#### DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

m e m o r a n d u m

**TO:** Urbana Zoning Board of Appeals

**FROM:** Katherine Trotter, Planner I

**DATE:** September 11, 2020

SUBJECT: ZBA-2020-MAJ-04: A request by Stough Real Estate Holdings, LLC for a Major Variance

to allow two commercial wall signs in a zoning district that does not allow commercial wall signs at 907 North Lincoln Avenue in the R-5, Medium-High Multiple-Family residential

zoning district.

#### Introduction

Stough Real Estate Holdings, LLC ("Stough") requests a variance to allow two commercial wall signs at 907 North Lincoln Avenue in the R-5, Medium-High Multiple-Family residential zoning district. Stough recently received a Special Use Permit to build a plasma collection facility on the site<sup>1</sup>; however, the R-5 zoning district does not allow commercial wall signs.

Stough received a Major Variance to allow a freestanding sign at this location on January 27, 2020<sup>2</sup>, but they did not request additional signs at that time.. The applicant states that having the wall signs will help visitors find the location and increase visibility of their business on Lincoln Avenue. Without the variance, the plasma collection facility could be built, and the approved freestanding sign could be built, but Stough would not be allowed to install any wall signs.

#### Background

Stough Real Estate Holdings, LLC is a developer of plasma collection facilities. They were granted a Special Use Permit to develop a new facility at 907 North Lincoln Avenue on December 2, 2019. While Medical Clinics are permitted in the R-5 zoning district with a Special Use Permit, signs for Medical Clinics and all other non-residential and non-institutional uses are not allowed in the district.

On January 27, 2020, Stough received a Major Variance to allow a freestanding sign for the plasma facility. They did not request any other signs at that time. The applicant is now seeking a Major Variance to allow two commercial wall signs on their new building. In the R-5 district, only institutional and residential (subdivision, multi-family identification, and rental) signs are permitted. The plasma facility would be allowed to have commercial wall signs if it were located in a business or industrial district, but no walls signs are allowed in the R-5 zoning district. This is likely an oversight in the Zoning Ordinance, since some business uses are allowed in the district with a Special Use Permit, but there are no provisions for allowing signs for those businesses.

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<sup>&</sup>lt;sup>1</sup> Ord. No. 2019-12-069

<sup>&</sup>lt;sup>2</sup> Ord. No. 2020-01-001

Approval of the variance would allow the applicant to install two commercial wall signs on the plasma facility. The wall signs would be installed on the south and east faces of the building. Both signs would be internally illuminated. Per the Zoning Ordinance, Table IX-2, in the R-6B, B-1, B-2, B-3U, CCD and CRE districts, wall signs can be up 6to 8 percent of the wall area, up to 300 square feet. In the B-3, B-4, B-4E, MIC and IN1 & IN2 districts, wall signs can be up to 10 percent of the wall area, up to 350 square feet for signs closer than 60 feet from the front property line, or 500 square feet for signs more than 60 feet from the front property line. The proposed wall signs for the plasma facility would be 99.8 square feet (7.5%) and 20.6 square feet (1%), and would comply with the standards for wall signs in any of the districts that allow wall signs.

#### Description of Site and Area

The property at 907 North Lincoln Avenue is approximately 2.6 acres, and is located on the west side of Lincoln Avenue, between Fairlawn Avenue and King Park. Nearby there are two area hospitals, apartment buildings, single- and two-family residences, and businesses along University and North Lincoln Avenues.

The following table identifies the current zoning and existing land uses of the subject property and surrounding properties (see Exhibits A and B).

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use	Future Land Use
Site	R-5, Medium-High Multiple- Family Residential	Vacant	Community Business
North	CRE, Conservation-Recreation- Education	King Park	Residential
South	R-5, Medium-High Multiple- Family Residential	Multiple-Family Residential Building	Community Business
East	R-2, Single-Family Residential	Single-Family Homes	Residential
West	R-2, Single-Family Residential	Single-Family Homes	Residential

#### Discussion

#### Site History

The site was formally a senior care facility from the 1960's until 2011. In 2012 the senior care center was closed and sold to be renovated as a care facility. The facility was never reopened. The property was then purchased by Kelly Dillard, who demolished the vacant senior care center and sold the company to Stough Real Estate Holdings, LLC in February, 2020.

On December 2, 2019, City Council unanimously approved a Special Use Permit for a Medical Clinic in the R-5 zoning district, subject to the following conditions:

1. That the applicant submits a landscape plan prior to issuance of any building permit to ensure that proposed landscaping and screening conforms to the City of Urbana Zoning Ordinance standards for screening and required landscape buffers.

2. That the development shall be constructed in general conformance with the attached Preliminary Site Plan and an approved landscape plan.

On January 27, 2020, City Council unanimously approved a Major Variance for a freestanding sign in the R-5 zoning district, subject to the following conditions:

- 1. That the owner dedicates right-of-way along the west side of Lincoln Avenue.
- 2. That the freestanding sign generally conforms to the sign plan, and be set back at least eight (8) feet from the property line.

#### Major Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria.

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

Medical Clinics are permitted in the R-5 zoning district with a Special Use Permit, but there are no sign allowances for non-residential or non-institutional uses in the district. This appears to be an oversight in the Zoning Ordinance. The applicant has permission to build and operate a plasma facility at this location and install a freestanding sign.

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 proposed variance will not serve as a special privilege because the plasma facility use has already been approved. Approving the variance to allow two commercial wall signs would be consistent with signs for Medical Clinic uses in other zoning districts. The R-5 zoning district allows non-residential and non-institutional uses. However, these uses in the R-5 zoning district are not allowed to have signs, which seems to be an oversight. The approved Special Use Permit permits a plasma facility to operate at this location, and allowing the applicant to install two commercial wall signs would be consistent with Medical Clinic uses in other zoning districts.

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

The applicant did not deliberately create this situation. The situation was created by an inconsistency in the Zoning Ordinance which allows for non-residential and non-institutional uses in the R-5 zoning district, but does not allow those uses to have signs.

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

The variance will not alter the essential character of the neighborhood, as the commercial wall signs will be consistent with other nearby commercial uses. This area of Lincoln Avenue is characterized by single-family and multi-family residences, parks, medical uses and commercial business uses. Many of the surrounding properties have multi-family identification signs, wall signs and freestanding signs. The proposed commercial wall signs will be consistent with the surrounding area.

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

The variance would allow two commercial wall signs to be installed on the plasma facility. The applicant will be required to screen the south and west property lines with appropriate fencing and landscaping. The proposed wall signs will be illuminated, but they will be subject to an after-hours lighting plan that will prevent light pollution. The variance will not cause a nuisance to the adjacent property because the facility will comply with all landscaping and screening requirements for a non-residential use adjacent to residential uses.

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

The variance generally represents the minimum deviation from the requirements of the Zoning Ordinance, as it will allow two commercial wall signs: one on the south side of the building, and one on the east side of the building. The proposed wall signs are within the regulations for wall signs in non-residential districts. The signs will each be less than 8% of the total wall area, which is the maximum percentage allowed in the R-6B, B-1, B-2, B-3U, CCD and CRE districts.

#### **Case Summary**

- 1. The property is zoned R-5, Medium-High Multiple-Family Residential.
- 2. Stough Real Estate Holdings, LLC requests a Major Variance to allow two commercial wall signs in the R-5, Medium-High Multiple-Family Residential zoning district; and
- 3. City Council approved a Special Use Permit on December 2, 2019 (Ordinance No. 2019-12-069) with the following conditions: provide a landscape plan with any building permit; to build to general conformance with the proposed site plan; and, to provide a MTD bus shelter along Lincoln Avenue; and
- 4. City Council approved a Major Variance on January 27, 2020 (Ordinance No. 2020-01-001) to allow for a freestanding commercial sign at this location; and
- 5. The variance does not serve as a special privilege to the property owner, as Medical Uses are permitted in the R-5 zone with a Special Use Permit, but signs for Medical Uses are not allowed; and
- 6. The property owner did not deliberately create this situation, as the situation was created by an inconsistency in the Zoning Ordinance which allows for non-residential and non-institutional uses in the R-5 zoning district, but does not allow those uses to have signs; and
- 7. The variance will not alter the essential character of the neighborhood, as the commercial wall signs will be consistent with nearby commercial uses, and the neighboring residential uses will be screened with fencing and landscaping; and
- 8. The variance will not create a nuisance, as the commercial wall signs will be screened from adjacent residential uses, and the signs will conform to light level limitations specified by the Zoning Ordinance; and
- 9. The variance represents the minimum deviation necessary from the Zoning Ordinance, as the variance would allow two commercial signs to be installed in a district that does not allow wall signs.

#### **Options**

The Zoning Board of Appeals has the following options in case ZBA-2020-MAJ-04:

- 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 recommends that the Zoning Board of Appeals recommend **APPROVAL** of a Major Variance to City Council with the following conditions:

1. That the signs generally conform to the sign plans in Exhibit C.

Exhibits: A: Location Map

B: Current Zoning Map

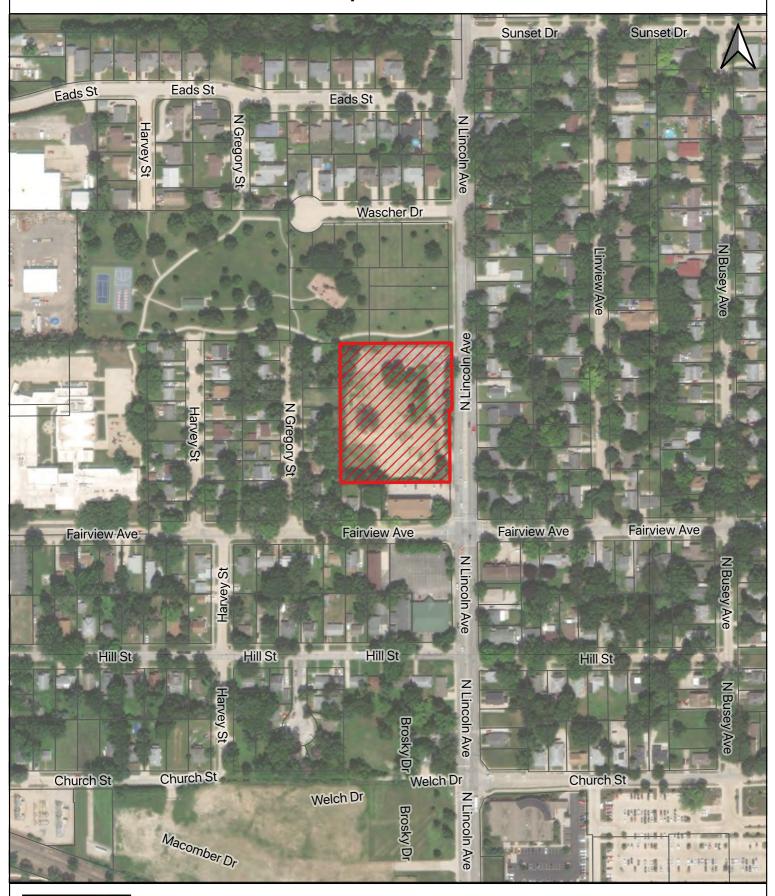
C: Sign Plans D: Site Photos

E: Application for a Major Variance

cc: Stough Real Estate Holdings, LLC, Owner/Applicant

Matt Deering, Meyer-Capel, a Professional Corporation

#### Exhibit A - Location Map





Case No. ZBA-2020-MAJ-04
Subject Plasma Facility Signage
Address 907 N. Lincoln Ave.
Petitioner Stough Real Estate Hold

Petitioner Stough Real Estate Holdings, LLC

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Legend

Subject Property









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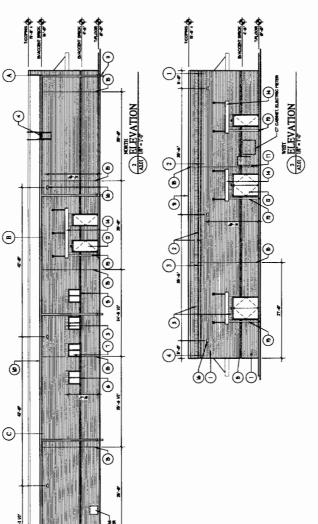
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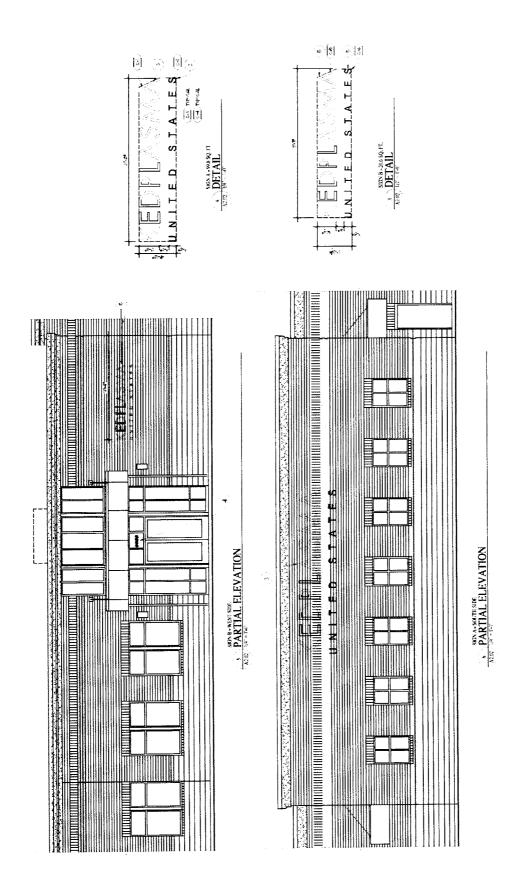
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- C-1 ) PMS 28IC (3M 3630-36 TRANS)
- C-2 PERFORATED VINYL PM9 COOL GREY IIC
- C-3 BLACK RETURNS
- C-4 BLACK TRIM
- C-5 PAINTED ALUM. LETTERS PMS 28IC
- C-6 PAINTED ALUM, LETTERS PMS COOL GREY IIC
- ILLUMINATION CHANNEL LETTERS:
  DIRECT-WALL MOUNT, ALUMINUM CONSTRUCTION, ACYLIC FACE W/
  PERFORATED VINYL APPLIED.
- 3. ILLUMINATED WALL SIGN: ROUTED COPY AND ACRYLIC BACKED
- 4. ADDRESS NUMBERS. CONTRASTING COLOR TO BACKGROUND.
- 5. 1/4" THICK TYPE II ALUMINIM SINGLE FACE LETTERS AND RECTANGLE. ANCHOR TO WALL MITH PRE-FNIGHED PIN TYPE SPACERS, PROVIDE 3/4" TO 1" SPACE BETWEEN LETTERS AND WALL.

- BUILDING SIGNAGE. (BP-19).
- STREET NUMBERS

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- AT LEAST 4 INCHES HIGH ON A CONTRASTING BACKGROUND THAT WILL ALLOW 24 HR VISIBILITY.
- NLMBERS NOT PLACED WITHIN IS HEET OF THE BACK OF THE STREET CURBING OR EDGE OF THE STREET SURFACE SHALL BE AT LEAST 6 INCHES HIGH.
- 3. INDIVIDUAL CHANNEL LETTERS: DIRECT-WALL MOINT, ALUMINUM CONSTRUCTION ACRYLIC FACE, REMOTE TRANSTER, LED LIGHTING.



#### **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.urbanaillinois.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.

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Da	nte Request Filed	ZBA	A Case No.
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	PLEASE PRINT	OR TYPE THE FOLI	LOWING INFORMATION
A			ers vested in the Zoning Board of
Αp	opeals to permit the followin	g variation ( <i>Describe the e</i> .	xtent of the Variation Requested)
Bui	ilding Signage		on the
pro	operty described below, and		ns described on this variance request.
•		, , ,	·
1.	APPLICANT CONTACT	INFORMATION	
	Name of Applicant(s): Stough	Real Estate Holdings, LLC	Phone: 513.842.0240
	Address (street/city/state/zip	code): 1128 Main Street, Cincinna	ti, OH 45202
	Email Address: sstough@stoug	hgroup.com	
	Property interest of Applicant	(s) (Owner, Contract Buyer,	etc.): Owner
2.	OWNER INFORMATIO	N	
	Name of Owner(s): Stough Rea	l Estate Holdings, LLC	Phone: 513.842.0240
	Address (street/city/state/zip	code): 1128 Main Street, Cincinna	ti, OH 45202
	Email Address: sstough@stoug	hgroup.com	
	Is this property owned by a If yes, please attach a list of	Land Trust? Yes <b>4</b> Yes <b>4</b> <i>all individuals holding an i</i>	No nterest in said Trust.
3.	PROPERTY INFORMAT	TION	
	Location of Subject Site: 907	N. Lincoln Avenue, Urbana, IL 6180	1
	PIN # of Location: 91-21-07-28	2-021	
	Lot Size: 2.57 Acres		

Current Zoning Designation: R-5 with variance for monument sign

Current Land Use (vacant, residence, grocery, factory, etc: vacant

Proposed Land Use: Plasma Collection Facility

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

Commencing at a poit on the West line of Lincoln Avenue which is 33 feet West and 835 feet South of the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian in the City of Urbana, Champaign County, Illinois; thence Westerley 302.6 feet to the Northeast corner of Lot 1 of O.S. Carman's Third Subdivision, thence South along the East line of Lots 1 through 7 of said Subdivision, a distance of 368.05 feet to the Northwest corner of Lot 8 of said Subdivision; thence East 302.6 feet to the West line of Lincoln Avenue; thence North 369.05 feet to the point of beginning, except 7.0 feet of even width of the South 191.0 feet as shown on Dedication of Right of Way for Public Road Purposes, recorded August 18, 1994 as Document Number 94R22196, Book 2140, Page 0089, situated in Champaign County, Illinois

#### 4. CONSULTANT INFORMATION

Name of Architect(s): Scott King - Casler Design Group, Inc. Phone: 513.562.2652

Address (street/city/state/zip code): 10805 Indeco Drive, Blue Ash, Ohio 45241

Email Address: sking@caslerdesign.com

Name of Engineers(s): John A. Connelly - Britt, Peters & Associates, Inc. Phone: 864.271.8869 ext 221

Address (street/city/state/zip code): 101 Falles Park Drive, Suite 601, Greenville, South Carolinia 29601

Email Address: jconnelly@brittpeters.com

Name of Surveyor(s): Gina Fuhrmann - Fuhrmann Engineerin Phone: 217.971.5577

Address (street/city/state/zip code): 1404 Regency Drive East, Suite B, Savoy, Illinois 61874

Email Address:

Name of Professional Site Planner(s): Scott King - Casler Design Group, Inc. Phone:

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

Email Address:

Name of Attorney(s): Matt C. Deering - Meyer Capel, A Professional Corporation Phone: 217.352.1800

Address (street/city/state/zip code): 306 W. Church Street, Champaign, Illinois 61820

Email Address: mdeering@meyercapel.com

#### 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.

R-5 zoning district does not currently allow building signage that is typical for the type of business for which a special use permit was granted to allow such business to be conducted on the parcel. Applicant intends to retain, install and maintain significant landscaping on the p arcel, including retaining substantial trees currently in place within the Lincoln Avenue right of way, but also needs to ensure easy business recognization from travelers on and along Lincoln Avenue.

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.

Applicant has obtained approval for a special use to allow a commercial Plasma Collection Facility, which is not allowed by right within the R-5 zoning district.

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

Applicant seeks to construct and operate the facility, including signage therefore, within the constraints (including permitted special use and variances) of the Zoning Ordinance. The Zoning Ordinance allows special use in R-5 for such facilities, but does not permit signage that is typical for such facilities. Applicant's proposed signage is relatively modest and in line with nearby businesses, such as the Dollar General Store located only 1/2 a block to the South.

Explain why the variance will <u>not</u> alter the essential character of the neighborhood.

Applicant's proposed signage is relatively modest, consistent with the previously approved variance for a street level monument sign, and while readily visible by travelerson and along Lincoln Avenue, not obtrusive from even a relatively short distance.

Explain why the variance will <u>not</u> cause a nuisance to adjacent property.

A condition of Applicant's special use permit is that the Applicant must submit a landscape plan prior to issuance of any building permit to ensure that proposed landscaping and screening conforms to the Zoning Ordinance standards for screening and required landscape buffers.

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

Yes. Applicant proposes a relatively modest sign plan appropriate for business recognition purposes, but as stated above, not obtrusive from even a relatively short distance. A signage plan is attached along with a PowerPoint presentation that includes images of other Applicant developments constructed for the intended tenant of the subject parcel, and showing the type building signage of the type Applicant proposes for the subject parcel.

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

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 0

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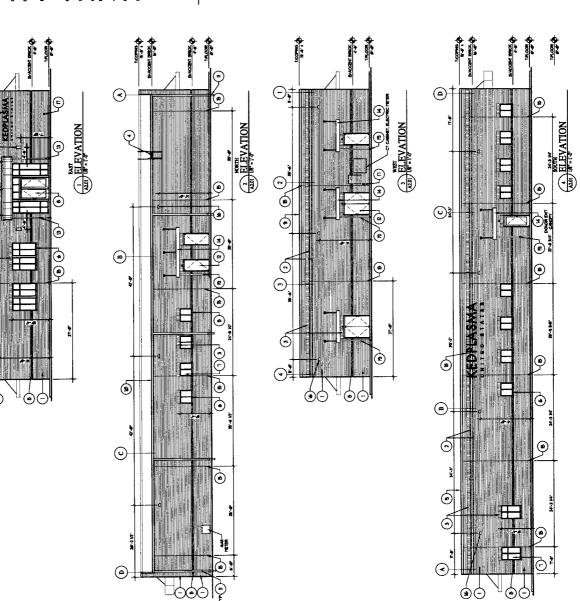
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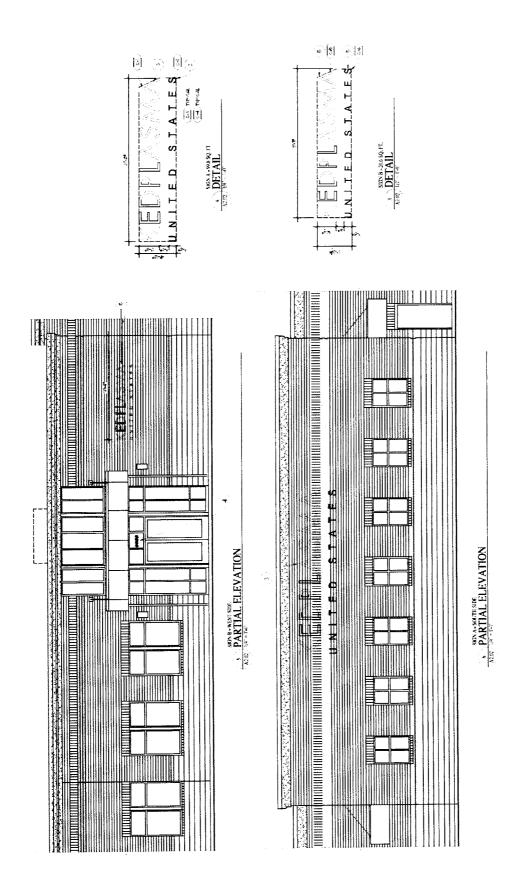
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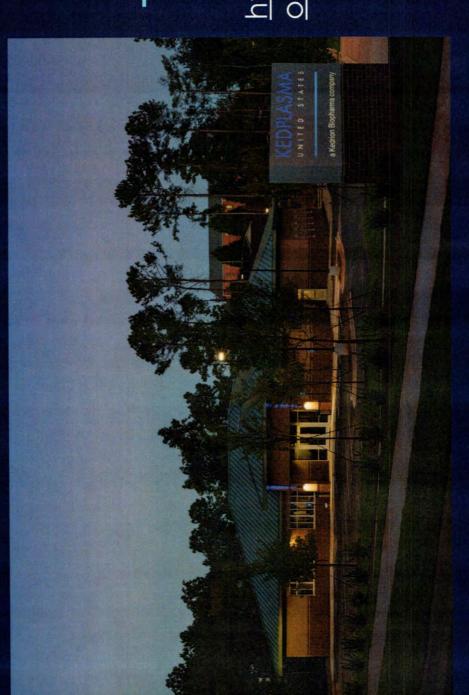
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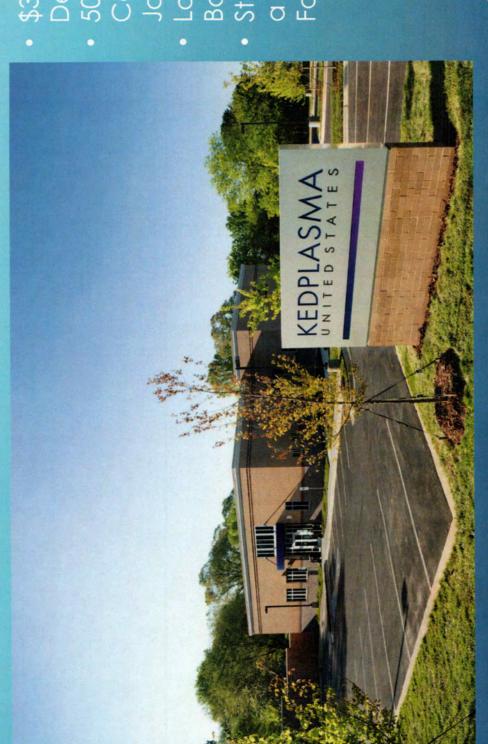
## STOUGH GROUPP



# TUCKER, GA https://vimeo.c om/252393964

# CHARLOTTE, NC https://vimeo.co

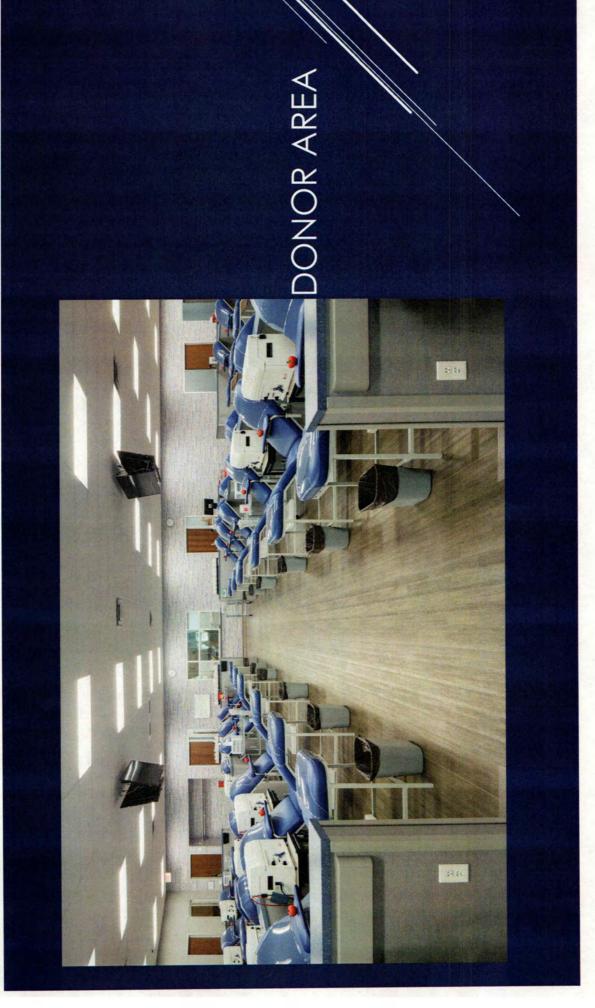




- \$3.5-\$4 Million
  Development
  50-60
  Construction
  Jobs
  Local Contractor
  Base
  - Stough Group is a 3<sup>rd</sup> Generation Family Business



WAITING ROOM
+
DONOR AREA



# KEDPLASMA



- Donating Plasma Saves
  - Lives, Period. Uses include:
- Tetanus Shot
- Immune Treatment for
- Chemotherapy
  Patients
  Clotting factor for
  Hemophilia Patients
  and the US Military & Veterans
  - prevent premature and stillborn RHOGAM used to pregnancies



- Operates All State-of-the-Art Facilities (26
- nationwide)
  \$5-\$7 Million in Annual
  Donors fees of which 8090% will be used at local
  businesses
  40-60 Jobs Created
  including nurses, doctors,
  and phlebotomists
  Management of facility is
  required to be involved in



# MEET LARRY!

https://www.linkedin.com/posts/kedrion-biopharma\_ipaw2019-activity-6587257584548478977-vYBp



"WITHOUT THE RHOGAM I
WOULDN'T HAVE BEEN
ABLE TO HAVE A HEALTHY
PREGNANCY," - KATE
PLACE, RHOGAM
RECEIPIENT

ABC News story on one of our plasma centers

Consideration, we look forward to community, but being an asset to the City of Urbana and University not only being in your ►Thank you for your of Illinois

Project Team Directory:

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