



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Christopher Marx, Planner I

DATE: April 15, 2016

SUBJECT: **ZBA Case ZBA-2016-MAJ-05:** A request by Robert DeAtley, Barber & DeAtley, Inc., for a Major Variance to allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business District.

Introduction & Background

Robert DeAtley is representing the property's owner, 1106 W. University Avenue, LLC, which plans to open a quick service restaurant on the property. The owner plans to demolish the existing structure and build a new restaurant building in its place. The restaurant would be a fast-food establishment with dine-in and drive-through capacities.

The applicant is requesting a Major Variance for an increase in the allowance of the maximum height for a freestanding monument sign. Table IX-1 of the Zoning Ordinance allows freestanding monument signs in the B-3, General Business District to be no more than eight feet tall if located within eight to 15 feet from a public right-of-way. The applicant is proposing to locate the sign at a distance of eight feet from the property line. In order to allow for more visibility and due to the confines of the site, tree and building obstruction, development requirements for the restaurant, and location along a major corridor, the applicant is asking for a variance to install a sign at a height of 13 feet instead of eight. A deviation of 61.5% is considered a Major Variance per Section XI-3.C.2b of the Zoning Ordinance.

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 subject property, a parcel totaling 0.59 acres, is surrounded by mixed-use residential and commercial uses typical of the street's nature as a major thoroughfare on the northern boundary of the University of Illinois campus. The subject property is flanked by another restaurant to the east and the Campus Circle apartment building to the north. To the west of the

subject property is a building housing a bicycle shop and other commercial space. Towards the south and across the street are parking lots owned by the University. The subject property and neighboring parcels are all zoned B-3, General Business. The subject site and the surrounding properties to the north, east, and west are designated as Community Business in Urbana’s Comprehensive Plan. The parking lot to the south across University Avenue is designated as Institutional.

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	Restaurant Building – Vacant	Community Business
North	B-3, General Business	Apartments	Community Business
South	B-3, General Business	Parking Lot, Vacant Space	Institutional
East	B-3 General Business	Restaurant	Community Business
West	B-3, General Business	Bike Store and Commercial Space	Community Business

Discussion

The applicant is requesting permission to install a two-sided, freestanding monument sign to support a new business along University Avenue. They desire to have the best possible visibility for being located along a high volume traffic corridor. Freestanding monument signs in the B-3 district are limited to being no taller than eight feet when located eight to 15 feet from the public right-of-way. A sign’s visibility at this location is challenging because of several factors. First, the developer is limited by the constraints of the property. The Zoning Ordinance requires 28 off-street parking spaces with a connecting drive aisle as well as stacking space for up to six cars for the establishment’s drive-through service. Configuring all the required elements onto this lot with a shallow depth of 130 feet results in a new building having a close proximity to University Avenue. Placement of the new building requires a sign that is closer than 15 feet from the property line. The neighboring Durst Cycle and Campus Circle buildings have a setback of roughly ten feet and constrain visibility of any sign even further. Furthermore, the existing trees along the public right-of-way provide extenuating circumstances for the sign’s placement on the lot. There are several medium sized oak trees along University Avenue in front of the subject property. The City’s tree removal policy only permits trees to be removed if they are a public safety hazard or conflict with the development of the site. Two trees are already being removed for construction and driveway purposes. The inconvenience of their location is not considered a

valid reason for removal. Overall, the development has factors that would make sign visibility difficult.

The proposed sign would be compliant to all other specifications of the Zoning Ordinance including setback distance and area. An increase in height of the sign would not disrupt the scale of the frontage as it would not be taller than the building behind it or the trees in front. Approving a variance for sign height is a potential remedy for visibility challenges presented by the property. A similar, taller sign than permitted-by-right in the Zoning Ordinance is not without precedent in this part of Urbana. In case ZBA-2015-MAJ-03, the city permitted a larger projecting blade sign at the Campus Circle apartment building.

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 shallow depth of the property, minimal setback of neighboring buildings, and placement of trees along public the right-of-way are special circumstances that affect the sign's visibility for the development.

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 existing trees and scale of nearby buildings create an obstruction for signage. Signage is further constrained by the relative shallowness of the lot. The lot's configuration and constraints are unique to the area and would not be applicable to other locations. The site is smaller than others along the corridor and would not be receiving a special privilege.

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 shallow lot depth, placement of neighboring buildings, and public street trees are outside the control of the applicant.

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

The variance will not alter the essential character of the neighborhood, which includes other intensive commercial development.

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

The variances would not cause a nuisance to the neighboring properties. The sign would not increase the scale of the property's frontage as it would be in close proximity to the principal building. The sign would be similar to existing signage on other properties along University Avenue. The sign 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.*

Given the conditions of the existing street trees, placement of buildings on adjacent lots, and the presence of a high-speed traffic arterial, the proposed size and placement of the sign would be necessary for proper identification along University Avenue. The sign would be compliant in regards to front yard setback and sign area. The height would be the only deviation from the Zoning Ordinance requirements.

Summary of Staff Findings

1. Robert DeAtley, of Barber & DeAtley, Inc., has requested a Major Variance to allow an increase in the maximum allowable height for a freestanding monument sign from 8 feet to 13 feet at 1106 West University Avenue in the B-3, General Business District.
2. The site is located along the University Avenue corridor and is zoned B-3, General business with a future land use designation of Community Business in the Comprehensive Plan.
3. The proposed variance is requested due to special circumstances of a constrained infill site, presence of neighboring buildings with minimal setbacks, and location of street trees in the public right-of-way which obstruct visibility.
4. The proposed sign would be five feet taller than the maximum allowable height of eight feet for a sign located within eight to 15 feet of the public right-of-way.
5. The proposed variance represents a special circumstance to the parcel concerned, does not serve as a special privilege, was not from a condition created by the applicant, will not alter the neighborhood character, would not cause a nuisance to the neighboring properties, and represents the minimum deviation from the Zoning Ordinance requirements.
6. The proposed variance is necessary for visibility and identification of the proposed development.

Options

A Major Variance is required to be approved by a two-thirds vote of the Board. The Zoning Board of Appeals has the following options in this case:

- a. The Urbana Zoning Board of Appeals may forward the case to City Council with a recommendation to **approve** the variance 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 variance along with certain terms and conditions**. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variance on findings other than those articulated herein, they should articulate findings accordingly; or
- c. The Zoning Board of Appeals may **deny** the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

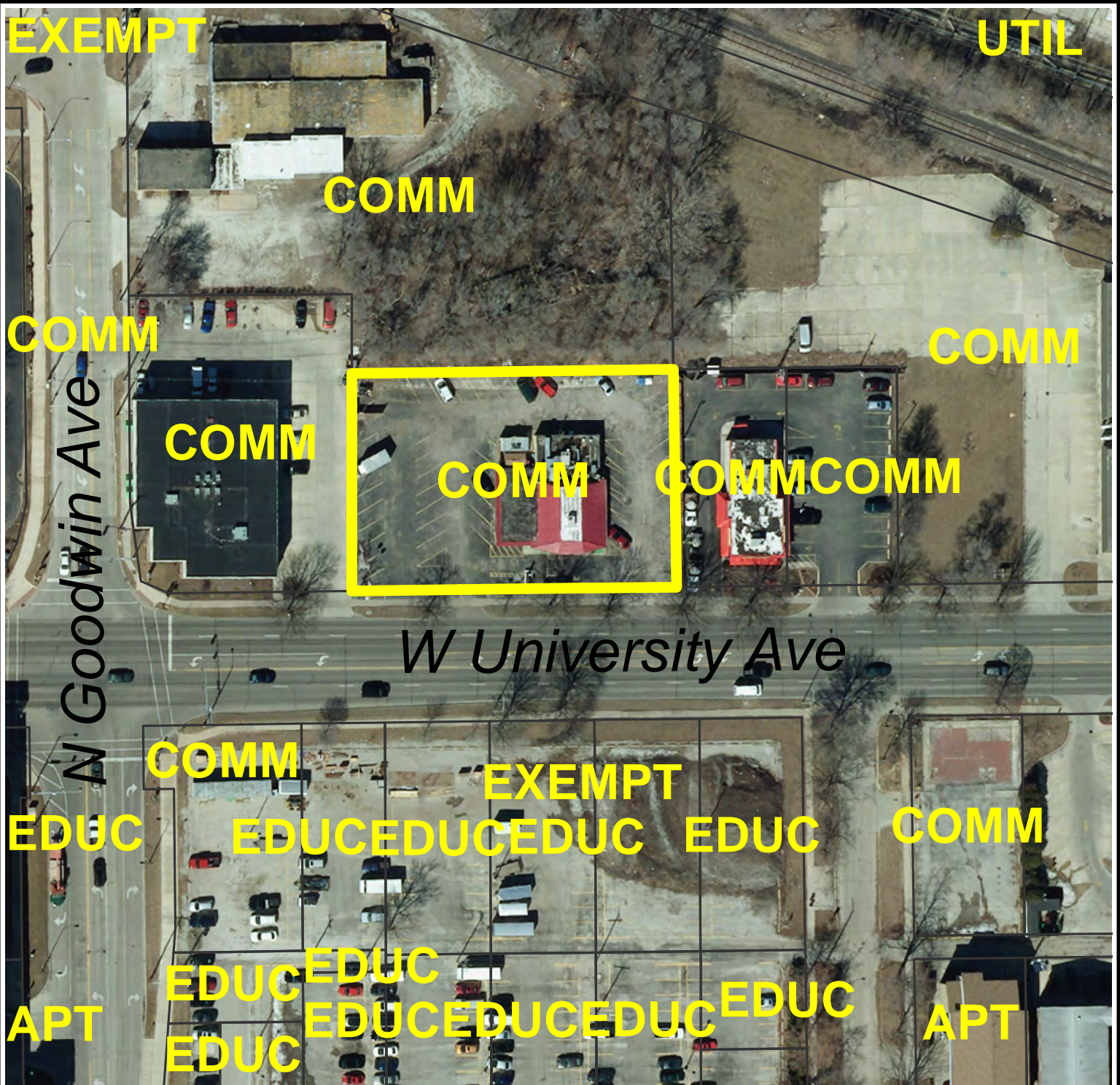
Based on the analysis and findings presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the variance to allow an increase from eight feet to 13 feet in the maximum allowable height on the freestanding monument sign based on the following conditions:

1. The sign is developed as a monument-style freestanding in general compliance with the attached site plan and rendering.

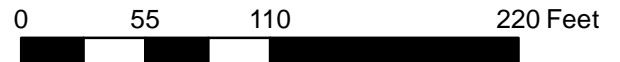
Attachments: Exhibit A: Location & Aerial Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Rendering
 Exhibit E: Site plan
 Exhibit F: Site Photos
 Exhibit G: Petition for Variance

cc: Robert DeAtley, Barber & DeAtley, Inc.

Exhibit A: Location & Existing Land Use Map



Case: ZBA-2016-MAJ-05
 Subject: Variance for Sign Height
 Location: 1106 West University Avenue
 Petitioners: Robert DeAtley




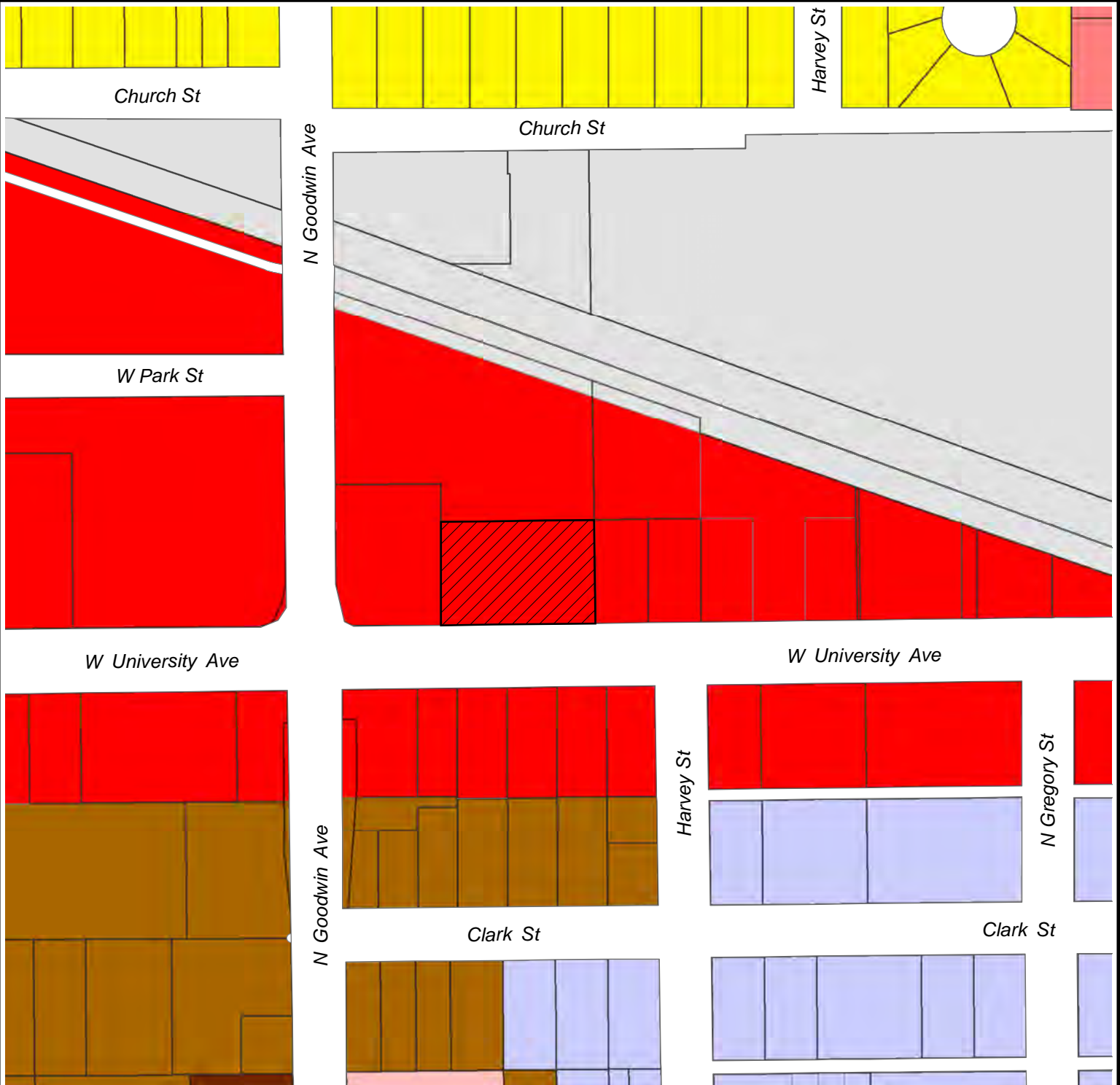
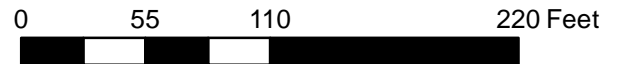
 Subject Property

Exhibit B: Zoning Map



Case: ZBA-2016-MAJ-05
 Subject: Variance for Sign Height
 Location: 1106 West University Avenue
 Petitioners: Robert DeAtley











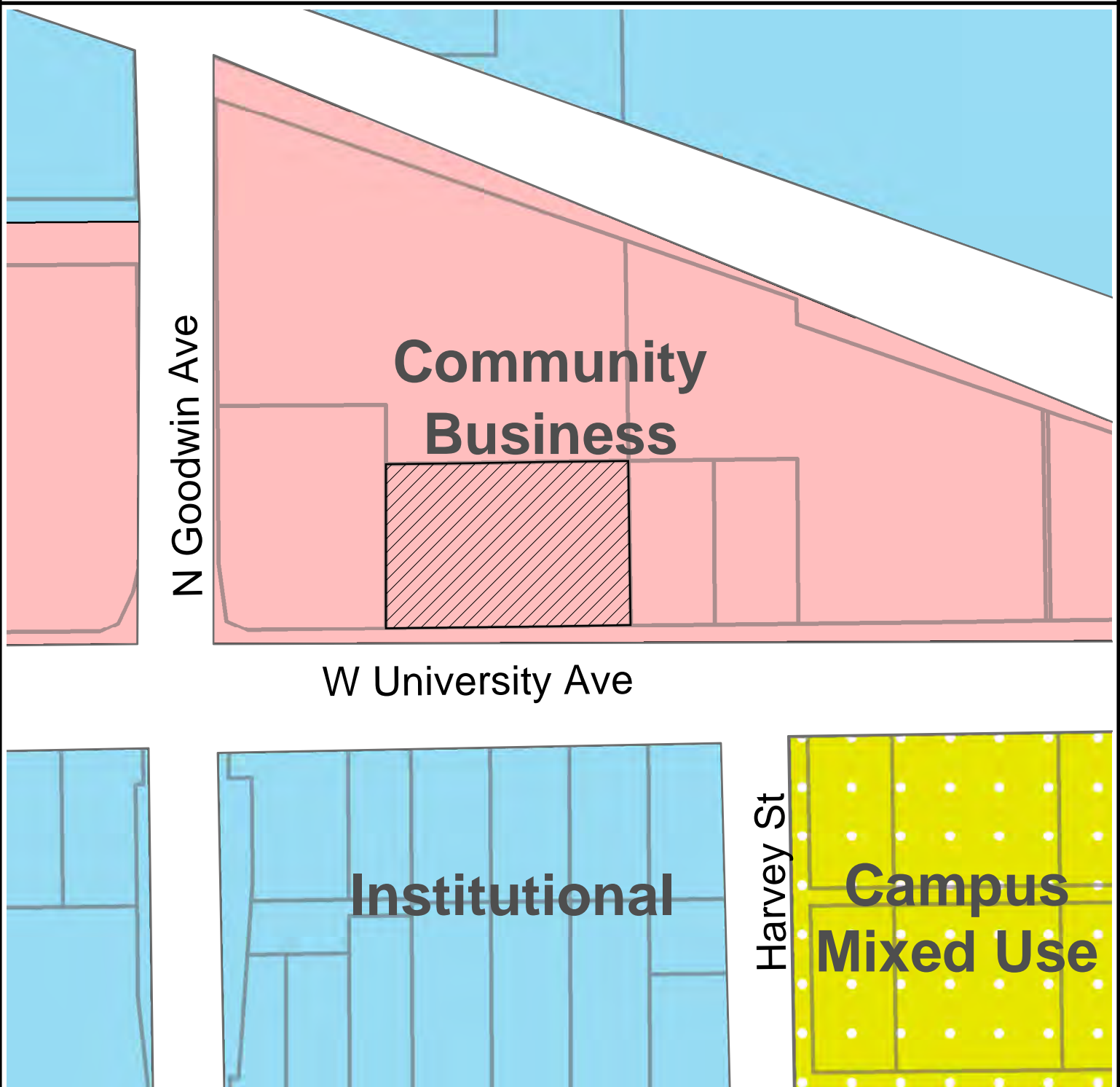
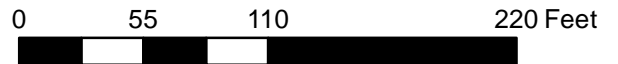
- | | | | | | | | |
|---|----|---|-----|--|------|---|------------------|
|  | B1 |  | B3 |  | IN-1 |  | R5 |
|  | B2 |  | B3U |  | R2 |  | Subject Property |

Exhibit C: Future Land Use Map

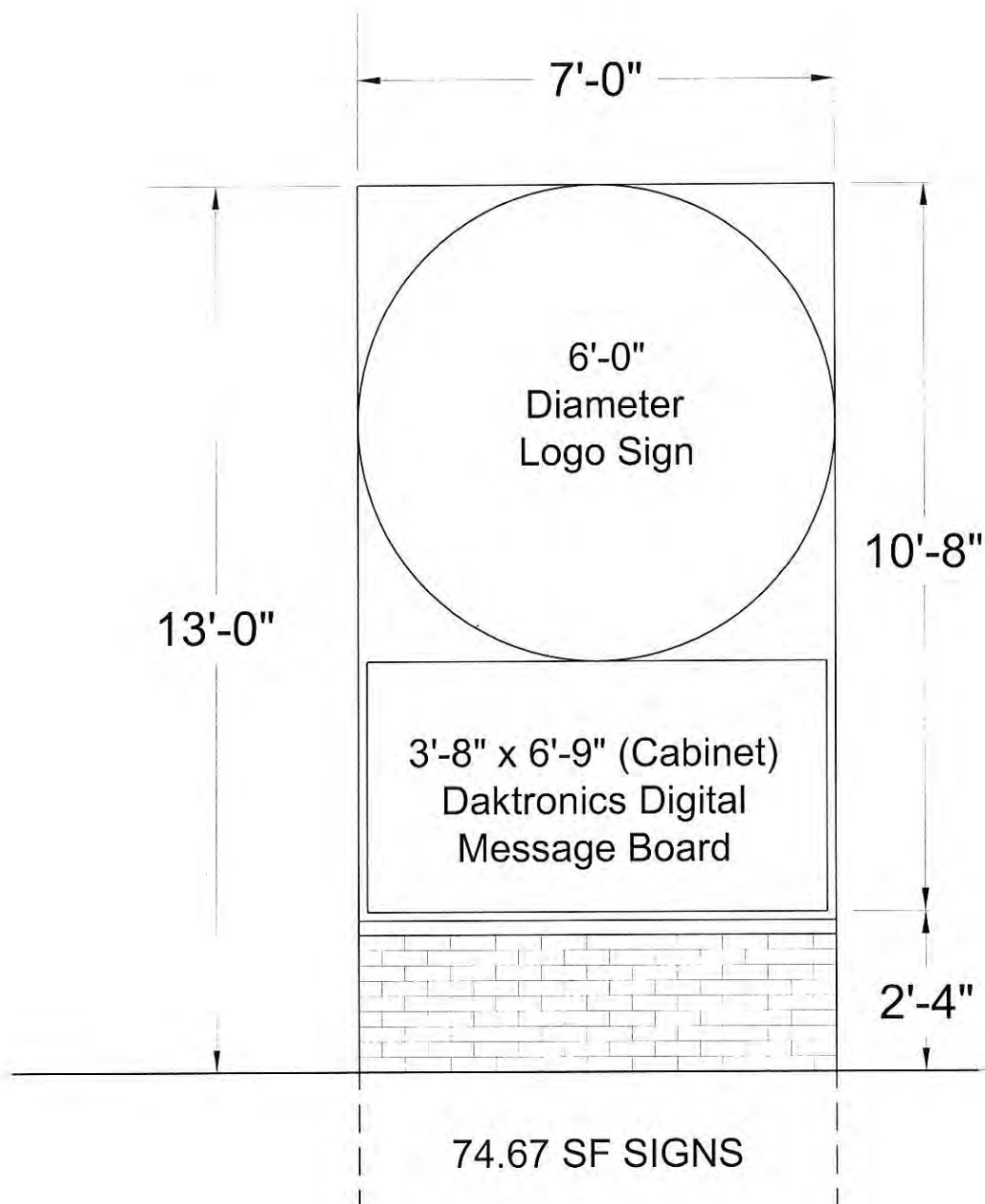


Case: ZBA-2016-MAJ-05
Subject: Variance for Sign Height
Location: 1106 West University Avenue
Petitioners: Robert DeAtley



- Campus Mixed Use
- Community Business
- Institutional
- Subject Property

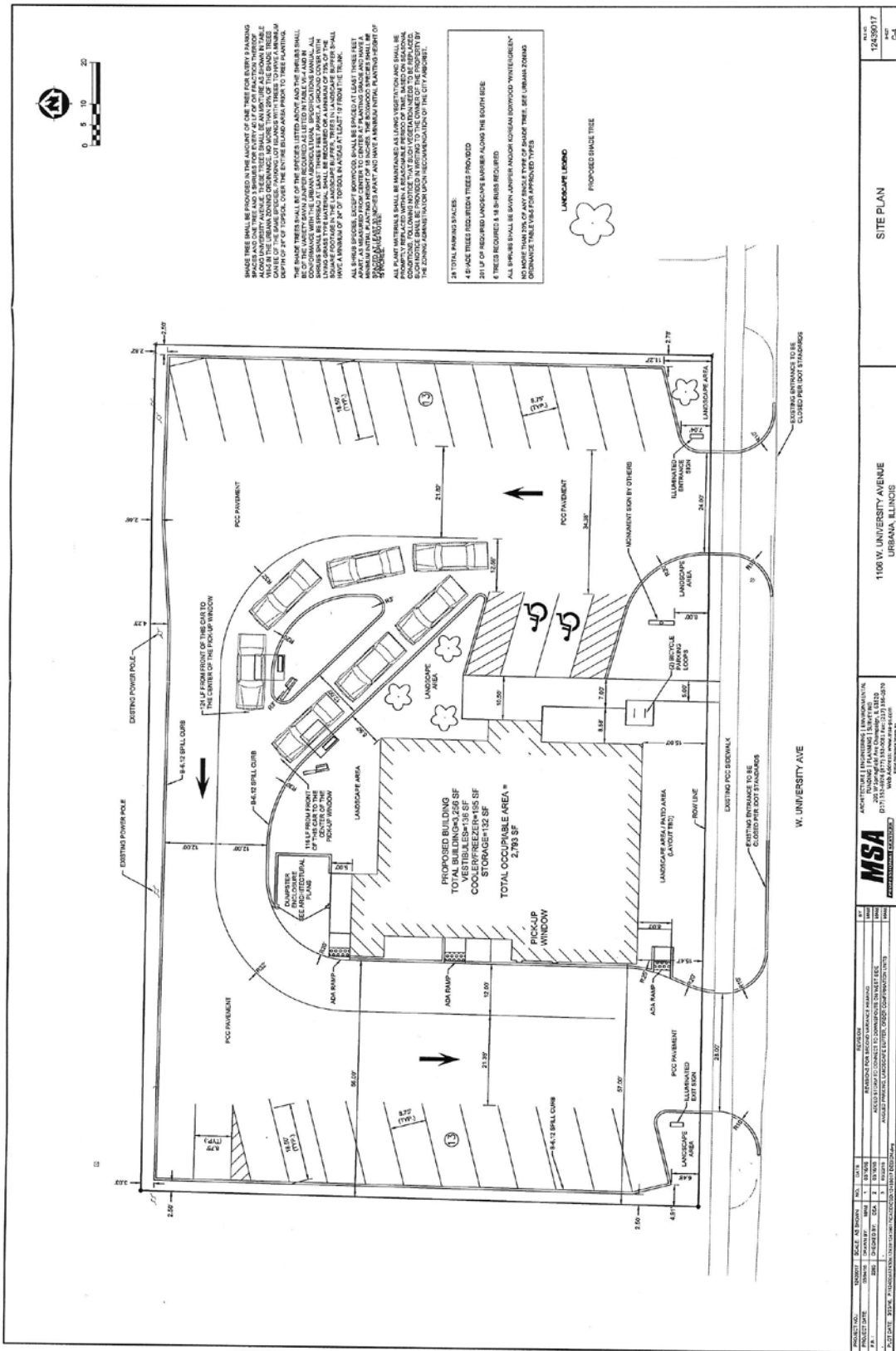
1106 W. University Ave.
Proposed Sign,
3.16.16





1106 W. University Ave., Supporting Images of Existing Site

Exhibit F: Site Plan



MSA ARCHITECTURAL ENGINEERS & DESIGNERS 200 S. JAMES STREET, SUITE 200 JACKSONVILLE, FLORIDA 32202 (904) 448-1234		PROJECT: 1109 W. UNIVERSITY AVENUE URBANA, ILLINOIS	DATE: 12/20/17
PROJECT NO.: 17101	DATE: 12/20/17	DESIGNER: MSA	SCALE: AS SHOWN
DRAWN BY: MSA	CHECKED BY: MSA	DATE: 12/20/17	PROJECT: 1109 W. UNIVERSITY AVENUE URBANA, ILLINOIS
PROJECT: 1109 W. UNIVERSITY AVENUE URBANA, ILLINOIS	DATE: 12/20/17	DESIGNER: MSA	SCALE: AS SHOWN
PROJECT: 1109 W. UNIVERSITY AVENUE URBANA, ILLINOIS			DATE: 12/20/17



Application for Variance

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. Estimated costs for these fees usually run between \$75.00 to \$225.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 03-28-2016 ZBA Case No. ZBA-2016-MAJ-05
Fee Paid - Check No. _____ Amount _____ Date _____

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 the following variation (*Describe the extent of the Variation Requested*)

Allowance of a monument sign 13'-0" tall to be located between 8'-0" and 15'-0" of the R.O.W. line on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Robert DeAtley, Vice President, Barber & DeAtley, Inc. Phone: (217) 367-5350
Address (street/city/state/zip code): 611 N. Goodwin Ave., Urbana IL 61801
Email Address: barberdeatley@aol.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): 1106 W. University Avenue, LLC Phone: (217) 649-8888
Address (street/city/state/zip code): Attn. Alexander C Lo, P.O. Box 388, Savoy, IL 61874
Email Address: alex@ringing.com
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 1106 W. University Ave., Urbana, IL 61801
PIN # of Location: 91-21-07-431-004
Lot Size: 201.9' East-West x 132.0' North-South

Current Zoning Designation: **B-3 General Business**

Current Land Use (*vacant, residence, grocery, factory, etc*): **Vacant**

Proposed Land Use: **Fast Food Restaurant**

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

Lots 4, 5, and 6 in John W. Stipes Subdivision of a part of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, situated in Champaign County, Illinois.

Commonly known as: **1106 W. University Avenue, Urbana, IL**
Permanent Index Number: **91-21-07-431-004**

4. CONSULTANT INFORMATION

Name of Architect(s): MSA Professional Services, Inc. Phone: (217) 352-6979

Address (*street/city/state/zip code*): **201 W. Springfield Ave., Champaign IL 61820**

Email Address: **epeterson@msa-ps.com**

Name of Engineers(s): SAME AS ARCHITECT Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s): SAME AS ARCHITECT Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Professional Site Planner(s): SAME AS ARCHITECT Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s): (no representation at this time) 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.

National Franchise requires a minimum 6'-0" diameter logo sign and a 3'-8" x 6'-9" Digital Message Board (DMB) for all new construction stores. Content for DMB is automatically updated by the franchise. Due to the small in-fill site and the poor visibility of existing adjacent trees, sign must be located between 8'-0" and 15'-0" from the R.O.W. line. The only way to attain these two items with landscaping below them is to install them one on top of the other, requiring the 13'-0" height.

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 site line of the sign is obstructed by the existing adjacent buildings and existing large shade trees, which are due to the infill nature of this site.

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

The unusually narrow depth of the site does not allow for the sign to be located further from the R.O.W. line, because the line of site to the sign would be blocked by both the proposed new construction, but also the existing adjacent buildings and adjacent trees on the neighbors' properties.

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

The existing business sign which will be removed as a part of the demolition of the existing site includes a large raised sign which is located approximately 2'-0" north of the R.O.W. line. The proposed is an improvement over this existing condition. The sign will be installed along a busy, 5-lane road, and is in keeping with the design of other existing signs located along this highway.

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

The proposed sign location is situated so that it is out of the sight visibility triangle. Also, the is similar in size and style to the sign at anotehr nearby fast foot restaurant, east of this site and on the other side of University Ave.

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

Yes. As mentioned above, the sign is the minimum size allowed by the national franchise, which also allows a minimum amount of landscaping to be installed under the sign for beauty.

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.



Applicant's Signature

3/29/2016
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367