



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals
FROM: Marcus Ricci, AICP Planner II
DATE: September 13, 2019
SUBJECT: ZBA-2019-MAJ-11: A request by Robert Freeman, on behalf of First United Methodist Church, for a Major Variance to construct an electronic display at 304 South Race Street, in the B-4, Central Business District.

Introduction

First United Methodist Church (Church) of Urbana has requested a variance to allow an electronic display on a permitted freestanding sign in the B-4, Central Business Zoning District. The Church is upgrading the seventy year-old sign and would like to use a sign that is more versatile, more convenient to update, and more energy-efficient. Section IX-4.C. of the Urbana Zoning Ordinance only allows electronic displays 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

First United Methodist Church is upgrading the sign at the southeast corner of South Race and West Green Streets (Exhibit A). The internally-lit sign was installed in 1957. It incorporates the Church's logo and has a cabinet for displaying a message (Exhibit D. The applicant would like to install a new sign comprised of a internally-lit section with the Church's name, above an electronic display component which can show service times, upcoming events and meetings, and messages to congregants and the general public. Because the Zoning Ordinance only allows electronic displays in the B-3, General Business, and CRE, Conservation-Recreation-Education zoning districts, the applicant requests a major variance to allow the electronic display in the B-4, Central Business District. Other than the proposed variance, the proposed sign will meet all other zoning requirements of the Zoning Ordinance.

Description of Site

The 0.56-acre site is located at the southeast corner of South Race and West Green Streets (Exhibit A). Table 1 summarizes the zoning and land uses for the subject site and surrounding area (Exhibit B).

Table 1. Zoning and Land Use

Table with 3 columns: Location, Zoning, Existing Land Use. Rows include Site, North, South, East, and West, all with B-4, Central Business District zoning.

Discussion

The proposed sign would adhere to the zoning requirements for both freestanding signs in the B-4 zoning district¹ and electronic displays in the B-3 zoning district.² It would be 92” tall by 87” wide with a total sign area of 36.25 square feet, 17.25 square feet (48%) of which would be the electronic display (Exhibit C). The existing sign does not accommodate easy changes to the service times or messages and requires printing the new message on paper and then attaching it over the old message (Exhibit D). Granting the variance would allow Church staff to remotely update service times, event announcements, and messages to congregants and the general public.

The site has been zoned Central Business³ since at least 1940; it has not been rezoned. Zoning regulations for electronic displays have been evolving since their inception in 2002 for community events located in B-4 and B-4E zoning districts, including the subject site. In 2006, electronic wall and freestanding signs in B-3 zoning districts were added as a permitted sign type for non-community events. In 2008, community event electronic displays were expanded to be permitted in all zoning districts but limited to those operating on a regular basis on City-owned or -controlled property. In 2015, electronic wall signs were added as a permitted sign type in the CRE zoning district. In summary, although electronic signs have been permitted as early as 2002, they have only been permitted for community events in the B-4 and either B-4E districts or for non-community events in the B-3 and CRE districts. The proposed sign is for non-community events in the B-4, Central Business district.

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 special circumstance in this case is that the Church functions as a community resource, hosting events that are free and open to the public, so that the proposed sign should be treated a “community event sign” permitted in the B-4 district rather than as a “commercial sign” which is permitted only in the B-3 district. Since the regulation started in 2002, the only exception to this restriction has been for community events; this later became more restricted to community events on city property. In comparison to a business operation, the Church is a community resource, and its public events should be treated as community events.

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

The request is not meant to correct a situation knowingly created by the Petitioner, as the subject site has been zoned “Central Business” since the inception of zoning. To permit a freestanding electronic display by right, the subject site would need to be rezoned to B-3, General Business.

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

The proposed sign should not alter the character of the neighborhood. The new sign will be in the

¹ Table IX-1. 50 square foot maximum; 16’ tall if 15’ from public right-of-way; minimum 8’ setback from public right-of-way.

² Section IX-4.C. General Sign Allowances – Electronic Displays. Sign area (B-4 and CRE) must be less than 50% of total sign area; no animation permitted; display change frequency no less than once per three minutes; auto-dimming technology required with maximum illumination of 0.3 footcandles above ambient light levels. Wall signs (CRE) shall not exceed 50 square feet.

³ In 1940 the zone was called “Central Commercial,” which was later changed to “B-4 Central Business” in 1979.

same location as the existing sign, which has been in place since 1957. The electronic display should not have any noticeable effect on the character of the neighborhood.

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

The proposed variance should not cause a nuisance to adjacent properties for two reasons: the existence of a sign at that location since 1957 has not been determined a nuisance; and the proposed electronic display will not face or be within 100 feet of a residential district or use. The sign will comply with all other zoning regulations that apply to electronic displays, including frequency of message change, brightness, and auto-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, which is the subject of the request. The only other option would be to rezone the subject site to B-3, General Business, which would permit an electronic display by right. This would be in direct conflict with the 2005 Comprehensive Plan, which calls for “Central Business” as the Future Land Use for the area.

6. *The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land.*

The practical difficulty in carrying out the Zoning Ordinance in this case is that the prohibition on electronic displays in the B-4 district except for community events is primarily to maintain the essential character of the downtown. The Church’s location on the periphery of downtown reduces the likelihood that the proposed sign will negatively impact the character of the neighborhood, and thence could allow the proposed electronic display to be treated as a “community event sign” rather than as a “commercial sign.”

Summary of Staff Findings

1. Robert Freeman, on behalf of First United Methodist Church, 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 variance request is due to the special circumstance that the Church is a community resource hosting events free and open to the public, and that the proposed electronic display should be treated as a “community event sign” permitted in the B-4 district rather than as a “commercial sign” permitted only in the B-3 district.
4. The proposed variance is not meant to correct a situation knowingly created by the Petitioner, as the subject site has been zoned “Central Business” since the inception of zoning.
5. The proposed variance should not alter the essential character of the neighborhood, as it will be in the same location as the existing sign, which has been in place since 1957.
6. The proposed variance should not cause a nuisance to adjacent properties because the existing sign has not determined a nuisance, the proposed electronic display will not face or be within 100 feet of residential districts or uses, and it will comply with all other zoning regulations including frequency of message change, brightness, and auto-dimming requirements.

7. The minimum deviation from the requirements of the Zoning Ordinance would be to allow an electronic display in the B-4 Zoning District. The only other option would be to rezone the subject site to B-3, General Business, in direct conflict with the 2005 Comprehensive Plan.
8. The practical difficulty in carrying out the Zoning Ordinance is that, due to the lack of adjacent residential use, the prohibition on electronic displays provides no benefit, while it continues to place a hardship to church staff of having to manually update the existing sign.

Options

The Zoning Board of Appeals has the following options in case ZBA-2019-MAJ-11:

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.
- The electronic display is monochrome (single-color).

Attachments: Exhibit A: Location Map
 Exhibit B: Zoning Map
 Exhibit C: Application & Sign Design
 Exhibit D: Site Photos

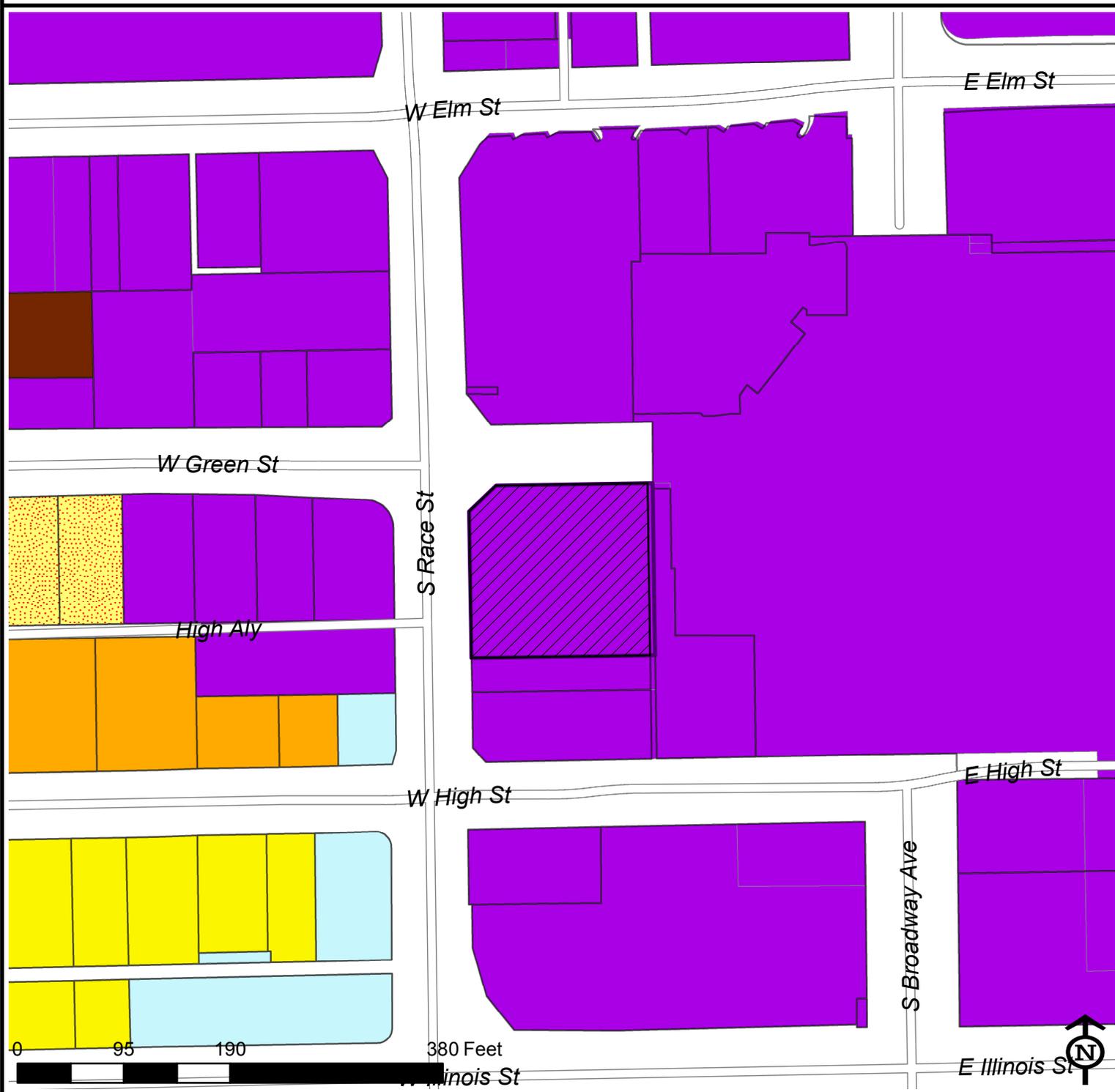
Exhibit A: Location & Existing Land Use Map



Case: ZBA 2019-MAJ-11
 Subject: Major Variance - Electronic Display
 Location: 304 South Race Street
 Petitioner: First United Methodist Church

 Subject Property

Exhibit B: Zoning Map



Case: ZBA 2019-MAJ-11
 Subject: Major Variance - Electronic Display
 Location: 304 South Race Street
 Petitioner: First United Methodist Church

	B4		R3
	MOR		R6
	R2		R6B
	Subject Property		

Exhibit C: Application & Sign Design

RECEIVED
APR 23 2019
JAN 10 471



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 04-23-2019 ZBA Case No. ZBA-2019-MAJ-11
Fee Paid - ~~Check~~ ^{Credit} No. 001352-0017 Amount \$200.00 Date 08/06-2019

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*)

Installation of a new digital sign in front of Urban First Methodist Church 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 Freeman** Phone: **217-367-8384**
Address (street/city/state/zip code): **304 South Race Street, Urbana, IL 61801**
Email Address: **office@fumc-urbana.org**
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Owner**

2. OWNER INFORMATION

Name of Owner(s): **The Board of Trustees** Phone: **217-367-8384**
Address (street/city/state/zip code): **304 South Race Street**
Email Address: **office@fumc-urbana.org**

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: **Lot 1 in E. Harkness a./k./a. Elisha Harkness Addn. etc.**
PIN # of Location: **92-21-17-212-005**
Lot Size: **24,274.34 sq. ft.**

Exhibit C: Application & Sign Design

Current Zoning Designation: **Business District**

Current Land Use (*vacant, residence, grocery, factory, etc.*): **Religious / Non-for-Profit / Church**

Proposed Land Use: **Religious**

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

Lot 1, 2, 3, and 4 in E. Harkness a./k./a. Elisha Harkness Addn.

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.

We are seeking to update the Church sign that would include a digital sign not to exceed the requirements for digital signs codes for the City of Urbana.

Exhibit C: Application & Sign Design

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.

Currently the sinage is in disrepair and does not express the growing needs of the Churches current growing population. We also would like to enhance the corner of Greend and Race street in preperation for the Green Street enhancement project.

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

We are replacing the current sign place on the property in 1957 to a newer sign.

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

We are attaching the proposed sign and its dimensions (See Attachment). We are upgrading the current location with a fresh sign, using less electricty than the current sign. We hope this will give a good image as people enter the Urbana Community coming from Chanpaign.

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

We are currently located on the West Entrance of the Mall and the Church owns the entire block South of the Mall. It would not cause a nusiance to our neighbors due to the angle of the sign from any residentail homes or other businesses. The new sign would face towards the Northwest as it is currently situated.

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

The Digital sign would not be over the 50% of the hight of the Current proposed limits for the overal sign space for this new sign instilation.

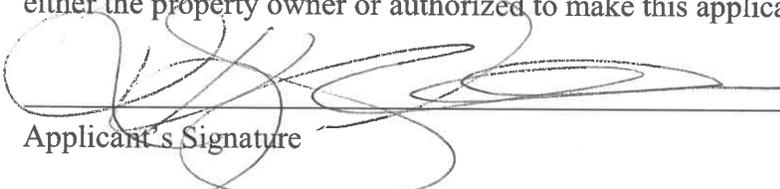
NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

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.

Exhibit C: Application & Sign Design

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

4/22/19
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

Exhibit C: Application & Sign Design

Option: UFUMC-3



Date: 2-04-19

Client:

First United Methodist Church of Urbana

Project:

Free standing sign.

Notes:

Single sided, free standing monument sign with internally LED illuminated main ID top cabinet. 2' x 7' single sided 16mm full color EMC (electronic message center)

Overall size: 92" x 87"

Drawing Location:

FILESERV\Data\AmDow2019\MKite\Drawings\First United Methodist Church of Urbana\FUMCofUrbana

Approval Signature:

Sales & Design:



Mack Kite
mkite@americandowell.com

217-359-6696
217-643-2345
4812 N. Cunningham Ave.
Urbana, IL 61802

SCALE: 1/2"=1'

Exhibit D: Site Photos



SE Corner of Race & Green



Existing Sign