DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

memorandum

TO: The Urbana Zoning Board of Appeals

FROM: Christopher Marx

DATE: April 10, 2015

SUBJECT: ZBA Case No. 2015-MAJ-02: A request by Bainbridge CC Urbana Apartment REIT, Inc. for a Major Variance to allow an increase in the area of a projecting sign up to 64.75 square feet at 1010 West University Avenue and 508 North Goodwin Avenue, in the B-3, General Business District

ZBA Case No. 2015-MAJ-03: A request by Bainbridge CC Urbana Apartment REIT, Inc. for a Major Variance to allow a projecting sign located above the first story at 1010 West University Avenue and 508 North Goodwin Avenue, in the B-3, General Business District.

Introduction & Background

Bainbridge CC Urbana Apartment REIT, Inc has filed a request to install a projecting sign onto a multistory building under construction at 1010 W. University Avenue. In order to provide proper signage and identification for their development, the applicant would like to install a vertically projecting "blade" sign that is larger than the Zoning Ordinance allows. The proposed sign would be 64.75 square feet and located above the first floor. The subject property is located in the B-3, General Business zoning district. Per Table IX-1 of the Urbana Zoning Ordinance, projecting signs in the B-3 district may be up to 32 square foot in area and may not extend above the first floor of the building. The building at this location is under construction and previously was a small office building. It is a large mixed-use development featuring retail on the first floor and 181 residential units above it. Because of the deviations from the zoning code in the proposed sign, the developer has filed applications for two separate Major Variances. The first variance allows for an increase in the area of the sign while the second variance allows for placement higher than the first story.

Pursuant to Section XI-3.C.2(d)(1) of the Urbana Zoning Ordinance, in order for a Major Variance to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

Description of the Site

The site is located along University Avenue, a main East-West arterial through the center of the City. The site area, consisting of two parcels totaling 2.83 acres, is surrounded by commercial uses typical of the street's transitional nature as the boundary between the University and the

residential area to the north. The development's parcel has frontage along University Avenue and stretches behind the neighboring properties on University Avenue to the west end of the block along Goodwin Avenue. The parcel is next to fast food restaurants to the West and a pawn shop to the East. Across the street towards the South, there are two more fast food restaurants and a commercial retail building. The parcel is bordered by a railroad and utility substation to the North with a residential area further north. The signage for the surrounding businesses consists of several freestanding signs that are generally 15-20 feet tall and clearly visible from the street.

Zoning and Land Use Table

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Subject Property	B-3, General Business	Mixed-Use Development – Under Construction	Community Business
North	IN-1, Light Industrial/Office	Railway Spur Right-of- Way Illinois American Water Co Undeveloped Lot Ameren IP substation	Institutional
South	B-3, General Business	Commercial – Restaurants Commercial – Retail, Offices	Community Business Campus Mixed-Use
East	B-3 General Business	Commercial - Retail	Community Business
West	B-3, General Business	Commercial – Restaurants, Retail & Hotel	Community Business

Discussion

The applicant is requesting permission to install a two-sided projecting blade sign at the Campus Circle development at 1010 West University Avenue. Campus Circle is a large, mixed-use building that is under construction after receiving a Special Use Permit in February of 2014. The building features residential units with a first floor of commercial retail spaces facing University Avenue. The building's close proximity to the street and approved site renderings create the need for a sign that is large enough to match the scale of the development to be visible from University Avenue. Because of the building's scale and identification needs, the signage requires a variance from what is allowed in the Urbana Zoning Code.

The sign would be a projecting blade sign that is 18.5 feet tall and 3.5 feet wide. The sign would be 64.75 square feet in area and would meet the required clearance from the ground. In the B-3, General Business district, projecting signs are allowed to be a maximum of 32 square feet in area and may not extend above the first story according to Table XI-3 of the Urbana Zoning Ordinance. The proposed sign would extend from the building's third to fourth stories and be just over double the allowed area. Both aspects require a major variance from the Zoning Ordinance to be approved. Overall, the design of the sign would be relatively vertical and narrow while being parallel to the building.

Campus Circle was approved as a high density mixed use development that would complement the property's proximity to the University. The development is consistent with the 2010 corridor study of University Avenue that identified the property as an ideal site for retail and dense residential usage. It's also consistent with its designation in the comprehensive plan as a Community Business, including a planned-unit style development that creates a variety of uses and transition intensities to adjoining neighborhoods. The size and scope of the development has been approved by the appropriate city processes in its SUP renewal (Ord. No. 2014-05-050) and sideyard variances (Ord. No. 2012-10-098). (See attached Exhibit F)

Included as part of the SUP application were illustrations showing the proposed blade signage on the side of the building, although approval of the sign was not explicitly granted as part of the permit. The University Avenue corridor is a high traffic arterial that requires sufficient signage and direction for its destinations. Campus Circle and its close proximity to the street leave it with few options for signage that are visible to ongoing traffic.

A larger projecting blade sign that extends higher than the first floor would allow the building to be identifiable through high volume traffic along University Avenue and extensive tree coverage in front of the building. It would also be the most appropriate form of larger signage because of its minor extension outward from the building. The sign would be no more than 5 feet extended from the face of the buildings and its narrow features would best match the aesthetics and scale of the building. The style of a vertical blade sign has become more accepted in architecture and can be found on other area buildings of similar scale (see attached Exhibit G). The overall width from the face of the building would result in a modest increase in the development of the footprint. It is worth noting that if the proposed sign were freestanding, it would be permitted-by-right to have an area of 75 square feet. Approving the variances for the increased size and placement in height for the sign would allow Campus Circle to provide minimally invasive signage for identification.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria as they pertain to this case and the criteria outlined in the ordinance:

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 Zoning Ordinance for the B-3, General Business district does not allow for projecting blade signs of such placement and size as included in the site plans of the Special Use Permit that were approved by the City of Urbana in 2012. A projecting blade sign in compliance with the ordinance would not provide proper identification or scale for the building's design. The building is a large development on a densely built zoning lot along the City's busiest arterial. A proper sign is important for directional clarity and traffic safety.

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 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 proximity of the structure to University Avenue does not allow for a freestanding sign. The scope of the building gives fewer options for signage. A two-sided projecting blade sign will allow for a consistent outcome of the planned development with the approved illustrations and renderings granted as a part of the Special Use Permit.

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

The variances requested are not due to a situation knowingly created by the Petitioner. The general size and scale of the building was approved by Urbana's Plan Commission and City Council through a Special Use Permit. Approval of a variance is necessary to allow for signage that is most compatible with the scale and location of the proposed building.

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

The property occupies a site in a transitional zone between a residential neighborhood to the north and the University to the south. While a projecting blade sign of 64.75 square feet might not be compatible in other parts of the B-3, General Business district, its placement as part of a larger, multiuse building is appropriate because of the scale of developments along University Avenue. Several other businesses along the corridor have freestanding signs of similar height and area. The signs were installed before the current standards for signage in the Zoning Ordinance were implemented, but still comprise part of the existing neighborhood character.

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

The variances would not cause a nuisance. The proposed sign would not exceed the maximum allowance of a 5 foot extension from the building. The sign would not significantly extend or project the footprint of the building over its neighbors or the street. As shown in the visual renderings in Exhibit D, it would not impede visibility or traffic to the adjacent lots.

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

The size and placement of the sign meet the requirements that are necessary for proper identification along University Avenue. The scale of the sign is consistent with the approved illustrations and architectural plans of the previous applications for the project. The compatible but contemporary nature of the sign merits consideration for future accommodation through an amendment in the Zoning Ordinance.

Summary of Staff Findings

- 1. Bainbridge CC Urbana Apartment REIT, Inc. has requested permission to install a projecting blade sign that is larger and higher than the Zoning Code allows at 1010 W. University Avenue.
- 2. The proposed sign would be 18.5 feet tall and 3.5 feet wide for an area of 64.75 square feet.
- 3. The site is located in west Urbana, and is zoned B-3, General Business.
- 4. The Urbana Comprehensive Plan identifies the area as Community Business.
- 5. The proposed variances are requested due to special circumstances of a large mixed-use development that is unable to provide adequate signage as allowed under the Zoning Ordinance.
- 6. The development was approved with Special Use Permit Ordinance No. 2014-05-050 on May 19, 2014 which included renderings of the proposed signage specific renderings of design, scale, and signage.
- 7. The proposed variances would not alter the character of the neighborhood and would not be a nuisance to adjacent properties. A projecting blade sign of 64.5 square feet that extends above the first floor properly fits on a larger building located close to the street. Several other businesses along the corridor have freestanding signs of similar height.
- 8. The proposed variances regarding sign area and extension above the first floor represent the minimum possible deviation from Zoning Ordinance requirements to provide appropriate identification and consistency with approved site plans.

Options

The Zoning Board of Appeals has the following options in this case:

- a. The Urbana Zoning Board of Appealss may forward the case to City Council with a recommendation to approve the variances as requested based on the findings outlined in this memo; or
- b. The Urbana Zoning Board of Appeals may forward the case to City Council with a recommendation to approve the variances along with certain terms and conditions. If the Urbana Zoning Board of Appeals 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 Zoning Board of Appeals may deny the variance requests. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

Based on the analysis and findings presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the variances to allow a sign that is 64.75 square feet in area and that extends above the first floor.

Attachments:	Exhibit A:	Location & Aerial Map
	Exhibit B:	Zoning Map
	Exhibit C:	Future Land Use Map
	Exhibit D:	Renderings
	Exhibit E:	Petition for Variance
	Exhibit F:	Campus Circle Special Use Permit Ordinance
	Exhibit G:	Other Examples – Projecting Blade Signs

cc: Bainbridge CC Urbana Apartment REIT, Inc.

Exhibit A: Location and Existing Land Use Map





Case: 2015-MAJ-02 Subject: Major Variances to Allow a Larger Two-Side Projecting Blade Sign Above the First Floor Location: 1010 West University Ave Petitioner: Bainbridge CC Urbana Apartment REIT, Inc.

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Subject property

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480

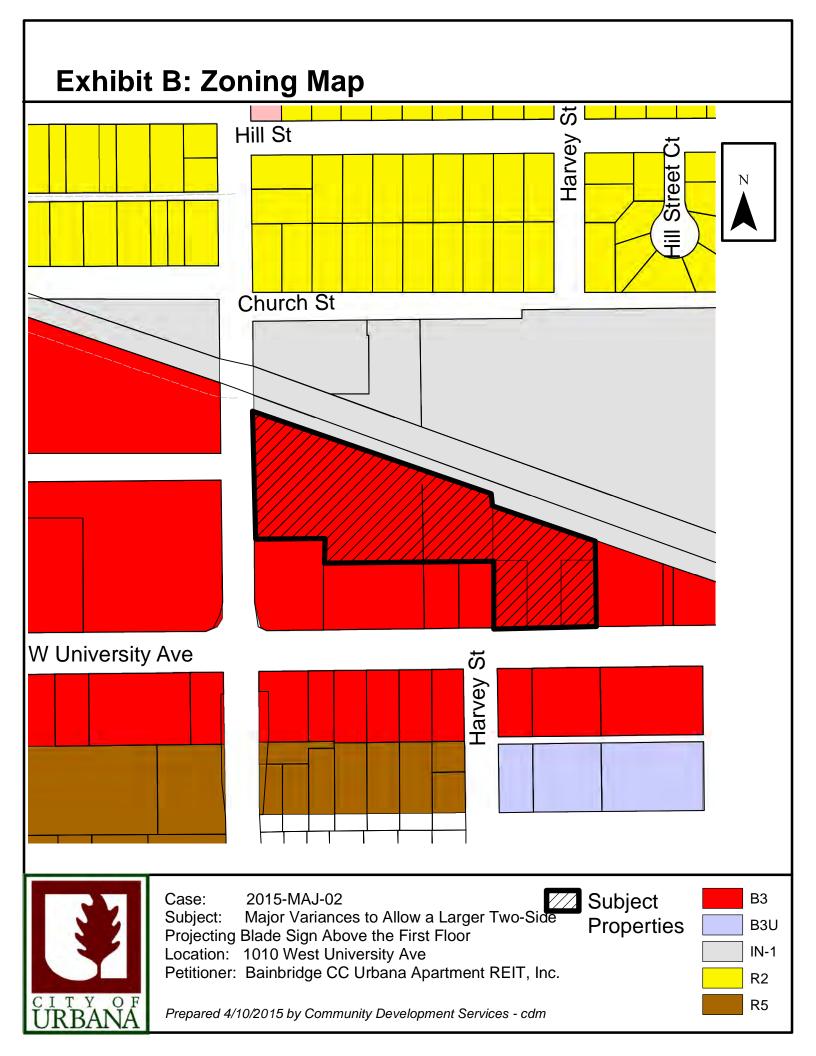
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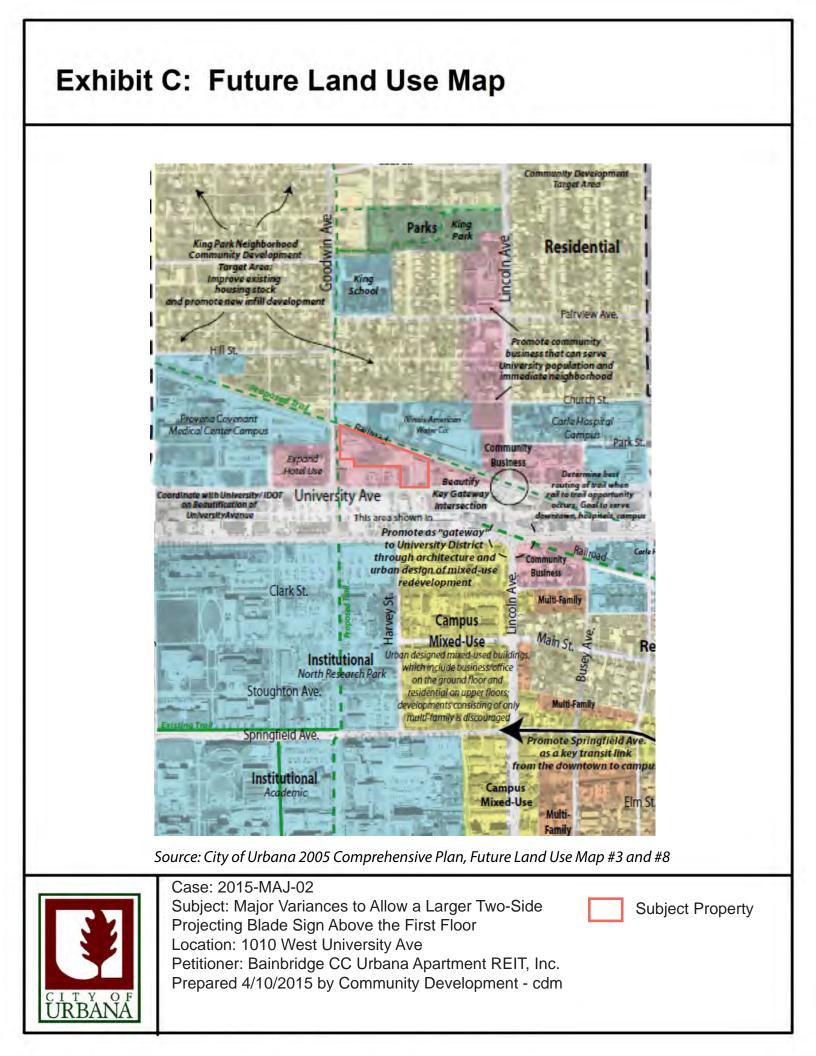


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Feet

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Zoning Board Of Appeals

APPLICATION FEE – \$175.00 (Major) and \$150.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NO	OT WRITE IN	THIS SPACE	- FOR OFFIC	E USE ONLY	ZBA-2015-M	1AJ-02
Date Request Filed	03-23-	2015	ZBA Case No,	ZBA-20	15-MAJ-03	£
Fee Paid - Check No.	1786	Amount <u>\$</u> /	75.00	Date <u>03-</u> -	25-2015	

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of

Appeals to permit (Insert Use/Construction Proposed and the Type and Extent of Variation a 64.75 sq. ft. projecting sign, located above the first story of the building Requested) on the property described below, and in

conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Bainbridge CC Urbana Apartment REIT, Inc.

Address (street/city/state/zip code): 1616 Evans Rd, Suite 104, Cary, NC 27513

Email Address; cpersons@bainbridgere.com & cperera@bainbridgere.com

Property interest of Applicant(s) (Owner, Contract Buyer, etc.); owner

2. OWNER INFORMATION

Name of Owner(s): Bainbridge CC Urbana Apartment REIT, Inc.

Phone: (919) 462-1275

Phone: (919) 462-1275

Address (street/city/state/zip code): 12765 West Forest Hill Blvd, Suite 58, Wellington, FL 33414

Email Address: rperera@bainbridgere.com

Is this property owned by a Land Trust? Yes X No If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 1010 W University Ave & 508 N Goodwin St, Urbana, IL

PIN # of Location: 91-21-07-431-023 & 91-21-07-431-026

Lot Size: 2.83 acres

Application for Variance – Updated June, 2012 ZBA-2015-MAJ-02 for increase in area of sign ZBA-2015-MAJ-03 to allow sign to project above first story

Page 1

Current Zoning Designation: B-3, General Business Zoning District (Special Use Pennit Signed May 21, 2014)

Current Land Use (vacant, residence, grocery, factory, etc: Multifamily

Proposed Land Use: Multifamily

Legal Description: See attached

4. CONSULTANT INFORMATION

Name of Architect(s): Charlan Brock and Associates	Phone: (407) 660-8900 x28		
Address (street/city/state/zip code): Attn: Mary Molzan, 1770 Fennell St, Maitland	i, FL 32751		
Email Address: Mary@CBAArebitects.com			
Name of Engineers(s):	Phone:		
Address (street/city/state/zip code):			
Email Address:			
Name of Surveyor(s):	Phone:		
Address (street/city/state/zip code):			
Email Address:			
Name of Professional Site Planner(s):	Phone:		
Address (street/city/state/zip code):			
Email Address:			
Name of Attorney(s):	Phone:		
Address (street/city/state/zip code):			
Email Address:			

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

Underlying zoning does not allow for blade signs such as the one included in the renderings and plans that were approved in the SUP, and the

proximity of the structure to University Ave does not allow space for ground mounted signage. Code compliant blade signage will not

properly scale to the building's dimensions per the professional architects who designed the approved structure.

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

The property sits close to the street in a commercial district on W. University Ave. Surrounding retail buildings are set back from the road

and have large traditional signs adjacent to the road (i.e. Niro's Gyros, Taco Bell, etc.). The blade sign will allow the apartment community

identify itself with a sign of a high standard of quality in substantial conformance to the approved illustrations which are consistent with the commercial nature of University Avenue.

Explain how the variance is <u>not</u> the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

It was unknown at the time of the SUP submittal that an additional variance would be required for the blade sign shown in the plans and

illustrations, which were later approved. Had the requirement been known to the Petitioner, Bainbridge CC Urbana Apartment REIT, Inc.

would have pursued a variance for the sign at the same time it applied for the SUP.

Explain why the variance will not alter the essential character of the neighborhood.

The neighborhood is comprised primarily of retail baildings and empty lots. The buildings each have large signs consistent with coornercial

buildings throughout the City. The proposed blade sign is consistent with the approved renderings and in keeping with the commercial nature

of the street.

Explain why the variance will not cause a nuisance to adjacent property.

The proposed blade sign is in an elevated location and therefore does not impede visibility or traffic to the adjacent retail properties and

vacant lots.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

The variance is necessary to accommodate a sign architecturally scaled to the proportions of the building. The scale will be in substantial

conformance to the approved illustrations and architectural plans (see attachments).

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

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Applicant's Signature

LEGAL DESCRIPTION:

THE EAST 135 FEET OF LOT 1, AND ALL OF LOTS 9, 11 AND 12, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PARGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOT 10 IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOT 1, EXCEPT THE EAST 135 FEET, AND ALSO EXCEPT THE SOUTH 48 FEET OF THE WEST 134.62 FEET THEREOF, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Passed: May 19, 2014 Signed: May 21, 2014



ORDINANCE NO. 2014-05-050

AN ORDINANCE RE-APPROVING A SPECIAL USE PERMIT

(To Allow Construction of Multi-Family Residential Dwellings in the B-3, General Business Zoning District - Plan Case No. 2232-SU-14 / 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue - Campus Circle Apartments)

WHEREAS, Bainbridge Communities Acquisition II, LLC has petitioned the City for re-approval of a Special Use Permit to allow multi-family residential dwellings in the B-3, General Business Zoning District; and

WHEREAS, the proposed development has previously received City Council approval for a Special Use Permit in Ordinance No. 2012-10-097 and for Major Variances in Ordinance No. 2012-10-098; and

WHEREAS, the Urbana Zoning Ordinance identifies multi-family residential dwellings within the B-3 Zoning District as being permitted with the granting of a Special Use Permit; and

WHEREAS, the proposed use is conducive to the public convenience at this location as the property is within commuting distance of the University of Illinois for pedestrians and bicyclists, and its mixed use aspect lends itself to shorter trips and less reliance on automotive transportation, and is otherwise convenient for residents; and

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WHEREAS, the proposed use will not be unreasonably injurious or detrimental to the district in which it will be located, or otherwise injurious or detrimental to the public welfare because it would introduce a less intensive use in a more intensive zoning district and is separated from low density residential uses; and

WHEREAS, the proposed development is consistent with the development regulations for non-residential properties in the B-3 Zoning District and



therefore preserves the essential character of the district in which it shall be located; and

WHEREAS, the proposed development has been designed so that it is consistent with the commercial nature of University Avenue and to minimize impacts on surrounding properties, with parking situated behind the building and along the secondary frontage on Goodwin Avenue; and

WHEREAS, the proposed development is consistent with the 2005 Urbana Comprehensive Plan in terms of its goals and objectives as well as the future land use designation of the subject property as "Community Business"; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on May 8, 2014 concerning the petition filed by the petitioner in Plan Case No. 2232-SU-14; and

WHEREAS, the Urbana Plan Commission voted 5 ayes and 0 mays to forward the case to the Urbana City Council with a recommendation to re-approve the request for a Special Use Permit, subject to the conditions specified in Section 1 herein; and

WHEREAS, approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public.

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

ACCORD.

Section 1. A Special Use Permit is hereby approved to allow construction of multi-family residential dwellings in the B-3, General Business Zoning District with the following conditions:



- The development shall be constructed in general conformance with the revised site plan submitted on <u>April 7, 2014</u> and attached as Attachment A. The Zoning Administrator shall have the authority to approve minor changes substantially in compliance with the approved site plan necessary for the project to comply with City regulations including building, fire, and site development codes.
- 2. The design and appearance of the development shall be of a high standard of quality in substantial conformance to the attached illustrations as Attachment A.

LEGAL DESCRIPTION:

THE EAST 135 FEET OF LOT 1, AND ALL OF LOTS 9, 11 AND 12, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS. AND ALSO:

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PIN No:

91-21-07-431-023, 91-21-07-431-019, 91-21-07-431-007, 91-21-07-431-021

LOCATED AT: 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue, Urbana, Illinois.

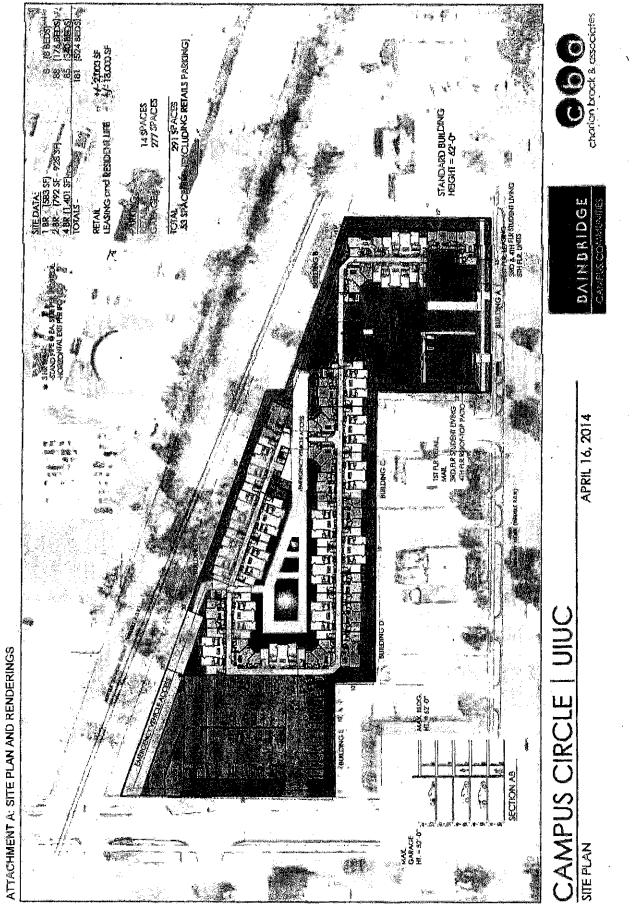


Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the City Council. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 19th day of _____ May 2014 . AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth NAYS: ABSTAINS: Phy: APPROVED by the Mayor this 21st day of · May 🦿 Prussing, Mayor aurel

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Page 4 of 4



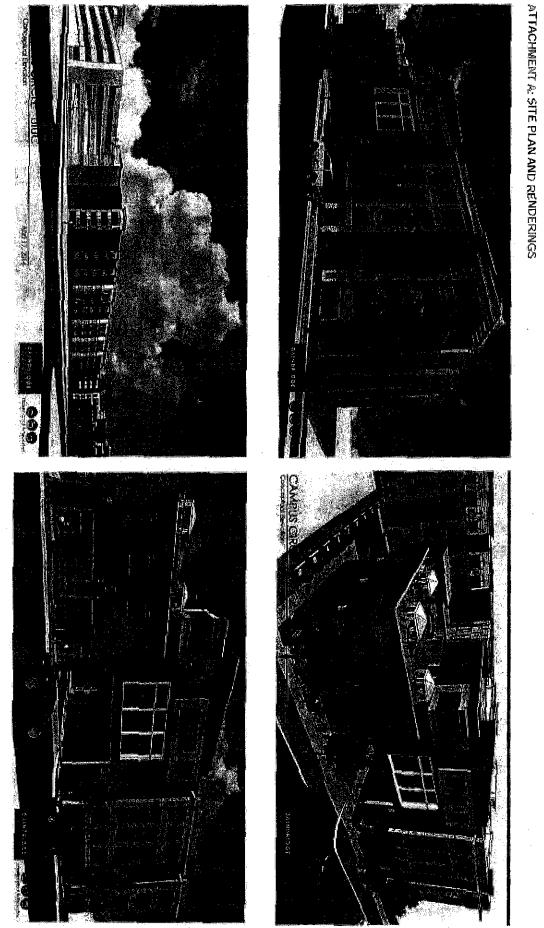


Exhibit G: Other Examples Around Urbana – Champaign



