



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** The Urbana Plan Commission

**FROM:** Robert Myers, Planning Manager

**DATE:** January 3, 2006

**SUBJECT:** Case No. 1978-SU-06, A request to allow an increase in the size of two freestanding signs for a shopping center at Five Points Plaza from 75 to 150 square feet each.

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### **Introduction**

James Burch is requesting on behalf of Tatman Burch LLC a Special Use Permit to allow an increase in the size of two freestanding signs for a shopping center from 75 to 150 square feet each. The location is the Five Points Plaza shopping center which is now under development and is generally located on the northeast corner of University and Cunningham Avenues and behind Walgreens. The property is zoned B-3, General Business District and is being developed under the terms of a Developers Agreement with the City. Table IX-9 of the Zoning Ordinance normally limits shopping center signs for this type of shopping center to no more than 75 square feet in area but does allow an increase of up to 150 square feet in area under Special Use procedures. Pursuant to the Zoning Ordinance, the Plan Commission must recommend approval or denial of increased signage and forward the application to the City Council for final action.

### **Background**

#### **Description of the Site and Surrounding Properties**

Five Points Plaza is a commercial site under development at the northeast corner of University and Cunningham Avenues and behind a new Walgreens store. The Five Points Plaza property is approximately two acres in area.

Concerning existing land uses, to the south is a carwash along University Ave., to the southwest is a Walgreens store, to the west is an undeveloped area of the property fronting on Cunningham Avenue, to the north and beyond Park Street is an undeveloped lot, and to the east beyond Maple Street is the Urbana Armory. A residential mobile home park with eight units is located approximately 300 feet northeast of Five Point Plaza and at the southwest corner of Maple Street and Crystal Lake Drive. The new Five Points Plaza strip commercial building actually backs up to Park and Maple Streets, along which a row of parking is provided behind the building.

## **The Proposal**

James Burch, on behalf of Tatman Burch LLC, is applying for a Special Use Permit to allow an increase in signage for Five Points Plaza shopping center. The Zoning Ordinance allows freestanding signs for convenience shopping centers to be increased from 75 to 100 square feet in area through a Special Use Permit. Two such signs are currently allowed by right with a height limit of 30 feet at the minimum setback line plus one additional foot in height per two feet additional setback, up to 40 feet tall maximum. In this application, two signs of 150 square feet in area are requested and would be 16 feet 7 inches in height.

## **Discussion**

The applicant believes larger signage is needed at this location for reasons specific to this site. The property does not have visibility from adjoining major trafficways equal to the visibility of adjacent properties. This is due to the fact that the lot is “L” shaped and wraps around the new Walgreens store property located at the intersection of University and Lincoln Avenues. The applicant states that in order to equalize site visibility, each of the tenants needs to be identified on the shopping center signs. Three-inch lettering can only be seen from a distance of approximately thirty feet. Thus, given the speed of cars and adequate sight distances to read tenant signs, this leads to the need for signage larger than 75 square feet in area. His first tenant is moving from another location with better visibility, and this is an issue of concern.

The applicant is currently discussing with the owner of the car wash property to the south his proposal to locate one of the Five Points Plaza signs on that property along University Avenue. Five Point Plaza’s frontage along University Avenue is so narrow at that point that the sign would be located too close to the entry drive. Both shopping center signs need to be visible to be successful. To locate the Five Points sign a few feet eastward on the car wash property would require a permanent sign easement.

The applicants have also indicated they will have an overall sign program for Five Points Plaza which their individual tenants will be required to follow. The City would like to cooperate with the applicant to insure that individual tenant and other signage contributes to the quality of this development.

This property is located within the City’s Downtown Tax Increment Financing (TIF) District No. 2 and within the Downtown Strategic Plan Area. The property is also subject to a Redevelopment Agreement in which the City carried out site demolition. The City’s is committed to seeing this property successfully redeveloped. In order to be successful, this retail project must have good visibility.

## **Requirements for a Special Use Permit**

According to Section VII-6 of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

- 1) *That the proposed use is conducive to the public convenience at that location.*

Because this site is located behind an existing store and does not have the same visibility as other properties along Cunningham and University Avenues, allowing a signage increase from 75 to 150 square feet in area would offer a more equal footing for Five Points Plaza with respect to other convenience shopping centers. Increasing the sign area will also allow all fourteen tenants to be listed, an aspect the applicant believes is crucial for success of this shopping center.

- 2) *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The proposed signs have been redesigned such that they will not be unreasonably injurious or detrimental to the district or to the public welfare. The applicants have redesigned their sign design so that they will be approximately 16 feet 7 inches in height rather than up to 40 feet tall as now allowed by right. The proposal would conform to the Downtown Strategic Plan and Downtown TIF Plan for this area.

- 3) *That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.*

The proposed signs would be no greater in area than allowed under Special Use Permit allowances for freestanding shopping center signs. Although they would be larger than typically allowed for convenience shopping centers, they will be monument type signs which are considerably shorter than freestanding signs now allowed in B-3 zoning districts. These signs will fit into the character of the neighborhood.

### **Consideration**

The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Plan Commission shall make a recommendation to the City Council for or against the proposed special use, and may also recommend such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require adherence to an approved site plan;
3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting;
8. Any other conditions deemed necessary to affect the purposes of this Zoning Ordinance.

### **Summary of Findings**

1. The proposed signage increase is conducive to the public convenience because it would offer visibility to a retail center which does not have adequate street visibility.

2. The proposed special use should not pose a detriment to the district in which it is proposed to be located.
3. The proposed special use is consistent with the zoning designations of the subject site and the surrounding area.
4. The proposed special use is compatible with the existing land use pattern of the general area.
5. The proposed special use permit would insure success of the retail uses at this location.
5. The proposed special use complies with the City's 2005 Comprehensive Plan, Downtown Strategic Plan, Downtown TIF Plan, and Developer's Agreement for this property.

## Options

The Plan Commission has the following options for recommendations to the City Council regarding Plan Case No. 1978-SU-06:

1. Recommend approval of the Special Use Permit request, without any additional conditions.
2. Recommend approval of the Special Use Permit request, with any conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance.
3. Recommend denial of the request for a Special Use Permit.

## Staff Recommendation

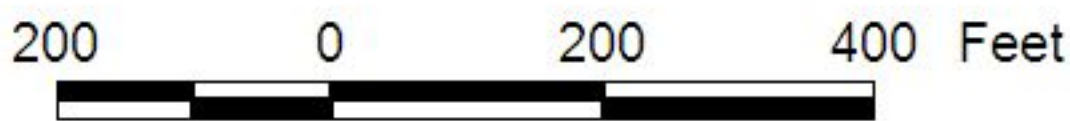
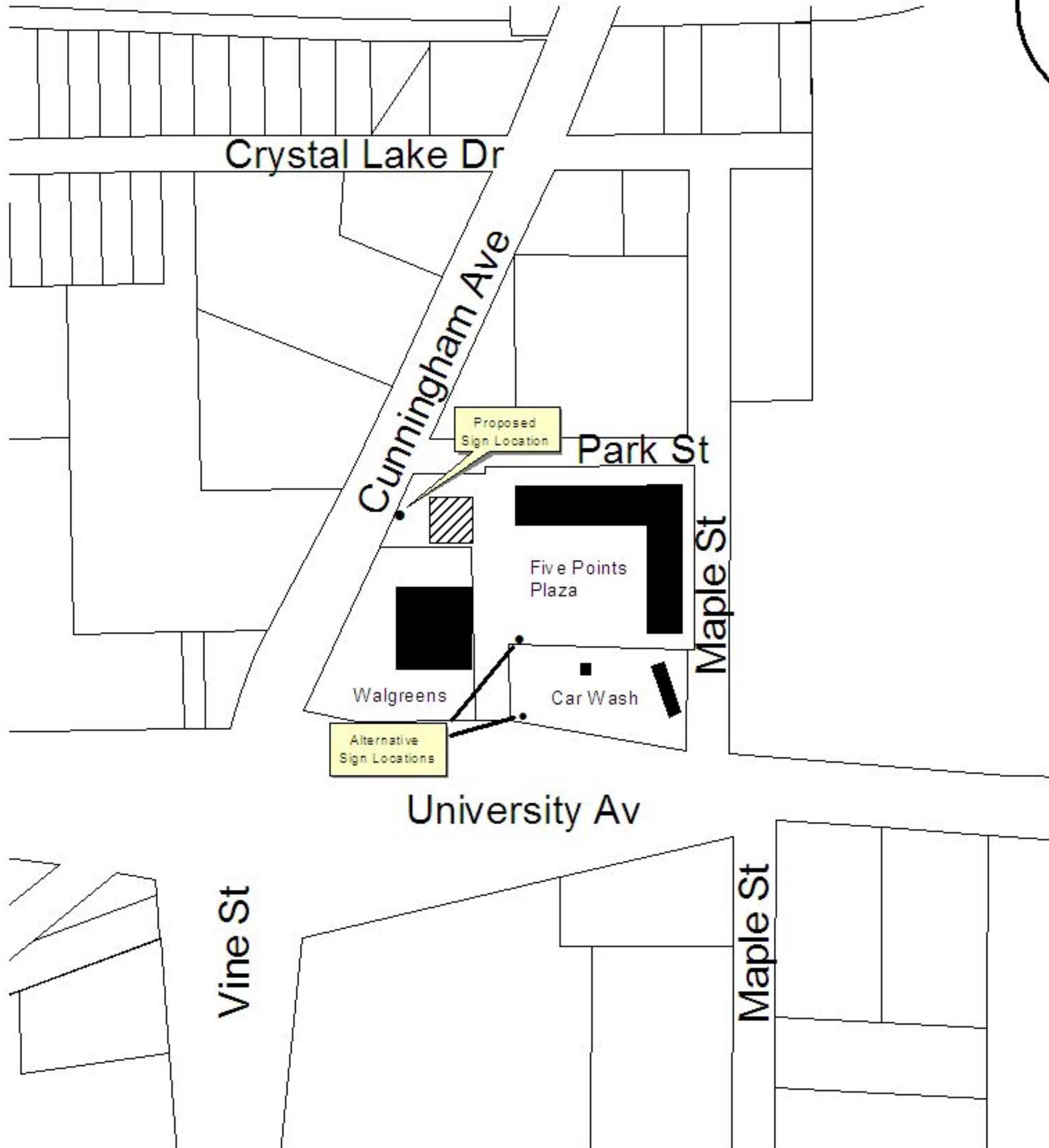
Based on the evidence presented with this report, and without the benefit of considering additional evidence that may be presented at the public hearing, City staff recommends that the Plan Commission recommend **approval** of the proposed special use permit in Plan Case No. 1978-SU-06 to the City Council as presented for the reasons articulated above, and with the **following conditions**:

1. **Written approval by the owner of the carwash shall be submitted to the City to locate any Five Points Plaza sign on the carwash property. Additionally, any Five Points Plaza sign on the carwash property shall only be permitted following recordation of a permanent and binding sign easement between the owners of the two properties.**
2. **The applicants shall submit a copy of their overall signage plan to the City for the entire Five Points Plaza property showing that tenants must conform to their coordinated sign standards.**
3. **The Director of Community Development shall be authorized to allow minor modifications to sign locations and design as shown in Exhibits A and G. Major changes shall be resubmitted for review and approval by the Plan Commission and City Council.**

Attachments:    A:    Location Map  
                  B:    Zoning Map  
                  C:    Existing Land Use and Aerial Photo Map  
                  D:    Future Land Use Map  
                  E:    Special Use Application  
                  F:    Minor Plat of Five Points Northeast Subdivision  
                  G:    Proposed Sign Design

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Cases\2006\1978-SU-06, 520 N Cunningham Ave, Five Points East signs SUP memo.doc

Cc:    Paul Tatman  
       James Burch

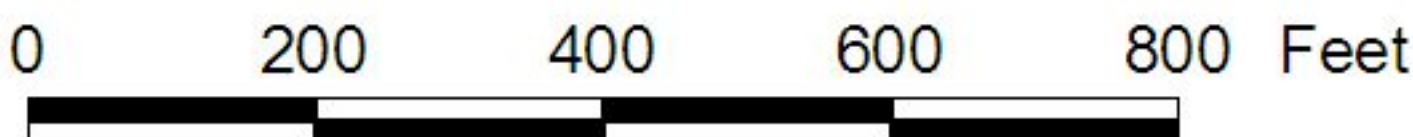
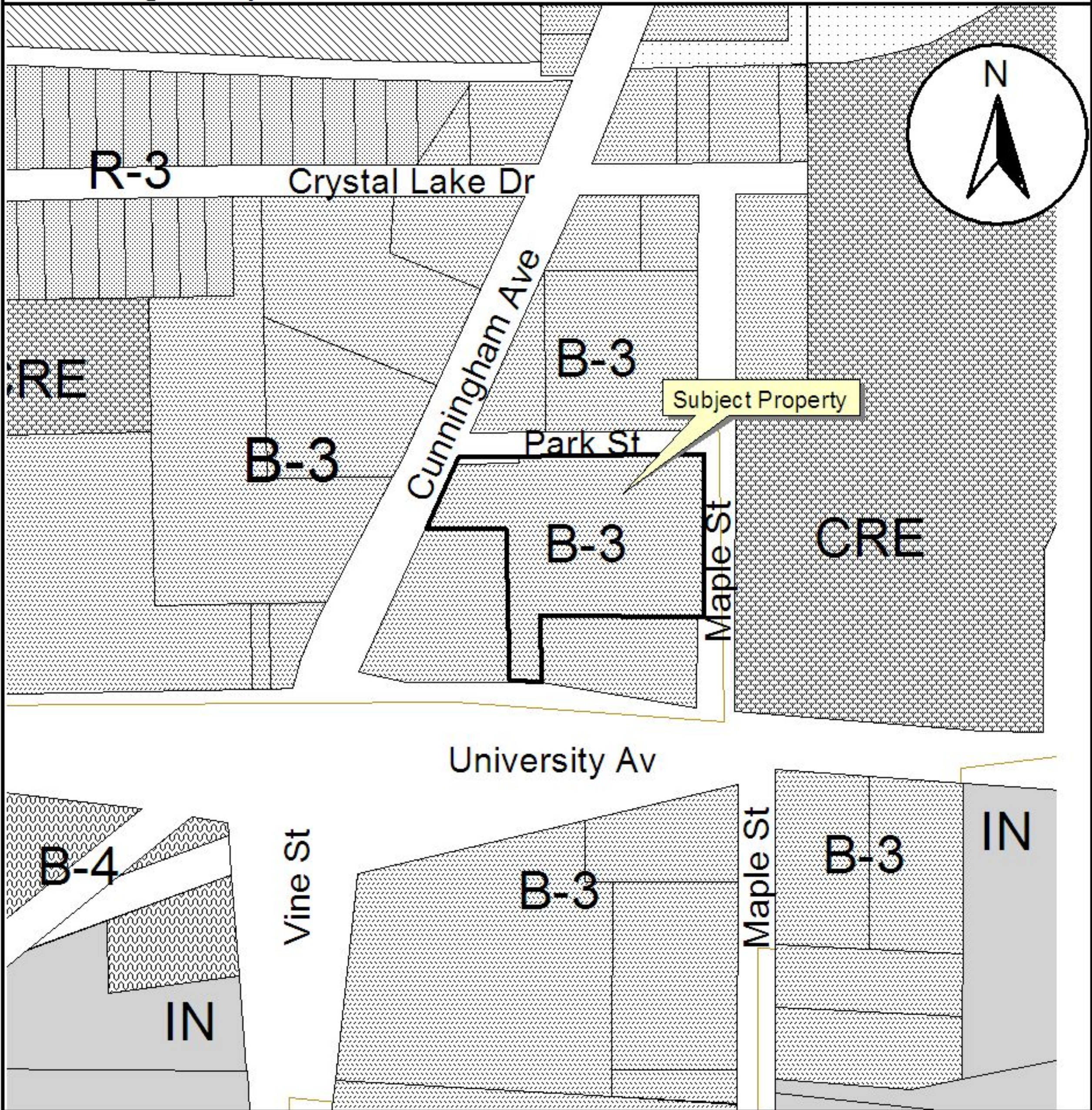


Plan Case: 1978-SU-06  
Petitioner: James Burch  
Location: 510 N. Cunningham Av,  
Zoning: B-3 - General Business  
Description: Special Use Permit to increase the size of two  
freestanding signs for a Convenience Shopping Center from  
75 to 150 square feet

Structures not exactly to scale

# Zoning Map

# Exhibit "B"



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- B3 - General Business
- B1 - Neighborhood Business
- R1 - Single Family
- R2 - Single Family
- R4 - Medium Density Multiple-Family
- R5 - Medium High Density Multiple-Family



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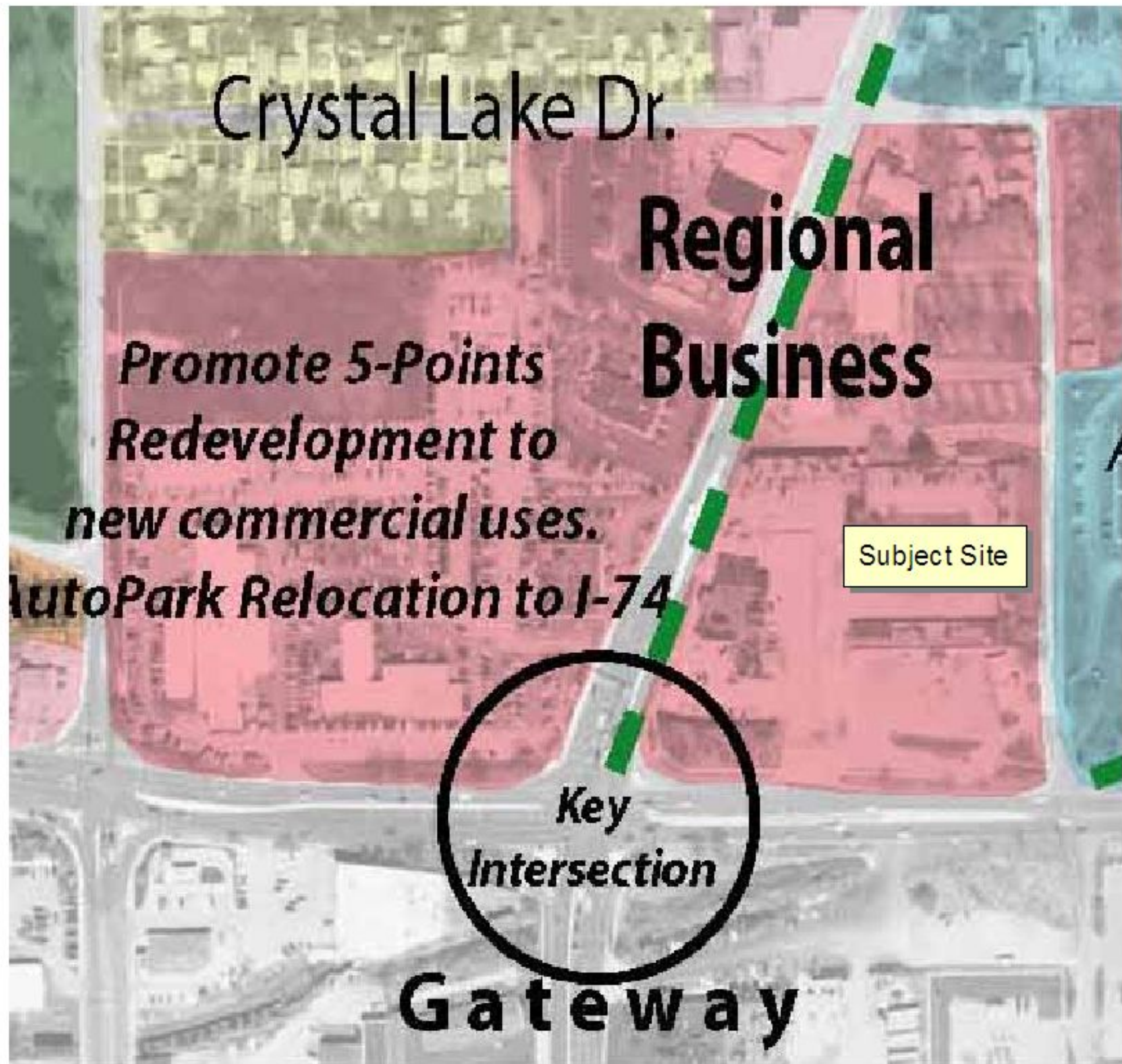
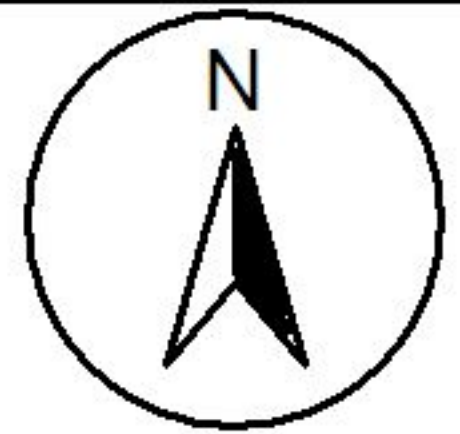
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# Future Land Use Map

Exhibit "D"

Source: Comprehensive Plan Future Land Use Map # 4, p.75



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