



## 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:** May 14, 2021

**SUBJECT:** **ZBA-2021-MAJ-04:** A request by New Lincoln Square, LLC, represented by James Webster, for a Major Variance to allow two electronic message boards to change message frequency up to once per minute on an existing shopping center sign at 201 East Green Street in the B-4, Central Business District.

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### Introduction

James Webster, on behalf of New Lincoln Square, LLC, requests a major variance to increase the message change frequency for electronic message boards at 201 East Green Street in the B-4, Central Business District. Section IX-4.C.2 of the Urbana Zoning Ordinance sets a maximum message change frequency for an electronic message board at one message per three minutes. The applicant would like to increase the message frequency to one message per minute. The applicant owns the sign and electronic message boards at the location, as well as the Lincoln Square shopping center that it advertises. The sign itself is located in City Lot 10-X, owned by the City of Urbana, and managed by the applicant via a series of parking agreements. The City has given the applicant permission to apply for the variance.

For the major variance request to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority to forward it to City Council for final review and approval. Staff recommend the Zoning Board of Appeals **APPROVE** the request.

### Background

Lincoln Square was built in 1964. There are two shopping center signs, one at the southeast corner of East Illinois and South Vine Streets, and one at the east entrance at East Green and South Vine Streets (Exhibit A). The former sign is the subject of this variance request. When the shopping center was built, the subject sign was constructed as a three-sided free-standing sign with three letterboards (Exhibit E). Around 1995, the letterboards on the southeast and northeast sides were converted to electronic message boards (“e-boards”). These e-boards stopped working many years ago, and the applicant would like to replace them with new e-boards inside the existing frames. According to the applicant, “the message center is intended to create more awareness about activities, events, and most importantly, the Malls’ tenants. In order to maximize the usefulness of the sign, the number or amount of messages is dependent upon the length of time each message may be displayed. The current ordinance...states that the frequency of display must be [no faster than] three minutes. This condition will reduce the effectiveness of the sign, thus, not assist in promotion of the tenants to the extent it could with greater frequency” (Exhibit D). To maximize the e-boards’ effectiveness, the applicant wants to increase the message change frequency to one message per minute.

### Site Description, Land Use and Zoning

The sign is located at the northwest corner of East Illinois and South Vine Streets, in the southeast corner of City Lot 10-X. The site is bounded by City Lot 10-F, Lincoln Square, and City Lot 10-A South (Exhibit A).

Nearby uses include the Urbana City Building and Fire Department (east), Omni Prosthetics (southeast), City Lot 24, a drycleaner, and a former gas station lot (south), and City Lot 10-E (west). Table 1. below summarizes the current zoning, existing land uses, and future land use designations of the site and surrounding land (Exhibits B and C).

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

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<b>Site</b>	B-4, Central Business	Parking	Central Business
<b>North</b>	B-4, Central Business	Parking	Central Business
<b>East</b>	B-4, Central Business; R-6, High Density Multiple-Family Residential	Government Office; Open Space	Institutional
<b>South</b>	B-4, Central Business	Parking; Gas Station; Cleaners	Central Business
<b>West</b>	B-4, Central Business	Parking	Central Business

## Discussion

The applicant wants to increase the e-boards' message change frequency from a maximum of one message per three minutes to a maximum of one message per minute, to increase the number of messages displayed in a given period of time. All other regulations would remain, including illumination standards and the prohibition on animation. The purpose of the frequency cap is to reduce the distraction to drivers passing by. The question to answer is: would increasing the maximum frequency result in drivers being distracted by more messages? This is a fully-signalized intersection with traffic signals, including left-turn lights. The typical traffic light cycle lasts approximately 40 seconds, plus 10 seconds if the left-turn arrow is triggered by a vehicle in the turn lane. The e-boards are legible from approximately one-half block away. It takes approximately 15 seconds to drive this distance at approximately 25 miles per hour, if one is not stopped at the intersection. Currently, a driver would most likely see only one message as they drove by, even if they were stopped for the full 50 seconds at a red light with a turn arrow. It is possible they might see two messages if they happened to be passing by as one three-minute message transitions to the next three-minute message. If the rate was increased to one message per minute, a driver is *more likely* to drive by during a transition, as there are three times as many transitions occurring as before. This means they are more likely to see two messages instead of one, but are still not likely to see three messages unless they were stopped at the signal for more than one signal cycle, as during peak traffic periods. One message per minute should not distract a driver, as long as all other e-board regulations were followed.

## 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:

- 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.*

There are no special circumstances related to the sign or the property on which it is located that are not generally applicable to other electronic message boards (e-boards) in the B-4, Central Business District.

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

This request is not the result of any situation created by the applicant. They simply want to replace two broken e-boards and, when they do, to program them to change messages at a rate of one per minute

rather than one per three minutes. According to the applicant, the increase in the number of messages displayed would positively affect economic development at Lincoln Square.

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

The neighborhood is a mix of commercial, institutional, and residential uses. The shopping center has been an integral part of the neighborhood for over fifty years, and the signs and the e-boards themselves have been there for over twenty-five years. The replacement e-boards will be the same size and would not increase any previous contribution to the character of the neighborhood.

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

There is no record of a nuisance created by the original e-boards, e.g., light pollution, or contributions to vehicle crashes or cited offenses. The replacement e-boards would not cause a nuisance to the adjacent property, provided they follow all other regulations.

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

The applicant wants to maximize the effectiveness of the sign to create more awareness about activities, events and tenants at the shopping center. The proposed increase in message change frequency is a smaller deviation from the Zoning Ordinance than other options – such as increasing the e-boards' size, or brightness, or allowing animations – that would likely be more distracting to passing drivers.

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 is that the small size of the e-boards and the short approach time to the e-boards results in a very high likelihood that potential shoppers and visitors would see only one message. Increasing the rate of message change frequency to one minute would increase the number of messages likely to be viewed from one to two messages, which would still not be a distraction to drivers.

## **Summary of Staff Findings**

1. James Webster, on behalf of New Lincoln Square, LLC, requests a major variance to increase the message change frequency for electronic message boards to one message per one minute, up from one message per three minutes as required by Section IX-4.C.2 of the Urbana Zoning Ordinance, at 201 East Green Street in the B-4, Central Business District.
2. The variance should grant relief from a situation not created by the petitioner and, according to the applicant, the increase in the number of messages displayed would positively affect economic development at Lincoln Square.
3. The variance would not alter the essential character of the neighborhood nor cause a nuisance to adjacent properties, as the e-boards have been in use for over twenty-five years, and there is no record of a nuisance created by the original e-boards.
4. The variance is the minimum deviation from the requirements of the Zoning Ordinance, as other options would likely be more distracting to passing drivers.

## Options

The Zoning Board of Appeals has the following options in case ZBA-2021-MAJ-04:

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.

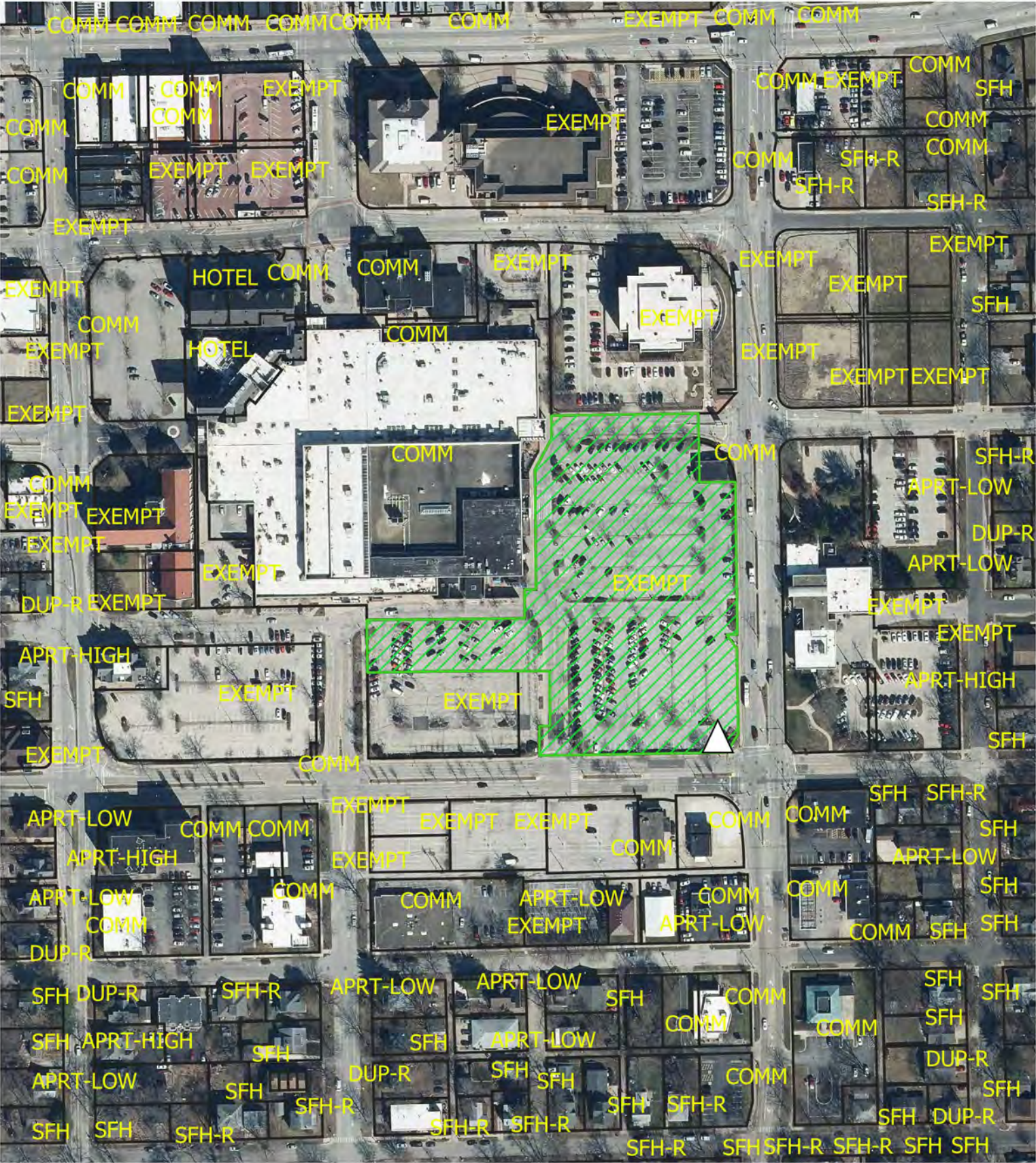
## Staff Recommendation

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 the proposed major variance in case ZBA-2021-MAJ-04 to the Urbana City Council, as presented in the staff report.

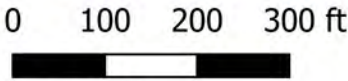
Attachments:           Exhibit A: Location Map  
                              Exhibit B: Zoning Map  
                              Exhibit C: Future Land Use Map  
                              Exhibit D: Major Variance Application  
                              Exhibit E: Site Photos



Exhibit A - Location & Land Use



Case: ZBA-2021-MAJ-04  
Subject: Major Variance - Message Freq.  
Location: 201 East Green Street  
Applicant: New Lincoln Square, LLC



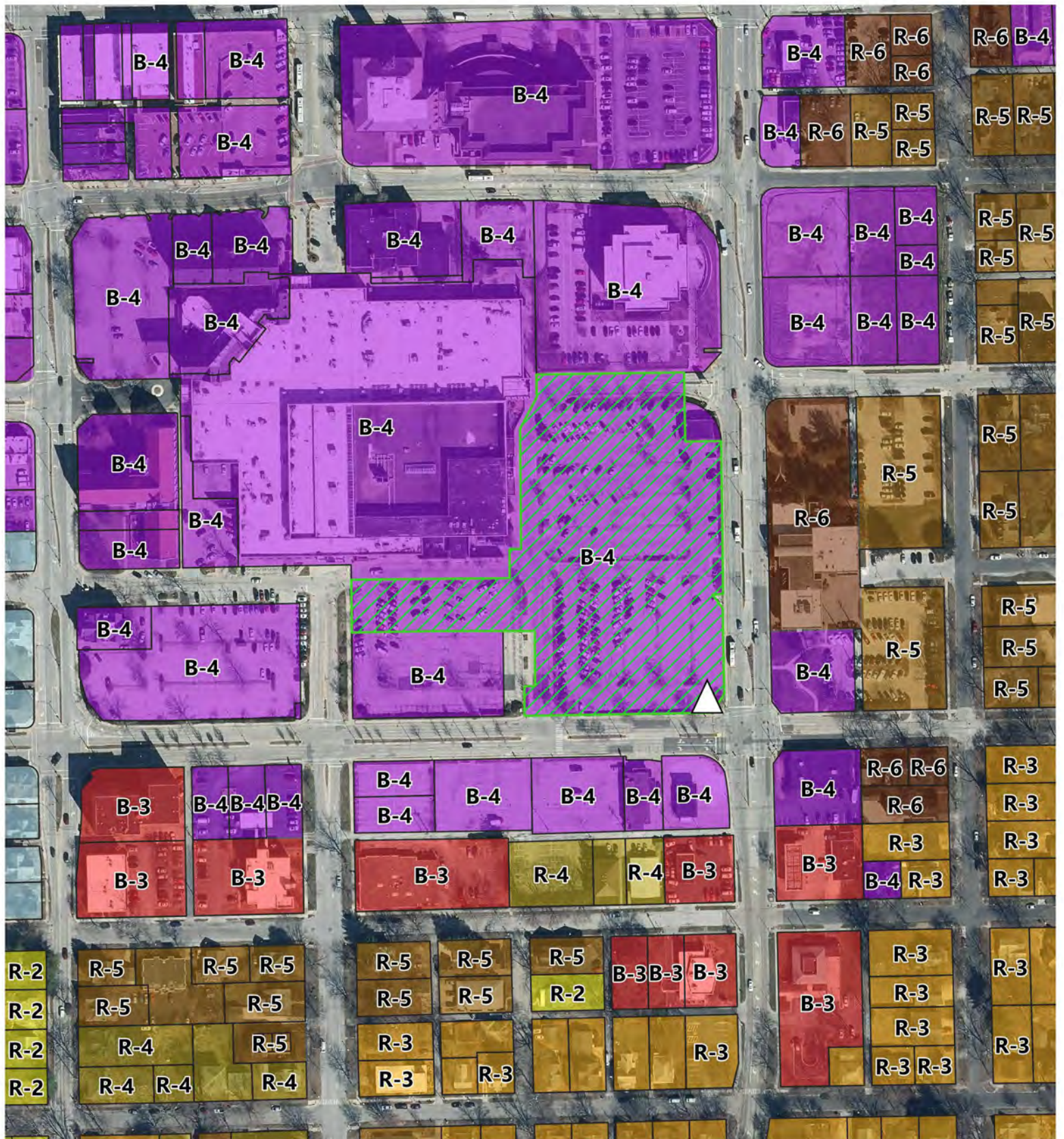
Legend

- SUBJECT PROPERTY
- SIGN LOCATION





# Exhibit B - Current Zoning



0 100 200 300 ft



Case: ZBA-2021-MAJ-04  
 Subject: Major Variance - Message Freq.  
 Location: 201 East Green Street  
 Applicant: New Lincoln Square, LLC



## Legend

SUBJECT PROPERTY

Zoning

B-3

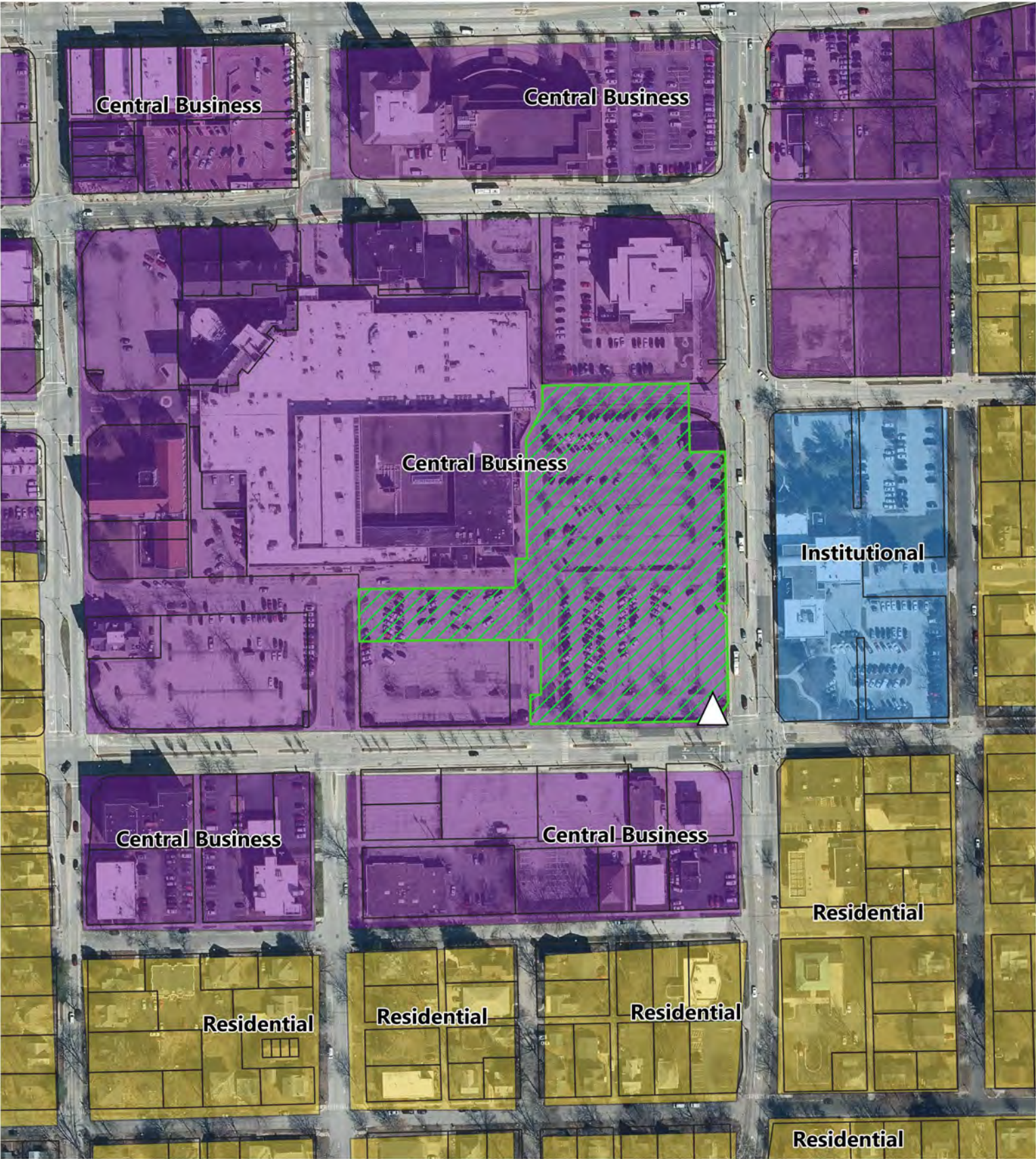
B-4 R-4

R-2 R-5

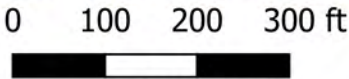
R-3 R-6



Exhibit C - Future Land Use



Case: ZBA-2021-MAJ-04  
Subject: Major Variance - Message Freq.  
Location: 201 East Green Street  
Applicant: New Lincoln Square, LLC



Legend

- SUBJECT PROPERTY
- SIGN LOCATION





# Exhibit D - Application



## 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.urbanailinois.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 04-05-2021 ZBA Case No. ZBA-2020-  
Fee Paid - Check No. 1398 Amount \$200.0 Date 04/22/202

### 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*)  
**Change electronic message board minimum time change frequency three minutes to one** on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): New Lincoln Square, LLC. James H. Webster Phone: 217-344-0973  
Address (street/city/state/zip code): 104 W University Ave, Suite B. Urbana, IL 61801  
Email Address: jlm@websterappraisals.com  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner

#### 2. OWNER INFORMATION

Name of Owner(s): City of Urbana, c/o Planning Division Phone: 217-384-2440  
Address (street/city/state/zip code): 400 South Vine Street, Urbana, IL 61801  
Email Address: Planning@Urbanailinois.us  
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: 201 E. Green Street, northwest corner of South Vine & East Illinois Streets, Urbana, IL, 61801  
PIN # of Location: 92-21-17-212-022  
Lot Size: Lot Size: 4.28 acres or 186,278 square feet



# Exhibit D - Application

Current Zoning Designation: **B-4**

Current Land Use (*vacant, residence, grocery, factory, etc.*): **Shopping center parking lot**

Proposed Land Use: **Shopping center parking lot**

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

**Lot 3 of the Replat of Lot 5 of the Central Business Addition, City of Urbana,  
Cunningham Township, Champaign County, Illinois**

**P.I.N.: 92-21-17-212-022**

**Commonly known as 201 East Green Street, Urbana, Illinois**

## 4. CONSULTANT INFORMATION

**Name of Architect(s):** American Dowell Sign Company **Phone:** 217-359-6696

**Address (street/city/state/zip code):** 4812 N Cunningham Ave. Urbana, IL 61802

**Email Address:** sales@americandowell.com

**Name of Engineers(s):** Mack Kite, Chip Childress **Phone:** 217-359-6696

**Address (street/city/state/zip code):** 4812 N Cunningham Ave. Urbana, IL 61802

**Email Address:** mkite@americandowell.com, cchildress@americandowell.com

**Name of Surveyor(s):** n/a **Phone:** n/a

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

**Email Address:** n/a

**Name of Professional Site Planner(s):** n/a **Phone:** n/a

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

**Email Address:** n/a

**Name of Attorney(s):** n/a **Phone:** n/a

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

**Email Address:** n/a

## 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 message center is intended to create more awareness about activities, events, and most importantly, the Malls' tenants. In order to maximize the usefulness of the sign, the number or amount of messages is dependant upon the length of time each message may be displayed. The current ordinance, Section IX, General Sign Allowances, Category C, paragraph 2 states that the frequency of display must be three minutes. This condition will reduce the effectiveness of the sign, thus, not assist in promotion of the tenants to the extent it could with greater frequency.

# Exhibit D - Application

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.

**A variance allowing messages to be displayed each minute would allow three times the messages allowed by the current ordinance. This would have a positive impact on economic development at Lincoln Square.**

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

**The message center will replace two prior message center panels which are defective.**

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

**The neighborhood is a mix of commercial and governmental uses. It is part of the Downtown and it will not cause a nuisance to the neighborhood.**

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

**The sign has existed since the Mall was constructed in 1965. The sign was converted into a message center in approximately 1995. It adjoins the City of Urbana municipal building to the east, Lincoln Square to the north and west, along with three commercial uses to the south.**

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

**The variance is, in my opinion, a minimum deviation of the Zoning Ordinance. The same or a similar variance was granted to The Atkins Group for their message center at The Pines in Urbana. We are not seeking anything which does not have precedence.**

***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 D - Application

## **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

\_\_\_\_\_  
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 D - Application



SCALE: 1/4"=1'

Date: 3/16/2021

Client:  
Lincoln Square Mall  
201 Lincoln Square  
Urbana, IL 61801

Project:  
Electronic message center  
(EMC)

Notes:  
Triangular pylon sign on  
south east corner of  
property.

Two (2) full color, 16mm  
EMC's, 2' 8" X 8'.

Drawing Location:  
AD 2021(C Childress)\Drawings\Lincoln  
Square\EMC Sign\Lincoln Square EMC Sign  
Approval Signature:

  
**AMERICAN DOWELL**  
SIGN COMPANY  
PROUDLY SERVING EAST CENTRAL TEXAS OVER 40 YEARS

Chip Childress  
cchildress@americandowell.com  
217-359-6696  
217-643-2345(fax)  
4812 North Cunningham Ave.  
Urbana, IL 61802

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## Exhibit E – Site Photos



Figure 1. Subject sign at East Illinois and South Vine Streets.



Figure 2. Looking south from one block north.



Figure 1. Sign at East Green Street entrance.



Figure 2. Looking north from one block south.