



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals
FROM: William Andresen, Planning Intern
DATE: June 14, 2019
SUBJECT: **ZBA-2019-MAJ-02:** A request by Gary Satterlee, on behalf of Culver's, for a Major Variance to construct an electronic display at 201 West University Avenue in the B-4, Central Business District.

Introduction

Culver's has requested a variance to allow a permitted freestanding sign to include an electronic display component in the B-4, Central Business Zoning District. The electronic display's message board is a key component of Culver's daily operations. Section IX-4.C of the Urbana Zoning Ordinance allows electronic displays only in the B-3, General Business, and CRE, Conservation-Recreation-Education zoning districts.

For the Major Variance request to be approved, the Zoning Board of Appeals (ZBA) must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

Background

Culver's has already been issued a sign permit for a freestanding sign for their newly-established restaurant at the corner of West University Avenue and North Race Street that is zoned B-4, Central Business District. It is now proposing to include an electronic display component in this freestanding sign. The Zoning Ordinance allows electronic displays only in the B-3, General Business, and CRE, Conservation-Recreation-Education zoning districts.

The owner recently rezoned the property from B-3 to B-4 to increase the parcel's buildable area by eliminating required yards, as the applicant was unable to meet the required setbacks due to recent right-of-way expansion by the Illinois Department of Transportation. The owner is now seeking a major variance to allow the electronic display component in the new B-4 Zoning District.

Description of Site

The 1.336-acre site is located at the southwest corner of West University Avenue and North Race Street (Exhibit A). The property will be the site of the newly-established Culver's restaurant and its parking area. The following is a summary of zoning and land uses for the subject site and surrounding area (Exhibit B):

Discussion

The proposed sign would adhere to the zoning requirements for electronic displays in the B-3 zoning district. The owner describes the proposed electronic display's message board as being a key component of daily Culver's operation. Changing a manual message board can be difficult and may be unsafe in certain conditions, such as using a long pole near power lines.

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use
Site	B-4, Central Business District	Restaraunt (under construction)
North	B-3, General Business	Video Gaming Hall, Consulting Office
South	B-3 General Business	Single-Family Homes
East	B-4, Central Busienss District	Restaurant, Retail & Services
West	CRE, Conservation-Recreation-Education	Park

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 variance criteria as they pertain to this case:

1. 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 lot was recently rezoned from B-3, General Business, to B-4, Central Business District. This occurred not only to bring the subject's property into conformity with the Future Land Use Designation as per the 2005 Comprehensive Plan, but also in order to gain more buildable area to allow for larger projects. The B-3 zoning would not have allowed sufficient buildable area for the current tenant's business, due to recent right-of-way expansion.

2. The variance request is not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.

The Petitioner admits they made a mistake in not realizing there were restrictions on electronic displays in the B-4 Zoning District.

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

This variance will not alter the essential character of the neighborhood, as there are numerous electronic displays in the area (Exhibit C). Prior to rezoning to B-4, the proposed electronic display would have been permitted by right, and fits with the surrounding land use. Finally, the proposed electronic display – and the other existing displays along University Avenue – are not in the core of the Central Business District, but along its periphery, and would not impact the historic character of the downtown commercial district.

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

This variance should not cause a nuisance to adjacent properties because the proposed electronic display will be similar to nearby electronic displays, as it will comply with all other zoning regulations that apply to electronic displays in the adjacent B-3 Zoning District, including frequency of message change, and brightness and dimming requirements.

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

The minimum deviation from the requirements of the Zoning Ordinance would be to allow an electronic display in the B-4 Zoning District. The proposed electronic portion of the sign not only

complies with the required dimensions for an electronic display in the adjacent B-3 Zoning District, it would in fact be smaller in area. The Zoning Ordinance limits the electronic portion of a sign to 50% of the total sign area; in this case, up to 37.5 sq. ft. of the 75 sq. ft. sign. The petitioner is proposing a 16' tall sign, with a total sign area of 74.57 sq. ft., comprised of a 50.71 sq. ft. "Culver's" oval, and a 3' tall by 8' long (23.86 sq. ft.) electronic display: this is 32% of the total sign area, less than the maximum 50% permitted for the electronic display portion (Exhibit D).

Summary of Staff Findings

1. Gary Satterlee, on behalf of Culver's, requests a Major Variance to allow an electronic display in the B-4, Central Business, Zoning District.
2. Section IX-4.C. of the Urbana Zoning Ordinance allows electronic displays only in the B-3, General Business, and CRE, Conservation-Recreation-Education zoning districts.
3. The request is due to the special circumstances created by recent right-of-way expansion that led to the recent B-4 rezoning to increase the parcel's buildable area to accommodate the tenant's business. Strict application of the Zoning Ordinance now prohibit any electronic displays in the new B-4 district.
4. The variance request would not alter the essential character of the neighborhood, as there are several other electronic displays in this area along the periphery of the Central Business District.
5. The proposed sign will not be a nuisance to the neighborhood because it would adhere to the neighboring B-3 district's electronic display regulations, and would be smaller than normally allowed.

Options

The Zoning Board of Appeals has the following options in case ZBA-2019-MAJ-02:

1. Forward the case to City Council with a recommendation to approve the variance as requested, based on the findings outlined in this memorandum; or
2. Forward the case 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 variance request, and if so, articulate findings supporting the denial.

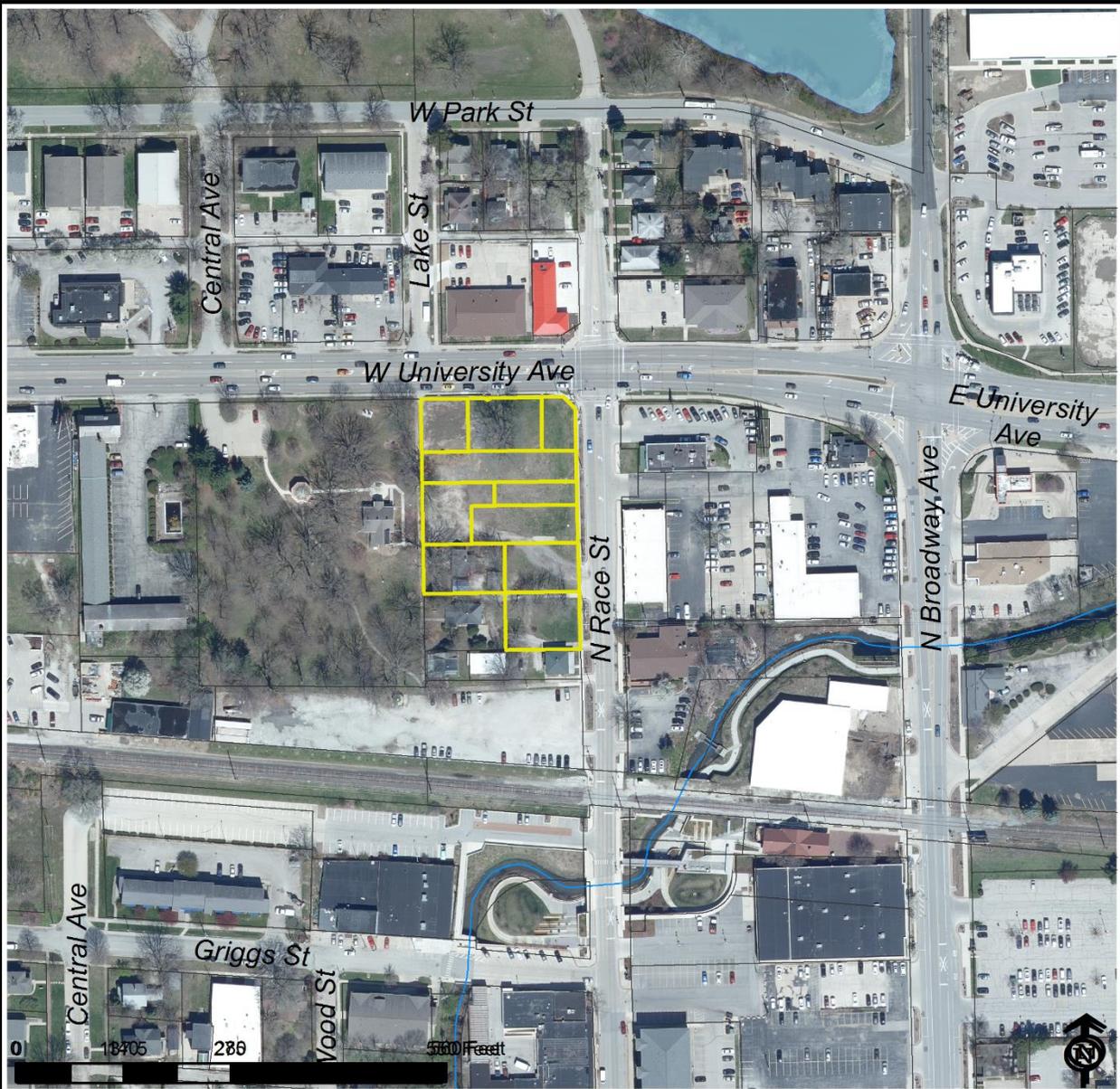
Staff Recommendation

Based on the analysis and findings presented 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 recommend **APPROVAL** of a Major Variance to City Council that would allow construction of an electronic display in the B-4 zoning district, with the following condition:

- The proposed electronic display's location and size generally conform to the attached site plan and specifications.

Attachments: A: Location Map
B: Zoning Map
C: Existing Electronic Displays
D: Proposed Sign Location and Specifications

Exhibit A: Location Map

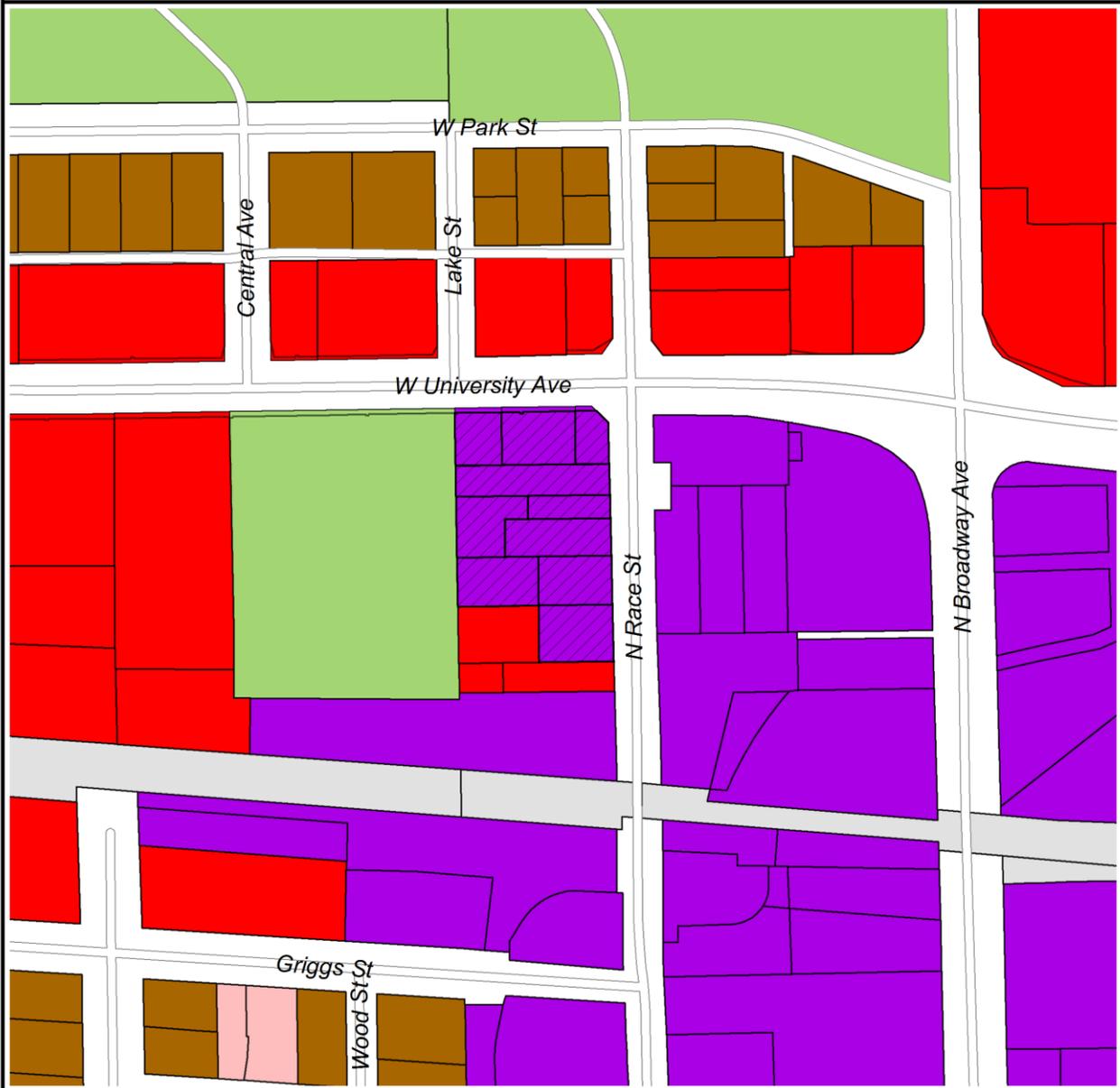


Case: ZBA-2019-MAJ-02
 Subject: Major Variance - Electronic Sign in B4 Zoning District
 Location: 201 North race Street
 Petitioner: Gary Satterlee c/o Culver's

 Subject Property

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Exhibit B: Zoning Map



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B-1
 B-3

B-4
 CRE
 IN-1
 R-5

Prepared 6/11/2019 by Community Development Services - Will Andresen

Exhibit C: Existing Electronic Displays



Dairy Queen
911 W. University Ave



Pawn King
1004 W. Univeristy Ave

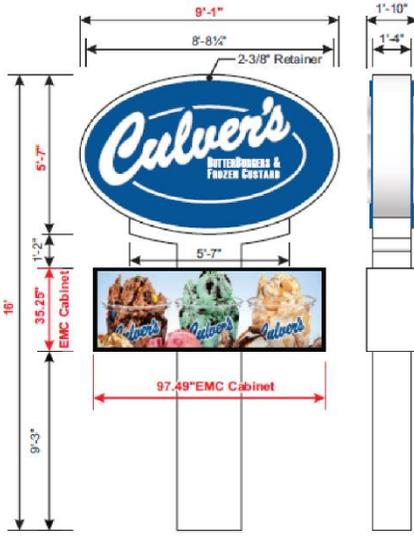


Niro's Gyros
1007 W. University Ave



Burger King
1006 W. University Ave

Exhibit D: Proposed Sign Specifications and Location



PE-50-112 Square Footage: Main Sign - 50.7 Sq Ft EMC - 23.8 Sq Ft - cabinet **Side View**

D/F Illuminated Pylon Sign

Scale 1/4" = 1'-0"

Specifications:

- Sign Cabinet: Aluminum
- Face Panels: .220 White Thermoformed SG Polycarbonate with Translucent film first surface - pan formed & embossed.
- Access: Remove sign face to service inside of sign
- Wind Load: Maximum wind load 30 psf
- EMC Copy Color: Full Color - 16mm
- EMC Electrical Spec: 120 VAC
- EMC Frame Rate: 65 frames per second

Color Specifications:

- Sign Exterior: Matthews N202 White or Equivalent
- Sign Graphics: Color - Blue / PMS - 294c / 3M - Vq109041

