

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** November 15, 2001

**FINAL**

**TIME:** 7:30 p.m.

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

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

**MEMBERS ABSENT** Harvey Welch

**STAFF PRESENT:** Tim Ross, Planner; Teri Hayn, Clerk-Typist

**OTHERS PRESENT:** Ron Clark, Adam Judah, Amy Pierce, Muhammad Sharif,  
Bill Simmering

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

Chair Merritt called the meeting to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There was none.

**3. APPROVAL OF MINUTES**

Mr. Armstrong moved to approve the minutes from the October 25, 2001 meeting. Mr. Corten seconded the motion. The motion carried by a unanimous vote.

**4. COMMUNICATIONS**

2002 Urbana Zoning Board of Appeals Tentative Meeting Schedule (Wednesday Night).  
2002 Urbana Zoning Board of Appeals Tentative Meeting Schedule (Thursday Night).

## 5. CONTINUED PUBLIC HEARINGS

There were none.

## 6. OLD BUSINESS

There was none.

## 7. NEW PUBLIC HEARINGS

**ZBA-01-MAJ-16; A request by Mohammad Sharif for a Major Variance to increase the size of a freestanding sign from the maximum of 50 square feet to 133 square feet in Urbana's B-3, General Business district at 1511 – 1513 East Washington Street.**

Mr. Ross, Planner, presented the staff report. He gave an introduction and background including a description of the site/area and a summary of the surrounding zoning and land uses for the subject property. Mr. Ross discussed the purposed of sign regulations and the potential impacts on the surrounding area from the granting of this variance. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance pertaining to this case. That criteria was as follows:

1. *Special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.*
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.*
3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*
4. *The variance will not alter the essential character of the neighborhood.*
5. *The variance will not cause a nuisance to the adjacent property.*
6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

Mr. Ross read the options of the Zoning Board of Appeals and stated that based on the findings and without the evidence of further testimony, staff recommended that the Urbana Zoning Board of Appeals recommend Denial of the proposed variance as requested to the Urbana City Council.

Mr. Schoonover asked what the distance was from the bottom (ground level) of the sign to the top of the Phillips 66 sign illustration? Mr. Ross replied that the sign including the bottom was within the maximum height. Mr. Schoonover stated that the reason he questioned the distance on the bottom of the sign was due to the visibility of drivers pulling off of Lierman Avenue onto Washington Street.

Mr. Corten inquired as to whether the convenience store would be included in with the gas station. Mr. Ross responded that the convenience store and the gas station sign were included in the one proposal. They are indicated separately in the Zoning Ordinance. The owners intend to have some lease space, which also will be subject to the zoning requirements as well.

Mr. Corten stated that his point was that the series of stores down the street may each have a separate sign in front of the store, and in this proposal, the owner was only requesting one sign for both the convenience store and the gas station. Mr. Ross replied that was correct.

Mr. Warmbrunn inquired if there were any other gas stations in other parts of the City of Urbana with this type of sign. Mr. Ross responded that there were not any gas station signs of 133 square feet. Mr. Warmbrunn asked if there were any signs exceeding 50 square feet? Mr. Ross remarked that the Zoning Board of Appeals had previously approved a variance request for a sign located at the Bigfoot gas station on Cunningham Avenue that was about 75 square feet.

Mr. Warmbrunn asked if the Zoning Board of Appeals should be concerned with any parking issues? Mr. Ross replied that there currently was not any variance request for parking at this time. It was simply staff review.

Mr. Warmbrunn questioned if the Zoning Board of Appeals should be concerned with the illumination of the sign affecting the townhouses neighboring the subject property? Mr. Ross answered that although signs are allowed to be lit, the Zoning Board of Appeals could consider whether the illumination of the sign would alter the essential character of the neighborhood or cause a nuisance to the adjacent properties.

Mr. Corten inquired if the convenience store/gas station would be open for business on a 24 hours a day/7 days a week schedule. Mr. Ross stated that would be a question that the petitioner, Mohammad Sharif, could answer.

Mr. Warmbrunn asked if the trees on the site plan would be the only trees on the proposed lot? Mr. Ross answered that was true to the best of his knowledge.

Mr. Warmbrunn inquired as to whether the two-way road on the south side of the proposed property would be an alley or a driveway. Mr. Ross responded that the two-way road was a driveway into the Woodstone Apartment's parking lot. Mr. Warmbrunn asked what would be behind the proposed convenience store? Would it be an all-concrete parking lot? Mr. Ross answered that the area behind the convenience store up to the property line would be used for access for the proposed gas station and for the Woodstone Apartments.

Ron Clark, representative of Illinois Ayres Company, commented that his job involved setting up the gas station in compliance with the specifications of Phillips 66. Part of the setup included getting the proper signage.

In response to Mr. Warmbrunn's question regarding the area behind the convenience store, Mr. Clark commented that this area would be blacktopped. The garbage and grease containers would be located there. There will not be any parking allowed behind the store.

Mr. Clark mentioned that the convenience store would have a drive-thru window. Although the business hours would basically be 24 hours a day/7 days a week, the store itself will be locked after 10:00 p.m. People would still be able to make purchases through the drive-thru window. Due to the extended hours of operation, the sign would be internally lit during most of the night.

Mr. Clark also commented on the question regarding the distance of the open space at the bottom of the illustrated sign. He stated that there would be approximately nine feet below the bottom of the sign to the ground, which would be open. He mentioned that there would be extensive landscaping low to the ground so as not to obstruct the view. There should not be a problem with visibility in either direction.

Mr. Fields asked why two 50 square foot signs would not be sufficient? Mr. Clark replied that Phillips 66 has standards for their signage. There are two standard sizes that are made for a four-line message board, which advertises specials inside the store. Those sizes are limited to 5 x 5 or 7 x 7. In addition, the law requires an owner of a gas station to post the gas prices. Those constraints limit an owner to what he can do. If Mr. Sharif would have a sign especially made, then the sign would cost twice as much as a standard-size sign.

Mr. Clark mentioned another option for the signage. He handed out an illustration of a sign totaling 75 square feet. Because the square feet of the newly proposed sign exceeded 50 square feet, the petitioner would still need approval to use this sign. However, the newly proposed sign would be less than 100 square feet, which the petitioner would be allowed with two 50 square foot signs. The problem with having two signs would be that one may or may not be visible at the same time as the other sign.

Mr. Fields asked if this variance would not be approved, would Phillips 66 pull out of the deal with the petitioner? Mr. Clark responded that Phillips 66 would not pull out of the deal with the petitioner. He was only commenting that the standard size signs would not meet Phillips 66 signage requirements. Phillips 66 owns the sign(s) and provides help with the erection of the sign(s), and the petitioner rents the sign(s) from Phillips 66.

Mr. Schoonover questioned if it will say "Phillips 66" anywhere else? Mr. Clark answered that "Phillips 66" will be on signs inside the store, and it will be required by Phillips 66 to have shields on the canopy that read "Phillips 66".

Mr. Corten inquired as to what was normally placed on the message board? Mr. Clark replied that a message board was predominantly used for advertising specials inside the store and advertising the lottery jackpot amount.

Mr. Warmbrunn asked if the newly proposed sign would still be at 25' in height? Mr. Clark replied that was correct. There would be six inches between the signs and approximately nine feet of open space below the lowest sign.

Mr. Warmbrunn asked if there would be no public entrance in the back? Mr. Clark replied that there would be an entrance that would only be used for deliveries. Mr. Warmbrunn inquired as to how tall the store would be? Mr. Clark believed the convenient store would be approximately 17 feet high. Inside the store, the ceiling would be 9 feet in height.

Mr. Clark spoke in regards to the lighting. He commented that the type of lighting to be used would be designed to shine more downward than radiating out.

Mr. Corten asked if there would be a shelter over the gas pumps? Mr. Clark responded that there would be a canopy over the gas pumps. The bottom of the canopy will be even with the top of the store.

Amy Pierce, of 1003 Austin, mentioned that her property backs up to the proposed property. She did not know that the proposed gas station and convenient store would be built until she received the notice for the public hearing regarding the sign. She commented that the residents in this area are trying to close the neighborhood up to keep the children safe from unwanted strangers. She added that she does not want this sign blaring in her backyard.

Mr. Ross noted that the proposed property is zoned B-3, General Business. A gas station can be built and operated there by right. There would not be a notice or a public hearing regarding the issue of the gas station being placed on the proposed site.

Bill Simmering, of 1005 Austin, commented that he does not like the fact that there will be a 24 hours a day/7 days a week gas station in his backyard. The crime rate is high enough already in his neighborhood. In regards to the signage, he would strongly recommend the two 50 square foot signs over the 133 square foot sign. He does not want the light from the signs beaming into his house late at night.

Mr. Clark re-approached the Zoning Board of Appeals to add that it was not the intention of the petitioner to bring crime into the neighborhood. The area will be well maintained and clean. The proposed lighting would hopefully restrict any crime from occurring.

Adam Judah, of 1617 Fairlawn, commented that the lighting from the signs would create a problem for the children in the residential neighborhood trying to sleep at night. A small sign in the ground should only be allowed if a sign is needed at all. He inquired as to where the sign(s) would be located? Ms. Merritt replied that the sign(s) would be located on the corner of Lierman and Washington.

Ms. Pierce asked what size the signs for other businesses were? Mr. Ross replied that signs for other businesses were less than 50 square feet unless a variance had been approved allowing an increase in the size of the sign.

Mr. Simmering inquired as to how long the proposed property had been zoned B-3? Mr. Ross replied that he was not sure, but that the property had not been rezoned in recent years.

Mr. Warmbrunn asked about the height of the newly proposed sign? Mr. Ross responded that the height of the sign was permitted by right and not in question. Mr. Warmbrunn commented that the Zoning Board of Appeals would be either approving one sign that would be 25 feet in height or denying the variance, in which the petitioner would be allowed to put up two signs that would each be 25 feet in height. The only difference would be the square footage of the sign. Mr. Ross responded that was correct.

Mr. Fields made a motion to deny the proposed variance on the basis that the petitioner failed to meet Criteria 1 of the Variance Criteria from Section XI-3 of the Urbana Zoning Ordinance. He felt that there were not any special circumstances or special practical difficulties that applied to this case. Mr. Warmbrunn seconded the motion.

Mr. Ross reminded the Zoning Board of Appeals of Option C and the illustration of a sign with lesser dimensions that was proposed by Mr. Clark during his testimony. Mr. Schoonover felt that it would be better for the Zoning Board of Appeals to reconsider the motion and to think about allowing the 75 square foot sign proposed by Mr. Clark. It would be a smaller sign, less of a nuisance than two 50 square foot signs, and it would still be within the requirements of Phillip 66.

Mohammad Sharif, petitioner in this case, stated that there is a sign of 75 square feet on the same street. If the variance is denied, then he has the right to put up two 50 square foot signs. Two 50 square foot signs would be distracting to traffic and would be unattractive. Mr. Ross stated that regarding the 75 square-foot sign down the street, the sign is classified as a shopping center sign and is allowed to be up to 75 square feet by right.

Mr. Fields withdrew his motion for denial. Mr. Warmbrunn withdrew his second of the motion for denial.

Mr. Schoonover moved to recommend approval of an alternative to the proposed variance to the Urbana City Council along with the following conditions as stated: *1) the sign can be no more than 75 square feet and 2) to allow the most distance possible between the ground and the bottom of the lowest sign to allow for better visibility.* Mr. Armstrong seconded the motion. The roll call was as follows:

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

The motion was passed unanimously.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Ross gave the staff report on the following:

- *2002 Tentative Schedules of the Zoning Board of Appeals*. Mr. Ross stated that since scheduling had been a problem in the previous months, staff decided to propose a schedule for the year 2002. There are two schedules proposed. The first schedule is for the third Wednesday of each month. The second schedule is for the fourth Thursday of each month with the exception of holidays or conflicting meetings.
- *East Lawn Park Burial Association* was approved by City Council.
- *Neighborhood Visioning Workshops* are completed.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:10 p.m.

**Respectfully submitted,**

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**Tim Ross, Planner**  
**Urbana Zoning Board of Appeals**