



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division
m e m o r a n d u m

TO: Mayor Diane Marlin and City Council Members
FROM: Lorrie Pearson, AICP, Acting Community Development Director
Marcus Ricci, AICP, Planner II
DATE: October 3, 2019
SUBJECT: An Ordinance Approving a Major Variance
(304 South Race Street / ZBA Case No. 2019-MAJ-11)

Introduction

First United Methodist Church of Urbana ("the Church") 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. Siting an electronic display outside the B-3, General Business, or CRE, Conservation-Recreation-Education Zoning Districts requires a major variance.<sup>1</sup>

At its September 18, 2019, meeting, the Zoning Board of Appeals (ZBA) held a public hearing on this case. No members of the public spoke regarding the case. The ZBA voted unanimously, with seven ayes and zero nays, to recommend that City Council approve the variance with one condition.

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 an 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. Other than the proposed major variance to allow the electronic display in the B-4 district, 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. Table 1 below summarizes the zoning and land uses for the subject site and adjacent parcels. More information on the location and surrounding area can be found in Exhibits A and 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.

<sup>1</sup> Section IX-4.C. of the Urbana Zoning Ordinance.

## Discussion

The proposed sign would adhere to the zoning requirements for both freestanding signs in the B-4 zoning district<sup>2</sup> and electronic displays in the B-3 zoning district.<sup>3</sup> It would be 7.67 feet tall by 7.25 feet 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 – sign design). The existing sign does not accommodate easy changes to the service times or messages and requires printing new messages on paper and 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 Business<sup>4</sup> since at least 1940; it has not been rezoned. Zoning regulations for electronic displays have been evolving since their initial inclusion in the 2002 Zoning Ordinance as permitted in B-4 and B-4E zoning districts (including the subject site), but only for community events. This is likely due to a desire to limit the amount of electronic-based sign advertising in the downtown district, while acknowledging that the benefits of promoting community activity outweigh the costs to aesthetics.

In 2006, in B-3 zoning districts, electronic wall and freestanding signs were added as a permitted sign type for any use, acknowledging that the general business corridors are a more appropriate venue for electronic displays. In 2008, community-event electronic displays were still permitted only in B-4 and B-4E zoning districts, but were further limited to those events operating on a *regular basis* on *City-owned or -controlled property*. In 2015, electronic 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 are permitted for any use or event in the B-3 and CRE zoning districts, and they are permitted in the B-4 and B-4E districts only for community events operating on a regular basis on City property. The proposed sign is for events on non-City-owned or -operated land; essentially, for non-community events in the B-4 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.*

One reason for the prohibition on electronic displays in the B-4 district is to maintain the character and atmosphere of the downtown district without the distraction or glare of electronic displays. The special circumstance in this case is that the Church is located at the periphery of the B-4, Central Business District, and converting its internally-lit sign to one that incorporates an otherwise conforming electronic display is unlikely to negatively affect the essential character of the downtown business district. In addition, this variance would not be generally applicable to other lands or structures as the Church is one of the few houses of worship in the B-4 district. It is also one of the few non-commercial or non-governmental parcels in the B-4 district.

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 in Urbana. To permit a

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<sup>2</sup> Table IX-1. 50 square foot maximum; 16’ tall if 15’ from public right-of-way; minimum 8’ setback from public right-of-way.

<sup>3</sup> 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.

<sup>4</sup> In 1940 the zone was called “Central Commercial,” which was changed to “B-4 Central Business” in 1979.

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 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 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 brightness, auto-dimming, and how frequently the message changes.

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

Since electronic signs are not allowed in the B-4 district (except for “community event signs”), the minimum deviation would be to allow an electronic display, 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. However, 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 intent of the regulations for electronic displays in the B-4 district is to maintain the character of Downtown Urbana by limiting them to “community event signs.” In this case, the Church’s location on the periphery of downtown reduces the likelihood that the proposed sign will negatively affect the character of downtown or the neighborhood, but since the sign will not meet the narrow definition of “community event sign,” it is not allowed by right. These circumstances create a practical difficulty that makes carrying out the Zoning Ordinance impractical and makes a variance necessary.

## **Zoning Board of Appeals**

At the September 18, 2019, ZBA meeting, staff recommended that the ZBA forward the case to City Council with a recommendation to APPROVE the major variance with one condition: general conformance to the site plan and sign design.

Pastor Freeman detailed the Church’s community collaborations and activities it offered that are free and open to the public. He also stated that the Church needed “a better-looking sign,” and said that the Board of Trustees must approve messages before they are posted (*see Exhibit E for draft ZBA minutes*).

The board voted unanimously, with seven ayes and zero nays, to forward this case to the Urbana City Council with a recommendation to APPROVE the request with the first condition as presented, that the sign be in general conformance with the attached site plan and design.

## **Summary of Staff Findings**

1. The First United Methodist Church of Urbana 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 located at the periphery of the B-4, Central Business District, and converting its internally-lit sign to one that incorporates an otherwise conforming electronic display is unlikely to negatively affect the essential character of Downtown Urbana.
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 in Urbana.
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 been a nuisance, the proposed electronic display will not face or be within 100 feet of residential districts or uses, and the sign will comply with all other zoning regulations, including brightness, auto-dimming, and how frequently the message changes.
7. The minimum deviation from the requirements of the Zoning Ordinance would be to allow an electronic display in the B-4 district, which is what the variance request is for.
8. The practical difficulty in carrying out the Zoning Ordinance is that the location of the Church at the periphery of the B-4 district reduces the probability of negatively affecting downtown character.

## Options

The City Council has the following options:

1. **Approve the Ordinance;** or
2. **Approve the Ordinance along with any conditions** as are appropriate for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
3. **Deny the Ordinance.**

## Recommendation

At the September 18, 2019, meeting, the ZBA voted with seven ayes and zero nays to forward this case to the Urbana City Council with a recommendation to **APPROVE** the request, with one condition. City staff likewise recommends approval with the following condition:

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

Attachments:            Exhibit A: Location Map  
                                  Exhibit B: Zoning Map  
                                  Exhibit C: Application & Sign Design  
                                  Exhibit D: Site Photos  
                                  Exhibit E: ZBA Meeting Minutes, September 18, 2019 – DRAFT

**ORDINANCE NO. 2019-10-053**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(304 S. Race St. / ZBA Case No. 2019-MAJ-11)**

**WHEREAS**, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, the First United Methodist Church of Urbana (Church) has submitted a petition for a major variance to allow an electronic display on a permitted freestanding sign in the B-4, Central Business Zoning District; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on September 18, 2019, in ZBA Case No. 2019-MAJ-11; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted seven (7) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance with one condition; and

**WHEREAS**, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(d), of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. The First United Methodist Church of Urbana 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 non-community event 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 located at the periphery of the B-4, Central Business District, and converting its internally-lit sign to one that incorporates an otherwise conforming electronic display is unlikely to negatively affect the essential character of the downtown business 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 in Urbana.
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 been 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 brightness, auto-dimming, and how frequently the message changes.
7. The minimum deviation from the requirements of the Zoning Ordinance would be to allow an electronic display in the B-4 district, which is what the variance request is for.
8. The practical difficulty in carrying out the Zoning Ordinance is that the location of the Church at the periphery of the B-4 district reduces the probability of negatively affecting downtown character.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

In ZBA Case No. 2019-MAJ-11, the major variance requested by the First United Methodist Church of Urbana to allow for the construction of an electronic display as part of a freestanding sign in the B-4, Central Business, Zoning District, is hereby approved in the manner proposed in the application with the following condition: The proposed sign shall generally conform to the site plan and specifications as set forth in Attachment “A,” which is attached hereto and incorporated herein by reference.

The major variance described above shall only apply to the property located at 304 South Race Street, more particularly described as follows:

Plat of E. Harkness Addition of Town Lots to the Town of Urbana in said County of Champaign. Situated in the N.E. ¼ of Section No. 17 T. 19 N. of Range 9 East. The length and breadth of each lot are marked on Plat in feet and inches and contain 38 rods & 64/100 each. Corner stone at S.W. corner of lot No. 4 sixty feet north of the N.W. corner of lot No. 6 in Roe’s third Addition of Town Lots. Given under my hand and this 4<sup>th</sup> day of October 1832.

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

Commonly known as 304 South Race Street  
P.I.N.: 91-21-17-212-005

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled “An Ordinance Approving a Major Variance (304 S. Race St. / ZBA-2019-MAJ-11)” which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTACHMENT A

Sign Design

Exhibit C: Application & Sign Design

Option: UFUMC-3



SCALE: 1/2" = 1'

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\FUMCo\Urbana

Approval Signature:

**Sales & Design:**  
  
AMERICAN DOWELL  
SIGNCRAFTERS  
PRODUCT SERVING EAST CENTRAL ILLINOIS OVER 40 YEARS  
Mike Kite  
mike@americandowell.com  
217-359-6696  
217-643-2345  
4812 N. Cunningham Ave.  
Urbana, IL 61802

ATTACHMENT A

Site Plan



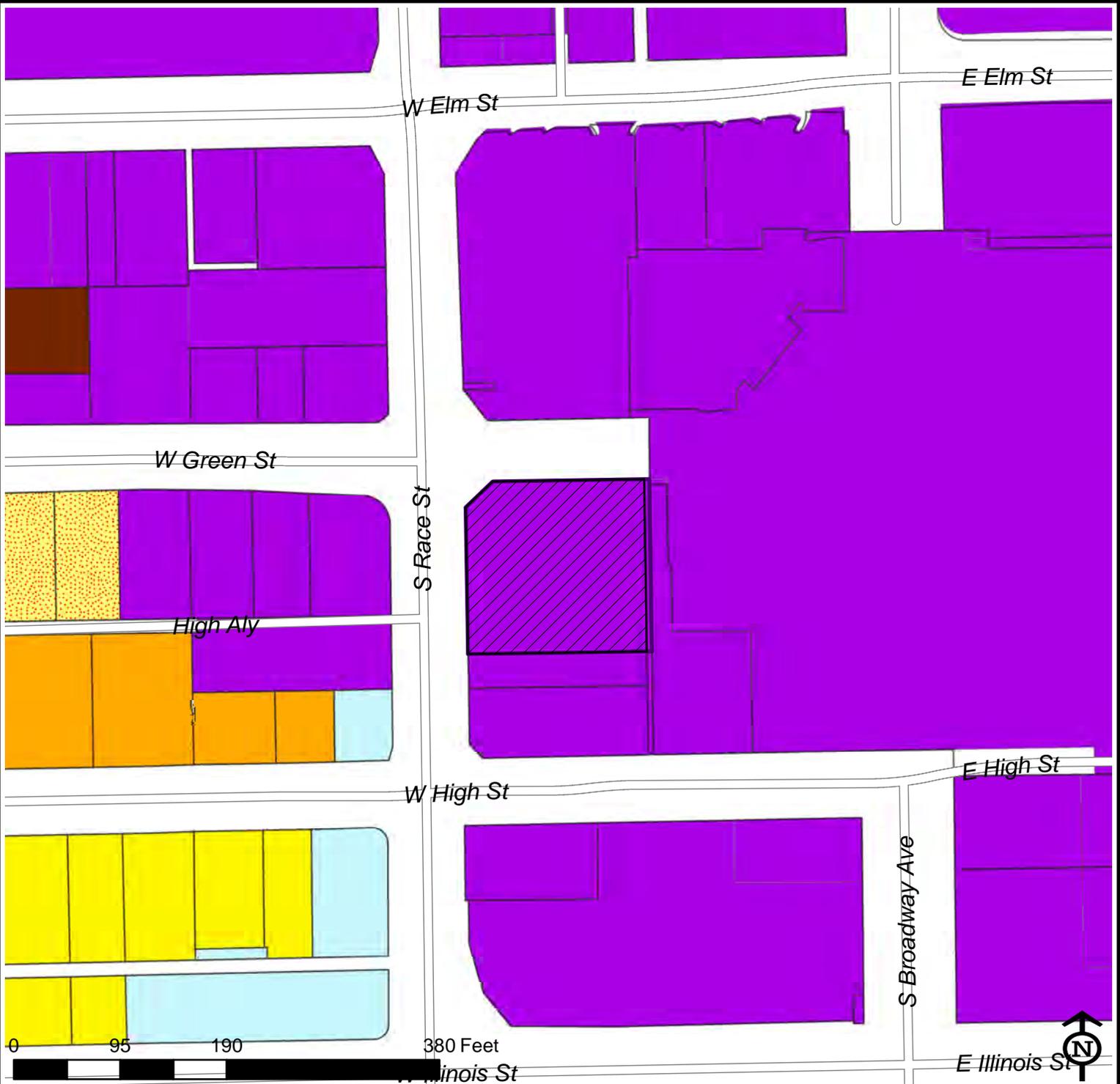
# Exhibit A: Location & Existing Land Use Map



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~~ <sup>Credit</sup> 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 requiemtns 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.**

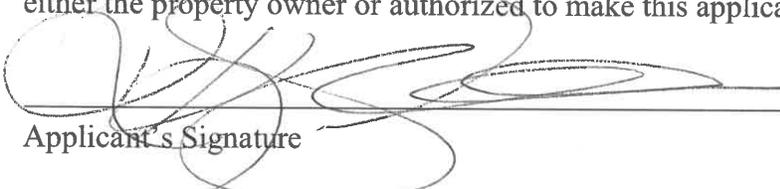
***NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.***

***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**

# Exhibit E. ZBA Meeting Minutes, September 18, 2019 – DRAFT

## MINUTES OF A REGULAR MEETING

### URBANA ZONING BOARD OF APPEALS

**DATE:** September 18, 2019

**DRAFT**

**TIME:** 7:00 p.m.

**PLACE:** City Council Chambers, 400 South Vine Street, Urbana, IL 61801

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<b>MEMBERS PRESENT</b>	Joanne Chester, Matt Cho, Ashlee McLaughlin, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
<b>STAFF PRESENT</b>	Lorrie Pearson, Deputy Community Development Director / Planning Manager; Kevin Garcia, Planner II; Marcus Ricci, Planner II; Lily Wilcock, Planner I
<b>OTHERS PRESENT</b>	Paul Debevec, Ann Dickey, Bob Freeman, Dan Gordon, Ryan Millikan, Trent Shepard

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### NEW PUBLIC HEARINGS

**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.**

Chair Welch opened the public hearing for this case. Marcus Ricci, Planner II, presented the staff report for the case. He began by stating the purpose for the proposed variance, which is to allow the applicant to upgrade the 70-year-old existing sign to a new, electronic sign. He noted the zoning of the subject property and talked about the design of the proposed sign. He reviewed how the variance criteria from Section XI-3 of the Urbana Zoning Ordinance relates to the proposed request. He summarized City staff findings and read the options of the Zoning Board of Appeals. He presented City staff's recommendation for approval with the following conditions:

1. The proposed electronic display's location and size generally conform to the site plan and specifications.
2. The electronic display is monochrome (single-color).

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff.

Ms. McLaughlin asked if the color would impact the brightness of the sign display. Mr. Ricci explained that Condition 2 is suggested as an option to reduce potential concerns or minimize the impact of the changes in the sign.

# Exhibit E. ZBA Meeting Minutes, September 18, 2019 – DRAFT

September 18, 2019

Mr. Rusch asked what the typical requirements are for an electronic sign. Mr. Ricci stated that the main requirements for any electronic display are as follows:

- Messages must be displayed for a minimum of three minutes before changing.
- A display can only be 3 foot-candles brighter than the ambient light levels and must have auto-dimming technology built in.
- The electronic display must be less than half of the area of the total sign.

With no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant to speak on behalf of his request.

Reverend Robert Freeman approached the Zoning Board of Appeals to speak on behalf of the First United Methodist Church. He talked about the church's relationship with the community and stated that they need a better looking sign. He encouraged the Zoning Board of Appeals to approve their request.

Ms. McLaughlin asked how Reverend Freeman felt about Condition 2 limiting the display to monochrome only. Reverend Freeman replied that the church was fine with this condition as they do not want the sign to be a big distraction to motorists or to take away from the hotel once it is operational again. Mr. Ricci added that he would have the City's Legal Division review the wording to ensure that it did not violate any First Amendment rights.

Mr. Rusch wondered if the church would be approving all messages that would be displayed on the proposed sign. Reverend Freeman explained that the Church's Board of Trustees would have to agree to any message being displayed.

Reverend Freeman invited everyone to take a tour of the church to see how great of a structure it is.

With no further comments or questions from public audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motions by the Zoning Board of Appeals.

Mr. Rusch moved that the Zoning Board of Appeals forward Case No. ZBA-2019-MAJ-11 to the City Council with a recommendation for approval including the condition that *the proposed electronic display's location and size generally conform to the site plan and specifications*. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Ms. Chester	-	Yes	Mr. Cho	-	Yes
Ms. McLaughlin	-	Yes	Mr. Rusch	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion passed by unanimous vote. Kevin Garcia, Planner II, noted that this case would be forwarded to City Council on October 7, 2019.