



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals
FROM: Nick Olsen, Planner I
DATE: May 13, 2022
SUBJECT: **ZBA-2022-MAJ-02:** A request by Marco Bustillos for a major variance to allow a 144 square foot, 27-foot tall freestanding sign at 1511 East Washington Street in the B-3, General Business Zoning District.

Introduction

Marco Bustillos requests a major variance to erect an illuminated, freestanding sign 15 feet from the public right-of-way at 1111 West Kenyon Road. The proposed sign for the Shell gas station at the location would be 27 feet tall and 144 square feet in area. Table IX-1 of the Zoning Ordinance allows a maximum height of 16 feet for freestanding signs located 15 feet from the public right-of-way, and a maximum area of 75 square feet for a property with 2 frontages in the B-3 district, so a major variance is required.

Staff find that the request does not sufficiently meet the criteria for a major variance, and recommend that the Zoning Board of Appeals **DENY** the request.

Background

The property at 1511 E Washington, now a Shell gas station, formerly Quick Shop, has been owned by Hey Ram, Inc. since 2006. The lot currently contains a non-conforming freestanding sign in the location that the new sign has been proposed. The existing sign is 25 feet tall and 75 square feet in area. This sign was permitted by a major variance in 2001, which allowed an increase in area to 75 square feet from what was then the maximum allowed area of 50 square feet.¹ The property owner in 2001 had initially requested that a 133 square foot sign be allowed, but the request was reduced to 75 square feet at the suggestion of the Zoning Board of Appeals, who cited concerns related to visibility and excessive illumination with the initial proposal. An area of 75 square feet is now allowed by right for a business in the B-3 district with two frontages.

In 2001, the maximum height allowed for a freestanding sign in the B-3 district was 25 feet. It is now 16 feet, so the existing sign's height is nonconforming. Because the previous variance was to allow a square footage that is now permitted by right, staff find that it is not directly relevant to the new request, though recorded concerns around visibility and illumination for the initially-proposed 133 square-foot sign may also apply to the newly proposed 144 square-foot sign. Section IX-5 of the Zoning Ordinance would allow re-facing of the existing nonconforming sign without a permit.

In February 2022, the property owner had a new, 144 square-foot, 27-foot tall sign delivered to the property. City staff noticed the sign lying in the property's parking lot and informed the owner that a permit is required for new freestanding signs. Upon review of the subsequent permit application, staff determined that the new sign's height and area did not comply with zoning regulations for the B-3 district. Staff informed the

¹ Ordinance 2001-12-158: An Ordinance Approving a Major Variance

applicant that they had the options of resubmitting a proposal for a sign in compliance with zoning regulations, re-facing the existing sign, or applying for a variance.

Description of Site and Area

The 40,220 square-foot parcel lies on the southwest corner of the intersection of East Washington Street and South Lierman Avenue (Exhibit A). Adjacent property to the north is zoned IN-2, Heavy Industrial with an existing agricultural land use. Adjacent property to the east is zoned B-3, General Business and is the site of a community garden. The adjacent lot to the south is zoned R-5, multifamily residential and is vacant. Adjacent properties to the West include a vacant lot zoned B-3 and an R-5, multifamily residential apartment complex. Diagonally opposite, on the other side of the intersection, is the County-owned Brookens Administrative Center, zoned CRE, Conservation-Recreation-Education (Exhibit B).

Table 1. Zoning, Existing Land Use, Future Land Use Designation

	Zoning	Existing Land Use	Future Land Use
Site	B-3, General Business	Gasoline Station, Convenience Store	Community Business
North	IN-2, Heavy Industrial	Agriculture, General	Light Industrial
East	B-3, General Business	Agriculture, General (community garden)	Residential
South	R-5, Medium Density Multiple Family Residential	Vacant	Multifamily
West	B-3, General Business	Agriculture, Printing & Copy Service	Industrial
	R-5, Medium Density Multiple Family Residential	Vacant	Multifamily

Discussion

The applicant requests a variance to allow a 144 square foot, illuminated, freestanding sign that would be 27 feet tall. The proposed sign would be in the location of the existing sign on the property, approximately 15 feet from the public right-of-way. The sign area would be 8 feet wide and 18 feet tall, and raised to an elevation of 9 feet by two support beams (Exhibit C).

The Zoning Ordinance allows a maximum area of 75 square feet and a maximum height of 16 feet in the proposed location. The proposed sign would be 92% greater in area and 69% greater in height than allowed by the ordinance.

Based on available evidence, staff find that the proposal does not sufficiently meet criteria for a variance and recommend denial.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

1. *Are there any special circumstances or practical difficulties with reference to the parcel concerned, in carrying out the strict application of the zoning ordinance?*

In the application, the applicant argues that due to the cost of the already-purchased sign and other economic factors related to the COVID-19 pandemic, not installing the proposed sign would be “extremely caustic to the existing operation.” Staff find that, per Criteria 3 below, a variance should not be “the result of a situation or condition having been knowingly or deliberately created by the Petitioner.” As such, the cost of a sign purchased prior to receiving City approval cannot be considered a special circumstance with respect to Criteria 1. The Zoning Ordinance already allows for an increase in sign area for corner lots to 75 square feet in the B-3 district, whereas only 50 square feet is allowed for a property with a single frontage. While there is an existing 25-foot tall sign on the lot, the Zoning Ordinance does not allow the replacement of a nonconforming sign with another nonconforming sign. With no special circumstances justifying the proposed increase in height and area, staff find that this criteria is not met.

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 applicant states that “sign dimensions are driven by Shell specifications according to the site specifics of each individual location” and “photos presented prior to conversion,” but does not cite specific site features which require the requested height and area. Other freestanding signs on corner lots at the same intersection are in compliance with Zoning Ordinance height and area regulations (Exhibit D). Finding no distinguishing features of the 1511 East Washington lot that would justify the requested variance, staff conclude that the requested variance would serve as a special privilege to the applicant. Furthermore, it would be difficult to argue that granting a variance to satisfy the design specifications of a specific corporation would qualify as anything but a special privilege.

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

The applicant is requesting a variance to erect a sign that they purchased prior to submitting an application for a sign permit. The variance request is therefore a result of a situation created by the petitioner, though it's unlikely that they knowingly purchased a sign that would not be allowed by the Zoning Ordinance.

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

Other freestanding signs in the neighborhood generally appear to be in compliance with current sign regulations, and are considerably smaller than what the applicant has requested. The sign for Brookens Administrative Center to the northeast is approximately 5 feet tall and 40 square feet.¹ The sign for the Lierman Neighborhood Community Garden is approximately 5 feet tall and 32 square feet. The “Food Mart” sign in the currently vacant lot to the west is approximately 16 feet tall and 50 square feet. While the existing sign in the proposed location is already nonconforming in height, the new sign would be 2 feet taller and 69 square feet larger. With respect to signs, the neighborhood character is essentially one of conformance with current regulations; since staff could find no other signs of comparable size or height in the general area, the requested variance therefore *would* alter the essential character of the neighborhood.

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

In 2001, a proposal for a 133 square foot, illuminated sign was brought before the Zoning Board of Appeals. Members of the public and the Zoning Board of Appeals raised concerns about the proposed

¹ Measurements for other neighborhood signs are determined from aerial imagery.

size and illumination of the sign, especially regarding its proximity to nearby residential properties (Exhibit F). The Zoning Board of Appeals ultimately suggested that the sign be reduced to 75 square feet and raised 9 feet from the ground to address concerns that it would block visibility at the intersection (Exhibit G). A sign meeting those criteria was ultimately approved by City Council and is currently on the property in the location of the proposed sign. While the new sign would be raised the same height from the ground as the previous sign, potentially addressing visibility concerns at the intersection, the aesthetics and illumination of a sign of this scale, near residential uses, could be seen as a nuisance.

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

The applicant requests a variance in height and size for a freestanding sign in line with the dimensions of a sign that has already been purchased. While the sign itself would be 69 feet larger and 11 feet taller than allowed by the Zoning Ordinance, the applicant has requested a variance of that amount and no more. Therefore, the request *would* represent the minimum deviation from requirements of the Zoning Ordinance necessary to erect the pre-purchased sign.

Summary of Findings

1. The property is zoned B-3, General Business.
2. Marco Bustillos requests a Major Variance to allow a 27-foot tall, 144 square foot freestanding sign 15 feet from the public right-of-way; and
3. There are no special circumstances or practical difficulties with reference to the parcel concerned, in carrying out the strict application of the zoning ordinance; and
4. The variance would serve as a special privilege to the property owner, as other signs on corner lots in the district are in compliance with the Zoning Ordinance, and staff find no special characteristics of the lot necessitating the requested increase in size and height; and
5. The variance requested is the result of a situation created by the petitioner, as the sign was purchased prior to the applicant applying for a sign permit; and
6. The variance would alter the essential character of the neighborhood, as the proposed sign is significantly larger than other signs in the area; and
7. The variance would potentially create a nuisance, as an illuminated sign of the proposed scale may be undesirable for nearby residential properties; and
8. The variance would represent the minimum deviation necessary from the Zoning Ordinance, as the height and size increase requested would be the minimum deviation by which it would be possible to erect the pre-purchased sign.

Options

The Zoning Board of Appeals has the following options in case ZBA-2022-MAJ-02:

1. Forward the Major Variance request to City Council with a recommendation to **approve** the variance as requested, based on the findings outlined in this memorandum; or
2. Forward the Major Variance to City Council with a recommendation to **approve the variance with certain terms and conditions**, and if so, articulate all terms, conditions, and findings; or

3. **Deny** the Major Variance request, and if so, articulate findings supporting the denial.

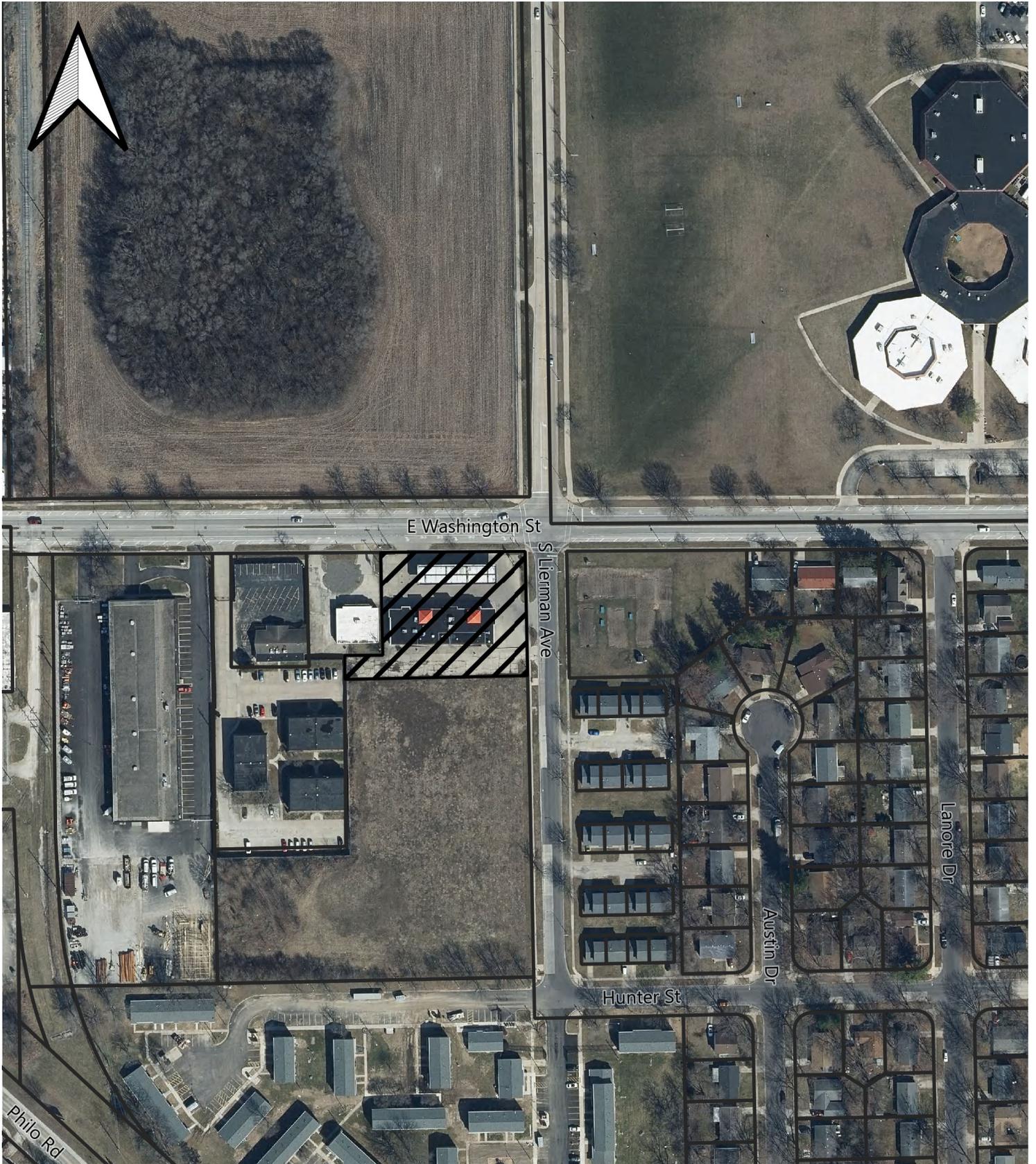
Staff Recommendation

Staff find that sufficient criteria for a variance are not met and recommend that the Zoning Board of Appeals deny the requested major variance.

- Exhibits:
- A: Location Map
 - B: Current Zoning Map
 - C: Sign Plans
 - D: Site Photos
 - E: Application for a Major Variance
 - F: November 15, 2001 Zoning Board of Appeals Meeting Minutes Excerpt (Concerning a Previous Variance Application for a Sign at 1511 E Washington St)

cc: Marco Bustillos, Applicant
Mitesh Patel, Owner

Exhibit A: Location of Subject Property



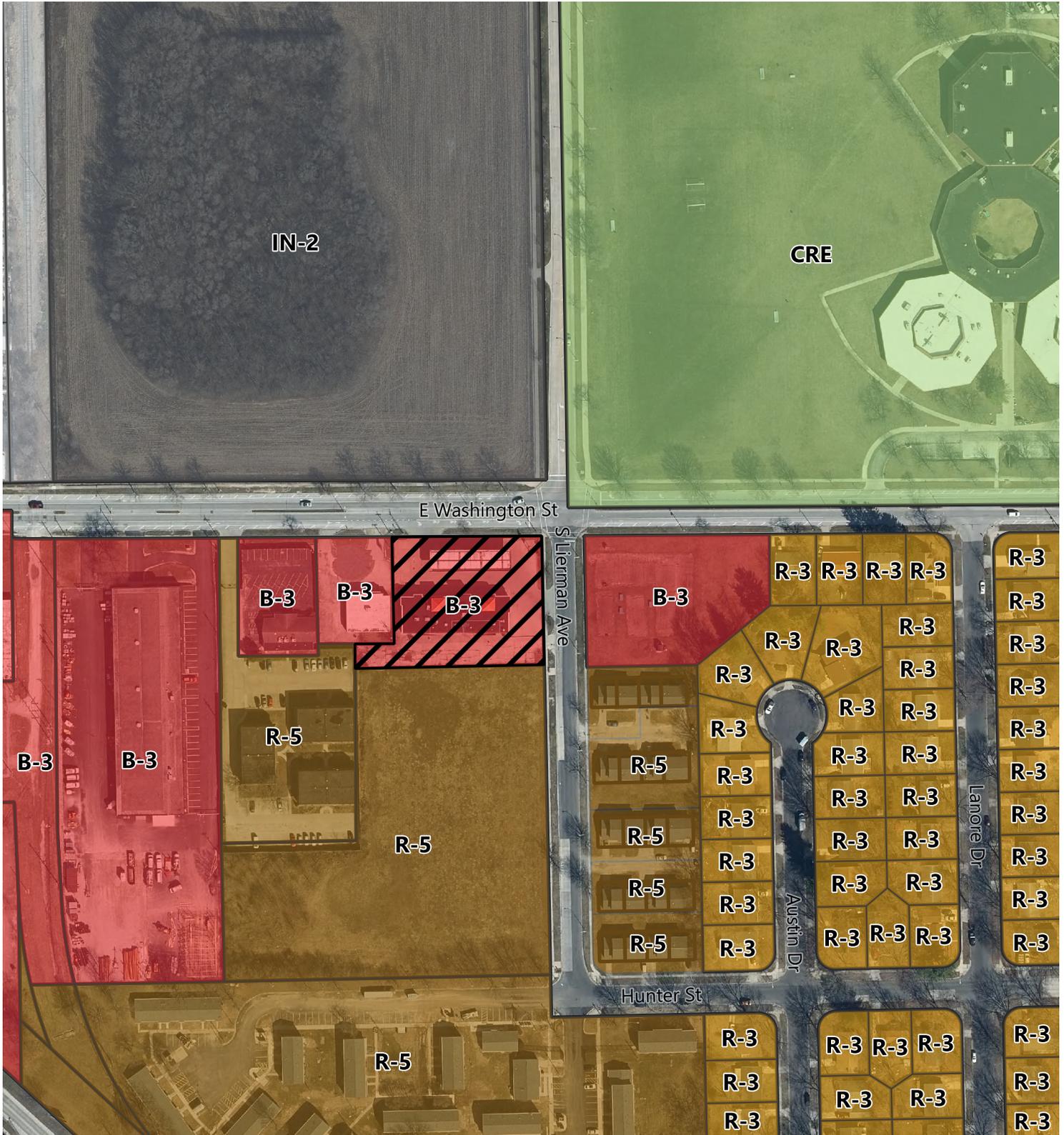
Case: ZBA-2022-MAJ-02
Subject: Major Variance for Freestanding Sign
Location: 1511 East Washington St
Petitioner: Marco Bustillos

0 100 200 300 ft

Legend

 Subject Property

Exhibit B - Zoning Map



Case: ZBA-2022-MAJ-02
 Subject: Major Variance for Freestanding Sign
 Location: 1511 East Washington St
 Petitioner: Marco Bustillos

0 100 200 300 ft



Legend

Subject Property

Zoning

- B-3
- CRE
- IN-2
- R-3
- R-5

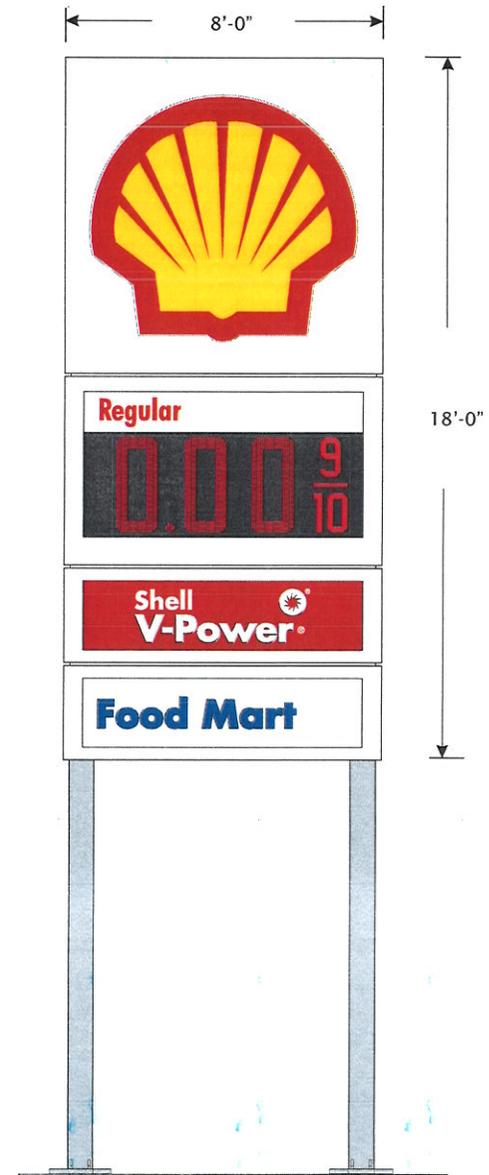
Exhibit C - Sign Plans

SIGN #3

EXISTING ID SIGN



PROPOSED SHELL ID SIGN



Client: SHELL - 1511 E WASHINGTON ST- URBANA, IL		
Revised:	Sales: LC	Date: 02-16-22
Client approval <small>Included: Color, spelling & Artwork</small>	Drawn by: MM	

MARSHALL SIGN COMPANY
 3610 S. ALBANY AVE
 CHICAGO, IL, 60632
 773.927-4442 Fax 773.927.0091
 e-mail: almasigncorp@sbcglobal.net

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Exhibit D - Site Photos



The subject property at 1511 E Washington St.



The proposed sign (uninstalled) next to the existing, nonconforming sign.



Nearby freestanding signs at the intersection of Washington Street and Lierman Avenue.

Exhibit E - Application for Variance



Application for Variance

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ ZBA Case No. _____

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*)

New Shell Brand Price Sign _____ on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Marco Bustillos** Phone: **414-943-6350**

Address (*street/city/state/zip code*): **8930 N. Waukegan Rd. Morton Grove, IL 60053**

Email Address: **marco@gasdepot.com**

Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): **Fuel Supplier**

2. OWNER INFORMATION

Name of Owner(s): **Mitesh Patel** Phone: **217-766-8815**

Address (*street/city/state/zip code*): **1502 Jacob Blvd. Champaign, IL 61822**

Email Address: **mitesh8815@gmail.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: **1511 E. Washington St. Urbana, IL 61802**

PIN # of Location: **92-21-16-401-023**

Lot Size: **1 Acre**

Current Zoning Designation:

Current Land Use (*vacant, residence, grocery, factory, etc*): **Gas Station & Convenience Store**

Proposed Land Use:

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

4. CONSULTANT INFORMATION

Name of Architect(s):

Phone:

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

Email Address:

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.

The proposed sign has been ordered through Shell resources, paid for and delivered to location and is waiting for installation. The cost of the proposed sign exceeds \$40,000 and such expense would be extremely caustic to the existing operation. Especially given the past 2 years of reduced fuel sales due to the Covid-19 pandemic. In an effect to support growth for this location in todays \$4-\$6 gallon fuel prices, every marketing tool, proven, tested & available like the proposed sign must be implemented to insure a sustainable future for this Gas Station.

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 sign dimensions are driven by Shell specifications according to the site specifics of each individual location. In this case photos presented prior to conversion resulted in this sign recommendation. This location and community will benefit from the Shell Brand image.

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

Prior to the Shell image at this unbranded location. In order to receive Shell Brand approval, the submission of photographs, including signage was required by Shell Corp. Based on existing signage reviewed by Shell, it was determined that to properly enhance the image of this location with the Shell Brand, a new sign with the existing dimensions will be required. Shell is the largest gas station brand in the US. and image presentation is a specific requirement.

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

Shell is the # 1 Nationally recognized gas station brand in the United States. This location previously had an existing image that exceeded current requirements. The Shell Brand sign & image is an enhancement for this location and community.

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

The previous sign is visually inferior to the Shell Brand sign, which enhances the image to this gas station and the image of the community. The Shell Brand is recongnized as a desirable image in every community.

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

The proposed Shell Brand sign exceeds the existing signage size by 17%. Given the superior image offered by the Shell brand, we believe the 17% requested signage variance is an enhancement to the total appearance of the existing Gas Station and community.

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

4-11-2022

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

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

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

...

5. 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.

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