

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: January 12, 2005
TIME: 7:30 p.m.
PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Charles Warmbrunn

MEMBERS ABSENT Nancy Uchtmann, Harvey Welch

STAFF PRESENT: Rob Kowalski, Planning Manager; Paul Lindahl, Planner; Teri Andel, Secretary

OTHERS PRESENT: Dong-Kwan Cho, Jong & Michelle Ham, Yang Hayng-Sing, Rachel Leibowitz, Reverend Donald Mason, Livia McDade, Sun-Jim Park, Esther Patt, Marya Ryan, Christel Spellmeyer, Richard Underwood, Nancy Wehling, James Yoon

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Warmbrunn moved to approve the minutes from the October 20, 2004 meeting as presented. Mr. Armstrong seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

▶ Letter from Nancy Wehling

- ▶ Letter from Marya Ryan
- ▶ Letter from Scott Cochrane
- ▶ Letter from James Klein
- ▶ Letter from Ronald Cramer
- ▶ Letter from Kevin Hunsinger
- ▶ Proposed Site Plan for the Korean Mission Center

Note: Chair Merritt swore in members of the audience who wanted to speak during the public hearings.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-04-MAJ-15: A request for a major variance filed by the First Presbyterian Church of Urbana to allow an increase in the maximum allowable Floor Area Ratio (FAR) from 0.70 to 1.19.

Paul Lindahl, Planner, presented this case to the Zoning Board of Appeals. He began by giving a brief description of the proposed site and its surrounding area and noting that the proposed site was located in the MOR, Mixed-Office Residential Zoning District. He explained the intent of the major variance request, which was to allow the church addition to exceed the maximum allowable Floor Area Ratio (FAR) from 0.70 to 1.19. He talked about the review process for the inter-related cases for the proposed church addition, which included two public meetings, the Historic Preservation Commission (HPC) review, the proposed major variance request before the Zoning Board of Appeals (ZBA) at this meeting, and the case to be presented to the Development Review Board (DRB). He discussed the FAR in the MOR Zoning District and reviewed the variance criteria according to Section XI-3 of the Zoning Ordinance that pertained to the case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings of the variance criteria outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at this public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the proposed variance as requested to the Urbana City Council.

Rob Kowalski, Planning Manager, added that Gary Olsen, architect for the proposed addition, was present at the meeting to answer any questions that the Board might have regarding the Proposed Site Plan and/or the architecture of the proposed addition. He mentioned that there were many members and representatives from the church as well. He showed some of the elevations of the proposed addition using the Elmo equipment.

Chair Merritt called for a break in the meeting at 7:55 p.m. due to the fact that the microphones were not working properly. The meeting was called back to order at 8:00 p.m.

Mr. Warmbrunn inquired if when the MOR Zoning District was created, if there was any acknowledgement of properties of this type or grandfathering of non-conforming status of properties in the district. Mr. Kowalski replied that he was not aware of any properties that had been specifically grandfathered or created as a legally non-conforming use when the MOR Zoning District was created. When the district was created, it was created along with some other zoning districts. There was a large-scale rezoning of many properties. Many properties were downzoned to R-2, Single-Family Residential Zoning District, which created a lot of non-conforming uses in the R-2 District. The MOR Zoning District was set up from scratch. He went on to say that the First Presbyterian Church was really a unique property in the MOR District. There were about 90 properties in the MOR Zoning District, and the church was very different from just about every other property in the district in size, scale and architecture of the building. It might have been argued at the time that the church should not have been included in the MOR Zoning District. Campus Oaks, which is a large condominium development located next door to the church, was not zoned MOR. They are zoned multi-family. He assumed that because Campus Oaks was so massive that it did not fit into the MOR Zoning District.

Mr. Corten asked if parking, drainage, and everything else had been accounted for in the development plans. Mr. Lindahl said yes. The construction plans would have to account for drainage, which would be reviewed by the City Engineer. The gutters would run down into the storm sewers.

Mr. Corten questioned if the basement would be completely dry or would it flood? Mr. Kowalski stated that the church intended to have a finished and useable basement, so it would have to be designed accordingly.

Pastor Don Mason, of the First Presbyterian Church of Urbana, thanked the members of the Zoning Board of Appeals for being present at this meeting, especially since there was a home basketball game for the University of Illinois (U of I). He pointed out there were several members of the First Presbyterian Church of Urbana and the Korean Mission Center of Champaign-Urbana present at the meeting. The First Presbyterian Church of Urbana valued the multi-cultural nature of the community. They also valued the relationship that they had shared for 30 years with the Korean Church of Champaign-Urbana. Over the past 30 years, the two churches have shared space for two completely self-contained congregations. Over the past 10 years, they had begun to share in a number of additional ways. They use the slogan "Two Are Better Than One" when it came to doing the mission of the church. The stewardship of optimal use of the facility was good by making good use of the buildings and the grounds.

Eighteen months ago, the two churches took a new step, which took them to a much deeper level in their relationship with each other. The two congregations signed a covenant to become partners in mission for the indefinite future. The Korean Mission Church was no longer seeking a new location for their own building. After much study and discernment, the two churches signed the covenant to better meet the needs of their own congregations and also the needs of the community.

One specific and tangible outcome of their new relationship was the proposed addition to the church. Two churches sharing together property owned by the First Presbyterian Church of Urbana, however it would be built by, paid for and primarily used by the Korean Mission Church of Champaign-Urbana. They would be sharing a commitment to serve the entire City of Urbana. The two churches chose to stay in the center of town, because they wanted to provide child care on a daily basis, to have 12-step programs meeting in the church, to charter a Boy Scout Troop, to provide a food closet, and a space for civic groups and non-profit organizations to hold meetings at little or no cost. The facility was currently being used day and night, seven days a week. They believed it to be healthy for many people in the congregations to have keys. The two churches believe in the mission that they were tackling together. They felt that each church would be greatly strengthened by the proposed addition.

Pastor Jong Ham, of Korean Mission Church of Champaign-Urbana, stated that he had served the church for 10 years. The two churches shared their buildings, their love and their faith. Since the Korean Mission Church was located in campus town, many people come and go. As a result, the size of the congregation was expanding. Therefore, they need a larger space to maintain their ministry.

James Yoon, of 1804 Winchester in Champaign, mentioned that he had been a member of the Korean Mission Church of Champaign-Urbana for the last 20 years. When the church had started 30 years ago, the congregation was relatively small. However, the congregation had grown in size substantially because of the immense programs that were being offered at the U of I. They currently have between 500 and 600 adults and children in their congregation altogether.

Mr. Yoon mentioned that the Korean Mission Church had used the house at 608 West Green Street for close to 20 years. When the house was deemed unsafe to use, many of their programs were curtailed. Among the leadership of the church, there was a serious discussion of what to do. They had considered whether they should move out of their current location or stay. Then, this creative opportunity came upon them. Being in this unique partnership with mostly a Caucasian congregation was a unique experience for the congregation members of the Korean Mission Church. Some of the members would leave to go back to Korea. They value the experience they get while they are here. So, after a lot of thought, the leadership of the Korean Mission Church decided that they would invest their future in the proposed project, because they are close to campus and near the center of town.

Even though they are not a fully functioning church because of their limited facilities, they also provide another dimension of cultural-like experience in continuing cultural education for larger Korean-American children that grow up in the Twin Cities and the surrounding areas. Once the proposed new addition was constructed, he believed that these types of programs would take on a new height.

Gary Olsen, Managing Architect and owner of Olsen and Associates, noted that he had the privilege of working with two churches at the same time. He handed out larger copies of the site plan to the members of the Zoning Board of Appeals. He would answer any questions that the Zoning Board members had.

Mr. Corten inquired if both congregations currently used the same sanctuary and planned to in the future. Mr. Olsen replied yes.

Mr. Warmbrunn expressed interest about the door that would be on the west side of the proposed addition. Would it be used as a fire escape? Mr. Olsen answered by saying that there would be limited use on this door. It was actually a direct access from the kitchen to the outside.

Mr. Warmbrunn inquired if people would be able to stay up or go downstairs near the other entrances/exits. Mr. Olsen responded by saying that there would be a double-door entry, which would be the front entrance, on the south side of the property. The exit to the north was a single door. Both entrances/exits would have vestibules that would be contiguous with the existing sanctuary. Congregation members could go into the Fellowship Hall after events occur in the sanctuary for some refreshments, etc. Predominantly it would be used by the Korean Mission Church; however, there would be many instances in which both churches could use the Fellowship Hall. The fourth exit would be a stairway going down into the lower level. It would be used as an emergency exit only.

Mr. Warmbrunn asked if Mr. Olsen believed that the trees on the west side could be preserved. Mr. Olsen believed that they could easily preserve the trees. He planned to invite the City Arborist over to the church. Some of the trees should not be preserved, because they were more weed-type of trees. They would trim some of the trees that would be near the construction back so the roots could take any damage that might occur.

Mr. Armstrong asked for clarification of whether the facility was primarily used by the Korean Mission Church or by the First Presbyterian Church. Mr. Olsen stated that the facility was being used for both churches.

Mr. Armstrong wanted to know what impact this might have in terms of the Korean Mission Church growing. Was the proposed addition necessary to accommodate the expected growth? Would the proposed addition be primarily for the existing size of the congregation at this time? Mr. Olsen stated that the rate of growth in the Korean Mission Church was greater than the First Presbyterian Church growth rate. The proposed addition would be a facility that the church could grow into. Everything would be built now to accommodate future growth.

Mr. Armstrong wondered if this was part of a phase plan of some type that might expand into a larger facility down the line. Mr. Olsen said that the only phasing that the churches were planning was in the lower level. They were planning to put in minimal walls now, and over time they would add more walls to create separate classrooms.

Mr. Corten inquired as to how big the membership of the Korean Mission Church currently was. Mr. Ham answered by saying that there were about 500 people in the congregation. Mr. Corten questioned if the congregation consisted of mostly permanent residents or mostly students attending the U of I. Mr. Ham replied that 90% of the congregation was students. Mr. Yoon added that some of the students remain here after graduating and make Champaign-Urbana their home.

Marya Ryan, of 1 Buena Vista Court, noted that she lived essentially across Elm Street from the back of the existing church building. She stated that she served a term on the City Council back in the 1990s and had reviewed a number of variance requests during that period of time. Back then, a petitioner had to establish that there was a hardship in order to get a variance approved. This has changed a little since then, and now a petitioner has to establish that there is a special circumstance. She did notice a special circumstance mentioned in the packet material, and more attention was being paid to the aesthetics, how the elevations would look, and what would happen along Green Street. It did not appear that there was much study of the impact on the Elm Street side or on Buena Vista Court. Buena Vista Court is adjacent to the MOR Zoning District, zoned R-2 (Single-Family Residential), and they were recently designated as a historic district. She was unsure about why the Historic Preservation Commission did not consider the impact of the proposed addition on the Buena Vista Court residents.

Her understanding of a special circumstance was that it would cover things like odd shaped lots or a replacement to an existing structure that was built before zoning laws went into effect. It would not cover someone wanting to have a bigger building within an established zoning district. Although she understood that the church had purchased the property at 608 West Green Street prior to the zoning being changed, she mentioned that could be said of any number of properties across the city. And since it was not grandfathered in, then she was not sure how this would qualify as a special circumstance, because it was really only the fact that the church wanted to be allowed to build a bigger building on a lot than permitted by right.

Her understanding of FAR was that the purpose was to ensure that there was appropriate intensity of usage on the land. If the church was already outgrowing the existing buildings, then she felt that it was outgrowing the neighborhood as well. The impact on the Elm Street side, especially on Sundays and whenever the church holds events through the week, was very intense. The traffic flow skyrockets with parking up and down the street. The parking lot that was built not too long ago relieved some of the parking problem, but not all of it. People will be people, and they want to park as close to the building as possible. Therefore, they would rather park on the street than in the parking lot further away. As a result, the parking lot was being underutilized. This meant that the residents of Buena Vista Court and their guests had to park blocks away.

Certainly whenever a variance to a FAR was made, then the purpose of the zoning designation to some extent was subverted. She felt it would be more constructive for the City to help the church find another place to relocate to or perhaps find a second location where they could run some of their programs and thus alleviate some of the intensity land uses that were occurring rather than encourage the churches expand at the current site, where it was really not an appropriate land use for the MOR Zoning District or for the adjacent R-2 usage.

Mr. Corten questioned if Ms. Ryan did not have in mind that the area would be a highly student-populated area when she moved into this area. Ms. Ryan replied no. In fact, she was a student when she moved into the area.

Mr. Warmbrunn asked if the daycare was in a different lot as opposed to the church. The daycare was adjacent to the Buena Vista Court, not the church, correct? Mr. Lindahl answered by saying that the educational facilities were located across the street from Ms. Ryan's house.

Mr. Warmbrunn questioned why the Buena Vista Court was not included in the historical debate when being reviewed by the Historic Preservation Commission. Mr. Kowalski explained that the zoning analysis was for the lot that the new addition was proposed on. For notification, City staff tried to be pretty liberal about it and notify as far out as possible. So, in measuring from the 250 feet, staff took it from the overall church property. In terms of reviewing proposals that are adjacent to historic landmarks or districts, the Zoning Administrator had interpreted that the proposed site for the new addition was immediately adjacent to the Ricker House and not necessarily Buena Vista Court.

Rachel Leibowitz, of 6 Buena Vista Court, agreed with everything that Ms. Ryan had said. She expressed her concerns that as stated in the written staff report, it said that the variance would not cause a nuisance to the adjacent property and now staff was saying that Buena Vista Court was not considered an adjacent property. All of the residents in Buena Vista Court agreed that they would be affected by this variance, especially if the church was planning on growing. It was a bother to the residents of Buena Vista Court that the street was full of cars or that the parking lots were full of people coming and going all evening. If the proposed new addition was to allow the church to expand, then she believed that would exacerbate the problem.

Ms. Leibowitz mentioned that when Reverend Yoon was going door-to-door speaking to neighbors about their proposed new addition, it was her understanding that one of the church's long range plans was to petition the City of Urbana to close down Orchard Street between Green and Elm Streets. She would be opposed to this as well. The residents of Buena Vista Court would definitely be affected by something like this. If the church believed that they were growing and could not fit into the existing space they have, then the church should look for a larger space on the outskirts of town. There were plenty of empty places available with more than enough parking spaces.

Nancy Wehling, of 2 Buena Vista Court, spoke in opposition of the proposed variance request. In addition to the concerns expressed by her neighbors, she attested to the fact that parking was already a problem in the neighborhood. There were church members who parked on the street, especially in inclement weather, because it was closer to the church. On a number of Sundays, she had seen one or two illegal parked cars along Elm Street. She went on to talk about how Mr. Yoon mentioned that they had a growing congregation. She was positive that parking would become more of a problem as years go by.

Although the public hearing was not addressing the church's long term plans, she stated that at the community meeting between the church and the surrounding neighbors, the church had mentioned plans of eventually tearing down the house at 607 West Elm and putting up another structure in its place with a parking lot adjacent to it. She believed it was time for the church to stop thinking about growing in this neighborhood and find a place that would be more suitable for high-density use.

Esther Patt, of 706 South Coler Avenue, pointed out that there were other issues that needed to be addressed in addition to the fact that the proposed development would be in the MOR Zoning District. Even if the proposed development would be proposed in the R-5, Medium High Density Multiple Family Residential Zoning District, a FAR of 1.19 would not be allowed by right.

She was confused in the staff presentation about how the first floor would meet FAR requirements if there were no plans for the basement. She stated that the proposal was for a building that would be more than three times the total of square footage of the existing building.

Ms. Patt also addressed her concern about changes that had been made regarding major variances. She noted that when the City Council changed the requirement for a variance from hardship to special circumstance, it was motivated by the complaint of unequal application of the law. To try to make it even for petitioners who need variance approvals, the City Council changed it to require that some special circumstances had to exist in order for a variance to be granted. Her understanding of a special circumstance was something that did not apply to every other property on the block. If a variance was granted, it should not be based on the special circumstance being that the property owner wanted to build something bigger than zoning allows. The whole point of zoning was to regulate the size and setbacks of new development. She urged the Zoning Board of Appeals to not grant the proposed variance request based on the special circumstance being that the church wanted to build something bigger than zoning allowed, because that would not be a special circumstance. She did not believe that it would be a good precedent to set.

Mr. Corten asked Ms. Patt if she understood the special circumstance to mean that the building would be massive in the proposed location or that half of the proposed structure would be underground and not show and therefore would not be a detriment to the appearance of the proposed structure. Ms. Patt felt that the special circumstance should be specific to this property that was not true of all other properties. So, if the Zoning Board of Appeals wanted to grant the variance request, then they should come up with a different special circumstance other than the size of the building. If they could not come up with another special circumstance, then they should deny the request.

Mr. Schoonover inquired about the current house. It was shut down by Illinois Power and was determined to have asbestos. Was the cost factor for remodeling the existing house too high?

Christel Spellmeyer, Administrative Assistant for the First Presbyterian Church of Urbana, clarified that in late 2003, Illinois Power had come in to the existing building to investigate a gas leak. With the combination of a gas leak and asbestos in the building, the boiler could no longer be functional. The church brought in A & R Mechanical Contractors, Inc. to estimate the repair costs. A & R Mechanical had stated that with the piping, the duct work, the boiler, the cost of the home and to be able to tear into the certain brick mortar walls to be able to repair the piping and to be able to adjacently fix the walls properly with the new heating system, it could not be done. The church received a temporary variance for one winter. When the variance expired, the Korean Church moved into the house at 607 West Elm Street in the late summer of 2004. At this time, the existing house at 608 West Green Street was to be torn down.

Mr. Kowalski addressed Ms. Patt's confusion about the square footage of the proposed structure and what would be permitted in FAR. The staff report stated that if 608 West Green Street were a vacant lot, the maximum amount of square footage that could be built on a lot in the MOR Zoning District was essentially in neighborhood of 5,985 square feet, which is 70% of 8,550 square feet. The addition for the church would be a total of 10,095 square feet. Half of that would be less than what would be permitted, which again would be 5,985 square feet. The point trying to be made was that half of the proposed new addition would be in the basement below grade, where it would not be visible from the street. Therefore, the proposed new addition would not have a massing impact or visual impact. So, if the proposed new addition were to be built on a slab, it would meet the FAR requirements of the MOR Zoning District.

Mr. Warmbrunn questioned if it would meet the FAR requirements if it were not in the MOR Zoning District. Mr. Kowalski answered by saying that it would depend on what district it would be in. In some of the other zoning districts, it may actually be allowed to have more square footage depending on how big the lot was. The MOR Zoning District caps any lot at the 8,500 square foot rule.

Mr. Kowalski addressed another concern that Ms. Patt had mentioned regarding special circumstances for variance requests. The Zoning Board of Appeals has to make the decision on the degree to which this was a compelling request and a special circumstance. There had been some cases brought to the Zoning Board of Appeals where it was harder to justify a special circumstance with the land, such as a sign variance or someone wanting to enclose a porch. However, it was not an exact science, and it was something for the Zoning Board of Appeals to decide. The City's Legal Department had said that the Zoning Board of Appeals was to consider all of the criteria. Some criteria may be stronger than others. However, the Zoning Board of Appeals did not need to check off each one.

Mr. Warmbrunn inquired if the proposed new addition would be built on two lots. Mr. Kowalski replied by saying that the addition would cross the property line to the east to connect to the existing church building. Mr. Warmbrunn asked if the area that crossed the property line would be considered into the 1.19 variance request. Mr. Kowalski said yes. He explained that any way you look at it; it would be considered a major variance.

Mr. Armstrong pointed out that the uses allowed in the MOR Zoning District and the potential future uses would increase the amount of traffic in the district. It would potentially increase the land use and density in various ways. Was that anticipated as being a problem in the future as development occurs in the MOR Zoning District? MR. Kowalski believed that this was a true statement. When the MOR Zoning District was created, it was intended to allow more commercial and office use in the district. Although they had not really seen these uses to a large extent, however, there were significant restrictions on how big a structure could be built. So, there could be a shoe store, but it would not be as big as Shoe Carnival. Because of the development regulations, he would not anticipate the MOR Zoning District to be so intense that there would be significant traffic problems and density problems. He commented that this might be one of the reasons why they had not seen many proposals for commercial uses or other office uses because of the development regulations being what they are. Ms. Merritt added that parking had always been a problem.

MR. Kowalski went on to say that for multi-family uses, the development across the street, which Dave Barr had built at 611 West Green Street, represented the largest possible structure that could be built in the MOR Zoning District. It was right around the maximum FAR.

Dick Underwood, of 2401 Pond Street, stated that he was a member of the First Presbyterian Church and was on the Joint Building Committee for the church. Others had already talked about the bi-cultural nature of the church. In the United Presbyterian Church, they had been informed that they were unique not only in the State of Illinois, but also in the whole United States. There were one or two other such programs where two linguistically different congregations had joined in one church.

Regarding parking, he was surprised to hear that any congregational member was parking in the street. If they were parking illegal, then he hoped they would get a ticket or get towed away. The church parking lot is never full and was not reserved for only the congregation's use. The parking lots were available for use by the Christian Counseling Center, the Red Cross, the Urbana Park District, and the Mosque.

Regarding the church's long-range plan, Mr. Underwood commented that Presbyterians were well known for making plans for everything. They had all sorts of plans for all sorts of things. It might be more honest to call them dreams rather than plans.

He noted that the church had been on this site for close to 150 years. Anyone who came to build or live near it should have known that it was church property. He had been involved in the planning with the architect, and they had gone through a great deal of effort to try and make the proposed addition blend in with the existing church and to blend in with the community.

Mr. Yoon re-approached the Zoning Board of Appeals. He explained that the two congregations would not be worshipping at the same time. As a leader of the Korean congregation, he frequented the facilities a lot. He had never observed a time, except perhaps on Sunday afternoons when the Korean congregation was there when the parking lot was full. They educate the congregation to make sure that they properly observe parking codes. He mentioned that he was one of the first people to get to church, and he noticed that in the evenings and on Sunday afternoons when the Korean Church holds their services, there were not any open spaces on Elm Street to park. The Korean congregation was large, but not everyone owns a vehicle. He believed that the parking spaces on Elm Street were already taken by residents who live in the neighborhood.

Mr. Corten moved that the Zoning Board of Appeals forward the case to the City Council with a recommendation for approval. Mr. Warmbrunn seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Kowalski reported on the following:

- **Variance request for the Twin City Bible Church** was approved by the City Council.
- **Next Scheduled Meeting** was set for February 16, 2005. He noted the cases that would be brought before the Zoning Board of Appeals at that time.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

**Rob Kowalski, Planning Manager
Urbana Zoning Board of Appeals**

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: February 16, 2005
TIME: 7:30 p.m.
PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Nancy Uchtmann, Harvey Welch

MEMBERS ABSENT Joe Schoonover, Charles Warmbrunn

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Rob Kowalski, Planning Manager; Paul Lindahl, Planner I; Teri Andel, Secretary

OTHERS PRESENT: Brian Adams, SunAe Bielak, Dong Kwan Cho, Gary Gebauer, Pastor Jong Ham, Joe Hurwitz, Wayne Koch, Jay and K.D. Lee, Carl Malmgren, Pastor Don Mason, Ulna McKaufsky, Gary Olsen, Don Pullins, Harry and Marilyn Querry, Dennis Roberts, Yoo-Seong Song, Sukie Stover, Dick Underwood, James Yoon

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Corten moved to approve the minutes from the January 12, 2005 meeting as presented. Ms. Uchtmann seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- ▶ Photo of an Aldi sign for case number ZBA-05-MAJ-01
- ▶ Email from WUNA-List for case number ZBA-05-A-01

Note: Chair Merritt swore in members of the audience who wanted to speak during the public hearings.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-05-MAJ-01: A request for a major variance filed by Aldi, Inc. to allow a 45% increase in the maximum allowable area of a freestanding sign in the B-1, Neighborhood Business Zoning District.

Paul Lindahl, Planner I, presented this case to the Zoning Board of Appeals. He began with an explanation of the proposed major variance and a brief description of the site. He showed a map of the proposed site and the surrounding areas. He talked about the B-1, Neighborhood Business Zoning District and the recent history of the case site. He discussed the standards for freestanding signs according to Table IX-1 of the Urbana Zoning Ordinance and reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings of the variance criteria outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the proposed major variance as requested to the Urbana City Council with the following condition:

That the Freestanding Monument sign be constructed in substantial conformity with the attached site plan illustrating the design and location.

Mr. Corten inquired if the proposed sign was considered to be a standard sign for Aldi? Or would it be larger or smaller than normal? Would it be lighted inside, so that it would show up at night? Mr. Lindahl replied that the Aldi representative would have to answer the first two questions. He noted that the sign would be illuminated. Rob Kowalski, Planning Manager, introduced the architect, Wayne Koch, and the representative from Aldi, Brian Holcombe, who were present to answer more specific questions. He noted that the layout of the store and the commercial development of the store had already been approved as a special use permit through the Plan Commission and the City Council. There was a previous request by Aldi, Inc. for the proposed sign; however, Aldi, Inc. decided to pull the request off the agenda until the special use permit had been decided upon.

Wayne Koch, of Wightman and Associates, mentioned that he was the architect for this project. He thanked Mr. Lindahl for a fine presentation of the application for the major variance. He restated that Aldi, Inc. had been granted a special use permit as a grocery store of over 15,000 square feet. The proposed sign would be located on the southeast corner of the property. It would be located approximately 500 feet plus away from the adjacent residential zoning districts to the west, north and northwest. It would be approximately 300 feet from the residential neighborhood to the west.

He went on to say that the proposed monument sign would be 46.3 square feet. A typical sign for an Aldi facility was a pylon sign, which measured 8 feet by 9 feet 6 inches, which equaled about 76 square feet in area. It was approximately 23 feet 6 inches tall. Aldi, Inc. had deviated from their typical sign considerably. The photo of an Aldi sign at another facility showed what the proposed sign would look like.

Mr. Koch mentioned that Aldi, Inc. was also proposing two wall signs. The Urbana Zoning Ordinance would allow them 300 square feet in total for the wall signs. They were only proposing 92.6 square feet for the wall signs. The Urbana Zoning Ordinance limits the maximum area of a freestanding sign to 32 square feet. They were proposing 46.3 square feet. Therefore, the total square feet allowed for total signage including the wall signs and the freestanding sign on the proposed parcel would be 332 square feet. Aldi, Inc. was only proposing a total of 138.9 square feet. Although the monument sign would be 45% over the maximum allowable area of a freestanding sign, Aldi's proposed total signage would be 58% less than the total signage allowed on the property.

He explained that the proposed sign would be just over 11 feet in height. The Urbana Zoning Ordinance would allow the sign to be 15 feet in height, plus a credit of 1 foot for every additional 2 feet of setback from the right-of-way line. Thus, they would be allowed to have a sign, which was 17 feet in height. Again, they would be 31% less than what the Zoning Ordinance allowed for height.

Mr. Koch stated that the proposed sign would be the same size as the sign in the photo. It would be illuminated from the interior.

Mr. Corten asked if the sign would be illuminated 24 hours a day/seven days a week or only during store hours. Mr. Koch replied no. The store hours were limited between 7 a.m. and 8 p.m. The sign would stay on approximately the same time the parking lot signs were on, which they were turned off approximately one hour after closing. Mr. Corten commented that the lit sign should not disturb neighbors 200 feet away at night while they were trying to sleep.

Ms. Merritt asked for clarification about the freestanding sign in addition to the two wall signs. Mr. Koch stated that he wanted to point out that the total proposed signage for the entire site would be considerably less than what would be allowed by the Zoning Ordinance. Ms. Merritt questioned if the signage on the building would show only the Aldi logo. Or would they have information on them? Mr. Koch answered by saying that they would have the same information as the monument sign.

Carl Malmgren, of 2906 Rutherford Drive, approached the Zoning Board of Appeals to speak. Chair Merritt swore in any members of the public who had arrived late. Mr. Malmgren mentioned that he lived down the street from the proposed Aldi store. He noted that he had a number of topics that he would like to discuss.

He stated that this was the third time that he had appeared before the Zoning Board of Appeals in the last four years, since he had moved into the Beringer Commons Subdivision. It seemed to him that special use permits and zoning variance requests were coming before the Board quite often to the point that he was becoming alarmed. Why was there zoning, if the City kept deviating from the zoning? Except for under extreme circumstances, the zoning should work with the area.

He did not believe that there should be a change in the sign size. He believed that the B-1 Zoning District was put into place on this lot for a good reason. If the City did not believe that the lot should be zoned B-1, then the zoning should have been changed.

The residents of Beringer Commons Subdivision had heard a great deal of testimony during the public hearing for the special use permit request. They were told that the Aldi proposal was the lesser of two evils that could come in. He did not feel that this was so, because there was an additional lot that Aldi could sell to the greater of two evils.

He felt that the sign should be the same size as the sign in Champaign. He did not think that because Aldi proposed to use 50% of the available signage for the lot that Aldi should be allowed to enlarge the monument sign.

He stated that words such as "high speed" had been used. He believed that 45 miles per hour (mph) was not considered high speed, as that was the speed limit on U.S. Route 150. Nor was 30 mph considered high speed, which was the speed limit on High Cross Road.

Mr. Malmgren went on to ask if the proposed Aldi used up 50% of the available signage for the lot as they were proposing to do and they sell the remaining unused portion of the lot to other businesses, then would those businesses be required to use the other 50% of the available signage. He pointed out that the available signage was not per business, but rather it was per lot.

If the Zoning Board of Appeals felt that they needed to or agreed to approve a special use permit or the proposed major variance yet again, he requested that they minimize the proposed sign since it would be adjacent to a residential area. In addition, the Board should require Aldi to turn the light off when the store closed, not when the parking lot lights were turned off.

Mr. Corten questioned if Mr. Malmgren felt that one size fits all. Mr. Malmgren said that he believed when the City made a decision about what would happen in an area, then it should be a considered decision to not undermine by allowing special use permits.

Gary Gebauer, of 2909 Rutherford Drive, stated that he had appreciated the types of concessions that Aldi store had done in previous meetings. However, he moved into the City of Urbana from Urbana Township knowing that his taxes would increase. He moved for a variety of reasons, one of which was that he was very frustrated with the lack of zoning in the township or the unwillingness to

enforce the zoning. This was the third special use permit for the Beringer Commons Subdivision. For \$3,000 more in taxes, he did not see any difference in the zoning problems. The City's zoning did not seem to mean anything, because it was constantly changed.

Harry Querry, of 2913 Rutherford Drive, pointed out that he lived just five doors down from the proposed grocery store. Most of the people of the Beringer Commons Subdivision were not present, because they felt it would not be worth their while. The City of Urbana did not pay any attention to what they had to say.

In the previous special use permit case, over 100 residents of the Beringer Commons Subdivision had signed a petition opposing the proposed Aldi grocery store. There was not any consideration of their opposition. The City Council members had already made up their minds before the meeting.

He did not understand why Aldi felt justified in asking for a larger sign. People would be able to see Aldi's regular sign from a long distance away. There was no question that anyone driving down U.S. Route 150 and IL Route 130 would know that there was an Aldi store on the corner without a larger, illuminated sign.

It was not necessary for the Aldi store to have a big, glowing tall sign out there. This was the approach to the City of Urbana. The City needed to beautify the entrance to the city and not clutter it up with signage.

Mr. Querry encouraged the Zoning Board of Appeals to deny the major variance request. He did not believe that it would hurt Aldi, Inc. in any way.

Mr. Corten asked if Mr. Querry knew that the lot was zoned B-1, Neighborhood Business, where any business could apply. Mr. Querry stated that not just any business was allowed in the B-1 Zoning District. Mr. Corten inquired what the limits were in the B-1 Zoning District. Mr. Kowalski responded by saying that the B-1 District allowed a limited list of business uses. It was less permissive than the B-3, General Business Zoning District. A grocery store was permitted by right in a B-3 Zoning District, and it was permitted in a B-1 Zoning District only with a special use permit review and approval. Aldi, Inc. had already gone through the special use permit process and received approval for a grocery store use.

Ms. Uchtmann asked how much larger was the proposed sign over the sign at the Champaign Aldi store. Mr. Koch answered by saying that both of the Champaign store signs (the pylon and the wall signs) were older and larger. The pylon sign measured 6 foot 6 inches by 7 foot 8 inches.

Mr. Corten inquired if Aldi, Inc. had moved down to a monument sign for the proposed site in order to meet some requirements. Mr. Koch said that was correct. They also wanted to be sensitive to the area. In addition, they moved the proposed sign away from the entrance drive, where a sign typically belonged because it marked the entry to the property. The reason they did this was to move it as far from the residential properties as possible.

Mr. Corten moved that the Zoning Board of Appeals forward this case to the City Council with a recommendation for approval along with the condition recommended by staff. Mr. Welch seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Ms. Uchtmann	-	No	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by a vote of 4-1 in favor. Mr. Kowalski noted that this case would go before the City Council on Monday, March 7, 2005 at 7:30 p.m.

ZBA-05-MAJ-02: Requests for major variances filed by Blackstone Group, Inc. to allow a 124% increase in the maximum allowable area of a freestanding sign in the B-3, General Business Zoning District, and to allow a readerboard to be constructed of electronically changeable LED rather than manually changeable letters.

Elizabeth Tyler, Director of Community Development Services, presented this case to the Zoning Board of Appeals. She explained that this case was actually for two requests. She went on to talk about the two proposals, one for the increase of 124% in the maximum allowable area of a freestanding sign and the second to allow a readerboard to be constructed of electronically changeable LED letters.

Mr. Corten questioned whether the Zoning Board of Appeals would need to act on the second part of the variance to have electronic change. Ms. Tyler replied yes, because the Urbana Zoning Ordinance had not been recently updated in this regard. So, it would not explicitly be allowed. The only way it would be allowed was if it would be a community event sign like the sign at Lincoln Square Village.

Ms. Tyler gave a brief background on the history of the proposed site and described the proposed area and the surrounding properties. She talked about the proposed planned development of the site. She discussed the standards for freestanding signs from Table IX-1 of the Urbana Zoning Ordinance. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. She read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings of the variance criteria outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of both of the proposed major variances as requested to the Urbana City Council with the following conditions:

For Sign Area:

- 1. That the sign be constructed in substantial conformity with the submitted site plan illustrating the design and location.*

2. *That the base of the pylon sign be planted with significant ornament plantings to soften its appearance and to mark the significance of this corner. The plantings shall be indicated on a landscape plan and shall be subject to the review and approval of the Urbana Zoning Administrator, in consultation with the Urbana Arborist.*
3. *That the proposed sign be the only free-standing sign to be constructed for the Walgreen's Drug Store (sign allowance will continue for the proposed business to the north).*

For LED Display:

1. *That the LED display be limited to no more than 23.11 square feet in area, and be constructed in substantial conformity with the submitted design plan.*
2. *That the LED display shall not be animated, flashing, multi-colored, or scrolling in any manner as to avoid motorist distraction.*
3. *That frequency of message change shall be restricted to no more than once every three minutes.*

Mr. Armstrong wondered in relation to the master planning of the area how City staff had perceived this development in terms of additional criteria that might be applied to signage in the B-3 Zoning District, especially with regard to the future. Here was a case where a new building would be constructed at a major intersection. Obviously, it was already an area that was heavily commercialized, but yet it is also adjacent to Downtown Urbana. He asked if City staff felt that perpetuating these types of signs would be desirable in this zoning district or whether it would be advantageous, as this area continues to be developed, to move into a different direction in terms of signage. Ms. Tyler stated that City staff had looked into this more in the context to the south as gateway sites in the Downtown Strategic Plan. There were some exhibits in the Downtown Plan that suggested "gateway" type of signage to mark the entry to the downtown area. Therefore, this would be something that would be very important to the southwest corner of 5 Points. On the northwest corner, City staff was also interested in some "gateway" feature such as "gateway" shops with some appearance in urban design. With the proposed Walgreen's store, City staff was interested in their best urban model with the highest building materials.

Walgreen's Drug Store was requesting this store by right. The City would not be providing development incentives for them to build. City staff had made some suggestions, and Walgreen's had listened to some extent with providing the best possible architecture for our fabric. They will provide accessibility, and the City would be asking for sidewalk improvements.

It would be nice to see more gateway signs, but with the volume and the other visibility challenges in the area, she understood why Walgreen's had chosen the pylon type sign. Walgreen's had agreed to provide landscaping to help soften the pylon sign.

She went on to talk about things that City staff had looked at for the Tax Increment Finance (TIF) District #4, such as providing TIF funds for beautification. They have looked into breaking it up a little better, soften the edges, and close some existing curb cuts that were no

longer used. She mentioned that these were some of the things that City staff would like to fund through the TIF in the future.

Mr. Armstrong asked if the City had deeded a parcel of property to Walgreen's for the development. Ms. Tyler noted that for the larger development site, it would make this extent of the development possible. There was some excess right-of-way that the County owned. So, the City of Urbana purchased the right-of-way to allow for sufficient circulation and for the second property to the north to be developed. This was key to getting enough land area to get this project to occur. There would still be a healthy setback and green space.

Ms. Uchtmann questioned what the height of the proposed freestanding sign would be in relation to Arby's and McDonald's signs. Ms. Tyler believed it would be about the same height. These signs tend to be 25 feet in height.

Ms. Merritt viewed the proposed corner as a gateway to the downtown area. One of the reasons she voted in favor of the previous Aldi sign proposal was because she felt it would be a fairly good-looking structure. The proposal in this case was for a pylon sign. She did not think that pylon signs were very attractive. Although the Zoning Board of Appeals did not deal with aesthetics, with this case they may have a chance to perhaps to influence the way the sign would look. Was there some other way that they could show that Walgreen's Drug Store was on the corner without perpetuating a 25-foot sign? Were any other possibilities discussed with Walgreen's? Ms. Tyler remarked that the applicant's desire was to provide the standard signage. The message board and the visibility were very important to Walgreen's. Staff had discussed the building and sign design, and Walgreen's had stated that they really wanted to come to the Zoning Board of Appeals with the proposed sign design. The City of Urbana did require signs to be set back, which allowed for the opportunity of landscaping and visual relief.

Ms. Tyler commented that the City of Urbana had very good sign regulations, even though they had not come to the Santa Fe, New Mexico point, where all the signs were monument signs and made of adobe. If at some point, the City began to do this, we would have over-whelming non-conformities for signage of freestanding signs of 25 feet tall and 50 square feet in area. It appeared to her to be a long-standing commercial corridor. The pylon signs were the sign pattern in this area.

Mr. Corten questioned whether Walgreen's believed that most of their customers were people passing through or people living in town. Ms. Tyler stated that would be a good question to ask the petitioner.

Joe Hurwitz, representative for Walgreen's Drug Store, stated that it was important for Walgreen's to be able to effectively advertise their business. They felt that it would be more aesthetically pleasing to combine the two 25-foot signs, which they would be allowed to have, into one sign, well landscaped at the corner with the electronic readerboard. The electronic readerboard would actually be an efficiency and safety issue, in that employees would not have to be outside changing script in inclement weather and around traffic.

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Walgreen's Drug Store was the leading drug store chain in the country. They would be providing at this location a building of the highest quality. It would be all brick on all four sides. It would have a stone front, very attractive in nature. It would be an urban design, rather than a suburban with drivet all the way around it and with huge sign bands. Walgreen's had agreed at City staff's request to provide new sidewalks at the expense of Walgreen's.

Walgreen's was very desirous of locating at the proposed location. It was very important for them to do as much nationwide in a standard fashion as possible. They did not ask for funding assistance from the City of Urbana. The parcel, which was deeded from Champaign County, was purchased by Walgreen's seller. Walgreen's in turn would purchase it from the seller. It would not be a gift or any sort of a grant. Walgreen's was very excited about being in this neighborhood. They felt that the signage had been done in good taste.

Mr. Corten inquired as to how many Walgreen's stores were there in Champaign County. Mr. Hurwitz stated that to his knowledge, there was one at the corner of Florida Avenue and Philo Road in Urbana and another one on the corner of Springfield Avenue and Mattis Avenue in Champaign. The proposed Walgreen's store would be the third in the area. They planned to build an additional store in the City of Champaign as well.

He added that under the current code they would be able to have two 25-foot high signs with message boards. They felt that with grouping, in essence they could get close to their standard sign under the current code; however, they would rather have one sign with an electronic readerboard and have it properly landscaped.

Dennis Roberts, of 507 East Green Street and member of the City Council, stated that while he was very much in favor of Walgreen's occupying this particular corner, he questioned the proposed sign and its usage. He felt that there were questions here about the appropriateness of the tall signs. These types of signs were up and down Cunningham Avenue and right across the street from the proposed site. While the height of the sign and its construction may be appropriate and meet the codes without a variance, there was a larger question coming before the Zoning Board of Appeals, which was "What are we choosing for the future in Urbana?" The City had worked hard on the Downtown Strategic Plan and developing a concept of what the future of our city would look like and how it would operate to the benefit of its residents. According to the Downtown Strategic Plan, the proposed site would serve as a gateway into the downtown area. Indeed, one could make an argument that the concept of the use of Cunningham Avenue was changing. It was not merely a convenient commercial strip, but rather people were starting to think of it as an entrance into the City.

There were sections of the Downtown Strategic Plan that were specific to future beautification desires for the entrance to the City. The Planning Division had specified the south and west corner, where Blockbuster currently is located, as a hopeful site for a gateway park into the City. The shops, which were currently being developed across the street on the north side of University Avenue, were being designated as the gateway shopping center. These shops were hoping to present to the City a plan showing aesthetically pleasing, well-designed, thoughtful retail stores for use in the future. So, now on the other side of the street, there would be a Walgreen's. It seemed to him that the representatives from Walgreen's could make a

tremendously significant contribution to the City of Urbana by rethinking its signage. Was it necessary to use the old standard of a tall pole with a rectangle on top? Could we imagine going into a newer more refined and a more aesthetically advanced concept of signage?

Mr. Roberts went on to say in two to three years, when the TIF District received funds after O'Brien Auto Park moved to its northern location, the City planned to begin the beautification plans for Cunningham Avenue. When this happens, one of the first things that the City would probably address would be how to renovate the signage question along Cunningham Avenue from the old-fashioned, city-strip retail function to the more urban, thoughtful, well-articulated and better designed signage with lower masses and yet still be extremely visible.

Mr. Roberts read the goals of Gateways from the Downtown Strategic Plan on page 28. He did not believe that putting a flowerbed around the bottom of a 25-foot tall pole sign would truly meet the requirements of a gateway entrance to the City. He hoped that the petitioner would see what a great advantage it would be to lead the way in design development of the proposed site, since it was such a prime retail location.

If the Zoning Board of Appeals chose to approve the proposed request, then they might want to consider how important it was for Walgreen's to have a digital reader display approved for the sign, which was basically like having a three-minute SPAM message on the busiest corner in the City of Urbana. Was it important for travelers and the citizens of Urbana to know that they could buy dog food at 25 cents off? He felt that there were other media sources, such as newspaper ads that could achieve the delivery of this type of information to the citizens of Urbana.

Mr. Welch asked for clarification of Mr. Roberts input. Did he want the Zoning Board of Appeals to suggest that the petitioner build a lower sign and not use the newer technology? Mr. Roberts said that was correct. The corner was very prominent. It was an acute angle and was easily visible to traffic coming up the highway. Most people would know that there was a Walgreen's on the corner.

Mr. Welch commented that aesthetics was in the eye of the beholder. He, personally, thought that the manually changeable letter signs looked worse than the LED display signs. There was such a variance of opinion on things like aesthetics and what is pleasing to the eye. This was heard numerous times over and over again before the Zoning Board of Appeals and before other boards.

The petitioner has the option of building a 25-foot high sign with the old technology; however, they feel it would be more aesthetically pleasing to build a 25-foot high sign with electronic messages. Although Mr. Roberts had previously mentioned that the electronic messages were like SPAM, Mr. Welch commented that people could look away. Again, it all becomes in the eye of the beholder. Mr. Roberts stated that he was not promoting a sign with any billboard messaging. Since there currently was not any sign built, it was totally up for negotiation. If the City did not tell the petitioner what they would prefer to see and give them examples, then the City would never receive what they prefer. On the other hand, if a City expressed a desire to have certain criteria in the signage, then the City would have a basis for making a dialogue in

preference. Aldi, Inc. automatically responded to the interests of the community by choosing to make a pedestal sign rather than a pole sign. Mr. Welch remarked that even the Aldi sign did not please everyone, as heard during the public hearing for the previous case. Mr. Roberts stated that they were heading into a more intelligent and modern direction. They could take their standard Walgreen's sign and instead of putting it on a 25-foot high pole, put it on a five-foot pedestal. They would achieve the same thing, and they could still have their readerboard, if so desired. The sign would not be in the treetops and would still completely solve the signage problem.

Mr. Corten inquired if the petitioner expected their customers to be local residents or travelers from out-of-town. Mr. Hurwitz said that they would never be completely sure. Typically, Walgreen's Drug Store was a local community-oriented store.

He commented that everyone was entitled to his or her own opinion. Walgreen's would be allowed by Urbana's codes to have two 25-foot signs. Walgreen's felt that they have tried extremely hard and were very pleased to work with City staff on the type of landscaping around the base of the sign. They were hoping in lieu of two 25-foot more cluttered signs, they would be able to have a single sign.

Ms. Uchtmann appreciated how Walgreen's had modified their sign. However, it seemed that in the upscale suburbs of Chicago that the Walgreen's signs were not at 25 feet. They were more of the monument type of signs. Mr. Hurwitz stated that he could only speak for what his company had done for Walgreen's. On an occasion, Walgreen's would accept the monument sign. He noted that the monument signs that Walgreen's have used are consistent in the neighborhoods in which they are located. There would not be a McDonald's, an Arby's, and the balance of the commercial users with 25-foot signs, and drop down to a monument sign. In the proposed location, there were already a significant number of pylon signs.

Ms. Merritt questioned what would happen or what the next step would be if the proposed variance requests were denied. Ms. Tyler answered by saying the indication was that Walgreen's would build two 25-foot signs with manual readerboards side by side.

With regards to the sign area, Mr. Armstrong moved that the Zoning Board of Appeals forward the variance request to the City Council with a recommendation for approval along with the conditions recommended by staff. Mr. Corten seconded the motion.

Mr. Corten requested that the Zoning Board of Appeals add to the motion that the petitioner considers the aesthetics aspects of the height of the sign as well as the commercial aspects. Mr. Armstrong agreed to the amendment.

Roll call was as follows:

Ms. Merritt	-	Yes	Ms. Uchtmann	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

Mr. Corten - Yes

The motion for the sign area was passed by unanimous vote.

With regards to the LED display, Mr. Armstrong moved that the Zoning Board of Appeals forward the variance request to the City Council with a recommendation for approval along with the conditions recommended by staff. Mr. Welch seconded the motion. Roll call was as follows:

Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Ms. Merritt	-	Yes			

The motion for the LED display was approved by unanimous vote. Ms. Tyler noted that these two requests would be heard by the City Council on Monday, March 7, 2005.

Chair Merritt called for a five-minute break at 9:20 p.m. The meeting was called back to order at 9:25 p.m.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

ZBA-05-A-01: An Appeal of a decision by the Urbana Development Review Board.

Nancy Uchtmann, member of the Zoning Board of Appeals, stated that she would be abstaining from the proposed appeal case due to a conflict of interest.

Chair Merritt explained that since the Zoning Board of Appeals had heard from most of the proponents and opponents in the audience during a recent public hearing for a variance request for the proposed development, input would be limited to five minutes for each person interested in speaking at this public hearing.

Mr. Lindahl presented this case to the Zoning Board of Appeals. He mentioned that the proposed development had been reviewed and denied by the Development Review Board. He explained that the Development Review Board was required to have at least four of its members vote in favor of approval of any site plan application brought before them in order for the application to be approved. At the previous Development Review Board meeting, there were only four members in attendance, and the vote was 3-1 in favor of approval. Because there were only three votes in favor of approval, the site plan application was not approved. In a case such as this, the Zoning Ordinance states that any site plans not approved by the Development Review Board would cause the Secretary of the Development Review Board to bring an appeals case to the Zoning Board of Appeals.

He gave a brief introduction of the proposed development and reviewed the various steps in the hearing process in which the proposed development had already been through. He discussed the objectives for reviewing the appeal's case and talked about the MOR Design Guidelines. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Staff recommended approval of the proposal based on the opinion that the proposal is in conformance with the stated intent and criteria of the MOR District and in compliance with the MOR Design Guidelines.

Mr. Kowalski added that staff's recommendation to the Development Review Board included three conditions of approval. Should the Zoning Board of Appeals sustain the appeal, staff recommended that the Board include the three conditions listed below:

- 1. Construction of the addition shall be in conformance with the approved site plans and architectural renderings. Any significant deviation from these plans shall require consideration by the Development Review Board.*
- 2. The existing mature trees in the front yard, the parkway and the west property line shall be preserved. Prior to a building permit being issued, a landscape plan shall be submitted and approved by the City Arborist indicating the location of these trees and demonstrating that the addition will not critically damage existing root structures. In the course of this review, the City Arborist may inspect existing vegetation to determine their existing health and viability. Removal of any existing vegetation based on the recommendation of the City Arborist is authorized.*
- 3. Prior to a building permit being issued a Certificate of Exemption must be completed in order to shift a portion of the northern property line 8.0 feet north as shown on the site plan.*

Mr. Kowalski understood that this was a different case than the Zoning Board of Appeals had been use to hearing. Staff tried to give the Board enough background information to get them up to speed.

Mr. Corten asked if the proposed development would be an extension of a current church or a new church. Mr. Lindahl responded by saying that the proposed development would be an addition to the existing church. The existing church extended from 602 to 606 West Green Street, and the proposed addition would be almost entirely placed on 608 West Green Street. It would directly connect to the existing church structure.

Mr. Corten noticed that it made a difference that the proposal was for an addition to an existing structure. Mr. Lindahl replied that it made a difference in that the proposed addition should be compatible and complimentary to the existing structure.

Gary Olsen, of Olsen & Associates Architects, approached the Zoning Board of Appeals. Chair Merritt swore him in to oath. Mr. Olsen stated that he had tallied up the number of people serving on the various commissions and boards that had previously reviewed related cases to the

proposed development. Five members of the Historic Preservation Commission and five members of the Zoning Board of Appeals had all previously voted in favor of the proposed development. Three out of the four members of the Development Review Board had voted in favor of the proposed development as well. As a result, there were thirteen people in favor of and one person in opposition of the proposed development.

Brian Adams, of 412 West Elm Street and member of the Development Review Board, stated that he bought his house because he found the architectural and historic context of the area very attractive. The location of his home was very convenient to Downtown Urbana and was close to two separate bus lines.

He pointed out that one problem or issue that had come up over the past several years was that many of the older, historic buildings in the area had been allowed to deteriorate to a point where they could not be habitable or salvaged anymore. These buildings have been eventually torn down and replaced with structures commonly referred to as student filing cabinet type of apartment buildings, which do not fit into the architectural context of the neighborhood.

To address this issue, the City came up with a criterion to guide the construction of new buildings, so that they would fit in with the existing architecture in the area. When he looked at the plans for the proposed church expansion, he found that the proposed addition would not really conform to many of the suggestions that the City had put forth.

Although the new plan complimented the architecture of the existing church structure, the church, itself, was sort of an architectural anomaly in the area, because a majority of the architecture in the neighborhood dated back to the late 1900s and early twentieth century. The proposed plan would not compliment any of the existing architecture in the area, outside of the existing church building. As a result, he found that the proposed development would not meet the character of the MOR Zoning District.

Mr. Adams believed that approving the proposed development might set a dangerous precedent in the neighborhood. The City could easily encourage the continued expansion of these types of structures that led to the MOR Design Guidelines.

Ulna McKaufsky, of 412 West Elm Street, mentioned that she moved to this area, because they liked the old houses very much and would be close to the downtown area, as well as to the University of Illinois. She noted that she was personally extremely interested in the history of Urbana and in the development of Urbana.

She was astounded to hear that the proposed new addition was believed to be in compliance with the MOR Design Guidelines. It was not in compliance with the guidelines; rather it was in compliance with the existing church structure, which was an oddity in the neighborhood. The sanctuary was built in a Scandinavian style, which was totally alien to the City of Urbana. It looked more like a ski lodge in Colorado and did not fit the neighborhood. She understood that there was a strive to build an expansion that was similar to the existing church structure. The school was built in 1953 or 1954 and was a 1950's shoebox style. The office part looked like any American office building.

It was obvious that the church had not tried to comply with the MOR Zoning District requirements. They could have designed something that would compliment both the existing church and the neighborhood as well. Yet all of the committees say that they comply.

The proposed new addition was only one of the things that the church had created or was planning on creating in this neighborhood. The church also owned a very large proportion of Elm Street and Green Street. The church currently sits on six City lots, and was proposing to expand onto another lot. The church also occupies ten City lots, which have been converted into parking lots. This was a total of 17 City lots. All in all, the church had destroyed ten historic buildings to put in the parking lots and the modern building. In addition to this, the church had previously owned two lots that they converted into parking, and then sold to a developer, who replaced the parking lot with a new apartment building.

Very slowly, the church had been taking over this area of the City and was basically a leader in tearing down historic homes. This happened slowly and no one noticed it.

In 1975, Professor Lachlan Blair recommended that three areas be converted into historic districts because of the large number of well-preserved buildings. One area was Main Street, one was the Carle Park area, and the last one was the Elm-Green-High-Illinois Street area. By now, the last area had been very much destroyed. Of this destruction, the church was responsible for most of it. So, it would be nice if the church would try to make amends by minimally complying with the requirements of the MOR Zoning District in the construction of their new addition.

Mr. Corten commented that he was not sure that the church could build anything that would look like the old houses and still be useful to the church. He asked Ms. McKaufsky if she had thought it through or discussed it with an architect to find out if it was possible. Ms. McKaufsky thought in as much, they could not put a building there that looked like a Victorian building or a Queen Anne. However, they could build a structure that looked more like a 4-Square or similar to the Unitarian Church, but in a modern sense. The church could use materials such as limestone and other materials that would not give it a ski lodge appearance. The church should not use the proportion of the roof to the building, where it would appear that the roof squashes the building. They could make the structure higher and the roof smaller. She suggested that the church uses compatible materials and compatible proportions.

Mr. Corten stated that she knew the church was already there when she moved into her house. It seemed to him that if the church wanted to build an addition to the existing structure, then the addition should be compatible with the existing building.

Pastor Don Mason, of the First Presbyterian Church of Urbana, asked the members of both congregations to stand up. He noted that there were four points he would like to make, which were as follows:

- 1) The church had been at this location for almost 150 years. The zoning regulations came later than the construction of any of the existing church buildings. The regulations did not really relate to churches.
- 2) The unique nature of the two churches working together.
- 3) The church was quite pleased with Mr. Olsen, as were many of the neighbors of the church. The owners and the residents in the Ricker Historic Landmark House were very pleased with the aesthetic nature of the design of the proposed addition. The members of the Development Review Board affirmed the setback, the green space, the attractiveness of the building itself, and made good suggestions about the landscaping.
- 4) The church was learning new things from their neighbors. The church was committed to working with their neighbors on resolving some of their issues with parking and traffic to help restore better communications and relations with the neighborhood.

James Yoon, representative for the Korean Church, stated that their partnership with the First Presbyterian Church was unique and adds to the cultural diversity and richness of the City of Urbana as well. Even though there had been a lot of thought going into the possibility of moving out, the Korean Church valued growing with the neighborhood. He believed that the Korean Church contributed to the vitality of the First Presbyterian Church of Urbana.

Aesthetics were in the eye of the beholder. From the designs, one could see that the two churches had done their best through the architect to make sure that the proposed addition would be least intrusive and would blend well with the existing structures. The proposed new addition would not only be vital to the two churches, but it would also enrich the cultural diversity as well as the living experience of the City of Urbana and the University of Illinois.

Mr. Armstrong moved that the Zoning Board of Appeals overturn the original decision of the Development Review Board and grant the appeal along with the three conditions recommended by staff and listed on page nine of Exhibit N, the January 10, 2005 Written Staff Report for the Development Review Board. Mr. Corten seconded the motion. Roll call was as follows:

Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes	Ms. Merritt	-	Yes

The motion was passed by unanimous vote. Ms. Tyler noted that the variance request for the Floor Area Ratio (FAR) increase for the First Presbyterian Church would be heard by the City Council on Monday, February 21, 2005.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

February 16, 2005

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:11 p.m.

Respectfully submitted,

**Rob Kowalski, Planning Manager
Urbana Zoning Board of Appeals**

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: May 18, 2005
TIME: 7:30 p.m.
PLACE: Urbana City Building
Executive Conference Rooms A & B,
Second Floor
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT: Herb Corten, Anna Merritt, Joe Schoonover, Charles Warmbrunn, Harvey Welch
MEMBERS ABSENT Paul Armstrong, Nancy Uchtmann
STAFF PRESENT: Paul Lindahl, Planner I; Teri Andel, Secretary
OTHERS PRESENT: Dan Allen, Paul Hilton

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Corten moved to approve the minutes from the February 16, 2005 meeting as presented. Mr. Warmbrunn seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

■ Site Plan for ZBA Case No. 05-MAJ-03

Note: Chair Merritt swore in members of the audience who wanted to speak during the public hearings.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-05-MAJ-03: A request for a major variance to allow a parking lot expansion to be constructed with a 100% encroachment into the required 25-foot front-yard setback in Urbana's IN, Industrial Zoning District.

Paul Lindahl, Planner I, presented this case to the Zoning Board of Appeals. He gave a brief history of the existing building and parking lot on the proposed site that is being occupied by Aramark Uniform Services. He described the proposed site and noted the land uses of the surrounding properties. He explained the reason for the major variance was so the petitioner could expand the existing parking lot into an unused portion of their property. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals forward the proposed case to the Urbana City Council with a recommendation of approval with the following conditions:

- 1. The development on the site must generally conform to the site plan submitted with the application.*
- 2. No part of parked trucks or cars may encroach or overhang into the North Shore Drive public right-of-way.*

Mr. Welch inquired if the Champaign County Zoning Ordinance was the same as before or if the County had made changes to get their Zoning Ordinance into conformance with the City of Urbana's Zoning Ordinance. Mr. Lindahl responded by saying that he would need to check into this. Many times, the City of Urbana tries to work with Champaign County on trying to have a more systematic approach, so that the County has the same regulations as the City of Urbana and the City of Champaign do for both zoning and subdivisions.

Mr. Corten wondered what could be put or built over a septic system. Mr. Lindahl understood that septic systems were supposed to be left open, so that the rainwater would percolate down through them.

Mr. Warmbrunn questioned whether the City of Urbana had any plans to add the proposed site to the sanitary sewer system in the future. Mr. Lindahl replied that the sanitary sewer mains were located at the north end of North Shore Drive. The City of Urbana currently did not have any plans to extend it down to the proposed property. Mr. Warmbrunn asked if then none of the businesses along North Shore Drive were hooked up to the sanitary sewer system at this time and were instead using septic tanks. Mr. Lindahl said that was correct.

Mr. Warmbrunn suggested that the Zoning Board of Appeals might want to add a condition stating that trucks would not be allowed to abut over the north property line. Mr. Lindahl noted that although it was hard to see on the aerial photo, there was a fence along the north side that would prevent this from happening.

Mr. Warmbrunn asked if it would be alright with the City of Urbana for truck drivers to park or stack the trucks along the south property line as well. Mr. Lindahl replied that the City would not have a problem with that.

Dan Allen, of Allen Engineering Corporation, and Paul Hilton, Assistant General Manager for Aramark, approached the Zoning Board of Appeals to answer any questions they may have.

Mr. Allen explained that over the years, Aramark's operations had expanded. The proposed lot is very small, and as Aramark added more trucks, they became more cramped for space to park the trucks without parking on the street or going off-site for parking. It seemed like the natural thing to do would be to expand the parking lot to the north. As a result, they needed a major variance.

Mr. Hilton stated that the trucks used to be 16 feet in length versus now they are up to 22 feet in length. Regarding vehicles parking on the south side of the property, for safety reasons Aramark does not allow parking in this area. He explained that there was a dock on the south side of the building which houses a 53-foot semi-trailer. The semi transports merchandise back-and-forth from the Springfield facility. In order for the driver of the semi to make the turn back into the dock, the entire area on the south side needed to be clear.

Mr. Warmbrunn wondered if parking was a problem mostly at night. Mr. Hilton said that was correct. He went on to say that years ago Aramark had a service agreement with the Grider Corporation to perform maintenance on Aramark's vehicles and allow Aramark to store their vehicles on Grider's property. The agreement no longer exists, so therefore, Aramark has to house their vehicles on their own property, which created the existing parking problem.

Mr. Corten inquired if the variance would take care of the parking problem for the next 20 years or for the next two years. Mr. Hilton stated that Aramark did not expect to see any massive amounts of growth in business. The expanded parking lot would allow them enough room to park all of their existing vehicles in addition to one or two more.

Ms. Merritt commented that she was surprised to see a big business such as Aramark operate out of such a small lot. Mr. Hilton explained that Aramark does all of their processing out of Springfield, Illinois. They have two shuttles that run back-and-forth each night delivering clean merchandise and picking up the soiled merchandise. The proposed site was strictly a depot.

Mr. Corten moved that the Zoning Board of Appeals forward this case to the City Council with a recommendation for approval along with the conditions recommended by staff. Mr. Schoonover seconded the motion. Roll call was as follows:

Mr. Corten - Yes Ms. Merritt - Yes

Mr. Schoonover - Yes
Mr. Welch - Yes

Mr. Warmbrunn - Yes

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Lindahl reported on the following:

- **2005 Comprehensive Plan** has been adopted by City Council. Staff is in the process of getting it printed up, and copies should be available for sale by the end of the week or middle of next week.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

**Rob Kowalski, Planning Manager
Urbana Zoning Board of Appeals**

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: June 15, 2005

APPROVED

TIME: 7:30 p.m.

PLACE: Urbana City Building
Executive Conference Rooms A & B,
Second Floor
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Joe Schoonover

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Paul Lindahl, Planner I; Matt Wempe, Planner I; Teri Andel, Secretary

OTHERS PRESENT: Robert Bridgewater, Bill Henry, Jim Rose, Bill and Cindy Winkler

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Corten moved to approve the minutes from the May 18, 2005 meeting as presented. Mr. Warmbrunn seconded the motion. The minutes were approved as presented by unanimous voice vote.

NOTE: Chair Merritt swore in members of the audience who wanted to speak during the public hearings.

4. WRITTEN COMMUNICATIONS

- ▶ Email from Andrea Antulov regarding ZBA-05-MAJ-04
- ▶ Homestead Corporation Site Plan for ZBA-05-MAJ-04
- ▶ Peoria Charter Marketing Materials for ZBA-05-C-01

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-05-C-01: Request filed by Peoria Charter Coach Company for a conditional use permit to establish a motor bus station at 2002 and 2008 Federal Drive, in Urbana's IN, Industrial Zoning District.

Matt Wempe, Planner I, presented this case to the Zoning Board of Appeals. He introduced the case by describing the proposed site plan and its surrounding properties noting their zoning and land uses. He talked about the proposed development with regards to the building location and landscaping. He described conversations with both the petitioner's engineer and Bill Gray, City Engineer, regarding parking lot configuration and access drives. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He summarized staff findings and read the options of the Zoning Board of Appeals. Staff's recommendation was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Zoning Board of Appeals grant the proposed conditional use permit for the Phase I and overall site plans, along with the following conditions:

1. *The development is completed in substantial conformance to the layout depicted in the site plan labeled as Exhibits "E" and "F".*
2. *That private stop signs or other appropriate signage be installed at the exit drive along Kenyon Road at the property owner's expense.*
3. *That the property owner recognize and accept Ordinance Number 8990-105, Sections 1 and 2 regarding the sidewalk deferral along Kenyon Road.*
4. *That the development be completed in full conformity with all applicable provisions of the Urbana Zoning Ordinance.*

Mr. Warmbrunn asked if the fuel tank would not be setup in Phase I of the development. Mr. Wempe stated that was correct. Mr. Warmbrunn inquired if the fuel island would be the same as a gas station pump. Mr. Wempe replied that it would basically be a gas station pump, with a fuel tank that would supply gas to the site. Buses would be able to pull onto the site off of Federal Drive, stop at the fuel island to refuel, and then pull into the storage facility. When the business gets to a point

where they would have 24 buses as opposed to the original six buses running, then it would be more economical to have their own on-site gas station.

Mr. Warmbrunn questioned how many pumps there would be above ground. Would there be some shrubbery or other landscaping to block it? Mr. Wempe answered by saying that there would only be one pump above ground, and the owner was proposing exterior screening on the western side, which would screen the fuel pump from Federal Drive.

Mr. Warmbrunn inquired if the owner was proposing any fencing around the property. Mr. Wempe said no.

Mr. Warmbrunn referred to the third recommended condition by staff. He asked what this meant. Mr. Wempe explained that Ordinance Number 8990-105 created Park 74 Industrial Subdivision 1, which was the lot located at the corner of Federal Drive and Kenyon Road. Section 2 of the Ordinance refers to the approval of a sidewalk deferral. He mentioned that in this case, Mr. Gray, City Engineer, had opted to continue the deferral until there was a need for a sidewalk in the area. Mr. Warmbrunn asked if when they reached that point if the petitioner would have 90 days to install a sidewalk at their cost. Mr. Wempe stated that was correct.

Ms. Merritt understood the difference between the B-3 and the B-4 Zoning Districts, and she understood the need for a Conditional Use Permit in the Industrial Zoning District. What she did not understand was the rationale behind why this particular use, motor bus station, required the Conditional Use Permit. Was this perhaps something that the Plan Commission should look at in the future when they review uses for the Industrial Zoning District? Ms. Tyler responded by saying that staff goes through the Table of Uses in the Zoning Ordinance periodically and try to correct issues that arise with the level of permits required within zones. Whoever drafted that Table of Use may have thought that a motor bus station was a business use and that it belonged in a business zone.

Ms. Tyler went on to talk about the Industrial Zoning District. The City of Urbana currently only has one industrial zone; whereas, most communities have a Light Industrial Zone and a Heavy Industrial Zone. Clearly, the proposed use would fit in a Light Industrial Zone. Staff was looking to make this distinction in the Comprehensive Plan and to fine tune the Table of Uses in the Zoning Ordinance. She noted that staff had just republished the Zoning Ordinance, and the next step would be for staff to do some omnibus clean-up of the Ordinance.

Bill Winkler, President of the Peoria Charter Coach Company, remarked that his grandfather founded the company in 1941. He noted that the business had expanded over the years, and they were land-locked in the City of Peoria. They would like to locate in the City of Urbana, as they already do a significant amount of business in the area. Illini Swallow went out of business, and he felt that there was a need for charter bus service in the Champaign-Urbana area. The proposed property was right off the interstate, which would make it easy for the coaches to get on and off of the interstate.

Mr. Corten inquired about how many trips per week were currently being made out of the Champaign-Urbana area. Mr. Winkler said that they had three coaches that they stored in the local area, and these three buses made about 12 trips per week. Mr. Corten commented that it appeared

that the company would expand considerably after locating in Urbana. Mr. Winkler stated that they planned to start out with six coaches and hopefully expand to 12, 18 and then 24.

Mr. Corten asked what type of clients Mr. Winkler expects to attract. Mr. Winkler replied that there were many mature adults (seniors) who use motor bus service, in addition to the company's contract with the University of Illinois's Athletic Department.

Mr. Armstrong wondered if the petitioner had a timetable in mind in terms of expanding. Mr. Winkler mentioned that the company tried to do things in ten-year increments. They were currently in the period of 2000-2010. Within the next ten years, they would expect to expand to six coaches. They want to control their growth by first getting their name out and want to grow the right way.

Bill Henry, owner of HAL Communications, expressed his concern with the drainage requirements for the proposed development. When he built the buildings his business occupies, his property was the highest piece of land around. When Federal Drive was constructed, dirt was hauled in, and his property became the drainage pond. Next, Melrose Apartments and Holiday Inn were built, which created a serious drainage problem. As a result, the street was turned into a drainage ditch. He noted that he was still paying on the \$23,000 assessment for the ditch. According to the drawings for the proposed development, it appeared that 95% of the property would be paved. When looking at a topographical and geological survey map, the proposed property would be higher than his property. He was concerned about more stormwater drainage running off onto his property. He suggested that the Zoning Board of Appeals request additional drainage be included in the development plans.

Mr. Henry did not agree that there was low traffic on Kenyon Road, which was his second concern. He stated that Kenyon Road was heavily used by construction trucks hauling asphalt, by the large trucks from Ryder, by the Caterpillar Tractor people, and by all the traffic to Federal Express. He noted that the City of Urbana had recently been out putting band-aids on the road by pouring tar in cracks. However, the road would not hold out if it were to continuously be used by heavy vehicles.

His third concern was regarding access for the proposed development on Kenyon Road. As a bus swings out headed east, the bus would go right by the entrance to his property, which is a blind entrance. Therefore, it would be very hard for his employees to see a bus coming.

His final concern was regarding a fire hydrant that currently was located where the petitioner was proposing to have the access on Kenyon Road. He hoped that the fire hydrant would be relocated to another area nearby.

Mr. Henry stated that he believed the proposed business would be a very good business for the City of Urbana. However, he would also like to see more concern shown about neighboring properties, particularly the drainage, because it is already a problem in the area.

Mr. Corten inquired if Mr. Henry had talked to the Mr. Gray about any of his concerns. Mr. Henry replied no. He stated that Tom Berns had been his engineer in developing his property. He noticed that Mr. Bern's company was also the engineer for the proposed development as well.

Ms. Tyler shared some of the issues and topics that were discussed during the engineering review of the proposed plans. The proposed development was part of a subdivision that included public improvements, including the Regional Detention Basin, which Mr. Henry pays in to. There were also drainage improvements existing and proposed on the site, which were indicated on the site plan. So, drainage was addressed on a couple of different levels. The drainage plan submitted by the petitioner would need to meet the City's requirements. The plans were submitted for engineering review and were accepted to meet those requirements. This should prevent flooding on adjacent properties. She felt confident that the proposed development would not harm Mr. Henry's property. She suggested that Mr. Henry meet with Mr. Gray to prevent drainage from harming his property.

As far as repairing Kenyon Road, Ms. Tyler noted that the Illinois Department of Transportation's (IDOT) right-of-way extended pretty far south. She was not sure if Kenyon Road was currently a City responsibility. If it was enduring heavy traffic and needed to be improved, then it needed to be on the City's Capital Improvement Plan.

Regarding the fire hydrant, Ms. Tyler suggested that the Zoning Board of Appeals add a condition that the reviews satisfy the City's Engineer and the City's Codes and Regulations. Surely, the fire hydrant would be relocated and replaced. The City of Urbana did not eliminate fire hydrants.

Ms. Uchtmann inquired if the recent rain had created a ponding problem on his property. Mr. Henry said no. The rainwater drained rather well, because $\frac{3}{4}$ of his property was grass.

Mr. Corten asked if the Zoning Board of Appeals could recommend certain requirements. Ms. Tyler felt that there was protection from the Zoning Ordinance in making a decision at this meeting regarding this case. The recommended condition # 4 was a safety precaution if the Zoning Board wanted to make a decision. She suggested that the Zoning Board of Appeals place a similar condition on their approval of the conditional use permit, if so approved. Mr. Welch questioned if there would be inspections made as development progressed on the proposed site. Ms. Tyler said yes. Mr. Welch felt that by adding any additional conditions other than those recommended by staff would be considered micro-managing of the development. Getting too specific would be unwise and redundant. The petitioner would need to meet City codes, which already requires adequate drainage of the site.

Mr. Armstrong added that in looking at both site plans, the Phase I site plan and the overall site plan, there were manholes indicated around the site. Therefore, the drainage issues were being addressed by engineer. He believed that the Zoning Board of Appeals should take what is on the plans as being at face value. Ms. Tyler pointed out that Berns, Clancy and Associates worked on both Mr. Henry's site as well as the proposed development. She found it hard to believe that Mr. Berns would jeopardize one client over another.

Mr. Warmbrunn felt the same way about the fire hydrant. The Zoning Board of Appeals should trust the City to replace and relocate the fire hydrant without placing an additional condition on the approval of the Conditional Use Permit.

Mr. Corten moved that the Zoning Board of Appeals approve the Conditional Use Permit request along with the conditions recommended by City staff. Mr. Armstrong seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion passed by unanimous vote.

ZBA-05-MAJ-04: Request to reduce the front-yard setback from 20-feet to 10-feet at 809 North Busey Avenue in Urbana's R-2, Single-Family Residential Zoning District.

Paul Lindahl, Planner I, presented this case to the Zoning Board of Appeals. He described the proposed site and noted the surrounding zoning and land uses. He explained the reason for the variance request for the reduction in the front-yard setback. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He presented staff's recommendation, which was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the variance to the Urbana City Council with the following condition:

- 1. The development on the site must generally conform to the site plan submitted at the public hearing.*

Mr. Warmbrunn inquired if the petitioner would have needed a major variance if they had submitted the development plans with a 15-foot setback along Fairview Avenue or would it have been considered a minor variance? Mr. Lindahl replied that it might still be considered a major variance.

Mr. Warmbrunn asked if City staff had looked at the proposed lot and at the square footage of the proposed design. Did staff try to work with the petitioner to try to get him/her to design a different building that would fit on the lot? He noted that the petitioner could build a different building, shaped more rectangular, and pick up more square footage and still be able to build within the 15-foot setback. Mr. Lindahl responded by saying that staff had a number of conversations about what the petitioner could do on the lot. His understanding was that the Homestead Corporation has a basic standard design, which they have used in the past and meets some of the federal requirements that they have. The design they use has a layout that works for the families, who buy these types of homes.

Mr. Warmbrunn was surprised to see that there would be three bedrooms in the proposed house, because the square footage of the proposed lot was not very large. He questioned if the garage would be attached. Mr. Lindahl said yes. Elizabeth Tyler, Director of Community Development Services Department and City Planner, added that there were some programmatic reasons for the

number of bedrooms and the attached garage related to the fact that this would be a home-funded project for affordable housing through the HOME Investment Partnership Program.

Ms. Tyler went on to talk about the comparison of the setback along Busey Avenue versus the setback along Fairview Avenue. The petitioner was respecting the 25-foot setback along Busey Avenue. The Homestead Corporation could have asked for a design that would need a variance on both frontages. In looking at not just the building that was proposed, but at the neighborhood, the next property to the east on Fairview Avenue had a similar layout with a deep setback from Busey Avenue and a narrow setback from Fairview Avenue, because Busey Avenue was a main street. Staff had discussed with the petitioner the possibility of splitting the difference between the two frontages, but they both felt that asking for one variance for the Fairview Avenue setback would be more consistent with the neighborhood in order to respect the more historical layout. Mr. Lindahl added that they could have a different design fit in the required setbacks, but the only way it would work is if it would face onto Fairview Avenue, which would have a different affect on the neighborhood.

Mr. Warmbrunn understood staff to say that there was a standard set by different governmental organizations on the sizes and types of these non-profit occupied homes. Mr. Lindahl stated that the petitioner could answer that question easier. The only standard that he was aware of was that the garage must be attached or else the HOME Program would not pay for it.

Ms. Uchtmann inquired if anyone had considered moving the lot line. Mr. Lindahl replied that there was not as much room to the south as one would think. There might be 15 feet to the house. It was already a platted lot, and moving the lot line would require additional expenses that would be added to the cost of the home and make it less affordable.

Jim Rose, Executive Director of the Homestead Corporation, talked about the proposed footprint of the house. He mentioned that the Homestead Corporation had previously built six other homes in the Eads of Lincoln Subdivision using the same footprint. The houses were not necessarily designed to fit on a corner lot. They wanted to use the same design, because they have a very limited budget. Starting all over from scratch with a new housing design would almost be cost prohibited.

Mr. Rose went on to say that the Eads homes were three and four bedrooms and actually had a little more square footage than the proposed house. They reduced the square footage a bit to fit the home on the proposed lot.

Mr. Rose talked about their search for affordable vacant lots to build on. It was very difficult to find these types of lots in both the City of Champaign and the City of Urbana. He had spent months driving around to find vacant lots, finding out who owned the lots and calling the owners to find out if they were for sale. The homebuyer that the Homestead Corporation was working with found this lot, because she has family living in the neighborhood.

He mentioned that the attached garage was a requirement of the HOME Program. The HOME Program does not allow funding for accessory buildings. They consider anything not attached to

the house as an accessory building. Therefore, he could not build a fence, a shed or a detached garage with HOME funds.

Mr. Rose stated that the answer to the question why they did not design a different layout for the house was because the cost of doing so would be unaffordable. He went on to say that normally they do not know who the eventual homebuyers would be. They try to market the homes and find homebuyers that would qualify. Homebuyers must earn less than 80% of the median family income for the area. This particular homebuyer has a lower income; therefore, the Homestead Corporation must keep the price of the house affordable to the family.

Mr. Warmbrunn inquired if the person would own the home after the construction was finalized. Mr. Rose answered yes. In this case, the homebuyer would need to get a construction loan to cover the cost of the building materials. The lot will be deeded to the homebuyer after it is purchased by the Homestead Corporation. The Homestead Corporation will act as the developer and hire a contractor to construct the home using the homebuyer's construction loan to purchase the building materials.

He explained that there would be an "affordability period", which meant that the homebuyer would have to remain the homeowner of this particular house for at least ten years. Therefore, it would not be a house that the homebuyer could sale tomorrow or turn into rental. She could not do this without a major penalty of having to repay the majority of the subsidy money she received.

Mr. Corten questioned who would own the house if the homebuyer goes bankrupt. Mr. Rose explained that the homebuyer would have a mortgage with a local lending institution, so the lending institution would own the home if the homebuyer went bankrupt.

Mr. Armstrong moved that the Zoning Board of Appeals recommend approval of the proposed major variance to the City Council along with staff's recommended condition that the development of the site must generally conform to the site plan submitted prior to the hearing. Mr. Corten seconded the motion. Roll call was as follows:

Ms. Merritt	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes

The motion was passed by unanimous vote.

Ms. Tyler pointed out that the case would be heard by the City Council on June 20, 2005.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler reported on the following:

- **Next scheduled meeting** may be cancelled due to the lack of agenda items. Staff had not received any new cases; however, there was still time for someone to submit an application.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:51 p.m.

Respectfully submitted,

**Elizabeth Tyler, City Planner
Urbana Zoning Board of Appeals**

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: August 17, 2005

APPROVED

TIME: 7:30 p.m.

PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Joe Schoonover, Nancy Uchtmann

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Paul Lindahl, Planner I; Teri Andel, Secretary

OTHERS PRESENT: Gennaro Marino, Jerry Marino, Kim Marino, Nora Marino

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:34 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Armstrong moved to approve the minutes from the June 15, 2005 meeting as presented. Mr. Warmbrunn seconded the motion. The minutes were approved as presented by unanimous vote.

NOTE: Chair Merritt swore in members of the audience who wanted to speak during the public hearing.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-05-C-02: A request for a Conditional Use Permit to establish a professional and business office in the R-5, Medium High Density Multiple Family Residential Zoning District at 1101 East Colorado Avenue.

ZBA-05-MIN-02: A request for a Minor Variance to reduce the required off-street parking by 25%, from 18 spaces to 14 spaces, in the R-5, Medium High Density Multiple Family Residential Zoning District at 1101 East Colorado Avenue.

Paul Lindahl, Planner I, presented the two cases together to the Zoning Board of Appeals. He began by describing the subject property and noting its zoning and land uses, as well as that of the surrounding properties. He talked about the proposal for the parking variance to reduce the amount of required off-street parking spaces from 18 to 14 spaces. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to the proposed minor variance request. He talked about the Professional Office Conditional Use request. He reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. He summarized staff findings and read the options of the Zoning Board of Appeals for each case. He presented staff's recommendations along with their conditions to the Zoning Board of Appeals, which were as follows:

ZBA-05-C-02 (Professional Office Use in the R-5 Zoning District)

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Zoning Board of Appeals grant the proposed conditional use permit with the following condition:

- 1. That the Conditional Use Permit shall apply only to the petitioner's business. If the petitioner's business leaves the location, any other office use will need to reapply for its own conditional use permit.*

ZBA-05-MIN-02 (Reduction in required parking)

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals approve the minor variance request with the following conditions:

- 1. That the petitioner will not allow any vehicle parking or standing in the Cottage Grove Avenue service drive to ensure that vehicles are not backed onto the road.*
- 2. If the petitioner's business grows to 12 employees, they will inform the City in writing within 30 days, and within 120 days, with all required permits from*

the City, the petitioners will construct a minimum of four additional parking spaces on the subject property.

Mr. Corten inquired if back-in parking would be allowed. He commented that it would be strange to allow residents who live in the neighborhood along the street to back out onto the street, but not the clients or employees of the proposed business. Mr. Lindahl replied that the basic idea of not allowing clients and/or employees to back in was to prevent busier uses, such as businesses, having lots of traffic from pulling in and out more frequently.

Mr. Warmbrunn asked for clarification on the number of parking spaces being proposed. There were fourteen parking spaces, and out of these fourteen spaces, one would be handicap accessible. Would this mean that there would actually be 12 parking spaces and 1 handicap space, since a handicap parking space takes up twice as much room? Mr. Lindahl stated that this was correct. Mr. Warmbrunn wondered if they should change the description of the minor variance from 18 spaces to 13 spaces. Elizabeth Tyler, Director of Community Development Services Department, said that it would probably be more precise to say there would be 13 spaces including 1 handicap space.

Jerry Marino, President of Marino Engineering Associates, Inc., clarified that the handicap parking space would be #14 on the site drawing attached to the written staff report. He also stated that they currently have 9 full-time and 2 part-time employees. In addition, they have an employee overseas in Egypt who will be coming back in about a month.

Mr. Marino went on to talk about his business. He explained that as with any company, business goes up and down continuously. They are currently busier than they had ever been. He came to the City of Urbana in 1978. After getting his PhD, he began consulting in his home. The business grew on its own, eventually outgrowing the space in his home, and more recently outgrowing their current location. His company specializes in a part of civil engineering that deals with the behavior of the earth. He and his employees do some geophysical work and some analysis of underground workings, like for coal mines and such. He pointed out that all of his clientele were spread throughout the country with hardly any in the Champaign-Urbana area. In the kind of work his company does, jobs are generally construction sites that have gone bad, so his employees go to the job sites rather than the clients coming to his office. His business would have a calming influence on the neighborhood, because there would not be a lot of traffic.

Mr. Welch asked why the petitioner did not just go ahead and plan to construct the extra parking spaces since there were already 11 employees. Condition #2 says 12 employees. It does not matter if any of the employees intend to walk, ride bicycles, or drive to work. Ms. Merritt mentioned that this was a condition recommended by staff, and that the Zoning Board of Appeals could change the condition as they saw fit.

Mr. Armstrong inquired if the petitioner planned to use the area designated as a playground pad for future parking spaces. Mr. Marino answered by saying that he had not thought about it. If the business continued to grow, then they could expand into the playground pad area to make more parking spaces. Mr. Warmbrunn asked if the playground pad would be considered proper surface to park on. Mr. Lindahl noted that it would require some stripping and some screening.

Mr. Marino mentioned that the playground pad consisted of a concrete pad with some type of wear-all surface on top.

Mr. Marino stated that three of his employees were currently working in the field. One of them had been in the field for about a month. Another one had been in the field for about 2 or 3 weeks, and the last one just left to go out into the field.

Ms. Merritt thought that the Zoning Board of Appeals should reword Condition #2. Mr. Welch agreed, because it sounded like the petitioner already would have more than enough parking spaces. Mr. Lindahl explained that the reason he included Condition #2 in the staff recommendation was because he felt there was a lot of room in the building and if the business expanded, then parking would be a necessity. Ms. Merritt stated that the question was, "When does the additional parking become a necessity?" Ms. Tyler suggested changing 12 employees to 14 employees in Condition #2. This would give Marino Engineering enough room to grow a little. Mr. Lindahl added that another reason for Condition #2 was because parking in the drop-off drive area was not permitted.

Mr. Welch inquired if the number of required parking spaces was calculated based on the number of employees or by the size of the building. Mr. Lindahl replied that the size of the building determined how many parking spaces would be required. Mr. Marino noted that the building would currently be way too big for his company. However, it was hard to find a building looking the way he wanted it to look and in an appropriate location.

Mr. Welch found it amusing that the City had such requirements for a business whose employees were never at the office at the same time on any given day and rarely had visitors. He believed that basing the number of required parking spaces on the size of a building might be a 20th century concept of how business works and not a 21st century concept with so much internet and other means of modern technological ways of doing business. Ms. Merritt responded by saying that the Zoning Board of Appeals could increase the number of employees a little, but by the same token, the Board did not want to create a problem for themselves down the road. By increasing the number of employees from 12 to 13 or 14, then the Board would not create any future problems and would alleviate the problem for the petitioner.

Mr. Warmbrunn questioned what the reason was for not allowing any parking in the drop-off driveway. Mr. Lindahl answered by saying that the reason was because the drop-off driveway was in the setback, and parking is not permitted in front-yard setbacks. Even when the building was used as a daycare, the drop-off parking spots in the driveway were intended for temporary drop-off spots only, not permanent parking. In addition, the driveway was only 20 feet wide. A parking space would have to be 8-1/2 feet wide, which would not leave enough space for the driveway.

Mr. Armstrong felt that this problem was not insurmountable. There was enough space on the site to expand the parking area. It was now a question of what would bring this issue back before this Board. He agreed with Ms. Merritt's suggestion of increasing the number of full-time employees to forestall the possibility of the petitioner coming back again in 6 months. Therefore, he moved that the Zoning Board of Appeals grant the minor variance, ZBA-05-MIN-

02, along with the two conditions recommended by staff with the following change to Condition #2: "If the petitioner's business grows to 14 full-time employees they will inform the City in writing" Mr. Corten seconded the motion.

Mr. Warmbrunn asked for a definition of a full-time employee. Mr. Welch replied that it would be anyone who works 37½ hours or more. Mr. Marino added that they sometimes employ engineering students from the University of Illinois. Mr. Warmbrunn stated that Mr. Marino could hire part-time employees rather than more full-time employees. In which case, Mr. Marino could have a possible 16 employees in total all show up at the office one day, and there may not be enough parking spaces available. Mr. Lindahl believed that full-time equivalent would include 2 half-time employees equaling 1 full-time employee.

Mr. Warmbrunn commented that the only way the City would know if the petitioner was violating the conditional use permit would be to drive by and see the parking lot continually full. Mr. Welch stated that this whole thing only becomes critical if the parking lot was full on consistent basis. Mr. Armstrong remarked that in the event that all of Mr. Marino's employees including the ones in the field and the part-timers were all at the office simultaneously, and the parking lot was maxed out or over the limit, then they would be in violation of the conditional use permit.

Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by unanimous vote.

Mr. Warmbrunn moved that the Zoning Board of Appeals approved the conditional use request, ZBA-05-C-02, along with the condition recommended by staff. Mr. Welch seconded the motion. Roll call was as follows:

Ms. Merritt	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes			

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

Review of the By-Laws

Ms. Tyler presented the By-Laws to the Zoning Board of Appeals. She noted that staff would like to have the Board review them on an annual basis to see if any amendments needed to be made.

Ms. Merritt mentioned that she had two editorial things that have nothing to do with substance, which she would give to staff at the end of the meeting. She opened the discussion up to the other members of the Board. She mentioned that it was very helpful to look up the section of the Zoning Ordinance that pertained to the Zoning Board of Appeals as well.

Mr. Warmbrunn inquired about the 2/3 votes. Mr. Armstrong referred to Article III, Section 5 when stating that the By-Laws does not mention what the membership size of the Zoning Board of Appeals. He believed that the language should read something to the effect of 2/3 of the Board. Mr. Warmbrunn agreed that Section 5 talks about a majority not 2/3 of the Board. Ms. Merritt explained that this was a Rules of Procedure, which was a document that told the Zoning Board how to proceed under certain circumstances. The vote was spelled out more in the Urbana Zoning Ordinance.

Mr. Armstrong commented that the By-Laws become too specific in some language and general in others. If the specifics of how votes are cast relative to minor and major variances are already described in the Urbana Zoning Ordinance, the language in the By-Laws should be changed to read majority rather than specifying the number of required votes. Ms. Tyler felt that the By-Laws needed to be consistent with the Urbana Zoning Ordinance. She suggested that City staff confer with the City's Legal Department to make sure that they refer to the Zoning Ordinance in the By-Laws or be completely consistent in the language with the Zoning Ordinance.

Ms. Merritt suggested that they take out the specific references mentioned in Section 5 and make more references to the Urbana Zoning Ordinance. Also, it might help to package the By-Laws and the Zoning Ordinance together.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler reported on the following:

- Peoria Coach Conditional Use Permit was approved by City Council.
- Marathon Station at the corner of Florida Avenue and Philo Road is moving forward. They purchased some property to the immediate west, so the variance for the setback on the east side no longer applies. Staff anticipated reviewing the building plans soon.
- Next Scheduled Meeting is set for Wednesday, September 21, 2005. There will be at least one case.

August 17, 2005

- OASS Moratorium Extension was approved by City Council. There will be some changes made to the OASS Regulations and to the Sign Regulations as well. This might change the types of variances that the Zoning Board of Appeals receives in the future.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Mr. Corten moved that the Zoning Board of Appeals adjourn. Mr. Armstrong seconded the motion. The meeting was adjourned at 8:34 p.m. by unanimous vote.

Respectfully submitted,

Elizabeth Tyler, City Planner
Urbana Zoning Board of Appeals

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: October 19, 2005

APPROVED

TIME: 7:30 p.m.

PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Harvey Welch

MEMBERS ABSENT Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services;
Robert Myers, Planning Manager; Paul Lindahl, Planner I; Teri
Andel, Secretary

OTHERS PRESENT: Dave Barr, Russ Dankert

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:39 p.m. The roll call was taken. There was not a quorum when the meeting was called to order. Mr. Corten arrived later at 8:00 p.m. Upon his arrival, Chair Merritt declared a quorum.

2. CHANGES TO THE AGENDA

Since there was not a quorum when the meeting was called to order, Chair Merritt opened up the item on the agenda under Old Business titled "Revisions to the Rules of Procedure".

3. OLD BUSINESS

Revisions to the Rules of Procedure

Chair Merritt opened this item for discussion. She believed that the Rules of Procedure were beginning to shape up. She was pleased to see that staff had added even more language from the Plan Commission's Rules of Procedure to that of the Zoning Board of Appeals. She felt that the Zoning Board needed to review the Rules of Procedure on an annual basis.

Mr. Armstrong inquired if the new language regarding “Continuances” allowed Zoning Board members to request a continuance. Elizabeth Tyler, Director of Community Development Services Department, replied yes. For example, if Mr. Corten, who is delayed, could not attend the meeting tonight, then there would not be a quorum. In order to keep the case item under New Public Hearings on track with the City Council meeting on November 7, 2005, the Zoning Board members present could request to continue the case to another date. This would enable staff to hold a special meeting prior to November 7, 2005 for the Zoning Board of Appeals to meet without having to re-notice the public hearing in the newspaper and losing a month’s worth of time.

Chair Merritt inquired if the Zoning Board of Appeals could vote on whether or not to approve the Rules of Procedure or would they need to wait until the next scheduled meeting to do so. Ms. Tyler replied by saying that the Board could vote on the Rules of Procedure at this meeting or they could wait until more members were present to ensure a better representation. Mr. Warmbrunn had a lot of comments at the previous meeting regarding “Continuances”. He was out of town and was unable to comment on any of the newly added language.

There was discussion on whether staff should remove Section 2 from Article I, since they had added an entire article on “Conflicts of Interest”. Staff and Chair Merritt came to the conclusion that it would be best to keep Section 2 in the document, because it was important to state up front that “Any member who has any pecuniary or personal interest in a matter before the Board shall remove himself or herself from any consideration of that matter.”

Ms. Tyler wondered if the Zoning Board of Appeals wanted to explicitly include the following language, “at the request of staff, Zoning Board member, or any interested party” to specify who could request a continuance. This would mean that any one member of the Zoning Board of Appeals could delay a case from being voted on. Ms. Merritt did not believe that even the Chair of the Board should have that power. She believed that a Chair should ask for a vote of the Board.

Mr. Armstrong understood that Mr. Warmbrunn’s concern seemed to center around possible scenarios in which a Board member may wish to ask for a continuance in a case. This was not spelled out in the currently proposed language. Ms. Tyler suggested making the following revision, “...at the discretion of staff, Zoning Board member, or any interested party...”.

Robert Myers, Planning Manager, wanted to clarify whether an interested party could include a neighbor who might be affected and/or someone who lives in the community who feels that a proposed type of activity might affect the community in general. Ms. Merritt stated that an interested party could include anyone. However, she reiterated that the Zoning Board of Appeals as a whole would vote on whether they agree with a continuance or not.

Mr. Myers asked if there was a time limit on how long staff and the Zoning Board of Appeals have to act after an application had been submitted. Ms. Tyler stated that staff had tried to include more citations to the Zoning Ordinance in this last revision, because it was not completely consistent. Therefore, it might be good to reference Section XI-3 of the Zoning Ordinance that refers to timelines, so staff and the Board knows that there is a timeline. Mr. Myers explained that he wanted to make sure that they meet the due process requirements for an application and to avoid someone

accusing the City of purposely suffocating an application. Mr. Myers noted that if there was not a time limit mentioned in the Zoning Ordinance already, then staff could consider setting a time limit.

Mr. Myers suggested that they alter the wording under “Failure of Applicant to Appear” to include more explicit language saying that a case may be dismissed if an applicant fails to appear. Ms. Merritt responded by saying that the word “may” was the key, because sometimes a petitioner does not need the applicant to be present. However, there are times when the Zoning Board of Appeals has questions that only the applicants can answer. Mr. Myers explained that he felt the Rules of Procedure should be more direct concerning this issue. They need to point out that “The Zoning Board of Appeals may dismiss a case for failure of the applicant to appear, which would require a motion and vote. As it currently is worded, it puts emphasis on entertaining a motion rather than actually empowering the Zoning board to dismiss a case.

Ms. Tyler stated that staff would work on the Rules of Procedure some more and bring them back to the Zoning Board of Appeals for their approval at the next scheduled meeting.

Mr. Corten arrived to the meeting at 8:00 p.m. Chair Merritt called a quorum.

4. APPROVAL OF MINUTES

Mr. Armstrong moved to approve the minutes from the September 21, 2005 meeting as presented. Mr. Corten seconded the motion. The Zoning Board of Appeals approved the minutes by unanimous vote.

5. WRITTEN COMMUNICATIONS

There were none.

6. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Merritt swore in members of the audience who wanted to speak during the public hearing.

7. NEW PUBLIC HEARINGS

ZBA-05-MAJ-05: A request for a major variance to allow a 100% encroachment for parking into the required 5-foot side-yard setback at 903 West Nevada in Urbana’s B-3U, General Business—University Zoning District.

Paul Lindahl, Planner I, presented the case to the Zoning Board of Appeals. He showed where the proposed property was located. He explained that the purpose for the variance request was to allow parking to encroach into the side-yard setback on the east side. He gave a brief description of the proposed site and the surrounding properties noting their land uses and current zoning. He talked about the required number of parking spaces and access for the proposed lot. He

reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings outlined in the written staff report,, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals forward Major Variance Case No. ZBA 05-MAJ-5 to the Urbana City Council with a recommendation of approval with the following conditions:

- 1. The development on the site must generally conform to the site plan submitted with the application.*

Mr. Corten inquired if the Fire Department was satisfied with the amount of space there would be for them to get in and put out a fire if needed. Mr. Lindahl responded by saying that the fire department access would be from Nevada. In addition, there was a parking lot immediately behind the proposed lot where the fire department could park the engine and run their hoses up to the building. The Building Safety Division had previously reviewed the plans and stated that the fire separation between the two buildings meets the code.

Dave Barr, petitioner, and Russ Dankert, architect for the project, approached the Zoning Board of Appeals to comment and answer any questions that the Board members may have. Mr. Barr stated that they purchased the building at 903 West Nevada from the University of Illinois. They planned to construct an attractive apartment building similar to the one at 611 West Green Street, which they recently finished.

He noted that they planned to install sprinklers from top to bottom in any structure that they build in the future. This plan comes from a fire that they recently had in a different apartment building that they own.

Mr. Barr went on to describe his plans for the proposed new apartment building. He mentioned that although they have spent a lot of money to maintain the existing building, the caliber of tenants have gone the wrong way. He believed that a new apartment building would attract a better clientele. The proposed building would be safer and much more attractive than the existing building. The proposed building would blend into the neighborhood.

Their commercial tenants in the building next door are in favor of the proposed apartment building. They believe it will increase their businesses.

Mr. Corten inquired as to how much the proposed apartment units would rent for. Mr. Barr replied by saying that they would rent for about \$1,000 a month.

Mr. Corten commented that it appeared to support about two people per apartment. Mr. Barr said yes. They hoped to attract either two people per apartment or professionals who plan to use the second bedroom as a den.

Mr. Myers asked if allowing the encroachment for parking would change in any way how headlights affect the neighboring property. Mr. Dankert answered by saying no. He showed a picture of an opaque fence that would set upon the existing retaining wall. The opaque face of the fence would kill any light. They also planned to plant some landscaping.

Ms. Merritt pointed out that the existing rooming house was currently on an incline. She questioned whether the petitioner planned to cut into the incline. Mr. Dankert said yes. The reason is because when you come off the street there was a maximum rise that they could have for handicap accessibility. They planned to drop the first floor, which would bring the second floor closer down to street level.

Chair Merritt commented that although the Zoning Board of Appeals was not allowed to discuss what a proposed building would look like, it was still very important to all of them. Mr. Dankert said that they felt the application for using the side-yard for parking only was a reasonable one. Of course, they would not intend to move the building out there at all. It was just a variegated B-3U Zoning District that you cannot park at. They wanted to keep the setback on the west, so they would not upset the University of Illinois.

Mr. Corten moved that the Zoning Board of Appeals forward the case to the Urbana City Council with a recommendation for approval along with the condition recommended by staff. Mr. Welch seconded the motion. The roll call for the vote on the motion was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion was passed by unanimous vote. Ms. Tyler noted that the case would go before the City Council on November 7, 2005.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler reported on the following:

- **big.small.all.champaign county** has set a schedule for the community dialogue meetings. She noted that the website is www.bigsmallall.cc.

11. STUDY SESSION

There was none.

October 19, 2005

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:38 p.m. by unanimous vote.

Respectfully submitted,

**Robert Myers, Secretary of the
Urbana Zoning Board of Appeals**

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: November 16, 2005
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover,
Nancy Uchtmann

MEMBERS ABSENT Anna Merritt, Charles Warmbrunn, Harvey Welch

STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner I; Matt
Wempe, Planner I; Teri Andel, Secretary

OTHERS PRESENT: Tom Harrington, Bruce Krueger, Howard Wakeland

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m.

Mr. Corten moved that Paul Armstrong serve as Acting Chair for the meeting in the absence of Anna Merritt. Mr. Schoonover seconded the motion. The Zoning Board of Appeals agreed unanimously.

Mr. Armstrong mentioned that there were new microphones on the dais. He explained how to use them for when the Board members wanted to make comments or ask questions.

The roll call was taken. Mr. Armstrong declared a quorum present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

There was a request to change the spelling from Manger to Manager on page 2, 2nd paragraph from the bottom, of the minutes for the October 19, 2005 meeting. Ms. Uchtmann moved to approve the minutes as corrected. Mr. Corten seconded the motion. The Zoning Board of Appeals approved the minutes by unanimous vote.

NOTE: Mr. Armstrong swore in members of the audience who were planning to testify during any of the public hearings.

4. WRITTEN COMMUNICATIONS

- ☒ Copy of an aerial photo for ZBA Case No. 05-MAJ-06 and Case No. 05-MAJ-07
- ☒ Revised copy of the Rules of Procedure for the Zoning Board of Appeals.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-05-C-03: Request filed by Devonshire Realty for Conditional Use Permit to establish multiple buildings on a single lot along Fairlawn Drive between Vine Street and Anderson Street in the R-5, Medium High Density Multiple Family Residential Zoning District.

Matt Wempe, Planner I, presented the case to the Zoning Board of Appeals. He began by giving a brief description and background of the proposed site. He talked about the purpose for the proposed conditional use permit request. He discussed the parking requirements and the location of the access drives. He noted the table in the written staff report that outlined the zoning and existing land uses of the surrounding properties. He reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. He summarized staff findings, read the options of the Zoning Board, and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Zoning Board of Appeals approve the proposed conditional use permit in case ZBA 05-C-03 along with the following conditions:

1. *That the development shall closely resemble the submitted site plan attached as Exhibit F, unless amended to meet parking or other requirements of the Urbana Zoning Ordinance. Any significant deviation from the site plan will require an amendment to the conditional use permit, including further review and approval by the Zoning Board of Appeals.*

2. *That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.*
3. *That the petitioner shall submit a parking and access plan.*

Mr. Corten inquired if drainage and sewage had been considered with the construction of the new buildings. Mr. Wempe responded by saying that drainage had not been looked at, because the petitioner had not submitted a drainage plan to accommodate the increased impervious area. However, a drainage plan would be required by the Urbana Subdivision and Land Development Code. Therefore, the petitioner would need to submit their calculations to the Urbana Engineering Division to determine any additional capacity or improvements.

Mr. Corten stated that cases are usually brought to the Zoning Board of Appeals after their designs are complete. He wondered if there was a reason as to why this case was brought before them before all the plans have been submitted. Mr. Wempe noted that the case was brought forward because the petitioner wanted to move ahead. The first hurdle in the entire process of building the proposed units was getting permission to actually build more than one new unit. The petitioners realize that they will probably have to come back for additional variance approvals. City staff will be working with the petitioners on this.

Mr. Corten noticed that the picture of what the proposed units would look like shows a garage at both ends of the building. He asked how people would access the garages that would not be facing the street. Mr. Wempe explained that there would be 20 units that would not have an attached garage.

Ms. Uchtmann expressed concern about whether the eight additional buildings would destroy the atmosphere of Fairlawn Village making it less desirable. Will the proposed new buildings decrease the value of the existing buildings? Will there be more problems created to maintain the existing units? When driving through Fairlawn Village, she noticed that the street side had been maintained much better than the back side of the units. Mr. Wempe said that the petitioner could speak to the marketability of the proposed sites. As far as impacting the neighborhood, there would still be several large courtyards even after the petitioner constructed the new units. The proposed site was zoned for medium high density multiple families, and it was currently not being used to its highest and best use. Although there would be additional buildings, the petitioner would still be maintaining some of the things that make Fairlawn Village unique, such as the larger open spaces.

Ms. Uchtmann questioned whether there would be enough green space to meet the open space requirements if the driveways are put in along Fairlawn Avenue. Mr. Wempe noted that the driveways shown on the site plan would be roughly 45 feet wide. The City Engineer had expressed some concern with the width, so it will be something that the staff and the petitioner will discuss. There was really no requirement for this though. The open space requirement was roughly calculated for the entire site, and there would be substantial green space throughout the site.

Tom Harrington, of Devonshire Realty, addressed the Board to answer any questions.

Mr. Corten inquired as to how the existing units were being used – rented or purchased. Mr. Harrington stated that the existing units were all rental units now. Mr. Corten asked if it was considered low income or medium income housing. Mr. Harrington replied that it was considered medium housing with some graduate student housing. Mr. Corten questioned whether the proposed new units would attract a different group than what currently resides there now. Mr. Harrington believed that the new units would be marketed at a higher price than the resale of the existing buildings.

Mr. Corten inquired if the units would be generally air-conditioned as well as automatic heating. Mr. Harrington said yes. He mentioned that the new units would sell for \$120,000 to \$130,000 per unit.

Ms. Uchtmann wondered why the petitioner was planning to build 45-foot wide driveways. Mr. Harrington was not sure that they were planning this. The site plan showed the driveways coming straight out from the units to the street. At this point, we were just looking at a general site plan. When they get to the building permit process, they will define how wide the driveways would actually be. He believed that they would be more like a standard driveway to that size unit, which is about 25 feet, and it would flair out to the building.

Mr. Corten commented that this appeared to be a very attractive area for families with children in that the schools were so closely located. Mr. Harrington agreed.

Ms. Uchtmann inquired if the petitioner had a concern about decreasing the ambience of the area. Mr. Harrington believed that the proposed new units would increase the ambience of the area. It is fairly low and spread out now, but with the proposed new buildings being different heights, it would create more of a village atmosphere. The existing buildings were rehabilitated about 12 years ago with new siding. The new plan involves new roofing, shutters, fencing and patios on the existing buildings. Then, the existing buildings should match the look of the new construction.

Mr. Corten inquired if the converted apartments would sell for less. Mr. Harrington replied by saying that the one bedroom units would sell for \$65,000 to \$70,000, and the two bedroom units would sell for \$80,000 to \$90,000.

Mr. Corten asked if the petitioner experienced students attending the University of Illinois to purchase apartments rather than renting them. Mr. Harrington saw that in some instances, parents bought units for their children to live in. It was very hard to find anything to purchase for under \$100,000. Therefore, they felt there would be a good market for the proposed and the existing units. The petitioners felt that the area would be better served by home ownership rather than trying to continue to maintain an apartment complex.

Mr. Corten questioned if there would be lots accorded to each of the units sold. Mr. Harrington replied no. These would be considered condominiums, and there would be a homeowner's association to maintain the grass and snow removal.

Ms. Uchtmann commented that from Fairlawn Avenue, one would see the four garages. Mr. Harrington said that was true for some of the units. Ms. Uchtmann stated that four garages consisted of a lot of concrete. Mr. Harrington remarked that if you went down a similar stretch of street in a residential area, there would be far more garages and concrete than what would be in the stretch at Fairlawn Village. He pointed out that they planned to add additional garages for each of the existing units, which would help the parking situation.

Mr. Corten inquired if every unit would have an indoor garage, even though it might not be heated. Mr. Harrington replied by saying that most of the units would have a garage, some would be attached and some would be detached.

Robert Myers, Planning Manager, noted that the central question was the number of buildings on one lot. Would it be reasonable to expect that 150 – 160 unit apartments be in one building or could it be in more than one building? Typically, the Zoning Ordinance only allows one building on a lot for a principal use. Here an existing apartment complex already exists with a number of buildings on one lot.

Mr. Corten moved that the Zoning Board of Appeals approve the requested condition use permit along with the conditions recommended by staff as amended during this hearing. Mr. Schoonover seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Mr. Schoonover	-	Yes
Ms. Uchtmann	-	Yes	Mr. Armstrong	-	Yes

The motion was passed by unanimous vote.

ZBA 05-MAJ-06 – A Major Variance to encroach 8 feet into the required 15-foot front-yard setback on Main Street in the B-3U, General Business-University Zoning District.

ZBA 05-MAJ-07 – A Major Variance to encroach 10 feet into the required 15-foot front-yard setback on Harvey Street in the B-3U, General Business-University Zoning District.

Paul Lindahl, Planner I, presented these two cases together to the Zoning Board of Appeals. He began by explaining the purpose for the two requested major variances. He described the proposed site and the properties in the surrounding area. He talked about the B-3U, General Business—University Zoning District and the Urbana Comprehensive Plan’s Future Land Use classification of Campus Mixed-Use. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to the two cases. He read the options of the Zoning Board of Appeals in both cases. He presented staff’s recommendations for each variance request, which were as follows:

ZBA-05-MAJ-06:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public

hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the variance to the Urbana City Council for Case #ZBA-05-MAJ-6 with the following conditions:

- 1. That with respect to front yard setback the development on the site must generally conform to the site plan submitted with the application.*
- 2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.*

ZBA-05-MAJ-07:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the variance to the Urbana City Council for Case #ZBA-05-MAJ-7 with the following conditions:

- 1. That with respect to front yard setback the development on the site must generally conform to the site plan submitted with the application.*
- 2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.*

Ms. Uchtmann asked what the setback of the apartment building directly to the south along the Harvey Street side and along the West Main Street side. Mr. Lindahl answered by saying that the setback appeared to be 15 feet along both streets.

Ms. Uchtmann inquired as to what the setback was for the apartment building at the corner of Main Street and Gregory Street. Mr. Lindahl explained that staff did not actually measure the setbacks of these other apartment buildings. However, staff believes that the apartment buildings were constructed at the required setback of 15 feet.

Mr. Corten inquired about the design on Exhibit F. Mr. Lindahl explained that Exhibit F shows the ground level. Most of the area is taken up with parking. However, there would be two apartment units built on the ground level as well. These two apartments would conform to the American Disabilities Act requirements for handicap accessibility.

Mr. Corten asked what Unit 1 would be. Another apartment? Storage? Mr. Lindahl stated that the petitioner would have to answer this question. He was not sure whether this space would be empty or not.

Mr. Corten questioned if the rest of the building would be on top of the ground level. It would all be apartments? Mr. Lindahl said that was correct. Mr. Myers pointed out that the dotted line going around the parking area and the two proposed units indicated the envelope of the building above the parking level.

Howard Wakeland, petitioner, addressed the Zoning Board of Appeals to answer any questions that they may have.

Mr. Corten asked if Mr. Wakeland intended to use Unit 1 as a storage area. Mr. Wakeland stated that the area labelled "Unit 1" on Exhibit F had not been designated as anything yet. It could be used as a storage space or as an additional apartment unit. It will not be built in the first phase. He pointed out that the mechanical room would be located in the basement under the first/ground level apartments.

Mr. Schoonover assumed the reason for not moving the proposed building back further from Harvey Street in Phase 1 towards the proposed building in Phase II was due to the amount of space it would take to maneuver a vehicle in the proposed parking lot. Since Unit 1 was not planned to be anything, why not move the proposed building back further away from the street? Mr. Wakeland said that the controlling measurement was parking. The parking figuration requires them to need a variance for the setback along Harvey Street.

Mr. Myers asked Mr. Wakeland to explain to the Zoning Board of Appeals why he was requesting a major variance to build one-bedroom apartments. Mr. Wakeland believed that a person who builds a unit of one-bedroom apartments is at a disadvantage when it comes to considering the parking requirements. Regardless of whether you build a one-bedroom apartment complex or a two-bedroom apartment complex, the City requires only one parking space for either. If he wanted to maximize his profits and the City's tax base, then he would be smart to build two-bedroom units. However, there were some things that he did not like about two-bedroom apartments, and there was a very good market for one bedroom apartments. Maintenance in one-bedroom apartment complex is much lower. There is less partying and alcohol, etc. Mr. Myers mentioned that the Planning Division was working on changing the zoning standard for the parking, so it would no longer be based on the size of the bedroom. It soon will be based on the number of bedrooms in a unit.

Mr. Corten inquired if the units would be rentals. Mr. Wakeland replied yes. Mr. Corten questioned how much the rent would be. Mr. Wakeland noted that his company operates a little differently than other rental companies. They believe that every apartment should have its own laundry area. Wakeland Rentals has their own computer network among all of their buildings. They also provide cable television and fully furnished apartments. With these amenities, two bedroom apartments rent for \$1,000 per month, and one-bedroom apartments rent for \$690 to \$760 per month. He noted that they have been fully rented since 1968.

Mr. Corten asked if the tenants pay their own utilities. Mr. Wakeland replied yes. The cost of the utilities depends on the tenant and how often they use electricity and water, etc.

Mr. Wakeland went on to explain that there were six houses from the corner to where Phase II would end. Only one of the six houses was worth keeping. The other five needed to be demolished. Three of the six houses are still there and will be demolished next year.

He mentioned that the company is family owned and run. His son is a master builder. They do not want the company to get too large. This is the reason why they are planning to build this in two phases.

November 16, 2005

Mr. Corten asked if the demand was great for one-bedroom apartment units. Mr. Wakeland said yes. He noted that they keep security under control. Someone is in their apartment buildings everyday. The location of the proposed new apartment building is ideal. It is close to campus. If they were not right across the street from campus, he would not be planning to build the proposed apartment building. He also pointed out that the proposed new apartment building would increase the taxes about ten-fold from what the City had been getting on these lots.

Mr. Corten asked staff if Mr. Wakeland would have to come back to the Zoning Board of Appeals with a design that is more complete. Mr. Wakeland mentioned that he had submitted final plans and was in the process of working with the City's Engineering Division and with the Building Inspector. Mr. Lindahl added that the final plans would be reviewed for all the different zoning compliance factors, building safety factors, and engineering factors.

Mr. Corten asked what the Zoning Board of Appeals was to be considering at this meeting. Mr. Lindahl said that the Zoning Board of Appeals was to decide whether or not the proposed apartment building should be allowed to encroach into the front-yard setbacks on Harvey Street and Main Street at 1014 and 1016. These two major variances were not for any part of the building that would encroach into the front-yard setback in Phase II. Mr. Wakeland would need to get another setback variance for that.

Ms. Uchtmann inquired if there would be any underground parking. Mr. Wakeland said no, because the cost is too expensive.

Ms. Uchtmann asked if Mr. Wakeland planned to have the building encroach into the front-yard setback in Phase II as well. Mr. Wakeland replied yes. He should have requested the variance request for the setback encroachment for Phase II be included in with the proposed setback variance request, but he did not think to do so.

Ms. Uchtmann questioned what Mr. Wakeland would propose to build if he did not get approval of the major variance requests. Mr. Wakeland responded by saying that was a good question. He almost had a University of Illinois (U of I) commitment to lease a building on the proposed site, but the U of I backed out at the last minute. Therefore, he would probably consider building up higher, which would add a great expense. Ms. Uchtmann remarked that in order to get the same number of apartments, Mr. Wakeland would only need to build one additional story.

Mr. Wakeland went on to say that the limiting criterion was parking. That was what they were talking about earlier.

Mr. Armstrong inquired if the parking along Harvey Street would be partially screened from view. Mr. Wakeland said that they would be using the same technique as they did at 204 Harvey and 203 Gregory. The City of Urbana has always seemed to be pleased with it. It will look nice.

Ms. Uchtmann asked for clarification on how it would be considered a penalty to require a parking space for each one bedroom apartment. Mr. Lindahl explained that the City's parking requirements were currently based upon the size of the bedroom(s). Bedrooms that are 120 square feet in area or less require ½ of a parking space for each bedroom. Therefore, an

apartment with two small bedrooms would require one parking space. For a one bedroom apartment, there was basically a minimum of one parking space per dwelling unit. Two bedroom apartments lease for more money. As a result, many investors do not want to invest in the cost of a single parking space of a one bedroom unit, when they could get 40% more money for a two bedroom apartment with the same parking requirement.

Mr. Corten questioned whether an amendment to the parking requirement would affect Mr. Wakeland during Phase II. Mr. Wempe mentioned that he was working on the Zoning Ordinance update. An amendment would not necessarily change, because it would assume the ratio of ½ parking space per bedroom. Single bedroom and efficiency apartment buildings would still be required to provide one bedroom per unit. It would affect the developers and property owners of two-bedroom apartments by freeing them to provide larger sized bedrooms without the penalty of having to provide more parking spaces.

Bruce Krueger, of 806 West California Avenue, stated that he owns a rental apartment building on the south side of Main Street, just east of Harvey Street. His property is zoned B-1, Neighborhood Business Zoning District. The proposed site owned by Mr. Wakeland is zoned as B-3U, General Business—University Zoning District. Development consisting of only multi-family housing is discouraged in the B-3U. He mentioned that the development on Gregory Street, between Oregon and Nevada Streets that had been approved for a variance to their setback was a multi-use building. It has businesses on the first floor and residential use above. Everything else on the block has 15 feet setbacks.

Mr. Krueger believed that the only reason for Mr. Wakeland's variance request is to be able to increase his profits and provide more taxes for the City of Urbana. He did not believe that it had anything to do with meeting the parking requirements. He felt that if Mr. Wakeland would offer to have businesses on the first floor, then it would be okay to approve the variance request.

Mr. Corten asked if Mr. Krueger was in opposition of the proposed variance request. Mr. Krueger answered by saying that he basically objected the whole proposal; however, he did have some ambivalence towards it. It seems special treatment to get a free pass on the variance when there was no benefit other than enhance taxes for the City of Urbana and profit for Mr. Wakeland.

Mr. Corten commented that in one sense it appeared to be a win-win case except that the variances are now different, and other property owners did not get these when developing previous properties in the area. Mr. Krueger said that was correct. If this is the case, then why are the ordinances in place? Why not change them for everyone? Mr. Schoonover stated that most property owners and developers probably did not realize that there was an ordinance. They might have been able to develop bigger had they chosen to ask for variances. However, some variances are denied because of the location, reason, etc. Not all variances are approved.

Mr. Armstrong pointed out that the Zoning Board of Appeals could not address issues of the past. They could only discuss and vote on whether or not to approve the proposed variance request. So, to clarify, he understood that Mr. Krueger's objection to the proposed variance request was based upon principal. It was not that this development would pose an encumbrance

on him or his property. Mr. Krueger stated that this was true. It also might set a precedent as well for other property owners and developers to ask for variances to the setback requirements.

Ms. Uchtmann felt that approving this case would set a precedent for the area. When you look at an area that has a smaller setback, it has a completely different feel and a different appearance. She believes that it is a less desirable appearance and makes the whole campus a little less desirable looking. A five-foot, seven-foot or eight-foot setback is very small from the sidewalk. It really pushes the building so close to the sidewalk that there is very little green space, and people would be essentially living on the sidewalk. Mr. Corten commented that the University of Illinois is buying up these properties at a considerable rate. The U of I will construct buildings right out to the sidewalk. Mr. Krueger noted that his understanding was that the U of I only intended to buy up to Harvey Street.

Mr. Armstrong stated that they could not speculate on the U of I's intentions. He went on to say that regarding the issue of setbacks in this particular district, he believed that this district was undergoing a great deal of urbanization. He believed the setbacks would be under greater scrutiny in the future. We can already see it happen with other properties that are adjacent to the campus, such as the old Stratford Court area. The new development there has been built right directly against the street. He thought this kind of strategy was more urban in a conscious way. The strategy was to push the building close to the street edge to define the street edge.

Mr. Corten commented that setback is very important in a residential neighborhood area, but he saw this as being different.

Mr. Myers reiterated the criteria that the Zoning Board of Appeals must use to make a decision.

Mr. Schoonover moved that the Zoning Board of Appeals forward a recommendation for approval to the City Council on ZBA Case No. 05-MAJ-06. Mr. Corten seconded the motion. Roll call was as follows:

Mr. Schoonover	-	Yes	Ms. Uchtmann	-	Nay
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes

The motion to approve ZBA Case No. 05-MAJ-06 was approved by a 3-1 vote.

Mr. Corten moved to that the Zoning Board of Appeals forward a recommendation for approval to the City Council on ZBA Case No. 05-MAJ-07. Mr. Schoonover seconded the motion. Roll call was as follows:

Ms. Uchtmann	-	Nay	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes	Mr. Schoonover	-	Yes

The motion to approve ZBA Case No. 05-MAJ-07 was approved by a 3-1 vote.

7. OLD BUSINESS

Revisions to the Rules of Procedure

Mr. Armstrong mentioned that the Zoning Board of Appeals had previously decided to table this topic until this meeting due to not having a full representation of the Board. Again, they did not have a full representation and the Chair, Anna Merritt, was absent during this meeting. Therefore, he recommended that the Zoning Board of Appeals allow this issue to carry over to the next scheduled meeting. Mr. Corten seconded the motion.

Mr. Wempe explained that the next meeting for the Zoning Board of Appeals was scheduled for December 21, 2005. There is a concern of whether there would be more members in attendance with it being so close to Christmas Holiday. Also, there were no regular agenda items scheduled for that meeting as of yet. The deadline for an application to be submitted was only two weeks away. Therefore, if the next scheduled meeting is cancelled, then this issue would not be reviewed and voted upon until possibly January, 2006. He reminded the Board members that they would be reviewing the Rules of Procedure on an annual basis, and delaying this would bring it pretty close to the annual review. Staff encouraged the Board to make a decision at this meeting.

He noted that staff had made changes as requested by the Board over the last three months. He reviewed some of the changes that were a major concern for the Board members.

Mr. Armstrong pointed out that Ms. Merritt had previously expressed her satisfaction with the changes made by staff at the last meeting. He recalled that Mr. Warmbrunn had previously raised questions about the issue of "continuances". He believed that the language for continuances had been addressed.

Mr. Schoonover raised a question regarding Article III, Section 4, which states "*Public hearings may be held by less than a quorum of the Zoning Board of Appeals; however, such public hearings shall be continued until a quorum is present, at which time a vote may be taken.*" Does this mean that the members present without a quorum would open a case and listen to three hours of testimony and not take a vote until the next meeting when a quorum is present? The members that were absent would need to hear the testimony all over again. Mr. Wempe explained that it was more for petitioners coming from a long distance away to be able to have their testimony heard.

Mr. Schoonover moved that the Zoning Board of Appeals approve the amended Rules of Procedure. Ms. Uchtmann seconded the motion. Roll call was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Mr. Schoonover	-	Yes	Ms. Uchtmann	-	Yes

The motion was approved by unanimous vote.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- **903 West Nevada** major variance request was approved by City Council.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:23 p.m. by unanimous vote.

Respectfully submitted,

**Robert Myers, Secretary of the
Urbana Zoning Board of Appeals**

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: December 21, 2005
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT: Herb Corten, Anna Merritt, Nancy Uchtmann, Charles Warmbrunn
MEMBERS ABSENT Paul Armstrong, Joe Schoonover, Harvey Welch
STAFF PRESENT: Robert Myers, Planning Manager; Matt Wempe, Planner I; Tony Weck, Secretary
OTHERS PRESENT: Jeffery Edwards

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 8:00 p.m. The roll call was taken with the members noted above being present. Ms. Merritt declared a quorum present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Warmbrunn moved that the Zoning Board of Appeals approve the minutes from the November 16, 2005 meeting as presented. Ms. Uchtmann seconded the motion. The Zoning Board of Appeals approved the minutes as presented by unanimous vote.

NOTE: Ms. Merritt swore in members of the audience who planned to testify during the public hearing.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-05-MIN-03: A request to allow a 14.6% increase in the size of a highway-oriented freestanding sign at 1003 Kenyon Road in the B-3, General Business Zoning District.

Matt Wempe, Planner I, presented the case to the Zoning Board of Appeals. He gave a brief description and background of the proposal and site. Mr. Wempe reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to minor variance requests. Holiday Inn Express is a highway-oriented business but which has poor visibility from Interstate 74. Limited visibility is specific to this property because of the unusually wide interstate right-of-way at this location due to a regional detention basin being located there. Exhibits were presented showing that the interstate right-of-way at other I-74 interchanges in Urbana is a much narrower width, meaning that adjoining highway-oriented business signs in those locations are readily visible from either the interstate or off ramps. The applicants had first requested a larger sign but agreed to reduce the size so as to be the minimum variance necessary. City staff recommended that the Zoning Board of Appeals grant a minor variance for Case No. ZBA 05-MIN-03 with the following conditions:

1. *That the sign shall only be located on the Holiday Inn Express property, as illustrated in Exhibit G of the written staff report. The sign may only be placed on the adjacent Illinois Department of Transportation right-of-way with written approval from IDOT officials, or upon the purchase of said right-of-way.*
2. *That the sign shall be constructed in substantial conformity with the submitted site plan illustrating the design and location.*

Ms. Merritt opened the public hearing. Jeffrey Edwards, General Manager of Holiday Inn Express, approached the Zoning Board of Appeals to answer questions. With no further public comment, Ms. Merritt closed the public hearing. Following closing the public hearing, Mr. Warmbrunn moved that the Zoning Board of Appeals approve the request for a minor variance in Case No. ZBA 05-MIN-03 with the conditions recommended in the staff report. Mr. Corten seconded the motion. A roll call vote resulted as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:23 p.m. by unanimous vote.

Respectfully submitted,

Robert Myers, Secretary
Urbana Zoning Board of Appeals