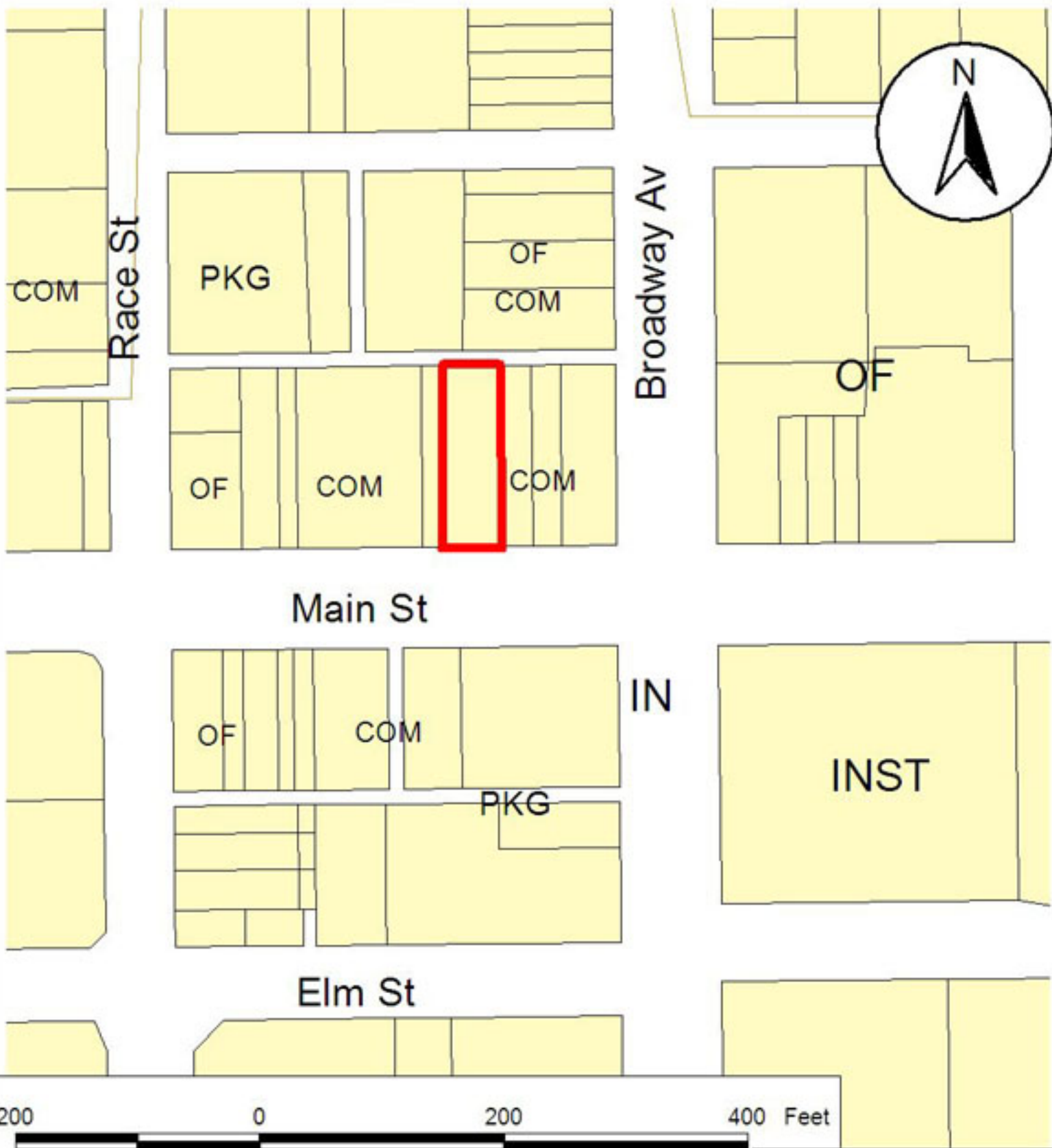
 B4 - Central Business



ZBA Case: 2007-MAJ-01  
Petitioner: Carmen Davis Kirby (Bella Home)  
Location: 110 W. Main Street  
Description: 460% Increase in Projecting Sign Area and Placement on Upper Floor of a Building



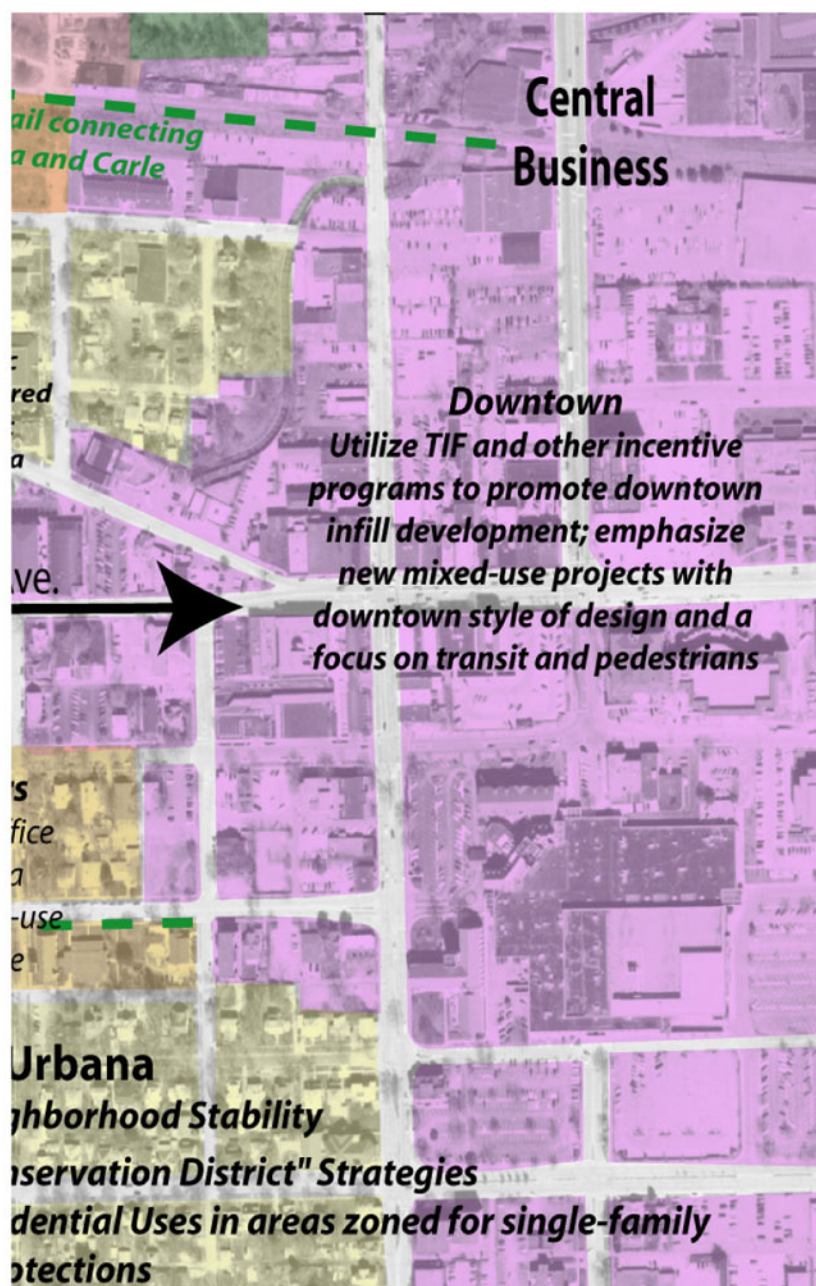
# Exhibit C: Existing Land Use Map



ZBA Case: 2007-MAJ-01  
Petitioner: Carmen Davis Kirby (Bella Home)  
Location: 110 W. Main Street  
Description: 460% Increase in Projecting Sign Area and Placement on Upper Floor of a Building

OF - Office  
COM - Commercial  
PKG - Parking Lot  
INST - Institutional

# Exhibit D: Future Land Use Map



ZBA Case: 2007-MAJ-01  
Petitioner: Carmen Davis Kirby (Bella Home)  
Location: 110 W. Main Street  
Description: 460% Increase in Projecting Sign Area and Placement on Upper Floor of a Building



# Exhibit E: Aerial Map



ZBA Case: 2007-MAJ-01  
Petitioner: Carmen Davis Kirby (Bella Home)  
Location: 110 W. Main Street  
Description: 460% Increase in Projecting Sign Area and Placement on Upper Floor of a Building

bella  
HOME

UPSTAIRS 110 W. MAIN



168.5"

48"



# Exhibit G: Site Photos



Main Street, looking south



Main Street, looking west



Main Street, looking east