

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: June 28, 2001

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Darwin Fields, Joe Schoonover, Charles Warmbrunn

MEMBERS ABSENT Anna Merritt, Harvey Welch

STAFF PRESENT: Elizabeth Tyler, Planning Manager
Tim Ross, Planner
Paul Lindahl, Planning Intern

OTHERS PRESENT: Sheldon Bane, Chris Billing, Ralph Dady, John Gremer, Laura Huth, Don Manning, Georgia Morgan, Esther Patt, Erik Sorensen, Shirley Stillinger, Jeff Wampler

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Paul Armstrong, Acting Chair, called the meeting to order at 7:40 p.m. Mr. Armstrong then swore in all public speakers. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Corten moved to approve the minutes from the May 17, 2001 meeting. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- Letter from William Bagby
- Letter from the Illinois Student Environmental Network
- Letter from J. W. Phebus
- Letter from Ellen Handler
- Letter from Muriel and Morris Scheinman
- Letter from Barr Real Estate

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

ZBA-01-MAJ-6; Request for a major variance to allow a garage with a building area greater than the maximum permitted for an accessory structure at 916 East Water Street.

Paul Lindahl, Planning Intern, presented the staff report. He gave a brief introduction and background of the variance requested. Mr. Lindahl mentioned the variance criteria. He noted the options of the Zoning Board of Appeals and gave the staff recommendation.

Kory Trummer, of 916 East Water Street, approached the Zoning Board of Appeals to answer any questions that they may have. Mr. Schoonover voiced a concern about the power pole that the power company was putting in. He asked if Mr. Trummer had gotten the requirements for the power line over the height of the garage. Mr. Trummer stated that the installation of the power pole and line was already finished, and the pole was raised approximately six feet higher. Mr. Schoonover asked if the pole was going to be replaced anyway regardless of the approval of this variance. Mr. Trummer commented that was correct.

Mr. Schoonover moved to forward the request for the variance to City Council for approval. Mr. Corten seconded the motion. The roll call was as follows:

Mr. Armstrong	Yes	Mr. Corten	Yes
Mr. Fields	Yes	Mr. Schoonover	Yes
Mr. Warmbrunn	Yes		

The motion passed by unanimous vote.

ZBA-01-MAJ-7; Request for a major variance to allow a projecting sign with an area of approximately six square feet to extend approximately forty-two inches over the public right-of-way in Urbana's B-4, Central Business District at 110 South Race.

Tim Ross gave the staff report. He began his presentation by giving an introduction and a brief background of this case. In his discussion, Mr. Ross commented on the structure of the sign, the Zoning Ordinance prohibiting projecting signs from extending over any public right-of-way and the determination of Craig Grant, Building Safety Division Manager of the City of Urbana, as to whether the sign would require structural engineering requirements due to its lightweight design if the variance would be approved. In addition, he discussed the issues of signage and streetscape design being discussed in other forums. Mr. Ross explained the variance criteria. He stated the options of the Zoning Board of Appeals, and he gave the staff recommendation.

Mr. Warmbrunn asked if it was Mr. Ross's opinion that a variance was not needed to allow for an upper level business to have a projected sign, and could Mr. Ross give an example of where there is an upper level sign. Mr. Ross replied that a variance was not needed, because the sign is proposed for the lower level and that there are no upper level businesses that have a projecting sign. Mr. Warmbrunn asked if there were any upper level businesses that had a sign on the lower level? Mr. Ross replied not to his knowledge. Mr. Warmbrunn asked if this would be the first projecting sign in downtown Urbana? Mr. Ross replied that this would be the first projecting sign in the downtown region that Urbana has had for a while. However, there are other existing projecting signs, which did not require a variance, and there are also some legally non-conforming projecting signs extending into the right-of-way in other parts of town.

Mr. Fields asked if an awning was considered a sign? Mr. Ross stated that awnings are permitted through Urbana's Public Works Department as long as they meet the criteria. They may require structural engineering as well. If there is a message or advertising on the awning, then it is permitted as a sign.

Mr. Warmbrunn asked if the sign off of the overhang of the Canopy Club was considered a projecting sign? Mr. Ross replied yes that would be considered a projecting sign extending over the right-of-way. Mr. Warmbrunn asked where other projected signs are located? Mr. Ross replied that the sign for the Chief Illini Hotel on North Cunningham extends a little over the road. He commented that the projecting sign has not been used for the past several years.

Mr. Warmbrunn asked how close the other forums were to make a decision on the language for sign issues? Mr. Ross responded that the Historic Preservation heard the presentation and encouraged the Staff to continue to work on it with a few suggestions. Also, the Downtown Plan Steering Committee is reviewing the sign study. It will be approximately three weeks before that Committee meets again. Ms. Tyler commented that the Historic Preservation Commission was in favor of this type of signage as long as it was not internally eliminated and the size was nine or ten square feet or less.

The sign to be projected in this case gives a more historic sense. In recent years, freestanding signs seem to be the sign of choice, because it draws the attention of motorists. Mr. Warmbrunn asked if Staff was suggesting that they want to lure motorists with the sign? Ms. Tyler replied that this sign would be more pedestrian oriented, because of the small size of the sign and the size of the lettering on the sign would not be visible to motorists. Ms. Tyler commented that her intent was to give a background as to why types of signs have changed over the years.

Mr. Schoonover asked if the sign could be mounted flush on the side of the building without extending? Mr. Ross replied that in that case, it would be a wall sign. The petitioner has requested to extend it as a projecting sign.

Laura Huth, of 808 South Race, mentioned that the sign was constructed and presented as a gift to the organization. It is a double-sided sign, which was constructed to be a projecting sign. The Illinois Student Environmental Network will be having an Open House in a couple of weeks, and they are eager to get the sign hung up.

Mr. Schoonover asked how many doors were on the west side of that building? Ms. Huth replied that there is a set of double doors that is furthest to the north. It is two doors, but it is just one doorway. To the south along the alley, there is another set of doors that lead to two different places.

Mr. Warmbrunn asked Ms. Huth how would the sign help people access this business? Ms. Huth replied that this sign would help direct people to the proper door. Mr. Warmbrunn asked if all the businesses have the same address? Ms. Huth replied that each business has its own Suite number. She commented that there have been several incidences which people were confused as to which door to enter to get to Illinois Student Environmental Network.

Mr. Schoonover asked Mr. Ross if the Commission should not consider the fact that the Illinois Student Environmental Network is a second floor business? Mr. Ross stated that there are no potential conflicts with other businesses on the lower level. This would be the only business with access to that door.

Mr. Schoonover commented that the sign could be placed flush against the building and be considered a wall mount. Mr. Ross it would be allowed as a wall sign and would not require a variance.

Mr. Corten moved to forward the variance as presented to the City Council for approval. Mr. Warmbrunn seconded the motion.

Mr. Warmbrunn commented that he hated to be the first to approve a sign outside of the City's Zoning Ordinance regarding an upper level business placing a sign on the lower level entrance. Mr. Corten stated that his understanding was that there might be actions taken that would eliminate this sign or allow this sign in the next month or two. Mr. Ross replied that in the next couple of months, there would probably be an amendment presented back to the Plan

Commission. Mr. Corten asked what would happen if this variance were granted and there were an amendment in the future to not allow this type of sign? Mr. Ross replied that it would be considered a non-conforming use, and it would be allowed to continue.

With no further questions or discussion, the roll call was as follows:

Mr. Corten	Yes	Mr. Fields	Yes
Mr. Schoonover	No	Mr. Warmbrunn	No
Mr. Armstrong	No		

The motion to approve the variance failed 2-3.

ZBA-01-MAJ-8; Request for a major variance to allow a projecting sign with an area of approximately 7.6 square feet to extend over the public right-of-way in Urbana’s B-1, Neighborhood Business District at 807 South Lincoln.

Tim Ross gave the staff report. He gave a brief introduction of the variance requested. He gave a brief description of the site and the surrounding zoning and land uses of the area. In his discussion, Mr. Ross stated some of the standards of the Urbana Zoning Ordinance regarding projecting signs extending over the right-of-way and front yard setbacks. Then, he went on to discuss the variance criteria. Mr. Ross gave the options to the Zoning Board of Appeals and stated the staff recommendation to forward the variance to City Council with recommendation for approval.

Mr. Warmbrunn asked if Jimmy John’s already had two signs? Mr. Ross replied that they have two wall signs. Businesses are allowed up to ten percent of the business frontage to be used as signage. Mr. Warmbrunn asked if the wall signs were not considered identification signs? Mr. Ross commented that identification signs are intended more for an office building type. They basically have the name of the business on them. Mr. Warmbrunn commented that he disagreed with that. The sign says Jimmy John’s on it; therefore, it is identifying Jimmy John’s. Ms. Tyler commented that there are definitions of identification signs that are distinguished from the commercial signs in the Zoning Ordinance. Mr. Warmbrunn stated that there should be a limit of how many signs a business can place on the exterior of the building. Mr. Ross mentioned that the limit of wall signage is restricted to ten percent of the business frontage. Mr. Warmbrunn asked if the front of the building was considered to be both sides. Mr. Ross replied that from the pitch of the building to the south portion is Jimmy John’s frontage. Ms. Tyler added for clarification that there is no limit on number of signs; however, there is a limit on the maximum area of all signs per frontage of ten percent of the wall area but not to exceed 150 square feet maximum. Mr. Warmbrunn questioned if the proposed Jimmy John’s sign did not occupy ten percent of the frontage. Mr. Ross replied that was correct. Mr. Fields asked if anyone had actually taken measurements to know what ten percent would be? Mr. Ross replied yes, and that sign permitting is done through Building Safety Division. Mr. Fields asked if Mr. Ross knew what the current percentage was? Mr. Ross replied that he did not know off hand. Mr. Fields

commented that from the photos shown in Exhibit K and K2, the proposed sign would not seem to appear visible.

Jeff Wampler, of 1102 South Prospect in Champaign, approached the Zoning Board of Appeals. He commented that projecting signs are allowed up to thirty-two square feet; however, the petitioner was only asking for nine square feet. There was only one sign, and the sign must be at least nine feet from the ground. Jimmy John's was planning to hang the sign ten feet off the ground. After remodeling, they took the awning down to replace it with the proposed sign.

Mr. Wampler remarked that this is a heavy pedestrian area. The proposed type of sign would appear to the pedestrians for lunch. The purpose for this sign is to appeal to those pedestrians who are students living in dorms and apartments close by.

Mr. Wampler stated that the sign was originally approved by the City of Urbana and a permit was issued. After spending approximately \$2,000 for the construction of the sign, Jimmy John's received a letter stating that a variance was needed.

Mr. Schoonover asked if the issuance of a permit to hang a sign was new, and if the City of Urbana made a mistake? Mr. Ross replied that he took the case at the point of the variance being applied for, which was after the permit had been issued. Ms. Tyler commented that the Building Safety Division of Community Development for the City of Urbana is in charge of the permitting of signs. Projecting signs are older types of signs that may be coming back in to use. She mentioned that this sign could be used at other locations. Mr. Schoonover asked if the Building Safety Division did not have knowledge about the setback policy? Ms. Tyler stated that it may be that the inspector who issued the permit did not know that the sign would extend over the right-of-way, as the south side of the building is not built to the property line, and a sign erected there would not extend over the right-of-way.

Mr. Fields asked if it was correct that a business was allowed to have a thirty-two square foot sign? Mr. Ross replied yes, that is what is allowed in a B-1 district. Ms. Tyler added that one of the reasons the text amendment on projecting signs was brought before the Plan Commission was to reduce the square footage allowed. The Staff felt that thirty-two square feet could cause some safety concerns.

Mr. Schoonover asked if pedestrians could not see the sign that already exists? Mr. Wampler responded that he was not in marketing. The ones responsible for marketing believe the proposed sign to be a strategic way to draw the pedestrian traffic in that area due to it being a heavy density area. Mr. Schoonover asked if the sign was to be illuminated all night long or was it on a timer? Mr. Wampler replied that the proposed sign could be placed on a timer, but the intent is that it would be lit during business hours. Mr. Schoonover asked how late in the evening that Jimmy John's was open? Mr. Wampler replied that they are open till 3:00 a.m.

Mr. Ross remarked that in regards to the photos in the packet, that there were viewpoints from the east and south. There were not any viewpoints from the north, which is why he took the

additional photos. Mr. Fields asked if it appeared to Mr. Ross that he would be able to see the sign from the north? Mr. Ross replied that driving by in the right lane, the wall sign was not real visible. Mr. Wampler added that the sign would not be really visible to know that Jimmy John's is located there. From driving north, the sign would not appear as visible as driving south would be. Mr. Corten commented that no one should be talking about whether it was visible while driving when the purpose for the sign is to attract pedestrians.

Shirley Stillinger, of 1003 South Busey, approached the Zoning Board of Appeals. She commented that she lives just around the corner from Jimmy John's. It would be a nuisance to her to see the sign as she drives by. She believes that it would change the character of the building. Ms. Stillinger remarked that this commercial property is the only commercial property on Lincoln Avenue south of Green Street. The pedestrian traffic has no problem seeing the sign that is already there. Pedestrians have plenty of time to look up and read the sign. She felt that the proposed sign would be aimed at drawing the attention of the vehicular traffic. She stated that she was strongly opposed to changing the character of this building, and she hoped that the members of the Zoning Board of Appeals would vote no.

Mr. Corten asked whether she would consider the area to be a transition area? Ms. Stillinger replied yes, that side was zoned for business.

Mr. Ross asked if she had not receive a mailing? Ms. Stillinger replied that she had not received a mailing. Mr. Ross stated that the City is required to notify all property owners within 250 feet of the subject property excluding the right-of-way.

Mr. Schoonover asked if she could notice the current sign at night? Ms. Stillinger replied that she does not notice the sign.

Georgia Morgan, of 804 West Nevada, approached the Zoning Board of Appeals. She commented that anybody that walks on Lincoln Avenue past Jimmy John's knows that it is there. Pedestrians can see the existing sign, and if nothing else, pedestrians can smell Jimmy John's. The odor of their food is one of their most effective marketing tools. It smells good. Therefore, Jimmy John's does not need another sign. The awning was fine. It helped keep the rain off pedestrians as they walked down Lincoln Avenue past Jimmy John's. Also, she felt that Jimmy John's was a great neighbor, however, she does not feel that they need another sign.

Mr. Wampler stated that in the packet was a future land use map, which turns the area into a high density residential neighborhood. Jimmy John's felt that a protruding sign would catch the attention of the students who do not know it is located there.

Mr. Corten inquired as to whether the corporate decision to hang the sign was the real need for the variance more so than the local situation. Mr. Wampler replied that this sign would not be put in all the Jimmy John locations. The proposed sign was picked out by marketing for this store due to the heavy pedestrian traffic and high density in residential living.

Mr. Fields moved to recommend the denial of the variance request. Mr. Schoonover seconded the motion. Mr. Schoonover responded that his finding for supporting the denial was that the existing sign was already visible to pedestrians. Mr. Fields stated that his finding was that the existing sign was adequate. He felt that the two residents made good points.

The roll call was as follows:

Mr. Fields	-	Yes	Mr. Schoonover	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	No			

The motion to deny the variance was passed 4-1.

ZBA-01-MAJ-9; Request for a major variance to allow proposed parking spaces to back into or out of a public street for a non-residential use at 312 West Oregon.

Ms. Tyler gave the staff presentation. She began with an introduction of the case and a brief background. She read the variance criteria from the staff report. Ms. Tyler explained the options to the Zoning Board of Appeals. Lastly, she mentioned that staff recommends that the Zoning Board of Appeals recommend that the City Council grant the variance as requested.

Mr. Corten inquired as to whether there were stop signs at the corners of Cedar Street and California Street and Cedar Street and Oregon Street? Ms. Tyler replied that since Cedar Street was the minor street and California was a major street, then there was a stop sign on Cedar Street.

Mr. Warmbrunn asked if Staff was aware of the variance for a conditional use granted by the Zoning Board of Appeals about a year ago for the construction of the second floor at Leal School? He mentioned that he thought it covered the parking spaces. Ms. Tyler asked if it was more than a year ago, and he replied yes, that it was dated September 14, 1999. Ms. Tyler mentioned that this parking plan came in about twelve months ago, and the planning staff alerted the architect for the need of a variance. A lot of the portions of the project have been delayed due to property acquisition needs and funding limitations.

Christopher Billing, a Civil Engineer of Berns, Clancy, and Associates, approached the Plan Commission. He began by recapping the background and history of the Leal School perspective. About a year and a half ago, he was brought in to assess on-site problems such as traffic flow and parking. Leal School is an older neighborhood school. There is currently no on-site parking which impacts the neighborhood in the immediate area. Another issue was the traffic flow with parents picking up and dropping off their children causing traffic congestion. The School District developed a plan to purchase five or six properties to the west of the school site in order to enlarge the site. These would be primarily put toward open area play space, outdoor learning space, and at the same time accomplish some traffic access renovations and some parking on-site. Leal School had a meeting with the engineers, the teaching staff, other school

representatives, parents, and surrounding neighbors to get input as to how to develop the acquired property.

They came up with a plan known as Concept A, which will benefit the school in the following ways:

1. Larger parking lot built along California, in addition to the fifteen parking spaces on Cedar Street. This will help establish a clockwise rotation of the traffic around the block.
2. Buses drop off and pick up will be moved from Birch Street to California.
3. At a later time, there will be handicap accessibility with handicap parking as close to the school as possible.
4. New playground and open green space.
5. Outdoor classroom.

Mr. Warmbrunn asked who was anticipated to park in the parking spaces on Cedar Street? Mr. Billing replied that although the parking spaces have not been assigned, there would be spaces allocated for visitor parking and possibly administration. Mr. Warmbrunn inquired as to whether the neighborhood would be allowed to park in those spaces after school was out. Mr. Billing stated that the School District was concerned with the idea that if the public parks in those spaces overnight, then the vehicles might not be moved before school hours begin the next day. The parking spaces are not intended for neighborhood usage and might be signed as school district parking.

Mr. Corten questioned if it was considered for Leal School to take over one block of Cedar Street and make it a parking alley? Would Cedar Street still be considered a through street? Mr. Billing commented that Cedar Street was still a through street. He added that the other concepts that were thought of included altering Cedar Street to one-way; however, it was decided not to change the character of Cedar Street.

Mr. Corten asked if the School District would be taking over Birch Street. Mr. Billings responded that was the master plan.

John Gremer, of 212 West Oregon, commented that vehicles are not allowed to be parked overnight except on the weekends. He pleaded for the City Council to not limit the neighborhood parking anymore than has already been done. His reason for mentioning this was because some of the neighbors share driveways. He shares a driveway with one of his neighbors. The idea is okay if you only own one car and never receive visitors. The only place to park is in the garage or on the street. Mr. Gremer added that it cost him \$138.00 for permits to park on the street in front of his house.

He commented that a four-way stop sign was needed on Oregon and Cedar Streets.

Mr. Schoonover asked if Mr. Gremer had a problem with anything else. Mr. Gremer replied no.

Don Manning, of 606 Cedar, commented that he was Mr. Gremer's neighbor. He mentioned that he had the same concerns about more restricted parking as Mr. Gremer had. Mr. Manning stated that he has been involved as a parent in the discussions of improvements of Leal School.

Mr. Armstrong stated that there was nothing in the plans to indicate a change in parking on Cedar Street.

Mr. Manning commented that he feels the School District is doing things backwards. They have already poured the concrete for the construction of the parking before getting approval.

Ralph Dady, of 302 West Nevada, stated that his primary concern was people backing their vehicles out of the school property. He felt this was a safety issue.

Mr. Dady's second concern was the traffic flow. The goal would be to have a rotation of traffic flow. He stated that more stop signs would be needed.

Mr. Billing re-approached the Plan Commission to answer any questions. Mr. Schoonover asked if there had been a study of the traffic after school hours? Mr. Billing replied that a study of after hours traffic had not been done. There is a big difference in the traffic between the time that school is in session and when school is out. That would be an issue for Public Works to do a study on. With vehicles going in one direction, it should help diffuse traffic confusion.

Mr. Corten asked if it was feasible to make Cedar Street between California and Oregon Streets a one-way street? Mr. Billing responded that would be more of an impact on the neighborhood; therefore, it was not pursued.

Ms. Tyler asked Mr. Billing if construction had been halted? Mr. Billing replied that construction was begun on the first phase because the site work needs to be done before school starts and to capture the pricing from the contractors. However, a halt was put on the construction until there was a decision on the variance.

Mr. Warmbrunn moved to forward the variance to the City Council subject to the Staff exploring the possibility of placing stop signs at the intersection of Cedar Street and Oregon Street, intersection of Cedar Street and California Street, intersection of Birch Street and California Street, and the intersection of Birch Street and Oregon Street. Mr. Fields seconded the motion.

The roll call was as follows:

Mr. Fields	-	Yes	Mr. Schoonover	-	Yes
Mr. Warmbrunn		Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes			

The motion was passed unanimously.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler mentioned that the next tentative meeting for the Zoning Board of Appeals would be July 26, 2001.

11. STUDY SESSION

There was none

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Rob Kowalski, Senior Planner
Urbana Plan Commission