



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Zoning Board of Appeal members

**FROM:** Robert Myers, AICP, Planning Manager

**DATE:** April 11, 2008

**SUBJECT:** 2007 Zoning Board of Appeals Annual Report

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Please find attached a compact disc containing the complete 2007 Zoning Board of Appeals Annual Report, including attachments such as all meeting minutes from that year. A paper copy of the summary report is also attached for your convenience. Should you wish to have a paper copy of the entire 2007 Annual Report, including attachments, you are welcome to contact Teri Andel, Planning Secretary, at 384-2440 or [tmhayn@city.urbana.il.us](mailto:tmhayn@city.urbana.il.us) who can provide a copy for you.

**Overview**

In the calendar year 2007, the Zoning Board of Appeals met 6 times and considered 13 cases. That was fewer meetings but more cases than in 2006. A summary of past years case activity is below.

<b>Year</b>	<b>Meetings</b>	<b>Cases</b>
2000	10	13
2001	9	23
2002	8	17
2003	9	20
2004	7	19
2005	9	15
2006	10	11
2007	6	13

This report contains a summary of each case considered in 2007 by case type. Decision sheets, Ordinances as adopted, and minutes are also included.

**Members of the Zoning Board of Appeals included:**

Paul Armstrong, Herb Corten, Anna Merritt, (chairperson), Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn, and Harvey Welch.

**Staff support to the Zoning Board of Appeals was provided by:**

Libby Tyler, AICP	Director of Community Development Services, Zoning Administrator and City Planner
Robert Myers, AICP	Planning Manager, and Secretary of the Zoning Board
Jeff Engstrom	Planner I
Lisa Karcher, AICP	Planner II
Paul Lindahl, AICP	Planner II
Matt Wempe	Planner II
Teri Andel	Planning Secretary

**2007 ZBA Meeting Dates**

January 31      April 18      May 16      June 20      September 19      November 14

There were no meetings held in the months of February, March, July, August, October, or December.

**2007 Zoning Board of Appeals Activity Log**

<b>Total Number of Applications Submitted</b> .....	19
Number of Cases Heard .....	13
Number of Cases Withdrawn .....	6
Number of Cases Incomplete .....	0

**APPEAL REQUESTS**

<b>Total Number of Appeals Heard</b> .....	0
♦ N/A	
<b>Number of Appeals Denied by the Zoning Board of Appeals</b> .....	0

**CONDITIONAL USE PERMIT REQUESTS**

<b>Total Number of Conditional Use Requests Heard</b> .....	3
<b>By Type:</b>	
♦ Allow an Adult Daycare use in the R-2 Zoning District	
♦ Allow two principal uses on a single lot in the B-4E Zoning District	
♦ Allow the establishment of a “Gasoline Station” in the B-4E Zoning District	
<b>Number of Conditional Use Permit Requests Approved by the Zoning Board of Appeals</b> .....	3

**MINOR VARIANCE REQUESTS**

<b>Total Number of Minor Variance Requests Heard</b> .....	3
<b>By Type:</b>	
♦ Reduce the side yard setback from 5 feet to 4 feet in the R-2, Single-Family Residential Zoning District.	
♦ Allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than required in the B-3U, General Business-University Zoning District.	
♦ Allow installation of a 20 square foot wall sign in the B-3, General Business Zoning District.	
<b>Number of Minor Variance Requests Granted by the Zoning Board of Appeals</b> .....	3

**MAJOR VARIANCE REQUESTS**

**Total Number of Major Variance Requests Heard ..... 7**

**By Type:**

- ◆ Allow a 460% increase in the display area of a projecting sign and to install the sign on the second level of the building the B-4, Central Business Zoning District.
- ◆ Allow an accessory structure in excess of 1,000 square feet in the IN, Industrial Zoning District.
- ◆ Allow vehicles to back out onto a street from a commercial use in Urbana’s B-2, Neighborhood Business—Arterial District.
- ◆ Allow a reduction in side yard setback from 5 feet to 3 feet in Urbana’s R-2, Single-Family Residential Zoning District.
- ◆ Allow a 126% increase in the display area of an institutional sign in the R-4, Medium Density Multiple-Family Residential Zoning District.
- ◆ Allow a reduction in side yard building setbacks to 5 feet in the B-3, General Business Zoning District.
- ◆ Allow an 11-foot and 11-inch encroachment into the required 22-foot rear yard, including a 3-foot and 1 ½-inch encroachment of a terrace overhang in the B-3, General Business Zoning District.

**Number of Major Variance Requests Recommended for Approval  
by the Zoning Board of Appeals ..... 7**

**Number of Major Variance Requests Approved by the City Council ..... 7**

**Number of Major Variance Requests Denied by the City Council ..... 0**

## CASE SUMMARIES:

### Appeals

#### **ZBA-2007-A-1**

502 and 504 West Elm Street

An appeal by Campus Property Management of a decision made by the Development Review Board in regard to case DRB-2007-01 for a development of three multi-family housing structures in the MOR Mixed Office Residential Zoning District.

*Case Withdrawn*

### Conditional Use Permits

#### **ZBA-2007-C-01**

1301 South Busey Avenue

A request filed by James Voigtlander for a Conditional Use Permit to allow the establishment of a “Dwelling, Single-Family” as a second principal use and structure in the R-7, University Residential Zoning District.

*Case Withdrawn*

#### **ZBA-2007-C-02**

104 North Vine Street

A request by SM Properties Urbana, LLC for a Conditional Use Permit to allow the establishment of two principal uses on a single parcel of land in the B-4E, Central Business - Expansion Zoning District.

*Case Heard and Approved by the Zoning Board of Appeals on June 20, 2007 by a vote of 5 ayes - 0 nays (Document No. 2008R06162)*

#### **ZBA-2007-C-03**

104 North Vine Street

A request by SM Properties Urbana, LLC for a Conditional Use Permit to allow the establishment of a “Gasoline Station” in the B-4E, Central Business - Expansion Zoning District.

*Case Heard and Approved by the Zoning Board of Appeals on June 20, 2007 by a vote of 5 ayes - 0 nays (Document No. 2008R06163)*

**ZBA-2007-C-04**

1910 Kathryn Street

A request filed by Ms. Cherry Boland-Williams for a Conditional Use Permit to allow the establishment of a “Day Care Facility” in the R-2, Single-Family Residential Zoning District.

*Case Heard and Approved by the Zoning Board of Appeals on September 19, 2007 by a vote of 4 ayes – 2 nays (Document No. 2008R06164)*

**Minor Variances**

**ZBA 2007-MIN-1**

1306 Dublin Street

A request filed by Habitat for Humanity of Champaign County to reduce the west side yard setback from 5 feet to 4 feet in Urbana’s R-2, Single-Family Residential Zoning District.

*Case Heard and Approved by the Zoning Board of Appeals on April 18, 2007 by a vote of 4 ayes - 0 nays (Document No. 2007R23220)*

**ZBA 2007-MIN-02**

904 West Green Street

A request filed by Betsy Hendrick, owner of Hendricks House student dormitory, to allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than required in the B-3U, General Business-University Zoning District.

*Case Heard and Approved by the Zoning Board of Appeals on June 20, 2007 by a vote of 5 ayes - 0 nays (Document No. 2008R06165)*

**ZBA 2007-MIN-03**

100 South High Cross Road

A request filed by Adams Signs & Graphics Company a contractor for Wal-Mart Stores, Inc. for a Minor Variance to allow installation of a 20 square foot wall sign located in the B-3, General Business Zoning District.

*Case Heard and Approved by the Zoning Board of Appeals on September 19, 2007 by a vote of 6 ayes - 0 nays (Document No. 2008R06166)*

**ZBA 2007-MIN-04**

101 South Lincoln Avenue

A request filed by Derek and Melissa Brashear for a Minor Variance to allow a reduction in required parking from seven spaces to six spaces in the B-3U General Business University Zoning District.

*Case Withdrawn*

**Major Variances**

**ZBA 2007-MAJ-01**

110 West Main Street

Request by Carmen Davis Kirby (Bella Home) for a Major Variance to allow a 460% increase in the display area of a projecting sign and to install the sign on the second level of the building in the B-4, Central Business Zoning District.

*Case Heard and Recommended for Approval by the Zoning Board of Appeals on January 31, 2007 by a vote of 6 ayes - 1 nay*

*Case Heard and Approved by City Council on February 5, 2007 by a vote of 7 ayes - 0 nays (Ordinance No. 2007-02-020)*

**ZBA 2007-MAJ-02**

1714 East Airport Road

Request filed by Gregory and Denise Reynolds for a Major Variance to permit a 3,500 square foot accessory structure, in the IN, Industrial Zoning District.

*Case Heard and Recommended for Approval by the Zoning Board of Appeals on April 18, 2007 and then re-heard and again Recommended for Approval on May 16, 2007 by a vote of 5 ayes - 0 nays*

*Case Heard and Approved by City Council on June 4, 2007 by a vote of 7 ayes - 0 nays (Ordinance No. 2007-06-050)*

**ZBA 2007-MAJ-03**

311 West Springfield Avenue

Request for a Major Variance to allow vehicles to back out onto Springfield Avenue from a commercial use in the B-2, Neighborhood Business – Arterial District

*Case Heard and Recommended for Approval by the Zoning Board of Appeals on April 18, 2007 by a vote of 4 ayes - 0 nays*

*Case Heard and Approved by City Council on May 7, 2007 by a vote of 6 ayes - 0 nays (Ordinance No. 2007-05-037)*

**ZBA 2007-MAJ-04**

1306 Dublin Street

A request filed by Habitat for Humanity of Champaign County to reduce the side yard setback from 5 feet to 3 feet in Urbana's R-2, Single-Family Residential Zoning District.

*Case Heard and Recommended for Approval by the Zoning Board of Appeals on April 18, 2007 by a vote of 4 ayes - 0 nays*

*Case Heard and Approved by City Council on May 7, 2007 by a vote of 6 ayes - 0 nays (Ordinance No. 2007-05-036)*

**ZBA 2007-MAJ-05**

1500 North Lincoln Avenue

Request by Vineyard Church for a Major Variance to allow a 126% increase in the display area of an institutional sign in the R-4, Medium Density Multiple-Family Residential Zoning District.

*Case Heard and Recommended for Approval by the Zoning Board of Appeals on May 16, 2007 by a vote of 5 ayes - 0 nays*

*Case Heard and Approved by City Council on June 4, 2007 by a vote of 7 ayes - 0 nays (Ordinance No. 2007-06-047)*

**ZBA 2007-MAJ-06**

1008, 1010 and 1012 West University Avenue

Request for a variance filed by Trammell Crow Higher Education Development, Inc. to allow a reduction in side yard building setbacks to five feet for a mixed commercial/residential building in the B-3, General Business Zoning District.

*Case Heard and Recommended for Approval by the Zoning Board of Appeals on June 20, 2007 by a vote of 5 ayes - 0 nays*

*Case Heard and Approved by City Council on July 9, 2007 by a vote of 7 ayes - 0 nays (Ordinance No. 2007-07-072)*

**ZBA 2007-MAJ-07**

2502 South Race Street

Request filed by Stone Creek Church for Major Variance to allow an increase in the size of an institutional sign from 3x8 to 10x4 in the R-3 Single and Two-Family Residential Zoning District.

*Case Withdrawn*

**ZBA 2007-MAJ-08**

1008, 1010 and 1012 West University Avenue

Request by Trammell Crow Higher Education Development, Inc. to allow an 11-foot and 11-inch encroachment into the required 22-foot rear yard, including a 3-foot and 1 ½-inch encroachment of a terrace overhang in the B-3, General Business Zoning District.

*Case Heard and Recommended for Approval by the Zoning Board of Appeals on November 14, 2007 by a vote of 6 ayes - 0 nays*

*Case Heard and Approved by City Council on November 26, 2007 by a vote of 6 ayes - 0 nays (Ordinance No. 2007-11-132)*



**ZBA 2007-MAJ-09**

A request to allow an Electronic Message Board (LED) Sign to increase the frequency of message changes from once per three minutes to six times per minute at the south east corner of Windsor and Philo Roads in the B-3, General Business Zoning District.

*Case Withdrawn*

**ZBA 2007-MAJ-10**

101 South Lincoln Avenue

A request filed by Derek and Melissa Brashear for Major Variance to allow parking to encroach 100% into the required front yard setback along Western Avenue in the B-3U General Business University Zoning District.

*Case Withdrawn*

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**CITY OF URBANA  
ZONING BOARD OF APPEALS**

**DECISION SHEET**

**REQUEST FOR MINOR VARIANCE  
IN CASE #ZBA-2007-MIN-01**

**2007R23220**

RECORDED ON  
08/22/2007 03:37:06PM  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC FEE: 25.00  
RHSPS Fee:  
REV FEE:  
PAGES 3  
PIAT ACT: 0  
PIAT PAGE:

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, April 18, 2007 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case **#ZBA-2007-MIN-01** a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

**A request filed by Habitat for Humanity of Champaign County to reduce the west side yard setback from 5 feet to 4 feet at 1306 Dublin Street in Urbana's R-2, Single-Family Residential Zoning District..**

The subject property affected by this case is described more particularly as follows:

**Common Street Address:** 1306 Dublin Street

**Owner of Record:** City of Urbana

**Permanent Parcel No:** 91-21-07-256-010

**Legal Description:** The east 33 feet of Lot 8 in Block 14 in Seminary Addition to Urbana as per plat recorded in Deed Record "Y" at page 208, situated in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **four ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance based on the following findings:

1. Habitat for Humanity of Champaign County wishes to build a 26-foot wide home on a 33-foot wide lot, to be donated by the City of Urbana.
2. The lot is an existing non-conformity which was created prior to the adoption of the Zoning Ordinance.
3. The petitioner is requesting a variance to encroach 1 foot into the required 5-foot side yard on the east property line.
4. The requested variance meets all of the criteria required in Section XI-3.C.2 of the Urbana Zoning Ordinance.





Jeff Engstrom, Planner I  
Community Development Services Planning Division  
400 S. Vine Street Urbana, IL 61801

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**CITY OF URBANA  
ZONING BOARD OF APPEALS**

**DECISION SHEET**

**REQUEST FOR CONDITIONAL USE PERMIT  
IN CASE #ZBA-2007-C-02**

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, June 20, 2007 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case **2007-C-02** a request for a conditional use permit pursuant to Section VII-2 of the Urbana Zoning Ordinance.

A request filed by SM Properties Urbana, LLC for an Amendment of a Conditional Use Permit to allow the establishment of two principal uses on a single parcel of land at 104 N. Vine Street in Urbana's B-4E, Central Business - Expansion Zoning District.



\* 2 0 0 8 R 0 6 1 6 2 3 \*

**2008R06162**

RECORDED ON  
03/17/2008 01:24:40PM  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC FEE: 25.00  
RHSPS Fee:  
REV FEE:  
PAGES 3  
PIAT ACT: 0  
PIAT PAGE:

The subject property affected by this case is described more particularly as follows:

**Common Street Address:** 104 N. Vine Street

**Owner of Record:** SM Properties Urbana, LLC

**Permanent Parcel No:** 91-21-08-478-017

**Legal Description:** Lot 4 of the Final Plat of Schnucks Crossing as per plat recorded January 27, 1997 in Book "CC" at Page 235 as Document 97R 1919 in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **five ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance.

The Board's approval is based upon the endorsement of the findings in the original conditional use permit case (ZBA-2006-C-03) which is amended by this case. The findings are as follows:

1. The proposal would not pose a detriment to the B-4E, Central Business- Expansion zoning district.
2. The proposed uses will be conducive to the public convenience by providing a coffee shop with drive up service and fuel and convenience store services in a central downtown location.
3. The facilities are designed for safe and convenient use by customers who arrive by car, bike or on foot.
4. The City Engineer and Fire Chief have reviewed and approved the site access provisions.

5. The proposal preserves the essential character of the district because this type of commercial use is in keeping with other general purpose commercial uses in the near vicinity.
6. The development will meet or exceed all of the applicable requirements of the Urbana Zoning Ordinance. The new buildings will be located outside of the required setbacks, and the required amount of parking will be provided.
7. The proposed development is generally consistent with the 2005 Urbana Comprehensive Plan which shows the site as "Central Business".
8. The proposed development would be consistent with the TIF 2 Redevelopment Plan and would involve the development of a long-vacant prominent parcel in the downtown area with appropriate uses.

Furthermore the Board's found that all circumstances and findings pertaining to the original case and the original decision of the Board remain valid with the following exceptions:

1. The submitted truck turning radius diagram did not accurately reflect the geometric dimensions of the narrow access drive and the turning requirements of the gas trucks. Further design revealed that additional width in the access drive would be necessary for safe access and functionality. This prevents the placement of both dumpster enclosures at the north location.
2. Construction of a dumpster enclosure near Main Street has not resulted in a visual barrier or unsightly appearance for the following reasons:
  - The ground level of the site has been extensively re-graded and the location of the dumpster enclosure as installed is well below the grade level of Main Street. Consequently, the dumpster enclosure is considerably less visible than was originally expected.
  - The dumpster enclosure installed is constructed of the same high grade of architectural brick with an ornamental stone top course as the Starbucks building. For that reason from a distance it appears to attractively blend into the building rather than stand out as a lower quality enclosure of cinder block, concrete block, or chain link fencing might.

The **REVISED CONDITION** of approval for the use is as follows:

1. That the development shall generally conform to the submitted Site Plan shown as Exhibit "H" (dated 7/31/06), but with the changed dumpster location and pedestrian access areas as reflected in the new Exhibit "I" (dated 4/18/07 which was amended to show a revision to the dumpster enclosures to reflect built conditions), and as they may be further amended to meet the codes and regulations of the City of Urbana. Any additional significant deviation from the site plan will require a further amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.

The **ORIGINAL Conditions** of approval for the use remain as follows:

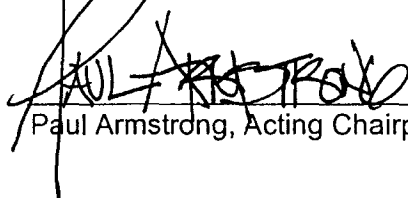
2. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.

3. That the petitioner shall submit a detailed landscape plan for review and approval by the City Arborist and Zoning Administrator, in general conformity to submitted schematic plans, and including provisions for pedestrian and bicycle access and parking.

(Note: This condition #3 repeats the condition as stated in the 2006 ZBA cases. The City Arborist and Zoning Administrator have accepted the revised Exhibit "1" dated 4/18/07 as fulfilling this requirement.)

4. That the Starbucks and gas station/convenience store buildings utilize high quality building materials (e.g., brick, masonry, etc.) to complement the existing Schnucks Crossing grocery store and strip center buildings and in recognition of the prominent site location in downtown Urbana.

I do hereby affirm, that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2007-C-02.

  
Paul Armstrong, Acting Chairperson

12 MARCH 2008  
Date

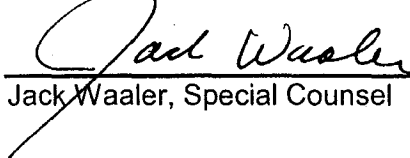
The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

**DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE**

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET

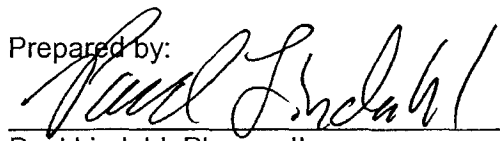
CASE# ZBA- ZBA-2007-C-02 - REQUEST FOR CONDITIONAL USE PERMIT

APPROVED FOR RECORDING BY:

  
Jack Waaler, Special Counsel

3 March 2008  
Date

(C) Please return original decision sheet to the attention of Paul Lindahl, at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:  
  
Paul Lindahl, Planner II  
Community Development Services Planning Division  
400 S. Vine Street Urbana, IL 61801



2008R06163

RECORDED ON  
03/17/2008 01:24:41PM  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC FEE: 25.00  
RHSPS Fee:  
REV FEE:  
PAGES 3  
PLAT ACT: 0  
PLAT PAGE:

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**CITY OF URBANA  
ZONING BOARD OF APPEALS**

**DECISION SHEET**

**REQUEST FOR CONDITIONAL USE PERMIT  
IN CASE #ZBA-2007-C-03**

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, June 20, 2007 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case 2007-C-03 a request for a conditional use permit pursuant to Section VII-2 of the Urbana Zoning Ordinance.

A request by SM Properties Urbana, LLC for an Amendment of a Conditional Use Permit to allow the establishment of a "Gasoline Station" in Urbana's B-4E, Central Business - Expansion Zoning District at 104 N. Vine Street.

The subject property affected by this case is described more particularly as follows:

- Common Street Address:** 104 N. Vine Street
- Owner of Record:** SM Properties Urbana, LLC
- Permanent Parcel No:** 91-21-08-478-017

**Legal Description:** Lot 4 of the Final Plat of Schnucks Crossing as per plat recorded January 27, 1997 in Book "CC" at Page 235 as Document 97R 1919 in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **five ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance.

The Board's approval is based upon the endorsement of the findings in the original conditional use permit case (ZBA-2006-C-04) which is amended by this case. The findings are as follows:

1. The proposal would not pose a detriment to the B-4E, Central Business-Expansion zoning district.
2. The proposed uses will be conducive to the public convenience by providing a coffee shop with drive up service and fuel and convenience store services in a central downtown location.
3. The facilities are designed for safe and convenient use by customers who arrive by car, bike or on foot.
4. The City Engineer and Fire Chief have reviewed and approved the site access provisions.



5. The proposal preserves the essential character of the district because this type of commercial use is in keeping with other general purpose commercial uses in the near vicinity.
6. The development will meet or exceed all of the applicable requirements of the Urbana Zoning Ordinance. The new buildings will be located outside of the required setbacks, and the required amount of parking will be provided.
7. The proposed development is generally consistent with the 2005 Urbana Comprehensive Plan which shows the site as "Central Business".
8. The proposed development would be consistent with the TIF 2 Redevelopment Plan and would involve the development of a long-vacant prominent parcel in the downtown area with appropriate uses.

Furthermore the Board's found that all circumstances and findings pertaining to the original case and the original decision of the Board remain valid with the following exceptions:

1. The submitted truck turning radius diagram did not accurately reflect the geometric dimensions of the narrow access drive and the turning requirements of the gas trucks. Further design revealed that additional width in the access drive would be necessary for safe access and functionality. This prevents the placement of both dumpster enclosures at the north location.
2. Construction of a dumpster enclosure near Main Street has not resulted in a visual barrier or unsightly appearance for the following reasons:
  - The ground level of the site has been extensively re-graded and the location of the dumpster enclosure as installed is well below the grade level of Main Street. Consequently, the dumpster enclosure is considerably less visible than was originally expected.
  - The dumpster enclosure installed is constructed of the same high grade of architectural brick with an ornamental stone top course as the Starbucks building. For that reason from a distance it appears to attractively blend into the building rather than stand out as a lower quality enclosure of cinder block, concrete block, or chain link fencing might.

The **REVISED CONDITION** of approval for the use is as follows:

1. That the development shall generally conform to the submitted Site Plan shown as Exhibit "H" (dated 7/31/06), but with the changed dumpster location and pedestrian access areas as reflected in the new Exhibit "I" (dated 4/18/07 which was amended to show a revision to the dumpster enclosures to reflect built conditions), and as they may be further amended to meet the codes and regulations of the City of Urbana. Any additional significant deviation from the site plan will require a further amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.

The **ORIGINAL Conditions** of approval for the use remain as follows:

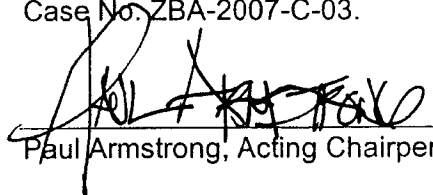
2. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.

3. That the petitioner shall submit a detailed landscape plan for review and approval by the City Arborist and Zoning Administrator, in general conformity to submitted schematic plans, and including provisions for pedestrian and bicycle access and parking.

*(Note: This condition #3 repeats the condition as stated in the 2006 ZBA cases. The City Arborist and Zoning Administrator have accepted the revised Exhibit "I" dated 4/18/07 as fulfilling this requirement.)*

4. That the Starbucks and gas station/convenience store buildings utilize high quality building materials (e.g., brick, masonry, etc.) to complement the existing Schnucks Crossing grocery store and strip center buildings and in recognition of the prominent site location in downtown Urbana.

I do hereby affirm, that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2007-C-03.

  
Paul Armstrong, Acting Chairperson

  
Date

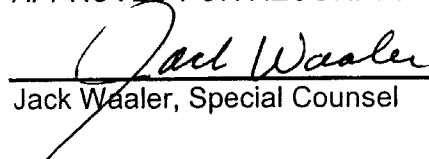
The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.


**DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE**

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET

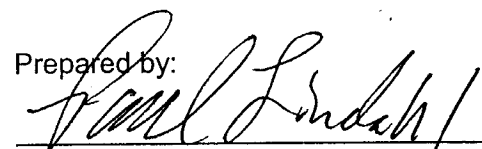
CASE# ZBA- ZBA-2007-C-03 - REQUEST FOR CONDITIONAL USE PERMIT

APPROVED FOR RECORDING BY:

  
Jack Waaler, Special Counsel

  
Date

(6) Please return original decision sheet to the attention of Paul Lindahl, at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:  
  
Paul Lindahl, Planner II  
Community Development Services Planning Division  
400 S. Vine Street Urbana, IL 61801

2N

CITY OF URBANA  
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR CONDITIONAL USE PERMIT  
IN CASE #ZBA-2007-C-04

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, September 19, 2007 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case **2007-C-04** a request for a conditional use permit pursuant to Section VII-2 of the Urbana Zoning Ordinance.

A request filed by Ms. Cherry Boland-Williams for a Conditional Use Permit to allow the establishment of a "Day Care Facility" in the R-2, Single-Family Residential Zoning District at 1910 Kathryn Street.



\* 2 0 0 8 R 0 6 1 6 4 2 \*

2008R06164

RECORDED ON  
03/17/2008 01:24:42PM  
CHAMPAIGN COUNTY  
RECORDER:  
BARBARA A. FRASCA  
REC FEE: 25.00  
RHSPS Fee:  
REV FEE:  
PAGES 2  
PLAT ACT: 0  
PLAT PAGE:

The subject property affected by this case is described more particularly as follows:

**Common Street Address:** 1910 Kathryn Street

**Owner of Record:** Ms. Cherry Boland-Williams

**Permanent Parcel No:** 93-21-21-280-013

**Legal Description:** Lot 19 of Prairie Winds Subdivision as per Plat Recorded April 1, 2005 at the Champaign County Recorder of Deeds Office as Document Number 2005R08364, and situated in Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **four ayes, two nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested conditional use permit based on the following findings:

1. The proposed adult day care use is conducive to the public convenience at the location because it will provide a needed service that is complementary to other existing adult care services. The location is in close proximity to the Prairie Winds Supportive Living Facility.
2. The use is generally compatible with the surrounding residential neighborhood that is now developing. The use is designed, located, and proposed to be operated so that it will not be injurious or detrimental to the neighborhood or the R-2 district. There will be adequate parking supplied for the proposed use.
3. The proposed use is consistent with the general purpose and intent of the R-2 Single-Family Residential Zoning District. The Zoning Ordinances Sec. IV-2. J states:

"The Residential Districts generally are intended to provide desirable settings for residential uses within several density ranges described in Urbana's Comprehensive Plan, and for various types of

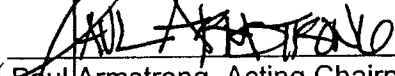
dwelling units, with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses."

The proposed adult day care facility is a low intensity use compatible with the residential uses on adjacent properties. The proposed use would conform to all setbacks and development regulations of the R-2 district in which it is located. This use should not detrimentally alter the developing character of the surrounding neighborhood or impair the activities of its neighbors.

The **CONDITIONS** of approval for the use are as follows:

- 1) The structure must meet all applicable City Building Safety Code regulations.
- 2) Ms. Boland-Williams or other future owner/operator must have their residence on site at the Home Based Adult Day Care Facility.
- 3) The maximum number of clients on the premises at any time shall not exceed 8 persons.
- 4) The facility may have a single sign no larger than one square foot in area attached to the façade of the building. No other exterior or yard signage shall be permitted.
- 5) The number of overnight client stays shall be limited to a maximum of two individuals per night and limited to 48 hours in duration.

I do hereby affirm, that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2007-C-04.

  
Paul Armstrong, Acting Chairperson

12 MARCH 2008  
Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

**DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE**

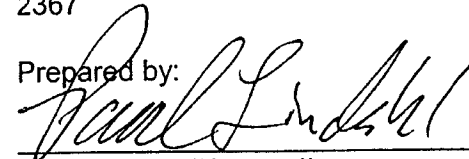
CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET  
CASE# ZBA- ZBA-2007-C-04 - REQUEST FOR CONDITIONAL USE PERMIT

APPROVED FOR RECORDING BY:

  
Jack Waaler, Special Counsel

3 March 2008  
Date

(6) Please return original decision sheet to the attention of Paul Lindahl, at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:  
  
Paul Lindahl, Planner II,  
Community Development Services - Planning Division  
400 S. Vine Street Urbana, IL 61801

22



2008R06165

**CITY OF URBANA  
ZONING BOARD OF APPEALS**

**DECISION SHEET**

**REQUEST FOR MINOR VARIANCE  
IN CASE #ZBA-2007-MIN-02**

RECORDED ON  
03/17/2008 01:24:43PM  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC FEE: 25.00  
RHSPS Fee:  
REV FEE:  
PAGES: 2  
PIAT ACT: 0  
PIAT PAGE:

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, June 20, 2007 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2007-MIN-02 a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

**A request filed by Betsy Hendrick, owner of Hendricks House student dormitory, to allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than required at 904 W. Green Street in the B-3U, General Business-University Zoning District.**

The subject property affected by this case is described more particularly as follows:

**Common Street Address:** 904 W. Green Street, Urbana, IL

**Owner of Record:** Hendrick Dorms, Inc.

**Permanent Parcel Index #:** 93-21-18-228-021

**Legal Description:**

Lots 3 and 4 of Block 1, of Burpee, Curtiss & Somer's Addition of Outlots, except the north 5 feet of the east 143.788 feet, all in the City of Urbana, Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **five ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance based on the following findings:

1. The site is adjacent to the university campus where walking, bicycling, and campus buses are the predominant transportation modes. Its location on campus next to the Boneyard Creek means there is no reasonable opportunity to expand parking on the property.
2. There are special circumstances concerning the subject parcels including: the location of buildings on the lot, the location of the food service kitchens on the site, university student residents using the site, and the proximity to the University.

3. There is a practical difficulty in strict compliance with zoning regulations in that it is not feasible to increase parking to meet current regulations and there is no efficient location for the kitchen expansion except immediately adjacent to the existing kitchens as proposed.

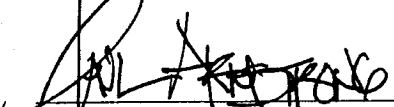
4. The proposed variance will not serve as a special privilege because the special circumstances of the location of the subject property directly on campus, student residents without cars, and location of the needed kitchens in the building are unique.

5. The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner. The petitioner is aware of the requirements of the Zoning Ordinance and has asked for the variance to ensure the development will comply with regulations.

6. The variance will not alter the essential character of the neighborhood or cause a nuisance to adjacent property because the surrounding area is high density residential and institutional in character. The impact of the proposed parking reduction by 8 spaces is not-significant in the overall context of the neighborhood.

There were no **CONDITIONS** placed on approval of the variance.

I do hereby affirm, that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2007-MIN-02

  
\_\_\_\_\_  
Paul Armstrong, Acting Chairperson

12 MARCH 2008  
\_\_\_\_\_  
Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

**DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE**

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET

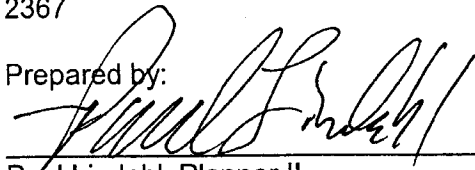
CASE# ZBA-2007-MIN-02 - REQUEST FOR MINOR VARIANCE

APPROVED FOR RECORDING BY:

  
\_\_\_\_\_  
Jack Waaler, Special Counsel

3 March 2008  
\_\_\_\_\_  
Date

(6) Please return original decision sheet to the attention of Paul Lindahl, at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:  
  
\_\_\_\_\_  
Paul Lindahl, Planner II  
Community Development Services Planning Division  
400 S. Vine Street Urbana, IL 61801

20

CITY OF URBANA  
ZONING BOARD OF APPEALS

DECISION SHEET

REQUEST FOR MINOR VARIANCE  
IN CASE #ZBA-2007-MIN-03

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, September 19, 2007 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered Case #ZBA-2007-MIN-03 a request for a Minor Variance pursuant to Section XI-3 of the Urbana Zoning Ordinance.

A request filed by Adams Signs & Graphics Company a contractor for Wal-Mart Stores, Inc. for a Minor Variance to allow installation of a 20 square foot wall sign located at 100 S. High Cross Road in the B-3, General Business Zoning District.



\* 2 0 0 8 R 0 6 1 6 6 3 \*

2008R06166

RECORDED ON  
03/17/2008 01:24:44PM  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC FEE: 25.00  
RHSPS Fee:  
REV FEE:  
PAGES 2  
PIAT ACT: 0  
PIAT PAGE:

The subject property affected by this case is described more particularly as follows:

Common Street Address: 100 S. High Cross Road, Urbana, IL  
Owner of Record: Wal-Mart Stores, Inc.  
Permanent Parcel Index #: 91-21-14-101-001.

Legal Description:

Lot 1 of Walton Subdivision Phase 1 as per Plat Recorded March 10, 2005 at the Champaign County Recorder of Deeds Office as Document Number 2005R06190, and situated in the City of Urbana, Champaign County, Illinois

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **six ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested minor variance based on the following findings:

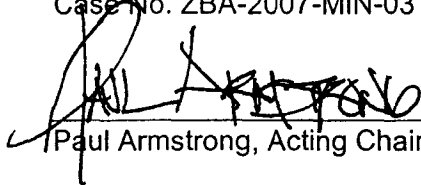
1. The practical difficulty in carrying out the strict application of the Ordinance is that the bank is an interior tenant to Wal-Mart and needs exterior signage to direct customers. The special circumstances are this is a 200,000 square foot building located at least 200 feet from the road. The area of signage allowed on the building is not sufficient to accommodate all the needed information at a scale visible from the adjacent roads.
2. The proposed variance is not a special privilege because the variance is necessary to provide needed information on the large façade of this structure and is not generally applicable to other smaller structures in the district.

3. The petitioners have applied for the variance as required and have not knowingly created the situation or conditions.
4. The character of the neighborhood is regional commercial business. The addition of the sign will not change the character of the neighborhood which consists of commercial and industrial zoned property.
5. Signs of this nature are already in place on the building façade and are far enough from neighboring property so as not to negatively impact surrounding properties. . The new sign will not cause a nuisance to adjacent commercial and industrial zoned property.

The variance was approved with the following **CONDITION:**

That the sign be constructed in substantial conformity with the submitted plans dated 8/20/2007 and photographs illustrating its design and location.

I do hereby affirm, that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-2007-MIN-03

  
Paul Armstrong, Acting Chairperson

12 MARCH 2008  
Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

**DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE**

CITY OF URBANA - ZONING BOARD OF APPEALS - DECISION SHEET

CASE# ZBA-2007-MIN-03 - REQUEST FOR MINOR VARIANCE

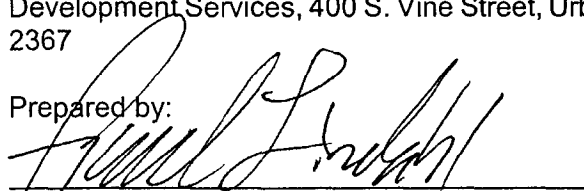
APPROVED FOR RECORDING BY:

  
Jack Waaler, Special Counsel

3 March 2008  
Date

(G) Please return original decision sheet to the attention of Paul Lindahl, at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:

  
Paul Lindahl, Planner II  
Community Development Services Planning Division  
400 S. Vine Street Urbana, IL 61801



COPY

ORDINANCE NO. 2007-02-020

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(A Request to Allow a 460% Increase in the Display Area of a Projecting Sign and to Install the Sign on the Second Level of the Building in the B-4, Central Business, Zoning District, 110 West Main Street (Bella Home) / Case No. ZBA-2007-MAJ-01)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the renter of the subject property, Carmen Davis Kirby, has submitted a petition requesting a major variance to allow a 56 square foot sign above the public right-of-way and to install the sign on the second level of the building at 110 W. Main Street in the B-4, Central Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-01; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on January 31, 2007 and voted 6 ayes and 1 nay to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. The proposed sign will be 56 square feet and will be located above the public right-of-way on the second level of the building at 110 W. Main utilizing existing sign hardware.

2. Table IX-3. Standards for Projecting Signs states that such signs located in the B-4, Central Business Zoning District may be up to 32 square feet, or 12 square feet if any portion of a sign extends over the public right-of-way. Such signs are limited to the first floor of a building. Additional provisions in the B-4 District prohibit internal illumination when a projecting sign extends over the public right-of-way, imposes a maximum thickness of six inches, and requires a minimum separation of 20 feet between such signs. The proposed sign will meet these additional provisions.

3. The Urbana Building Inspector has stated that the existing sign hardware will require certification by either a structural engineer or an architect to ensure the proposed sign will be securely fastened to the building.

4. The variance will not serve as a special privilege because the building's orientation results in a lack of commercial window frontage for any second level tenant.

5. The variance requested was not caused by the petitioner because the petitioner has requested the appropriate variances.

6. The variance will not alter the essential character of the neighborhood because the proposed sign has been designed to retain the artistic and architectural integrity of the building, garner pedestrian and vehicular interest, and meet the other standards for projecting signs.

7. The variance will not cause a nuisance to adjacent property because the Urbana Building Inspector has stated that the existing sign

hardware will require certification by either a structural engineer or an architect to ensure the proposed sign will be securely fastened to the building.

8. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request because the proposed sign is located over the public right-of-way. The Zoning Ordinance imposes size restrictions more stringent than if a sign were not located over the public right-of-way. These restrictions do not account for upper level retail uses that often require visibility to become and remain viable business uses.

9. The variance requested is the result of practical difficulties or particular hardship of the building's orientation, as there is a lack of commercial window frontage for any second level retail tenant. In addition, due to windows and architectural detailing, there are limited placement options on the second level of the building for non-projecting signs.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Carmen Davis Kirby, in Case #ZBA-2007-MAJ-01, is hereby approved to allow a 56 square foot sign above the public right-of-way and to install the sign on the second level of the building at 110 W. Main Street in the B-4, Central Business Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 110 W. Main Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Commencing 6 inches West of the Southwest corner of Lot 36 of the original town of Urbana, in Champaign County, Illinois, running thence East 24 feet One (1) inch; thence North 23 feet 8 inches; thence West 17 1/4 inches; thence North to Goose Alley; thence West 41

feet 4 1/4 inches more or less to the center of the West wall of the brick building on said lot; thence South to the South line of said Lot 38; thence East 18 feet 9 inches more or less, to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois.

PERMANENT PARCEL NO: 92-21-17-202-016

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 5th day of February, 2007.

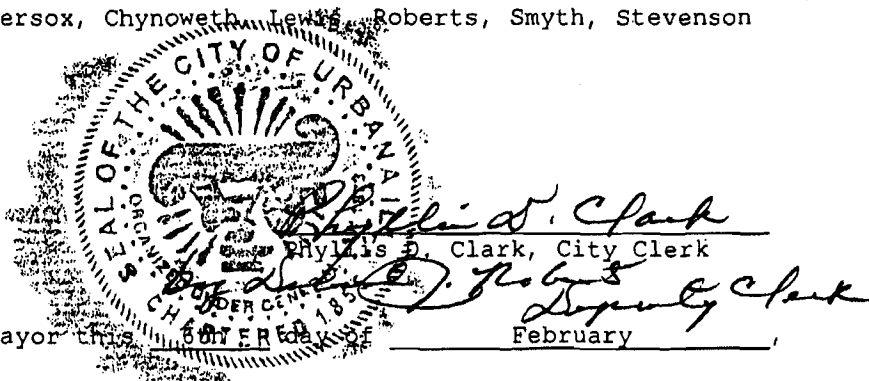
PASSED by the City Council this 5th day of February, 2007.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

APPROVED by the Mayor this 5th day of February, 2007.



*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a Reduction in the East Side Yard Setback Requirement from 5 Feet to 3 Feet in the R-2, Single-Family Residential Zoning District, 1306 W. Dublin Street - Case No. ZBA-2007-MAJ-04)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the potential owner of the subject property, Habitat for Humanity of Champaign County, has submitted a petition requesting a major variance to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-04; and

WHEREAS, a minor variance was granted for the same property by the Urbana Zoning Board of Appeals in a related Case #ZBA-2007-MIN-01; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on April 18, 2007 and voted 4 ayes and 0 nay to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. Habitat for Humanity of Champaign County wishes to build a 26-foot wide home on a 33-foot wide lot, to be donated by the City of Urbana.
2. The lot is an existing non-conformity which was created prior to the adoption of the Zoning Ordinance.
3. The petitioner is requesting a variance to encroach 2 feet into the required 5-foot side yard on the east property line.
4. The requested variance meets all of the criteria required in Section XI-3.C.2 of the Urbana Zoning Ordinance.
5. The requested variance would help to fulfill the affordable housing goals of the City's 2005-2009 Consolidated Plan as well as the 2005 Comprehensive Plan.
6. The property is well suited for the proposed use.
7. The variance is not a special privilege because the lot in question is one of many half-width lots in the neighborhood. The other half-lots all have existing homes built within the required side yard.
8. The requested decrease of the side yard setbacks should not detract from the essential character of the neighborhood. This variance will facilitate the construction of a house with an orientation toward Dublin Street that will reinforce the established character of the neighborhood. The home will be approximately the same size and mass of other homes in this older residential neighborhood.
9. The petitioner is requesting the minimum deviation from the requirements so that they can accommodate a 26 foot wide house, which is the minimum width of Habitat homes.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Habitat for Humanity of Champaign County, in Case #ZBA-2007-MAJ-04, is hereby approved to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 1306 West Dublin Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The east 33 feet of Lot 8 in Block 14 in Seminary Addition to Urbana as per plat recorded in Deed Record "Y" at page 208, situated in Champaign County, Illinois.

PERMANENT PARCEL NO: 91-21-07-256-010

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

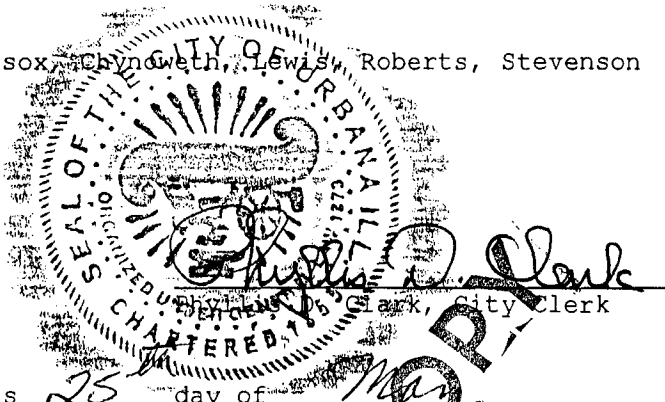
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said authorities on the 7th, day of May, 2007.

PASSED by the City Council this 7th day of May, 2007.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 25th day of May, 2007.

2007.

*Christine D. Clark*  
Christine D. Clark, City Clerk  
*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

# COPY

ORDINANCE NO. 2007-05-037

## AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow Vehicular Egress from 311 W. Springfield Avenue,  
Located in the B-2, Neighborhood Business-Arterial  
Zoning District / Case No. ZBA-2007-MAJ-03)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Brigitte Pieke, has submitted a petition requesting a major variance to allow vehicles to back out onto Springfield Avenue at 311 W. Springfield Avenue in the B-2, Neighborhood Business - Arterial District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-03; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on April 18, 2007 and voted 4 ayes and 0 nay to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:



**COPY**

1. The petitioner proposes to open a business on a non-conforming lot in the B-2, Neighborhood Business-Arterial District.
2. The Zoning Ordinance parking requirement which disallows backing onto a public street for residential uses cannot be met on the property, due to its size and the placement of the existing structure.
3. The petitioner is requesting a variance to allow parking to back out onto Springfield Avenue.
4. The City Engineer has reviewed the request to allow parking to continue to back out onto Springfield Avenue and has determined that it will not cause a safety hazard.
5. The requested variance meets all of the criteria required in Section XI-3.C.2 of the Urbana Zoning Ordinance.
6. The property is well suited for the proposed use as designated in the Comprehensive Plan.
7. The variance allows for the adaptive reuse of an existing structure.
8. The proposed use meets the purpose of the B-2, Neighborhood Business - Arterial.
9. The variance will not serve as a special privilege because at 3,700 square feet, the lot is half the size of the neighboring properties. With the existing building on the property, there is no feasible way to create a parking lot that conforms to the Zoning Ordinance.
10. The variance will not alter the character of the neighborhood. The property was most recently used as a residence, which has had parking backing onto Springfield Avenue for many years. There are existing driveways on the adjacent residential block which currently allow vehicles to back out onto Springfield Avenue.
11. City staff believes that granting this variance is the most practical and minimally problematic way to allow use of this B-2 zoned property for a neighborhood-serving business, as envisioned by the Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Brigitte Pieke, in Case #ZBA-2007-MAJ-03, is hereby approved to allow vehicles to back out onto Springfield Avenue at 311 W. Springfield Ave in the B-2, Neighborhood Business - Arterial District, in the manner proposed in the application, with the following conditions:

1. That the development shall closely resemble the submitted site plan attached as Exhibit A; and
2. The Zoning Administrator shall be authorized to approve minor changes to the plan if necessary in order for the project to comply with other applicable City codes and regulations, including Building, Fire, and Subdivision and Land Development Codes, to meet City of Urbana requirements.
3. That the development shall meet all other applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.
4. That the variance shall be valid for as long as the property is used for the stated use of retail knitting and yarn store.

The major variance described above shall only apply to the property located at 311 W. Springfield Ave, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The north 65 feet of Lot 8 of James T. Roe's Second Addendum to the City of Urbana as per plat recorded in platbook (D) page 189, situated in Champaign County, Illinois.

PERMANENT PARCEL NO: 92-21-171-135-001

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance

with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

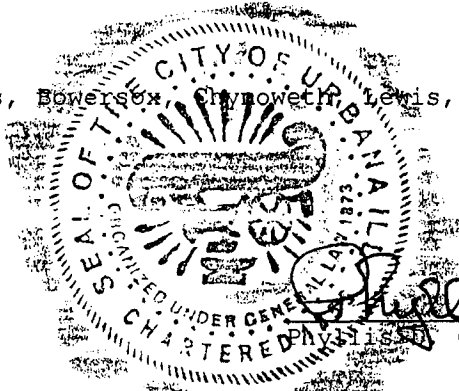
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 7th day of May, 2007.

PASSED by the City Council this 7th day of May, 2007.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Stevenson

NAYS:

ABSTAINS:



*Phillip D. Clark*  
Clark, City Clerk

APPROVED by the Mayor this 16th day of May, 2007.

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

**COPY**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To allow a 126% Increase in the Display Area of an Institutional Sign in the R-4, Medium Density Multiple-Family Residential, Zoning District - 1500 N. Lincoln Avenue / Case No. ZBA-2007-MAJ-05)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, American Dowell Sign Crafters, on behalf of the owner of such property, the Vineyard Church, has submitted a petition requesting a major variance to allow a 56.6 square foot institutional sign on the wall facing the street at 1500 North Lincoln Avenue in the R-4, Medium Density Multiple-Family Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-05; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on May 16, 2007 and voted 5 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. The Vineyard Church, located at 1500 North Lincoln Avenue, is an institutional property zoned R-4, Medium Density Multiple Family Residential District.
2. Section IX-4. General Sign Provisions, states Institutional Signs "shall not exceed a total of 25 square feet in display area. If building mounted, these signs shall be flat wall signs, and shall not project above the roofline or front façade of the building. There may be one sign per frontage."
3. The Vineyard Church is located on a commercial corridor and surrounded on two sides with businesses that are allowed a much greater amount of signage.
4. The proposed wall sign will be 56.6 square feet in area, which is in proportion to the area of the wall it will be mounted upon.
5. The variance will not serve as a special privilege because the building is set back 250 feet from the street, and a conforming wall sign would not be adequately visible from the road.
6. The variance will not alter the essential character of the neighborhood because the proposed sign will be smaller than existing signs on adjacent properties.
7. The variance will not cause a nuisance to adjacent property because the sign will face a commercial corridor rather than nearby residences, and will not have moving parts.
8. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request because the proposed sign is just large enough to be seen adequately from Lincoln Avenue, 250 feet away.

9. The variance requested is the result of practical difficulties or particular hardship because the zoning ordinance allows very minimal signage in the R-4, Medium Density Multiple Family Residential District. In this case, a large institution is located in a commercial corridor, and set back 250 feet from a busy arterial roadway. Since the property is zoned R-4 and is an institutional use, it is only allowed to have a 25 square foot institutional sign.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by the Vineyard Church, in Case #ZBA-2007-MAJ-05, is hereby approved to allow a 56.6 square foot sign to be installed on the wall facing Lincoln Avenue at at 1500 North Lincoln Avenue in the R-4, Medium Density Multiple-Family Residential Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 1500 North Lincoln Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:  
Northwest Quarter of the Northwest Quarter of the  
Northwest Quarter of Section 8, Township 19 North,  
Range 9 East of the 3<sup>rd</sup> Principal Meridian, Situated  
in Champaign County, Illinois.

PERMANENT PARCEL NO: 91-21-08-101-027

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the

City of Urbana, Illinois, at a regular meeting of said Council on the 4th  
day of June, 2007.

PASSED by the City Council this 4th day of June,  
2007.

AYES: Barnes, Bowersox, ~~Chytowich~~, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



*Phillip D. Clark*  
Phillip D. Clark, City Clerk

*J. Reed*  
J. Reed, Deputy Clerk

APPROVED by the Mayor this 15th day of June,

2007.

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

**COPY**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To Allow an Accessory Structure in Excess of 1,000 Square Feet  
in the IN, Industrial, Zoning District) - 1714 E. Airport Road,  
Case No. ZBA-2007-MAJ-02)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider applications for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owners of the subject property, Gregory and Denise Reynolds, have submitted a petition requesting a Major Variance to permit an accessory structure in excess of 1,000 square feet at 1714 E. Airport Road, in the IN, Industrial Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-02; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on May 16, 2007 and voted 5 ayes and 0 nays to recommend to the City Council approval of the requested variance without conditions; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:



# COPY

1. The subject property is comprised of two lots with one located in unincorporated Champaign County and one in the City of Urbana. The property is zoned AG-2, Agriculture in the County and IN, Industrial in the City.
2. The western part of the subject property (currently in the County) is subject to a 1994 annexation agreement. The 1994 agreement did not contain any conditions except that the property would be annexed when it could be adequately served by City public services. That agreement does not apply to the eastern half of the subject property which is the subject of this variance case.
3. The western part of the subject property (currently in the County) will be the subject of an annexation agreement soon to be heard by the Urbana City Council.
4. The purpose of the annexation agreement, this Zoning Board of Appeals Major Variance case, the Plan Commission rezoning case (2039-M-07) and a Minor Subdivision Case (1903-S-04) combining the two lots of the subject property, is to jointly correct all outstanding issues with the subject property.
5. The annexation agreement would grant a Major Variance for the 1,680 square foot portion of the accessory structure currently located in unincorporated Champaign County.
6. The annexation agreement requires that the petitioners submit an application for a Major Variance for that portion of the accessory structure currently in the City. The annexation agreement is contingent upon the City granting the Major Variance.
7. The annexation agreement requires the petitioners' to submit an application for a Zoning Map Amendment from IN, Industrial to R-2, Single-Family Residential for the portion of the property currently in the City. The annexation agreement is contingent upon granting the rezoning.
8. The annexation agreement requires the petitioners to prepare and record a Minor Subdivision Plat to combine the parcel in the County with the tract in the City. The plat must comply with the Urbana Subdivision and Land Development Code.
9. The special circumstances concerning the accessory structure are that the structure was built prior to the petitioner's ownership of the property. The practical difficulty in strict compliance would require the demolition of the structure.
10. The proposed variance will not serve as a special privilege because the accessory structure was constructed prior to the petitioners purchasing the subject property. The circumstances leading to the construction of the structure included confusion about the location of the property line and a permit issued in error by County zoning officials, and resulted in the structure being built across the line of City and County jurisdiction. The

hardship would be that strict compliance would require the demolition of the structure. Because the shed was built in two jurisdictions, there are practical difficulties for compliance with the regulations of both.

11. The variance requested is necessary due to special circumstances relating to the structure including that strict compliance would require the demolition of the structure which is not the usual case in variance requests in this or other districts.
12. The petitioners wish to preserve their right to reconstruct the accessory structure should it ever need to be replaced. However the variance would not permit the accessory structure, if rebuilt, to be further expanded without an additional variance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Gregory and Denise Reynolds, in Case #ZBA-2007-MAJ-02, is hereby approved to allow an accessory structure in excess of 1,000 square feet at 1714 E. Airport Road, in the IN, Industrial Zoning District, in the manner proposed in the application.

The major variance described above shall apply only to the area of the Reynolds property within the City limits as depicted on the site plan attached hereto, and more particularly described as:

LEGAL DESCRIPTION:

Part of the Southeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Champaign County, Illinois, more particularly described as follows:

Commencing 72 feet East of the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 33, thence North 605 feet; thence East 65 feet; thence South 605 feet and thence West 65 feet to the Point of Beginning, in Champaign County Illinois.

Commonly known as: 1714 E, Airport Road,  
Urbana, IL 61802

PIN No.: 91-15-33-476-011

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

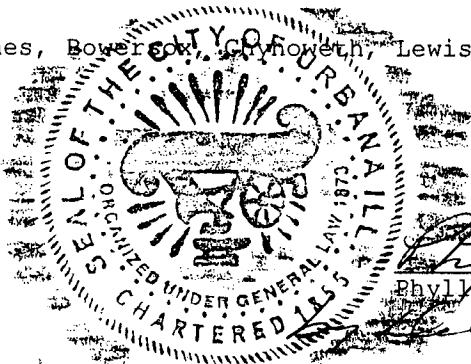
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 4th day of June, 2007.

PASSED by the City Council this 4th day of June, 2007 .

AYES: Barnes, Bowersox, Cynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

*Robert J. ...*  
Robert J. ... Deputy Clerk

APPROVED by the Mayor this 15th day of June, 2007 .

2007 .

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

**COPY**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(To Allow a Reduction in Side Yard Building Setbacks to 5 Feet in the B-3, General Business, Zoning District / 1008, 1010 and 1012 W. University Avenue, Case No. ZBA-2007-MAJ-06, Trammell Crow Higher Education Development, Inc.)**

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or the structure; and

WHEREAS, Trammell Crow Higher Education Development, Inc. has submitted a petition for a variance to allow a reduction in side yard building setbacks to a minimum of five feet for a mixed commercial/residential building at 1008, 1010 and 1012 W. University Avenue in the B-3, General Business Zoning District.; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-06; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on June 20, 2007 and voted 5 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The proposed variance will not serve as a special privilege because the irregular shape of the lot poses challenges to efficient use of the property. The variance requested is necessary due to special circumstances relating to the property which represents an infill development opportunity along the important University Avenue corridor.
2. The special circumstances concerning the property are the irregular shape of the site combined with deep setbacks on three sides of the property which significantly reduce the usable area of the site. The practical difficulty in strict compliance would reduce the efficient use of the site and directly effect the economic viability of the development.
3. The variance would allow side yards consistent with the zoning regulations for non-residential properties in the B-3 zoning district and therefore cause no more of a "nuisance" to adjacent properties than a "by right" commercial project.
4. The requested variance will advance the goals and implementation strategies of the 2005 Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Trammell Crow Higher Education Development, Inc., in Case #ZBA-2007-MAJ-06, is hereby approved to reduce each side yard property line setback to a minimum of five feet at 1008, 1010 and 1012 West University Avenue in the B-3, General Business Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 1008, 1010 and 1012 West University Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The East 135 feet of Lot 1, and all of Lots 9, 11 and 12, in John W Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 1008 and 1010 West University, Urbana, Illinois.

Permanent Index Nos. 91-21-07-431-019, 91-21-07-431-021, and 91-21-07-431-009

AND

Lot 10 in John W. Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. Most commonly known as 1012 W. University, Urbana, Illinois.

Permanent Index No. 91-21-07-431-007

AND

Beginning at the Northwest Corner of Lot 1 of John W. Stipes Subdivision, Urbana, Illinois, said point being on the Southerly right-of-way line of the Norfolk and Western Railway Company, proceed thence North 00 degrees 10 minutes 21 seconds East, 21.33 feet along the East line of Goodwin Avenue to the Northerly right-of-way line of the Norfolk and Western Railway Company, said line being coincidental with the Southerly right-of-way line of the Penn Central Railroad; thence South 70 degrees 02 minutes 19 seconds East, 411.00 feet along the Northerly right-of-way line of the Norfolk and Western Railway Company, thence South 68 degrees 01 minutes 28 seconds East 158.13 feet to a point on the Northerly extension of the East line of Lot 9 of John W. Stipes Subdivision; thence South 00 degrees 01 minutes 49 seconds East, 31.50 feet along the Northerly extension of the said East line to the Southerly right-of-way line of the Norfolk and Western Railway Company, also being the Northerly line of John W. Stipes Subdivision; thence North 70 degrees 31 minutes 48 seconds West, 70.39 feet along the Southerly line of said railway company to a point being on the East line of Lot 1 of John W. Stipes Subdivision; thence North 00 degrees 06 minutes 46 seconds West, 21.23 feet along the said East line of Lot 1, being coincidental with the Southerly right-of-way line of Norfolk and Western Railway Company,

thence North 70 degrees 31 minutes 49 seconds West,  
493.93 feet along the Southerly right-of-way line of  
said Railroad to the true point of beginning, said  
property lying contiguous to the West limit of the  
property conveyed to Consolidated Railway Corporation  
by deed dated October 15, 1990, lying East of Goodwin  
Avenue, in Champaign County, Illinois.

The City Clerk is directed to publish this Ordinance in pamphlet form  
by authority of the corporate authorities. This Ordinance shall be in full  
force and effect from and after its passage and publication in accordance  
with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes  
(65 ILCS 5/1-2-4).

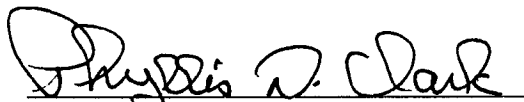
This Ordinance is hereby passed by the affirmative vote, the "ayes" and  
"nays" being called of a majority of the members of the Corporate Authorities  
of the City of Urbana, Illinois, at a special meeting of said Authorities on  
the 9th day of July, 2007.

PASSED by the City Council this 9th day of July,  
2007.

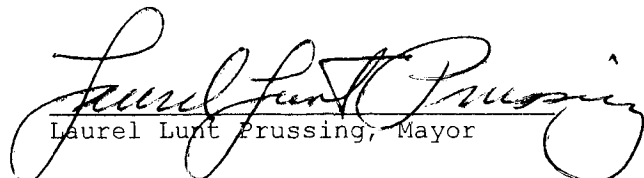
AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 12th day of July,  
2007.

  
Laurel Lunt Prussing, Mayor

[Special Council Meeting]

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(To Allow an 11-Foot, 11-Inch Encroachment Into the Required 22-Foot Rear Yard; Including a 3-Foot, 1½-Inch Encroachment of a Terrace Overhang in the B-3, General Business, Zoning District / 1008, 1010 and 1012 W. University Avenue - Case No. ZBA-2007-MAJ-08, Trammell Crow Higher Education Development, Inc.)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or the structure; and

WHEREAS, Trammell Crow Higher Education Development, Inc. has submitted a petition for a major variance to allow an 11-foot and 11-inch encroachment into the required 22-foot rear yard, including a 3-foot and 1 ½-inch encroachment of a terrace overhang for a mixed commercial/residential building at 1008, 1010 and 1012 W. University Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-08; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on November 14, 2007 and voted 6 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and



WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The proposed variance will not serve as a special privilege. As an infill project on an irregular-shaped lot, the required setbacks are detrimental to redevelopment as anticipated by the Comprehensive Plan and Zoning Ordinance. The variance would allow construction of a project having the same setback allowed "by right" for solely commercial buildings.

2. The variance requested is necessary due to special circumstances relating to the property. Because this is a mixed-use development, increased setback standards are imposed, and this being an infill project on an existing, L-shaped lot provides special circumstances.

3. The reduced rear yard setback will not cause a nuisance to adjacent properties. The rear yard borders a narrow strip of land which cannot be developed as well as a railroad spur right-of-way.

4. The proposed project will advance the goals of the 2005 Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Trammell Crow Higher Education Development, Inc., in Case #ZBA-2007-MAJ-08, is hereby approved to allow an 11-foot and 11-inch encroachment into the required 22-foot rear yard, including a 3-foot and 1 ½-inch encroachment of a terrace overhang at 1008, 1010 and 1012 West University Avenue in the B-3, General Business Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 1008, 1010 and 1012 West University Avenue, Urbana, Illinois, more particularly described as follows:

COPY

LEGAL DESCRIPTION:

The East 135 feet of Lot 1, and all of Lots 9, 11 and 12, in John W Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 1008 and 1010 West University, Urbana, Illinois.

Permanent Index Nos. 91-21-07-431-019, 91-21-07-431-021, and 91-21-07-431-009

AND

Lot 10 in John W. Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. Most commonly known as 1012 W. University, Urbana, Illinois.

Permanent Index No. 91-21-07-431-007

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

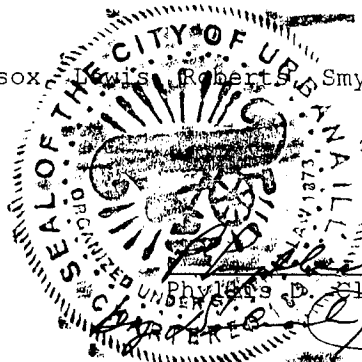
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a special meeting of said Authorities on the 26th day of November, 2007.

PASSED by the City Council this 26th day of November, 2007.

AYES: Barnes, Bowersox, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



*Richard D. Clark*  
Richard D. Clark, City Clerk  
*J. Robert Clark*  
J. Robert Clark, Deputy Clerk

APPROVED by the Mayor this 30th day of November, 2007.

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

[Special Council Meeting]

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

**DATE:** January 31, 2007  
**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, Charles Warmbrunn, Harvey Welch

**STAFF PRESENT:** Robert Myers, Planning Manager; Matt Wempe, Planner II; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Carolyn Baxley, Carmen Davis Kirby, Joan Zagorski

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

Chair Merritt called the meeting to order at 7:30 p.m. Roll call was taken, and a quorum was declared with all members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Regarding the minutes of the December 20, 2006 Zoning Board of Appeals meeting, Mr. Corten moved to approve the minutes as written. Mr. Schoonover seconded the motion. The minutes were approved by unanimous vote as presented.

**4. WRITTEN COMMUNICATIONS**

There were none.

Chair Merritt swore in members of the audience who might want to speak during the public input portion of the public hearing.

## 5. CONTINUED PUBLIC HEARINGS

There were none.

## 6. NEW PUBLIC HEARINGS

**ZBA-07-MAJ-01 – Request by Carmen Davis Kirby (Bella Home) for a Major Variance to allow a 460% increase in the display area of a projecting sign and to install the sign on the second level of the building at 110 West Main Street in the B-4, Central Business Zoning District.**

Matt Wempe, Planner II, gave the staff presentation for this case to the Zoning Board of Appeals. He introduced the case by stating that the request is for a major variance to allow a 56 square foot projecting sign over the public right-of-way on the second level of 110 West Main Street. He gave a brief background of the proposed project. He noted that development regulations allow a sign up to 32 square feet, or a maximum of 12 square feet if any portion of a sign extends over the public right-of-way. He pointed out that the property is located in the middle of downtown Urbana is surrounded by a mixture of commercial, office, institutional, and residential uses. He reviewed the criteria for granting a variance. He read the options of the Zoning Board of Appeals and stated staff's recommendation, which is as follows:

*Based on the findings 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 Urbana Zoning Board of Appeals recommend approval of the proposed major variance to the Urbana City Council.*

Mr. Warmbrunn mentioned that the last similar case the Zoning Board of Appeals reviewed in this particular area was in 2001. Since then, the sign ordinance has changed. Who recommended changes to the sign ordinance regarding projecting signs? Was it the Downtown Strategic Plan Group? Mr. Wempe explained that staff initiated the changes to the sign ordinance in response to the Illinois Student Environmental Network (ISEN) case that Mr. Warmbrunn had mentioned from 2001. City staff had brought it to the attention of the Downtown Steering Committee as well as the Plan Commission to gather input.

Mr. Warmbrunn wondered if there had been any discussion by either of the groups about retail on the second floor in any of the downtown buildings. Mr. Wempe said that there was not any specific mention of retail on the second level of the buildings. He pointed out that regarding the ISEN variance case in 2001, there were some specific differences between that case and the current variance request. The largest difference is that the Zoning Board of Appeals reviewed the ISEN case as a policy change, not a variance change. Another difference is that ISEN was an office type business, not a retail business such as Bella Home. How an office use and a retail use would use signage is fundamentally different.

Mr. Warmbrunn is concerned about them wanting to get the attention of vehicular traffic, especially since this particular block is incredibly congested. He did not understand why we are

encouraging people in cars to look up at the second floor. He inquired as to what the speed limit is through downtown. Mr. Wempe replied that the speed limit is 30 mph.

Mr. Warmbrunn asked if there were any other signs like this in the City of Champaign or the City of Urbana that staff knew of. Mr. Wempe stated that there is a Knights of Pythias Twin City Lodge No. 69 sign above Siam Terrace at 212-1/2 West Main Street in Urbana. However, it is smaller and wall mounted, and it lights up in neon. He is not sure about signage in downtown Champaign.

Ms. Uchtmann questioned what would happen as the trees in the right-of-way grow. Mr. Wempe answered by saying that this would even be an issue with any signage on the first floor of any business downtown Urbana, especially since the City of Urbana has streetscape trees installed on regular intervals in the downtown area.

Mr. Corten requested clarification on which way the sign would face. Mr. Wempe explained that the sign would face east and west, and the building faces south. Mr. Corten wondered how thick the sign would be. Mr. Wempe said it would be made of vinyl, so it would be quite thin.

Mr. Warmbrunn asked if the petitioner would be allowed to hang an illuminated wall sign instead and if so what size could it be. Mr. Wempe said that they would be allowed to have a wall sign that is lit either internally or externally. There are requirements on how far a wall sign could extend from a building.

Mr. Warmbrunn wondered what the difference is between internal illumination and external illumination. Mr. Wempe explained that an internally lit sign would have fluorescent lighting inside the sign and it shines out. An externally lit sign would have a light outside of the sign shining on the sign.

With no further questions for City staff from the Zoning Board of Appeals, Chair Merritt opened the hearing up to take testimony from members of the audience.

Carmen Davis Kirby, owner of Bella Home, as well as owner of Bella Mia in the City of Champaign, said that aesthetics and safety are most important to her. To bring class and beauty to the downtown Urbana area is also very important. She has spent a lot of time in trying to design a sign that would be beautiful, and that would also represent downtown Urbana.

Mr. Schoonover asked if it was because the brackets were already in place as to why she decided to go with a 56 square foot sign. Ms. Kirby stated that they looked into several different options. A vertical projecting sign seemed to be the best option, so people could see the sign from the east and the west. Also, a lot of time and money went into installing the existing brackets so they decided to use them.

Mr. Schoonover inquired about the proposed sign having a wind break cut to allow wind to go through so it would not act as a sail. Ms. Kirby said that the sign would have to have a wind

break cut in it. Otherwise, the sign would not last very long. They want the sign to be safe and stay in place.

Mr. Corten wondered if Ms. Kirby had looked at open spaces on the first floor of buildings in downtown Urbana prior to leasing their current space on the second floor. Ms. Kirby replied that there were not any open spaces for rent on the first floor of any buildings that compared to the space they have rented from Carolyn Baxley. The space they have is beautiful.

Carolyn Baxley, owner of the building at 110 West Main Street, spoke in favor of the variance request. She was surprised that they had to go through this procedure for the proposed sign. She stated that the hardware was installed when the University of Illinois (U of I) had their art gallery in the building. The U of I sign was exactly the size of the proposed sign, and it was displayed for several years. The U of I removed the sign when they closed the art gallery. The hardware was left behind. She believes that the proposed sign should be grandfathered in, because she went to a considerable amount of expense to have the hardware match the detailing on the building. Although the hardware looks simple, it is not. They had to have a blacksmith create the hardware. She hoped that neither Ms. Kirby nor she would have to incur the expense of replacing the hardware if the proposed variance request is denied.

Ms. Baxley pointed out that a four foot wide sign appears larger at eye level, but on the second floor it would appear much smaller. In order to get the visibility that is needed to succeed on the second floor, Ms. Kirby will need the size of sign as being proposed.

She mentioned that she is extremely pleased to have this business as retail on the second floor. She hopes it starts a trend for more retail in downtown Urbana on second floor spaces.

She stated that her concerns have already been answered in terms of the wind resistance. She also has approval as the landlord over the sign design. They required Ms. Kirby to have wind flaps in the proposed sign, because otherwise it would act like a sail and pull the hardware off and damage the brick wall.

Mr. Warmbrunn asked in what year they put the U of I sign up. Ms. Baxley believed it was either in 1989 or 1990.

Mr. Warmbrunn wondered if Ms. Baxley thought the Zoning Board of Appeals should consider the difference of Bella Home being retail as opposed to an office use. Ms. Baxley replied that it is more problematic for a retail space on a second floor in that they have to build their clientele. Obviously, Bella Home will have some visibility at ground level from their little sign on the door, but not very much. They need something to attract passersby with something that says "We're Here". Therefore, retail should have a little more consideration. Office type uses such as attorneys and accountants tend to have a clientele already.

Bella Home is all about style. Their whole business is about beautiful things for the home and for women to wear. The sign that they have designed will be quite lovely and will liven up this

particular area of Main Street. They are working hard at getting retail on the north side of Main Street in the downtown area, and she feels that the proposed sign would enhance this.

Mr. Warmbrunn inquired if the Bella Home name would appear on the awning on the first floor level as well. Ms. Baxley said yes. There is space for the Heartland Gallery and for Bella Home to put their logos on the canopy. She mentioned that it would be far less visible because it would be quite small. One would be able to see the proposed sign for quite some distance. The proposed sign would also be simple, so it is not something that people driving by would have to spend a lot of time studying.

Ms. Kirby re-approached the Zoning Board of Appeals.

Mr. Corten wondered if the merchandise for sell at Bella Home is the same as the merchandise for sell at Bella Mia in the City of Champaign. What gives her the impression that people will want to come to one place or the other? Ms. Kirby responded by saying that Bella Mia sells women's clothing and accessories. Bella Home sells home furnishings and gifts. The two businesses are quite different.

Ms. Uchtmann questioned whether the allowed 12 square foot projecting sign would be adequate if the proposed variance were not approved. Ms. Kirby stated that it would be more expensive to install new hardware. They hope to utilize the hardware that already exists. They would like to have the proposed sign so that they can attract people from out-of-town.

Joan Zagorski, of 1605 South Race Street, stated that the new business needs some kind of signage so people will know that it is on the second floor. She believes it would be a good idea to use the existing hardware. She wants it to look nice, so she wanted to know what colors they planned to use on the sign. Ms. Baxley stated that there would be shades of blue and brown.

Chair Merritt closed the public hearing portion of the case. She opened it up for Zoning Board of Appeals discussion and motions.

Robert Myers, Planning Manager, commented that in working with downtowns and main streets specifically, visibility is a huge issue. If retail is not at street level and if people have to walk up or down to get to the place of business, then many times it is more difficult for the retail business to get the foot traffic needed to be successful. This is often reflected in the rent. Because of this, visibility is crucial for any sort of upstairs business or business tucked behind the building. Typically, in pedestrian areas there is a street level band which is transparent with larger windows to display merchandise being sold. It is not the same with second floor businesses, because the windows are smaller and are not display windows.

He also talked about the proposed variance setting a precedent. How many buildings in the downtown area have separate exterior entrances to go up to the second floors? He believes that only the buildings that have separate second floor entrances on the street are the ones that could realistically have different businesses on the second floors. Although it is possible, it would be unusual to have a business on a second floor that enters the building through a business on the

first floor. Therefore, the possibility of separate second floor businesses are limited in downtown Urbana. Mr. Warmbrunn disagreed. He feels that the whole block is this way. The building that Crane Alley is in and the building that Gabe's Place is in have separate entrances. He felt that the main question is whether there is a difference between retail use on the second floor and office use. He feels that there needs to be a distinction to justify the size of the proposed sign, and he did not know if it could be done with the way the current language reads.

Mr. Welch said that the City already has these types of signs hanging in different parts of Urbana. At Green and Race Street, the City hangs signs advertising the Farmer's Market and the Chili Festival. People are looking up for these signs and don't seem to be too distracted. The City needs to either stop all signs that distract motorists and cause them to look up or recognize that this is a non-issue. To take this logically a step further, we should not have any buildings more than one story, because they cause a motorist to look up as well. If people are respecting the speed limits, then these types of signs should not be an unnecessary or dangerous distraction.

He commented that in terms of precedents, everything we do sets a precedent one way or another. If they would deny the proposed variance it would set a precedent in another direction. We cannot be overly concerned about setting a precedent because the Zoning Board of Appeals has to take these types of requests on a case by case basis.

In terms of appropriate signage for upper story windows, professional businesses etch their information into the windows, and those are fine for their customers. However, the retail factor is distinctly different.

Mr. Myers stated that the distraction issue is a tricky one. City staff previously researched this issue in terms of billboards. In fact the City went to court in the 1980's in part over the issue of whether billboards distract drivers or not. In this court case, the local billboard company brought in experts in the fields of psychology and physiology. The experts went into great detail on the issue of distraction of drivers and signage. The City was not able to prove its case on the point that billboards should be regulated in part to prevent drivers from being distracted. He mentioned that even Scenic America, who is very concerned about billboards, has conducted a number of studies which have shown mixed results on whether or not billboards are distracting to motorists.

Mr. Armstrong stated that there is a difference between a sign and a banner. A banner is more temporary and is made of temporary materials. It is meant for a specific usage and usually has a time duration attached to it. The proposed type of sign falls into this kind of quasi-zone because it would be made of vinyl rather than another material that would be perceived as more of a permanent material.

Mr. Armstrong expressed that it seems to him to be an issue that ultimately hinges on what is the intent of the sign ordinance in the first place. He believed the sign ordinance came to be because there was a period of time when signage was really becoming out of scale and more of just a distraction. It was a detriment to the downtown areas. The City has gone in the other direction to where we have limited signage to such a degree that we have made signage almost non-existent in some cases. The real question is can we live with the situation where signage



becomes more visible once again, especially considering the proposed sign is on the second story versus the first story of the building. We are in a tough situation with this case regarding the interpretation of the sign ordinance, the intent of the sign ordinance, and also the negative impact it could potentially have on a business.

Mr. Wempe responded by saying that that the definition of a temporary sign is based on whether or not it is movable or permanently fixed. The City does not regulate material for signage, so a person could have a vinyl sign that is permanent.

The intent of the sign ordinance according to Article IX. Section IX-1 of the Urbana Zoning Ordinance is as follows, *"The purpose of this Article is to establish regulations and controls which promote the goals, objectives, and policies of the City of Urbana Comprehensive Plan and to permit and regulate signs in such a manner as to support and complement the land use policies set forth in Section I-1."*

Mr. Myers noted that if a sign is designed and constructed to be permanently fixed outdoors, then it should probably be considered a permanent rather than temporary sign. If the materials are only designed to last a few months and it is not permanently affixed, then the sign is obviously a temporary sign.

Mr. Corten asked if the proposed sign would be permanent. Mr. Wempe answered yes.

Mr. Corten moved that the Zoning Board of Appeals recommend approval of the major variance request to the Urbana City Council based on the findings discussed during the public hearing. Mr. Welch seconded the motion. Roll call was as follows:

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

The motion was passed by a vote of 6-1. Mr. Wempe noted that the case would be forwarded to City Council on Monday, February 5, 2007.

## 7. OLD BUSINESS

There was none.

## 8. NEW BUSINESS

There was none.

## 9. AUDIENCE PARTICIPATION

There was none.

**10. STAFF REPORT**

Mr. Myers reported on the following:

- Fairlawn Village Major Variance to allow garages along Hollywood Drive was approved by the City Council.

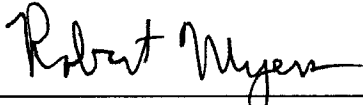
**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:27 p.m. by unanimous vote.

Respectfully submitted,



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Robert Myers, Secretary  
Urbana Zoning Board of Appeals

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** April 18, 2007

**APPROVED**

**TIME:** 7:30 p.m.

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

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

**MEMBERS EXCUSED:** Anna Merritt, Joe Schoonover, Nancy Uchtmann

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

**OTHERS PRESENT:** Eileen Gebbie, Brigitte Pieke, Danielle Quivey, Clifford Singer, Paul Zindars

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Harvey Welch stated for the record that the property for Case No. ZBA-07-MAJ-03 is located in the vicinity of his office. However, he does not feel that his building would benefit or lose from any decision that the Zoning Board of Appeals would make regarding the case.

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

In the absence of Chair Merritt, Mr. Warmbrunn moved that Paul Armstrong serve as Acting Chair. Mr. Corten seconded the motion. By unanimous agreement of the members present, the motion was approved.

Acting Chair Armstrong called the meeting to order at 7:35 p.m. Roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There were none.

### 3. APPROVAL OF MINUTES

Regarding the minutes of the January 31, 2007 Zoning Board of Appeals meeting, Mr. Corten moved to approve the minutes as written. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous vote as presented.

### 4. WRITTEN COMMUNICATIONS

There were none.

### 5. CONTINUED PUBLIC HEARINGS

There were none.

**NOTE:** Acting Chair Armstrong swore in members of the audience who indicated they might want to speak during the public input portion of the public hearing.

### 6. NEW PUBLIC HEARINGS

**ZBA-07-MAJ-02 – Request filed by Gregory Reynolds for a Major Variance to permit a 3,500 square foot accessory structure at 1714 East Airport Road in the IN, Industrial Zoning District.**

Paul Lindahl, Planner I, presented the staff report to the Zoning Board of Appeals. He stated that the petitioner and his attorney were unable to attend the meeting. If the Zoning Board of Appeals found it necessary to question the petitioner, then they could continue the case to the next scheduled meeting, but if the Board felt comfortable with making a decision based on the evidence provided then he recommended doing so. He continued his presentation by giving a brief background on the history of the pertinent facts leading to the proposed variance request. He noted the zoning and land uses of the proposed property and of the surrounding properties. He summarized staff findings, read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

*Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals forward ZBA-07-MAJ-02 to the Urbana City Council with a recommendation for approval.*

Acting Chair Armstrong asked if the area is rezoned, would the rezoning have any implications on the Zoning Board's recommendation to the City Council for the proposed variance request. Mr. Lindahl said no, it would not. The property is a very large lot, and all of the structures on the lot are far enough from the property that they would not require any setback variances. Also, the Floor Area Ratio (FAR) and Open Space Ratio (OSR) are met as well. So, a rezoning of the property would not affect the Zoning Board's recommendation in any way.

Robert Myers, Planning Manager, pointed out that the City's Comprehensive Plan designates the future land use of this property as "Residential". Properties to the west of the site are shown in the Comprehensive Plan to be "Future Regional Business".

Acting Chair Armstrong opened the hearing to take public input from audience members. With no comments or questions from the audience members, Acting Chair Armstrong closed the public input portion of the hearing and opened it for discussion of the Zoning Board of Appeals.

Mr. Corten moved that the Zoning Board of Appeals forward case ZBA-07-MAJ-02 to the City Council with a recommendation for approval. Mr. Welch seconded the motion. Roll call was as follows:

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

The motion was approved by unanimous vote.

**ZBA-07-MAJ-03 – Request for a Major Variance by Brigitte Pieke to allow vehicles to back out onto Springfield Avenue at 311 West Springfield Avenue in the B-2, Neighborhood Business – Arterial Zoning District.**

Jeff Engstrom, Planner I, presented the staff report to the Zoning Board of Appeals. He noted the land uses and zoning of the proposed site and of the surrounding properties. He talked about on-site and on-street parking for the proposed business. He pointed out how the City's Comprehensive Plan relates to the proposed variance request. He reviewed the variance criteria from Section XI-3.C.2 of the Urbana Zoning Ordinance that pertains to the case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is 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 recommends that the Zoning Board of Appeals recommend approval of the proposed major variance in case ZBA-07-MAJ-03 for the reasons articulated in the written staff report and along with the following conditions:*

- 1. That the development shall closely resemble the submitted site plan shown as Exhibit E in the written staff report;*
- 2. The Zoning Administrator shall be authorized to approve minor changes to the plan if necessary in order for the project to comply with other applicable City codes and regulations, including Building, Fire, and Subdivision and Land Development Codes, to meet City of Urbana requirements.*

3. *That the development shall meet all other applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.*

Mr. Corten inquired if parking is allowed on Birch Street. Mr. Engstrom replied yes. Mr. Corten wondered if the petitioner could have her customers park along Birch Street rather than having them park in her driveway. Mr. Engstrom said that customers would be allowed to park on Birch Street, but the Zoning Ordinance requires that the petitioner provide at least one on-site parking space, which is why she needs the approval of the proposed variance request.

Mr. Corten thought the petitioner might be able to put a driveway parallel with Springfield Ave. through her front yard and exit onto Birch Street. Mr. Engstrom replied that parking is not allowed in a required front yard setback.

Acting Chair Armstrong mentioned that it appears that the existing driveway is about 40 feet long. Would this allow cars to park in the driveway in a stacked fashion? Mr. Engstrom said that the length of the driveway is approximate so he is not sure if two cars could park in a stacked fashion in the driveway.

Mr. Warmbrunn questioned what the composition is of the driveway surface. Is it made up of gravel and grass or are there actually two concrete pads? Paul Lindahl, Planner I, explained that he took the site photos for the staff memo. His understanding is that the driveway consists of deteriorated asphalt and gravel. City staff has discussed whether or not they should require the driveway to be resurfaced. Mr. Warmbrunn did not feel that it would follow policy to allow a business use and let them keep the gravel driveway. Mr. Lindahl explained that if a person improves their parking area, then he/she would be required to improve the parking area to a standard that would meet City codes. However, this is not possible, because there is not enough room to provide for the requirements of a business driveway. It also does not make sense to require the land owner to improve the driveway, when the business might not be located there very long. In order to allow the property, which has been zoned B-2, Neighborhood Business-Arterial Zoning District, for a long time, to be reused in an adaptive way, City staff is looking for a low impact solution.

Mr. Warmbrunn wondered if we have a set definition in the Building Code of what a driveway needed to be made of. Mr. Lindahl responded that if the land owner tore down the existing structure and redeveloped the proposed site, then she would be required to provide a parking area according to the standards of the Building Code. Mr. Warmbrunn stated that he thought it might be a safety issue, but if the City staff does not have a problem with the composition of the driveway, then he did not either.

Acting Chair Armstrong inquired as to whether the variance, if approved by the Zoning Board of Appeals and the City Council, would transfer to a new owner or a different use of the property in the future. Mr. Lindahl stated that the Zoning Board of Appeals could make it a condition that approval of the proposed variance is for the proposed use only. Mr. Myers added that it would be

reasonable to add that condition because a higher intensity use occupying this property given the parking would be a very different situation.

Acting Chair Armstrong opened the public hearing up to receive comment from audience members.

Brigitte Pieke, the petitioner, stated that her retirement dream is to have a yarn store here. She is willing to answer any questions that the Zoning Board of Appeals may have for her.

Mr. Corten asked if she planned to use the house as it currently is. Ms. Pieke said yes.

Acting Chair Armstrong inquired as to what her intent would be for the driveway. Ms. Pieke pointed out that the driveway is very compact. There is not a lot of loose gravel and it has no pot holes. With regards to stack parking in the driveway, she felt this would not be a problem because she plans to park in a leased parking space elsewhere. It is just one parking space. She also did not feel that the traffic impact of her business would be any different than for the residential use which has been there for years.

With no further comments or questions from members of the audience, Acting Chair Armstrong closed the public input portion of the hearing and opened it up for discussion of the members of the Zoning Board of Appeals.

Mr. Corten moved that the Zoning Board of Appeals forward case ZBA-07-MAJ-03 to the City Council with a recommendation for approval including the three conditions recommended by City staff and with the added condition that if the petitioner sells the proposed property then the variance would require reconsideration. Mr. Welch seconded the motion.

Mr. Welch moved to amend the motion to say "... and that the variance would be pursuant to the stated use of the petition for case ZBA-07-MAJ-03". Mr. Warmbrunn seconded the motion to amend. A voice vote was taken on the amendment, and it passed by unanimous vote (4 ayes to 0 nays).

The motion now reads as such: The Zoning Board of Appeals forward case ZBA-07-MAJ-03 to the City Council with a recommendation for approval including the three conditions recommended by City staff and with the added condition that the variance would be pursuant to the stated use of the petition for case ZBA-07-MAJ-03. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

**ZBA-07-MAJ-04 – Request by Habitat for Humanity of Champaign County to reduce the east side yard setback from 5 feet to 3 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District.**

**ZBA-07-MIN-01 – Request by Habitat for Humanity of Champaign County to reduce the west side yard setback from 5 feet to 4 feet at 1306 West Dublin Street in the R-2, Single-Family Residential Zoning District.**

Both of these cases were heard concurrently because they pertain to the same property.

Jeff Engstrom, Planner I, presented the staff report to the Zoning Board of Appeals. He introduced the case by talking about the proposed major and minor variances. He said that the applicant is Habitat for Humanity which is a not-for-profit organization that assists in creating affordable housing for low-income families. He gave background information on the history of the proposed property. He noted the zoning and current land use of the proposed site and of the surrounding properties. He reviewed the City's Comprehensive Plan goals relevant to the case. He also reviewed the variance criteria from Section XI-3.C.2 of the Urbana Zoning Ordinance pertaining to the proposed variances. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is 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 recommends that the Zoning Board of Appeals recommend approval of the proposed variances in case ZBA-07-MAJ-04 and case ZBA-07-MIN-01 for the reasons articulated in the written staff report.*

Mr. Corten inquired as to whether there were any plans to build a garage in the back. Will there be a way to get to the driveway and will there be a driveway surface? Mr. Engstrom replied that there is a public alley in the back of the property. He said that Habitat Homes are typically built without garages, but that the builder/designer was in the audience and could answer the question more specifically. He believed that the driveway would be surfaced. Mr. Myers added that they would meet whatever the minimum standards are for parking surfaces and for single-family homes.

Acting Chair Armstrong opened the hearing up to input from members of the audience.

Eileen Gebbie, Director of Habitat for Humanity, and Paul Zindars, Construction Manager for Habitat for Humanity, approached the Zoning Board of Appeals.

Ms. Gebbie talked about the "2008 Home Builders Blitz" that Habitat for Humanity plans to hold in Urbana. The goal is to do the blitz in one neighborhood. This is because they have suppliers and contractors moving from house site to house site, and it would be easier to have them all together in the same neighborhood.



Another reason to concentrate their home building is because it makes a profound impact on a neighborhood. During the City of Champaign Blitz, the neighborhood came together with Habitat for Humanity to improve the neighborhood, and they saw the people energized about their neighborhood again.

Mr. Corten mentioned that in some of the other neighborhoods in the City of Urbana there are alleys behind the houses where the mailboxes and garages are located. Is this the intent of this project? Or did Habitat for Humanity plan to mix it up? Mr. Zindars replied that it is about half and half, but with the proposed property they will definitely have to use the alleyway. There is no option in the front.

Mr. Corten wondered if people would want more privacy with garages sticking out in the front like in many of the newer neighborhoods. Ms. Gebbie felt this is a good point, but the people they serve are poor and generally cannot afford to buy a home except through Habitat for Humanity with no money down, zero interest mortgages, and investment through sweat equity. For these people, it is such an extraordinary luxury to move into the simple, decent homes that Habitat for Humanity builds, even with no garages. They are extremely pleased with the product that Habitat for Humanity is able to offer with the City of Urbana's partnership.

With no further questions, Acting Chair Armstrong closed the public input portion of the hearing, and he opened the hearing up for discussion by the Zoning Board of Appeals. He suggested that the Zoning Board of Appeals look at the cases separately, since one is for a major variance and would be forwarded to the City Council and the second one is a minor variance that ends with the Zoning Board of Appeals' decision.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward case ZBA-07-MAJ-04 to the City Council with a recommendation for approval based on the findings in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

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

The motion was approved by unanimous vote.

Mr. Corten moved that the Zoning Board of Appeals approve case ZBA-07-MIN-01 based on the findings in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

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

The motion was approved by unanimous vote.

## 7. OLD BUSINESS

There was none.

## 8. NEW BUSINESS

### Zoning Board of Appeals 2006 Annual Report

Mr. Lindahl stated that the 2006 annual report provided in their packets lists information on the number and types of cases and their outcome presented to the Zoning Board in 2006. He mentioned that City staff can provide bound copies of the report for anyone who would like one.

## 9. AUDIENCE PARTICIPATION

There was none.

## 10. STAFF REPORT

Mr. Myers reported on the following:

- Bella Home Sign Variance was approved by City Council. He commented that after they installed the sign there was a problem with its design in terms of allowing airflow through it. As a result, the sign ended up coming down during a heavy windstorm. They are redesigning the sign in terms of wind load and will reinstall it, but the size or anything else reviewed by the Zoning Board of Appeals will not change.

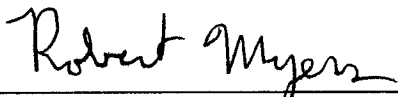
## 11. STUDY SESSION

There was none.

## 12. ADJOURNMENT OF MEETING

Mr. Corten moved that the meeting be adjourned and Mr. Welch seconded the motion. By unanimous vote the Zoning Board of Appeals agreed at 8:35 p.m. to adjourn.

Respectfully submitted,



Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals

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

**DATE:** May 16, 2007

**APPROVED**

**TIME:** 7:30 p.m.

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

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**MEMBERS PRESENT:** Paul Armstrong, Anna Merritt, Joe Schoonover, Nancy Uchtmann,  
Harvey Welch

**MEMBERS EXCUSED:** Herb Corten, Charles Warmbrunn

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

**OTHERS PRESENT:** Ben Hoerr, Jim North

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

Chair Merritt called the meeting to order at 7:30 p.m. Roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Regarding the minutes of the April 18, 2007 Zoning Board of Appeals meeting, Mr. Welch moved to approve the minutes as written. Mr. Armstrong seconded the motion. The minutes were approved by unanimous vote as presented.

**4. WRITTEN COMMUNICATIONS**

↓ Letter from Susan Flickinger

**NOTE:** Chair Merritt swore in members of the audience who indicated they might want to speak during the public input portion of the hearings.

## 5. CONTINUED PUBLIC HEARINGS

There were none.

## 6. NEW PUBLIC HEARINGS

**ZBA-07-MAJ-02 – Request filed by Gregory Reynolds for a Major Variance to permit a 3,500 square foot accessory structure at 1714 East Airport Road in the IN, Industrial Zoning District.**

Paul Lindahl, Planner I, presented the staff report to the Zoning Board of Appeals. He stated that the case is a repeat of the case heard at the previous meeting on April 18, 2007. An error in the legal description needs to be corrected for the case and the public hearing should be held again.

Mr. Lindahl gave a brief introduction and background on the history of the proposed property. He reviewed the variance criteria from Section XI-3.C.3 of the Urbana Zoning Ordinance. He summarized staff findings and read the options of the Zoning Board of Appeals. He presented staff's recommendation, which is as follows:

*Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals forward Case ZBA-07-MAJ-02 to the Urbana City Council with a recommendation for approval.*

Chair Merritt asked if this case is essentially part of an effort to straighten out some things that have happened and are happening at various government levels. Mr. Lindahl said yes. There were a number of different problems which need to be resolved. The accessory building was built across a property line. The owners purchased part of the neighboring property because the accessory building was constructed over the property line without preparing a subdivision plat. There was a single-family home built in an Industrial Zoning District. So we need to clean up the zoning, prepare a subdivision, and obtain a variance for the accessory structure. The final issue is with the legal noticing.

He mentioned that this has been a long standing effort, and staff has been working on resolving these issues for an extended time period. Hopefully, it will all be taken care of in the next month or so.

Chair Merritt wondered if staff foresaw any problems with any of the other steps that need to be taken up with any of the other entities involved. Mr. Lindahl said no. Essentially everything is ready to go. The annexation agreement had already been approved by the Plan Commission and by the City Council. This included the rezoning and the variance for the part of the property that

is outside City limits. The Zoning Board of Appeals had already approved the variance for that portion inside City limits, and the Plan Commission had already approved the rezoning of the portion within City limits as well. Once City Council makes a final determination on the variance and rezoning of the portion inside City limits, City staff will proceed with annexing the portion outside of the City limits. City staff found an error in the legal description, and this set the case back to the place we were last summer regarding the property.

Ms. Uchtmann inquired as to how the accessory building is used.

Mr. Lindahl replied that it is essentially a pole barn/garage, and the owners use it to store vehicles and other items. They also have a workshop in it, but it is only used for personal purposes and not for business purposes.

Robert Myers, Planning Manager, added that staff has spoken with the owners and their attorney several times about the use of the accessory building. The owners maintain that they plan to use it for personal storage only. He pointed out that next door there is a self-storage warehouse business along with other industrial-looking buildings to the west. He did not believe the accessory building is not out of character with the surrounding uses.

Mr. Schoonover moved that the Zoning Board of Appeals forward Case No. ZBA-07-MAJ-02 to the City Council with a recommendation for approval of the requested major variance. Mr. Armstrong seconded the motion. Roll call was as follows:

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

The motion was approved by unanimous vote. Mr. Lindahl noted that this case would go before City Council on June 4<sup>th</sup>.

**ZBA-07-MAJ-05 – Request by Vineyard Church for a Major Variance to allow a 126% increase in the display area of an institutional sign at 1500 North Lincoln Avenue in the R-4, Medium Density Multiple-Family Residential Zoning District.**

Robert Myers, Planning Manager, presented the staff report to the Zoning Board of Appeals. He introduced the case by explaining the purpose for the proposed major variance, which is to allow a 56.6 square foot wall sign at 1500 North Lincoln Avenue. He discussed the proposed sign and explained where it would be located on the church (see Exhibit F). He reviewed the variance criteria from Section XI-3.C.2 of the Urbana Zoning Ordinance. He referred to Exhibits H (Site Photos) and F (Picture of Proposed Sign). He noted the options of the Zoning Board of Appeals, and he presented staff's recommendation, which is 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 recommends that the Urbana Zoning Board of Appeals recommend approval*

*of the proposed Major Variance in case ZBA 07-MAJ-05 to the Urbana City Council subject to the following conditions:*

- 1. That the sign shall closely resemble the submitted sign plan attached as Exhibit F.*
- 2. The Zoning Administrator shall be authorized to approve minor changes to the plan if necessary in order for the project to comply with other applicable City codes and regulations, including Building, Fire, and Subdivision and Land Development Codes, to meet City of Urbana requirements.*
- 3. That the development shall meet all other applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.*

Chair Merritt inquired as to whether the sign would be lit up in any way. Mr. Myers responded that the sign company, American Dowell Signcrafters, would like to light the sign internally. Chair Merritt asked if they would use neon lighting. Mr. Myers said no, not to his knowledge, and he understood that they would not use external lighting directed at the sign. This would be a good question for the petitioner to answer.

Jim North, of American Dowell Signcrafters, feels that it is important to light the sign due to season changes and night activity at the church to direct traffic into the church building. It could be neon, LED lighting, or soft lighting. They do not want to advertise anything. They only want to identify so they only need secondary lighting.

Mr. Schoonover questioned if they planned to use lighting on the back side of the lettering to give an illusion on the front side. Mr. North explained that there are a number of ways to light a sign. Soft lighting is also known as halo lighting, and it would emanate from behind the lettering. This is the type of lighting that he would recommend the Vineyard Church to use.

Mr. Armstrong asked Mr. North to clarify what he meant by the sign directing traffic. Mr. North stated that the sign would not really direct traffic, but it would be visible to the traffic on Lincoln Avenue and Bradley Avenue. They are asking for a minimal size for the lettering of the sign. Therefore, they would like to be able to light the sign so people can see the sign at night.

Chair Merritt expressed her concern about flashing or glaring lights. Mr. North understands her concerns, and he would not want that type of lighting either. In addition, the Urbana Zoning Ordinance does not allow that type of lighting. He pointed out that lighting from the proposed sign would be nothing compared to the lighting across the street at the gas station.

Ms. Uchtmann inquired as to how tall the lettering would be. Mr. North said that they had calculated the lettering to be 12 to 13 inches. It does not appear to be very big when you are 250 to 300 feet away.

Mr. Welch agreed that the lighting at the Circle K/Marathon gas station across the street is really bright. The proposed sign will be rather dim in comparison. He asked if the church planned to have the light on all night. Mr. North replied that he is not sure. He did not discuss this point with the Vineyard Church. Mr. Welch did not see a problem even if it is left on.

Mr. Welch moved that the Zoning Board of Appeals support the staff recommendation and forward Case ZBA-07-MAJ-05 to the City Council with a recommendation for approval along with the three conditions as presented by City staff. Mr. Schoonover seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. Mr. Myers noted that this case would go before City Council on June 4, 2007.

## 7. OLD BUSINESS

There was none.

## 8. NEW BUSINESS

There was none.

## 9. AUDIENCE PARTICIPATION

There was none.

## 10. STAFF REPORT

Mr. Myers reported on the following:

- Brigitte Pieke's Major Variance was approved by the City Council.
- Habitat for Humanity of Champaign County Major Variance was approved by City Council.

## 11. STUDY SESSION

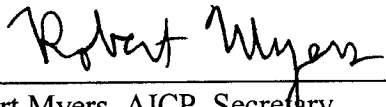
There was none.

## 12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:15 p.m.

May 16, 2007

Respectfully submitted,

A handwritten signature in black ink that reads "Robert Myers". The signature is written in a cursive style with a horizontal line underneath it.

Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals



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

**DATE:** June 20, 2007

**APPROVED**

**TIME:** 7:30 p.m.

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

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

**MEMBERS EXCUSED:** Joe Schoonover, Nancy Uchtmann

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

**OTHERS PRESENT:** Tom Berns, Cordelia Coleman, Betsy Hendrick, Jim Holmes, Jenny  
Park, Brett Stillwell

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

The meeting was called to order at 7:40 p.m. Roll call was taken, and a quorum was declared present.

Ms. Merritt being absent at the time of the roll call, Mr. Warmbrunn moved that Paul Armstrong serve as Acting Chair. Mr. Corten seconded the motion. With no opposition, the motion was approved.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Regarding the minutes of the May 16, 2007 Zoning Board of Appeals meeting, Mr. Welch moved to approve the minutes as written. Mr. Armstrong seconded the motion. The minutes were approved by unanimous vote as presented.

#### 4. WRITTEN COMMUNICATIONS

- ✦ Schematic Plan of the Proposed Development in Case No. ZBA-07-MAJ-06
- ✦ Fax from Tri-Star Marketing, owners of the Super Pantry Convenience Store at 810 West Green Street, in support of Case No. ZBA-07-MIN-02

**NOTE:** Acting Chair Armstrong swore in members of the audience who indicated they might want to speak during the public input portion of the hearings.

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW PUBLIC HEARINGS

**ZBA-07-MAJ-06 – Request filed by Trammell Crow Higher Education Development, Inc. to allow a mixed retail/apartment building with an interior parking garage to have five-foot side-yard setbacks rather than increasing the side yard setbacks to approximately 17 feet at 1008, 1010, and 1012 West University Avenue in the B-3, General Business Zoning District.**

Robert Myers, Planning Manager, presented the staff report to the Zoning Board of Appeals. He began with a brief introduction noting the reason for the proposed major variance request, which is to allow the project at 1008, 1010, and 1012 W. University Ave. to have five-foot side-yard setbacks rather than increasing the side-yard setbacks to approximately 17 feet. He stated that the petitioner would need to get approval for a Special Use Permit from the Plan Commission for the proposed development to allow multi-family dwellings. He talked about the zoning and land uses of the subject property and of surrounding adjacent properties. He discussed how the proposed development would relate to the 2005 Comprehensive Plan and reviewed the variance criteria from Section XI-3.C.2.c of the Urbana Zoning Ordinance that pertained to the proposed major variance request.

Ms. Merritt arrived at 8:00 p.m.

Mr. Myers showed the schematic drawings of the proposed development. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

*Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals forward Case ZBA-2007-MAJ-06 to the Urbana City Council with a recommendation for approval.*

Mr. Corten inquired about what is next door to the west of the proposed site. Mr. Myers replied that the restaurant, Hot Wok, is located in the adjacent property to the west of the subject property.

Mr. Corten asked what activity occurs on the railroad by the proposed site. Is it a fast moving train or is it slow moving? Will it bother the tenants in the proposed apartment building? Paul Lindahl, Planner I, answered that there are only two users of the railroad, which are Solo Cup and Emulsicoat. He believes there would be one or two slow moving freight cars using the tracks per week. Mr. Myers mentioned that the developers will need to take this into account. If it would be too much of a problem for future tenants then the project would not be successful, and it would be at the developer's own financial risk. The developers must believe that it will not be a nuisance to the future tenants.

Mr. Warmbrunn questioned whether the proposed development would have balconies. Mr. Myers did not know if there would be balconies or not. Balconies can count as open space if there are any. Mr. Warmbrunn wondered if there would be access to the roof. Mr. Myers stated that he did not know. Mr. Warmbrunn asked if the water company had been notified. Mr. Lindahl said yes.

Mr. Warmbrunn inquired if there would be enough parking spaces available for the proposed development. Mr. Lindahl stated that there would be 228 parking spaces. The City of Urbana requires a minimum of one parking space per unit, which equals 161 parking spaces. Therefore, there would be plenty of parking spaces for the tenants. Many of the residential tenants would probably not have vehicles, because it is within walking distance of the University of Illinois campus. The retail component of the proposed development is not that large, and the most he calculated for required parking would be 36 parking spaces. Mr. Myers noted that the developer is proposing to provide 30 to 40 additional parking spaces over what the City is requiring. He feels this is significant in terms of the requested variance. If there are minor adjustments in the building, if the parking is provided at or just above the minimum, then it allows less flexibility for design changes. However, in this case, there are additional parking spaces which allows for possible adjustments.

Ms. Merritt wondered if the parking for the retail spaces would be designated as such. Mr. Myers said that he did not know.

Mr. Warmbrunn inquired as to where the rain would go. The proposed development would be five feet away from their neighbors, so have they thought about the slope of the roof? Mr. Myers stated that the proposed development would have to be designed to meet the standards of the Public Works Department in the City of Urbana in terms of drainage and runoff. The proposed development is still in the preliminary stage, and there are not detailed plans drawn up for that. Public Works has reviewed the proposed plans and has not identified any major stumbling blocks in terms of Public Works approvals. He stated that he would inquire with Public Works about stormwater and make sure that he has answers for the Plan Commission for their meeting tomorrow night. Mr. Lindahl added that since the project is still in the preliminary stages, the developer has not yet created detailed engineering plans. The Zoning Board of Appeals is to look

at the side-yard setbacks. The Plan Commission during their meeting will be looking at the appropriateness of multi-family use in the B-3, General Business Zoning District. The stormwater and engineering concerns are ones that are always taken into consideration in building plans and subdivisions, and they are more the purview of the City's Building Safety Division and the Engineering Division. It is not something that the Zoning Board really needs to take into consideration during their meeting. Mr. Warmbrunn disagreed.

Mr. Corten asked if the proposed development would have a flat roof. Mr. Myers said that from the front façade pictured in the submitted drawing he assumed it would have a flat roof.

With no further questions for City staff from the Zoning Board of Appeals, Acting Chair Armstrong opened the meeting up to hear input from the public.

Jim Holmes, Vice-President of Trammell Crow, spoke. He mentioned that it is a national development company. In 2005, they constructed about \$5 billion dollars in development throughout the country. They have two specific groups within the company that touch on this type of project. There is a group that solely focuses on university type development, and the other group does mixed-use, urban infill development.

He responded to questions that were previously asked by the Zoning Board of Appeals to staff. He said that parking for the retail will be specific to the retail, because to attract a quality tenant, they would require that anyway. It is also just good business to have retail parking so designated that site. Ms. Merritt commented that often retail businesses end up needing more parking than what is available, but it sounds as if Trammell Crow has already thought about this, and it will not be an issue with the proposed development. Mr. Holmes replied that they are sensitive to the fact that parking is always an issue. They tried to maximize the amount of parking by asking for the variance request.

Mr. Corten inquired if the rental cost would be something that students could afford. Mr. Holmes mentioned that they would not be the highest priced rental units, but that they would be between the highest priced rentals and older apartments closer to campus.

Mr. Warmbrunn inquired about balconies and roof access. Mr. Holmes stated at this time, they did not anticipate balconies. This would require a market research to determine if there would be a cost benefit to specific balconies. There also would not be roof access, but there would be shared courtyards.

Mr. Warmbrunn asked about the slope of the roof. Mr. Holmes mentioned that these types of developments typically have a slope to the flat roof to provide internal drainage that tie into the stormwater system. Mr. Warmbrunn questioned if this would be located under the basement level parking floor. Mr. Holmes stated that the company's engineers would figure out how to make this work.

Mr. Corten asked if there would only be one elevator. Mr. Holmes replied correct.

With no further input from the public, Acting Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing up for discussion by the Zoning Board of Appeals.

Ms. Merritt moved that the Zoning Board of Appeals forward this case to the Urbana City Council with a recommendation for approval. Mr. Corten seconded the motion.

Mr. Warmbrunn commented on the process. He did not see how the Zoning Board of Appeals could vote on the proposed variance request with only assumptions before them. Somehow the process is flawed, whether the Plan Commission should have considered the Special Use Permit prior to the Zoning Board of Appeals review or whether there should be better drawings to know what the developer is planning to do. By approving the proposed major variance request, the City would be allowing them to have a setback of five feet. There is not a drawing concept that the Zoning Board would be approving. Mr. Lindahl pointed out that as preliminary as the plans are, they might change. As Mr. Holmes had previously indicated, there may be balconies depending on the results of the market research. Mr. Warmbrunn exclaimed that he did not approve of balconies along University Avenue. He did not want college students out on balconies throwing snow balls at people driving below or at the people in the restaurant next door which is only going to be five feet away.

Mr. Welch stated that this reminds him of the conditional use permit request to allow a convenience store by the Urbana High School. Everyone was trying to anticipate the behavior of the high school students. He understands the request to be that the petitioner needs approval of the parameters upon which to then fit the proposed development. The concept of the development may change. He did not feel that the Zoning Board of Appeals could start requiring no balconies or certain types of roofs. This is someone else's call.

Mr. Warmbrunn asked if a balcony would count towards the setback. Mr. Lindahl answered that balconies are permitted to encroach into the setbacks to a certain distance. Balconies are also permitted as part of the Open Space Ratio (OSR). However, in the B-3 Zoning District, there is no OSR requirement, so City staff is not concerned with whether the proposed development has balconies or not. When we are confronted with a request for a side-yard variance, and it is approved, then it becomes the new side-yard line.

Mr. Warmbrunn questioned if the Zoning Board of Appeals voted in favor of the proposed variance, then could the petitioner develop a 95-foot tall building and have the same variance, because we are not limiting them to the proposed design? Mr. Lindahl stated that we could not limit the height. Mr. Warmbrunn believed that is why they required a setback variance to begin with. The petitioner is required to provide three feet in width for every ten feet in height of the development. Mr. Lindahl stated that this is true. Otherwise, there is an unlimited height. Mr. Warmbrunn said if it is 95-feet in height and it is still residential, no one is anticipating what is going to be developed next to it and/or no one is saying that the petitioner needs to keep it at five stories. We are just saying that as the first step in the process, the City is going to let the petitioner have five-foot setbacks in the side-yards. Mr. Myers pointed out that the Zoning Board of Appeals could require conditions that relate back specifically to the variance. If the petitioner represents that the building would be five stories tall, and if the Zoning Board of Appeals relied

on that representation to form their vote on the variance, then the Zoning Board of Appeals could stipulate that the proposed development could be no more than five stories tall. Then, if the petitioner later wanted a different height, then they would need to reapply to the Board. Mr. Myers further commented that any project that requires approvals from multiple boards, one board or commission will have to make the first decision. In this case, the fact is that the City Council will be making the final decision for both the major variance and the Special Use Permit requests on the same night so the approvals would be happening at the same time.

Ms. Merritt commented that the Zoning Board of Appeals would only be making a recommendation to the City Council. They also would not be giving general approval for the entire project. They would only be dealing with one small aspect of the project. She felt comfortable doing this, and as the first step.

Mr. Armstrong asked Mr. Warmbrunn if Ms. Merritt, being the motion maker, would want to indicate through the motion that the motion was based on the conceptual sketches presented during the meeting. Ms. Merritt preferred to leave the motion as is.

Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

**ZBA-07-C-02: A request by SM Properties Urbana, LLC for a site plan amendment to a Conditional Use Permit allowing the establishment of two principal uses on a single parcel of land at 104 North Vine Street in the B-4E, Central Business – Expansion Zoning District.**

**ZBA-07-C-03: A request by SM Properties Urbana, LLC for a site plan amendment to a Conditional Use Permit allowing the establishment of a “Gasoline Station” at 104 North Vine Street in the B-4E, Central Business – Expansion Zoning District.**

Paul Lindahl, Planner I, presented the staff report for both cases together to the Zoning Board of Appeals. He presented background information on the site and stated the original conditional use permit requests and approvals. He explained the reason for the petitioner’s request to revise the conditional use permits, which is to allow the relocation of the two garbage dumpster enclosures.

He showed photos of one of the dumpster enclosures that has already been constructed. He read the options of the Zoning Board of Appeals and presented staff’s recommendation, which is as follows:

*Based on the evidence presented in the original case memo dated August 11, 2006, the discussion in the case memo dated June 13, 2007, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals approve the*

*proposed amendments to the conditional uses in ZBA cases 2007-C-02 and 2007-C-03, for the reasons articulated above, and by re-adopting the Conditional Use approval criteria, and Summary of Findings for each case as stated in the 2006 memo, and with the following REVISED condition number one:*

- 1. That the development shall generally conform to the submitted Site Plan attached as Exhibit "H" with the changed dumpster location and pedestrian access areas as reflected in new Exhibit "I", as amended, to show a revision to the dumpster enclosures to reflect built conditions and as they may be further amended to meet the codes and regulations of the City of Urbana. Any additional significant deviation from the site plan will require a further amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.*

Mr. Warmbrunn mentioned that there were no measurements or distances on the amended Exhibit I (2007 Revised Landscape and Site Plan). The distances on the original Exhibit H linked to Exhibit I (Amended) are incorrect. He wondered how many parking spaces City staff previously decided that the convenience store would need. Mr. Lindahl figured it would require five parking spaces at most. There are three parking spaces plus one handicapped space being proposed on the right side of the convenience store, gas pump spaces under the canopy count towards parking requirements as well.

Mr. Warmbrunn stated that there is an extra parking space that has been added to the amended site plan in the southeast corner. From the original Exhibit H, it appears that extra parking space would encroach into the setback. Mr. Warmbrunn noticed that on the original site plan, it shows the convenience store to be built on the setback line. He drove by the site earlier in the day and believes that the convenience store is further west than originally planned.

Mr. Warmbrunn questioned whether City staff felt it would be a traffic hazard for the person parking in the parking space just west of the dumpster enclosure along Main Street. The person would not be able to see any oncoming traffic when backing out of the parking space. Mr. Lindahl replied that our Building Safety Division and our Building Inspector, in particular, always look at the construction plans. He is well aware of the parking module with requirements. Therefore, he is confident that the construction that has taken place does meet zoning requirements.

Mr. Warmbrunn noted that the underground storage tanks have been moved to the south side of the proposed site. Is this the reason why the fuel trucks would need more space to drive around? Or is the original 23-foot wide entrance not enough room for a fuel truck to make the turn into and out of the proposed site? Mr. Lindahl answered that 23 feet was not enough room for the truck to make the turn into and out of the proposed site.

Mr. Warmbrunn commented that again his problem with this is that the plans came before the Zoning Board of Appeals very early. He remembers the reason for moving the dumpsters to the

north side was because that area looked like an empty space that would not impact the visual qualities of the site from the sidewalk or the street.

Mr. Lindahl stated that information on the space needed for fuel trucks to enter the site had to be revised. The Zoning Board of Appeal's has the opportunity to add conditions. He pointed out that they were looking at a general and fairly broad question of whether two uses were appropriate for this particular lot and whether a gas station was appropriate in the B-4E Zoning District at all. He felt the answer to these questions was yes. While City staff recommends conditions that proposed developments be in general conformance with the Site Plan, he believes that by being too specific, we made the mistake of preventing needed flexibility. He did not think that we are considering something that is not within the contemplated best interest of the City as the Zoning Ordinance sees it. As the Zoning Ordinance sees it, gas stations are uses that can be fine in the B-4E Zoning District, but they might require a closer look. Having two principal use structures on a single lot is generally a good thing and can be permitted under a conditional use permit review with a little closer scrutiny. These are very broad distinctions.

Mr. Warmbrunn questioned why the petitioner did not redo the Site Plan with the approved conditions on it after receiving approval of the original conditional use permit requests. This way they would have known that they could not place the dumpster enclosures in their current locations without violating the conditions placed on the approval of the original conditional use permits. The petitioner should have come back to City staff and asked for insight of where they would be allowed to relocate the dumpster enclosures instead of coming back to the Zoning Board of Appeals for an amendment with one dumpster enclosure already built hoping that the Board would approve it and not ask them to tear it down and relocate it. Mr. Lindahl agreed. In this case, he felt that there were some miscommunications between the architects, the engineers and the City in ensuring that the requirements of the conditional use permit. The engineers decided when doing more detailed plans of the development decided that the fuel trucks would not be able to make the turn, so they decided to move the dumpster to allow for extra turning room for the trucks. They probably did not understand fully the ramifications of the conditional use permit, and that they needed to consult with City staff about relocating a dumpster enclosure.

Mr. Lindahl went on to say that he did feel that the reasons for requiring the additional conditions regarding the location of the dumpster enclosures were unfounded. He noted that there was a change in grade on the proposed site. So, the already constructed dumpster enclosure is at a lower grade and less visible from Main Street than we might have expected it to be.

Acting Chair Armstrong opened the hearing to the public to give input.

Brett Stillwell, of Architectural Spectrum, apologized for having to come back before the Zoning Board of Appeals. He mentioned that their intentions were good, and he feels that they made some good decisions in where they got to with the proposed project at this point. Unfortunately, they should have come to the City staff before building the dumpster enclosure. Dumpster enclosures are details in the final plans that usually do not show up in the preliminary plans. Because of the way fuel trucks will need to enter the site and because of the drive-thru stacking needing more room, it made sense for them to relocate the dumpster enclosure.



He explained that he added the extra parking space to the right of the convenience store to make up for the parking space in Exhibit H that would be replaced with the other dumpster enclosure. They continued to add more landscaping around the dumpster enclosures and build the enclosures with brick. So, he feels that they have done the dumpster enclosures as tastefully as possible.

Mr. Warmbrunn inquired if there is a drawing that has the current dimensions and distance of the different things on it. Mr. Stillwell said yes. He pointed out the drawing in the packet is a landscape drawing. There are grading drawings, dimension drawings, sight lighting and sight utilities drawings of the proposed development.

Mr. Warmbrunn questioned whether the fuel station was moved. Mr. Stillwell stated that the fuel station was shifted slightly to the north, so he could put the additional parking space in on the right side.

Mr. Warmbrunn asked how wide the three lanes would be. Mr. Stillwell replied that they are roughly 34 to 35 feet across. The two main lanes are 12 feet wide each and the drive-thru lane for Starbuck's is 11 feet.

Mr. Warmbrunn wondered if the Starbuck's parking lot dimensions stayed the same. Mr. Stillwell said that it would generally be the same. They did add the sidewalk at the corner that was specifically requested by the City. The fuel station was also moved to the west because there was a gas line that was not in the prerecorded area. The gas line runs north – south along the east side of the fuel station, and so they needed to shift the fuel station six or seven feet to the west to clear the gas line. In addition, there was a sanitary sewer line on the east side that was out of line with the initial survey they had. These are details in refinement that hopefully do not change the overall concept, but refinement is necessary to get the details down.

Mr. Warmbrunn inquired if they would still have enough room for the fuel truck to turn between the southern most pumps and the Starbuck's dumpster enclosure. Mr. Stillwell said yes. They have run the Auto Turn computer program on it several times to test for truck turning.

Ms. Merritt commented that the location and the landscaping and the way they handled the new dumpster location will be okay. However, she wonders about the traffic pattern. It is just something they will have to wait and see. Mr. Stillwell stated that the parking space next to Starbuck's dumpster enclosure will have plenty of room to back out and see. Drivers entering the drive aisle will pull into the right lane rather than directly behind the car parked next to the dumpster.

Tom Berns, of Berns, Clancy & Associates, stated that his office is right across the street from the proposed development. In some respects, this project is an interesting one. He expressed some of his concerns. He disagrees with the petitioner's ability to comply with Conditions #2, #3 and #4, which are part of the approval of the conditional use permit as set forth in the August 11, 2006 staff memo.

His first concern is with Condition #3, which states, *“That the petitioner shall submit a detailed landscape plan for review and approval by the City Arborist and Zoning Administrator, in general conformity to submitted schematic plans, and including provisions for pedestrian and bicycle access and parking.”* If you look at Exhibit I that was attached to the original staff report dated August 11, 2006 and then look at Exhibit I (Amended), you can see a huge difference in the landscaping. There are not as many trees and plants shown on Exhibit I (Amended). It is important for them to provide more landscaping for nearby properties, especially the apartment complex to the south.

Another concern is conformity with Condition #4, which states *“That the gas station/convenience store building utilize high quality building materials (e.g., brick, masonry, etc.) to complement the existing Schnucks Crossing grocery store and strip center buildings and in recognition of the prominent site locate in downtown Urbana.”* From a distance, the dumpster enclosure appears to be attractively blended into the building rather than stand out as a lower quality enclosure of cinder block, concrete block or chain-linked fence. The problem is that the fuel station/convenience store has not been constructed of the high quality as required in Condition #4. It is constructed of CMU Block (Smooth-Faced Running Bond), and the masonry will be painted “P8”. He doesn’t know what that is.

Everyone is so concerned about what the dumpster enclosure looks like when part of the secondary main building on the site is constructed with painted cinder block. As a neighbor, he is not happy with this at all. From the conditions placed on the approval of the conditional use permits, he expected it to look something similar to the Schnuck’s building.

Mr. Berns also expressed his concern about the petitioner moving the underground storage tanks closer to the residential properties across the street. Is this going to be an issue? Is it possible to present a problem in the future? He would like to know what the Fire Chief thinks about this.

He mentioned that the dimensions should be shown on the amended site plan that the petitioner is expecting to be approved. It is not a good idea to not have the dimensions on the site plan.

He hopes that the site will be successful. He also hopes that the development will be a good aspect and a positive nature for the community. He appreciated being given the opportunity to voice his concerns.

Acting Chair Armstrong noted for the record that he was surprised to see that the fuel station/convenience store was built of masonry block rather than brick like the Starbuck’s building was.

Mr. Stillwell re-approached the Zoning Board of Appeals to respond to Mr. Bern’s comments. He pointed out that Architectural Spectrum is the architects for the Starbuck’s area, and the fuel station is being done by the Schnuck’s architects and engineers out of St. Louis. He pointed that the building is not yet complete. There are brick surrounds. He will talk to the Schnucks architects to see what, if anything, could be done about the materials used on the fuel station.

He noted that they went through a preliminary set of documents and obtained approval for two principal uses on one site and for allowing a gas station use on the site. He stated that they were in error by showing too much detail on the preliminary plans. The underground tank locations should not really be an issue until the final plans with full dimensions, grading, and details of the development are to be considered. The final plans went through the Planning Division, Public Works Department, and the Fire Department for review. The only reason they are back before the Zoning Board of Appeals is because of the dumpster. It was moved from one location to another location without going through the proper channels. He did not want anyone to think that they are building something totally different than what they presented in the original requests.

As far as the landscaping is concerned, Exhibit I from the memo dated August 11, 2006 shows plant materials much more in their own scale in that it is a more artistic rendering of what landscape looks like as a finished full product done more as a graphic representation. The final landscaping plan is shown as smaller plants and the number of plants. The landscaping around the dumpster location and along the south end of the fuel station are prairie grasses that will be huge. Mr. Lindahl pointed out that Condition #3 states "*That the petitioner will submit a detailed landscape plan for review and approval by the City Arborist and Zoning Administrator ...*" Exhibit I (Amended) serves as two different plans, which are 1) as a landscaping plan that the Zoning Administrator and City Arborist have already approved and 2) as a plan showing the location of the dumpster enclosure and nothing else.

Mr. Warmbrunn asked City staff if they only want the Zoning Board of Appeals to consider the existing dumpster enclosure that Starbuck's has already built and whether the new location is okay? Is the Board supposed to consider what the other fuel station/convenience store dumpster enclosure is to be constructed of? Mr. Lindahl replied that City staff is mostly concerned with getting approval of the location of the Starbuck's dumpster enclosure. They are not concerned with the construction materials of the other dumpster because it will not be visible from the street.

Mr. Myers mentioned that City staff can take these comments back to the Zoning Administrator and discuss them at a staff level and confirm that construction plans conform to the Board's previously approved conditions. It is the role of the Zoning Administrator to decide whether or not plans comply or not with previous requirements. The Zoning Board of Appeals is meeting to decide whether or not moving the Starbuck's dumpster enclosure is okay or not.

Mr. Warmbrunn asked if they should consider the location of the fuel station dumpster enclosure. Mr. Lindahl stated that he is fairly sure that where it is shown on Exhibit I (Amended) is where it will be built. Mr. Warmbrunn pointed out that the Zoning Board of Appeals was assured before that the petitioner could build the dumpster enclosures on the north side of the property.

Mr. Warmbrunn questioned if the Zoning Board of Appeals recommends approval as suggested by City staff, then would that include the condition from before regarding the quality of materials to be used to construct the fuel station dumpster enclosure and the location where shown on

Exhibit I (Amended)? Mr. Lindahl responded that the Zoning Board of Appeals could, if it felt necessary, to place a condition on the approval stating that they want the second dumpster enclosure to be made of brick, for instance.

Mr. Berns re-approached the Zoning Board of Appeals. He stated that he disagrees with City staff. The City Council approved the submitted Site Plan with conditions as recommended by the Zoning Board of Appeals. He does not consider Exhibit I (Amended) to be a detailed landscape plan. The City required Conditions #1, #2, #3 and #4 to protect the neighbors and other public citizens that visit the site.

Acting Chair Armstrong pointed out that Mr. Berns issues are regarding compliance and enforcement. Mr. Myers again noted that the Zoning Administrator ultimately decides whether or not plans are in conformance with the requirements. He will take comments back to the Zoning Administrator from the Zoning Board of Appeals for her to review and to take into consideration. Ms. Merritt added that the Zoning Board of Appeals could also make a motion that contains some of these stipulations as well.

With no further input from the public audience, Acting Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing up for discussion by the Zoning Board of Appeals.

Mr. Warmbrunn asked what the request is for the Zoning Board of Appeals to review. Mr. Lindahl said that it is a minor amendment to the conditional use permits to basically approve the changed location of the dumpster enclosure with the condition that *"the development shall generally conform to the submitted Site Plan attached as Exhibit "H" with the changed dumpster location and pedestrian access areas as reflected in the new Exhibit "I", as amended, to show a revision to the dumpster enclosures to reflect built conditions and as they may be further amended..."*. Therefore, the Board is to consider the amendment to the conditional use permit request including only Condition #1, as amended.

Mr. Lindahl went on to explain that the landscape plan has already been reviewed by City staff. Mr. Warmbrunn added that Conditions #2, #3 and #4 are not fully completed until a Certificate of Occupancy has been issued, correct? Mr. Lindahl said yes.

Ms. Merritt wondered if it is possible to have a second motion that deals with just this other issue or does it have to be contained in the motion relating to the issue before them? Mr. Myers stated that it depends on the second motion and what it pertains to. He explained that in order to get a Certificate of Occupancy, the petitioner has to comply with all the requirements that have currently been approved.

Acting Chair Armstrong stated that it is in the record that the Zoning Board of Appeals approved the original requests for conditional use permits for the proposed development along with four conditions. There is no ambiguity about what they approved. It does not seem necessary to him for the Zoning Board of Appeals to go back through the other criteria to reinforce what they have

already approved and stated in the original motion. Ms. Merritt commented that because the drawings look different, it makes the Board wonder what is going to be enforced.

Mr. Myers explained that the reason the amendment came up is because the Zoning Board of Appeals included a specific condition about the dumpster enclosure in its approval of its original conditional use permits. Once City staff found out about the relocation of the Starbuck's dumpster enclosure, it was felt that administrative approval of the new dumpster location would not be a minor site plan change because the Board specifically referred to the dumpster location in the previous motion for approval.

Mr. Lindahl mentioned that Exhibit I (Amended) was included in the staff report because City staff thought it would help show how the landscaping material would help to screen the dumpster enclosure. It was not intended that the landscape plan specifically be approved or not.

Mr. Warmbrunn understood Condition #1 to include both the relocation of the dumpster enclosure and the pedestrian access area.

Mr. Lindahl explained that the original Exhibit H did not show the pedestrian access area from the corner going into the Starbuck's parking area. It was previously requested by the City, it has already been built, and it does not seem necessary to mention it.

Mr. Warmbrunn wondered since they are amending what currently exists, does that mean we throw out the old section and put in the new Condition #1? Or are we just adding the amended Condition #1 to the old original approval and conditions? He was looking for what City staff wants procedurally to be done.

Mr. Lindahl replied that the other changes to the fuel station/convenience store area have already been approved administratively.

Mr. Warmbrunn inquired as to why, if we are just amending the previous conditional use permits, did we create new file numbers for the cases?

Mr. Lindahl stated that staff decided it would be better to assign new case numbers so it would be easier to keep track of various approvals. This is done with annexation agreements as well. The amendment will be identical to the previous one, with the exception of the one change. Mr. Warmbrunn stated that he then understands that Conditions #2, #3 and #4 will be tacked on to the amendment. Mr. Myers responded by saying that City staff is only asking the Zoning Board of Appeals to approve the relocation of the Starbuck's dumpster enclosure.

Mr. Warmbrunn moved that in Case No. ZBA-07-C-02 the Zoning Board of Appeals approve the proposed amendment to the conditional use permit for the reasons articulated in the written staff report, and by re-adopting the Conditional Use approval criteria, and Summary of Findings as stated in the 2006 memo, and with the following revised condition: That the development shall generally conform to the submitted Site Plan, shown as Exhibit H, with the changed dumpster location and pedestrian access areas as reflected in the new Exhibit I, as amended, to show a

revision to the dumpster enclosures to reflect built conditions and as they may be further amended to meet the codes and regulations of the City of Urbana. Any additional significant deviation from the site plan will require a further amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals. Ms. Merritt seconded the motion.

Roll call was as follows:

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

The motion was approved by unanimous vote.

Mr. Warmbrunn moved that in Case No. ZBA-07-C-03 the Zoning Board of Appeals approve the proposed amendment to the conditional use permit for the reasons articulated in the written staff report, and by re-adopting the Conditional Use approval criteria, and Summary of Findings as stated in the 2006 memo, and with the following revised condition: That the development shall generally conform to the submitted Site Plan, shown as Exhibit H, with the changed dumpster location and pedestrian access areas as reflected in the new Exhibit I, as amended, to show a revision to the dumpster enclosures to reflect built conditions and as they may be further amended to meet the codes and regulations of the City of Urbana. Any additional significant deviation from the site plan will require a further amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals. Ms. Merritt seconded the motion.

Roll call was as follows:

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

The motion was approved by unanimous vote.

**ZBA-07-MIN-02: Request filed by Betsy Hendricks to allow a legally non-conforming shortage of parking spaces to increase in non-conformity from 14% to 18% less than required at the Hendrick's House dormitory located at 904 West Green Street in the B-3U, General Business – University Zoning District.**

Paul Lindahl, Planner I, presented this case to the Zoning Board of Appeals. He noted the purpose of the minor variance request is to reduce the number of parking spaces to allow for the expansion of food services to the Hendrick's House. He talked about the remodeling project, proposed parking, parking demand, neighborhood impacts and special considerations regarding the nature of the site in a high density area, use of cars by the student residents, and the proximity

to the University of Illinois. He summarized staff findings and read the options of the Zoning Board of Appeals. He presented staff's recommendation, which is as follows:

*Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals approve the minor variance request.*

With no questions for City staff, Acting Chair Armstrong opened the hearing up to take public input.

Betsy Hendricks, petitioner, requested approval of the minor variance. The purpose of the proposed addition is to provide an extra dining area. They intend to remodel their current dining area to provide for station service. She noted that when the west tower was originally designed in 1987, the architect had planned for the addition now proposed, except that he had planned for it to cantilever out over the parking lot to allow required parking spaces underneath. When the bids came in too high, they decided to eliminate that extra steel to bring it back within the budget.

Mr. Corten wondered how they only have freshmen in the dormitory. Ms. Hendricks replied that they do not have only freshmen, but the majority of the residents are freshmen as they are certified by the University of Illinois. Freshmen have to live in certified housing. She would say that they have about 55% freshmen, which cuts down on the parking demand. They actually rent out ten of their parking spaces to another business.

Acting Chair Armstrong closed the public input portion of the hearing and opened it up for discussion

Mr. Corten moved that based on City staff's findings the Zoning Board of Appeals approve ZBA-07-MIN-02 as recommended by City staff. Mr. Welch seconded the motion.

Roll call was as follows:

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

The motion was approved by unanimous vote.

Mr. Myers pointed out that minor variances such as this are approved by the Zoning Board of Appeals. They are not forwarded to the City Council for final determination, so the variance has been approved.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Myers reported on the following:

- Vineyard Church Major Variance for an increase in the display area of a sign was approved by the City Council.

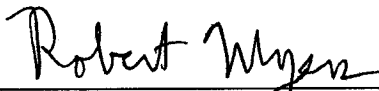
**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 10:22 p.m.

Respectfully submitted,



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Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals



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

**DATE:** September 19, 2007  
**TIME:** 7:30 p.m.  
**PLACE:** Urbana City Building  
City Council Chambers  
400 S. Vine Street  
Urbana, IL 61801

**APPROVED**

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**MEMBERS PRESENT:** Paul Armstrong, Herb Corten, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

**MEMBERS EXCUSED:** Anna Merritt

**STAFF PRESENT:** Robert Myers, Planning Manager; Paul Lindahl, Planner I; Lisa Karcher, Planner II

**OTHERS PRESENT:** Mike and Sara Hagemeyer, Carl and Jane Hill, Dan and Jen Orchard, Margaret Reagan, Gerald Romig, Jean Teems, Cherry-Boland Williams

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

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

In the absence of Chair Merritt, Mr. Corten nominated Paul Armstrong to serve as Acting Chair. Mr. Warmbrunn seconded the nomination. The Zoning Board of Appeals agreed by unanimous voice vote.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Mr. Warmbrunn moved that the Zoning Board of Appeals approve the minutes of the June 20, 2007 meeting as written. Mr. Corten seconded the motion. The minutes were approved by unanimous voice vote as presented.

#### 4. WRITTEN COMMUNICATIONS

- ✦ Letter from Richard L. Thies regarding Case No. ZBA-2007-C-04
- ✦ Biography on Cherry Boland-Williams

**NOTE:** Acting Chair Armstrong swore in members of the audience who indicated they might want to speak during the public input portion of the hearings.

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW PUBLIC HEARINGS

Paul Lindahl, Planner II, requested that there be a change to the order in which the two cases were presented. The applicant for the Conditional Use Permit case had not yet arrived for the meeting. Acting Chair Armstrong agreed.

**ZBA Case No. 2007-MIN-03: A request by Adams Signs & Graphics Company, a contractor for Wal-Mart Stores, Inc., for a Minor Variance to allow installation of a 20 square foot wall sign located at 100 South High Cross Road in the B-3, General Business Zoning District.**

Mr. Lindahl presented this case to the Zoning Board of Appeals. He began with a brief introduction and showed the location of the Wal-Mart store on a map. He also pointed out the adjacent land uses and major roadways that surround the store noting their zoning designations as well.

He talked about the maximum square footage of signage that would be allowed. Using the photographs of Wal-Mart that are included in the packet, he showed where the sign would be located on the front of the Wal-Mart store.

He stated that the goals of sign regulations for the B-3 Zoning District are to make sure signage is proportional to a building, that signage is not cluttered, and that it does not detract from the zoning district and neighborhood.

Mr. Lindahl reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the proposed minor variance request. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is as follows:

*Based on the findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals approve Case ZBA-2007-MIN-03 with the following condition:*

*That the sign be constructed in substantial conformity with the submitted plan and photographs illustrating its design and location.*

Mr. Warmbrunn inquired as to how big the Subway sign is. Mr. Lindahl responded that the Subway sign measures 22 inches tall and 9 feet, 2 inches wide.

Mr. Warmbrunn questioned whether the Subway sign was included in the initial signage that was originally approved along with the Wal-Mart sign. Mr. Lindahl understood this to be true.

Mr. Warmbrunn noted that the proposed sign is about the same size as the Subway sign. It seems pretty harmless.

Robert Myers, Planning Manager, added that he calculated what percentage of the total facade was covered by signage. Signage covers 4.9% of the total wall area of the front façade of the Wal-Mart Store. The addition of the proposed sign would increase the percentage of coverage 1/10<sup>th</sup> of 1% of the wall surface. Since Wal-Mart is already at the maximum signage allowed and City staff is not authorized to grant the additional proposed sign, they have brought the case requesting a minor variance to the Zoning Board of Appeals.

Mr. Lindahl stated that the consultant for the application is present. The consultant stated that he did not have anything to add, but he would answer any questions that the Zoning Board of Appeals might have.

Mr. Corten moved that the Zoning Board of Appeals approve ZBA Case No. 2007-MIN-03 as recommended by City staff. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion was passed by unanimous vote.

**ZBA-07-C-04: A request by Cherry Boland-Williams for a Conditional Use Permit to allow the establishment of a “Day Care Facility” located at 1910 Kathryn Street in the R-2, Single-Family Residential Zoning District.**

Mr. Lindahl presented this case to the Zoning Board of Appeals. He introduced the case by stating the purpose of the proposed conditional use permit request, which is to allow the establishment of a “day care facility” in the R-2 Zoning District. He talked about the Comprehensive Plan designation, zoning and land use of the proposed site and of the surrounding properties as well.

He discussed the regulations of the Zoning Ordinance as they pertain to a “day care facility”. He pointed out that the Zoning Ordinance only refers to a “day care facility” as being a service

offered for the care of children and not adults. Therefore, the Zoning Administrator interpreted that an adult day care facility is most like a day care facility (non-home based). The Zoning Administrator also determined that there should be a maximum of eight clients allowed in the adult day care at any given time.

Mr. Lindahl stated that the plans for the completed house were reviewed by the City's Building Safety Division. Those plans meet the R-2 Zoning District floor area ratio (FAR) and open space ratio (OSR) requirements. The plans meet the setback requirements and the parking requirements as well. He noted that the written staff report under Parking Requirements should be corrected to say "two car garage" rather than "three car garage."

He reviewed the criteria of Section VII-2 of the Urbana Zoning Ordinance that pertains to the proposed Conditional Use Permit. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which is 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 recommends that the Urbana Zoning Board of Appeals approve ZBA-2007-C-04 with the following conditions:*

- 1. The structure must meet all applicable City Building Safety Code regulations.*
- 2. Ms. Boland-Williams or other future owners/operators must have their residence on site at the Home Based Adult Day Care Facility.*
- 3. The maximum number of clients on the premises at any time shall not exceed 8 persons.*
- 4. The facility may have a single sign no larger than one square foot in area attached to the façade of the building. No other exterior or yard signage shall be permitted.*
- 5. The number of overnight client stays shall be limited to a maximum of two individuals per night.*

Mr. Lindahl explained that the purpose of Condition #4. This is the maximum size of a sign that would be permitted under any type of Home Occupation Permit.

Mr. Schoonover inquired as to whether the proposed day care facility would run seven days a week. Mr. Lindahl stated that he did not know. The applicant is in the audience and would be able to answer that question.

Acting Chair Armstrong asked for a facility like this, what other kinds of considerations are there besides whether the usage is compatible with the neighborhood? For instance, is the facility handicapped accessible? Does it meet the special needs of the clients? What are the petitioner's qualifications for operating the proposed facility? Are these all things within the purview of the Zoning Board of Appeal's consideration? Mr. Lindahl responded that the State of Illinois does not regulate adult day care facilities in residential homes. The only time the State of Illinois

regulates day care facilities in home type settings is when it is being used as a provider for a particular state program. Only when individuals who are in a state program are eligible for state money are there extensive regulations for qualifications of the providers, for record keeping, etc. It is his understanding that Ms. Boland-Williams would be applying to be a provider under this state program, and some of her clients would receive funding via the state program; so therefore, the petitioner would have to be certified.

He further noted that one thing the City does address is with the type of construction of a building and the standards to which it is constructed. The City's Building Safety Division will look at whether Ms. Boland-William's home has a particular type of exit door, and whether it is lighted or has an alarm, where fire alarms and smoke alarms are located in the home, etc.

There are different types of building construction standards. The application for the construction of the home was submitted to the Building Safety Division as a single-family home. It meets the standards required for a single-family home. It is only permitted to be used in a manner of intensity to a particular limit. Single-family homes also do not have to meet the American with Disability requirements. So, if the applicant wanted to increase the intensity of the use beyond eight people, then this would trigger institutional use requirements, and this would require that the home be retrofitted with certain other kinds of life safety items such as sprinklers.

Mr. Warmbrunn questioned whether the City has rules and licenses for this particular adult day care business. Mr. Lindahl responded by saying that this is a new type of use for Urbana, and the City does not have any current rules for an adult day care. The Zoning Administrator interpreted the use to be most closely related to another type of use. Daycare is listed in the Zoning Ordinance, but this relates pretty much directly to children. Mr. Warmbrunn disagreed in that there is quite a bit of difference between eight children and eight adults. He mentioned that he would have liked to see the floor plan of the house. He inquired if it has five bedrooms or a recreation area. He believes that this use will come up again in the future, and the City should have some set of guidelines for them to go on. Does the City need to set a minimum number of caregivers that should be working at any one time? Is this something that the City should do prior to the Zoning Board of Appeals deciding where to put this particular type of use? Mr. Lindahl replied that this is a land use decision.

Mr. Welch added that requirements cannot come from the Zoning Board of Appeals. Setting these types of requirements is beyond the Zoning Board of Appeal's power. He recalled a previous case involving a church near Prairie School. He had mentioned then that the Zoning Board cannot discuss how many children can be in a classroom. This is not a zoning decision. In his opinion, if a business is small enough that the State of Illinois does not regulate it, then the City probably cannot regulate it either. He did not believe that the Zoning Board of Appeals could approve the use and then attach conditions or regulations beyond their power.

Mr. Lindahl said that the City staff had thought about adding a condition requiring a specified minimum number of caregivers. However, it occurred to them that if at some time the State chooses to start regulating these types of uses, then it is not necessary for the City to regulate the use by limiting the number of staff. However, by limiting the petitioner to eight individual

clients at any time, the City can limit the amount of traffic dropping the clients off and picking them up, and it puts a practical economic limit on the number of staff that they would have.

Mr. Corten asked whether the home would be handicap accessible. Mr. Lindahl stated that the home does not have to be handicap accessible because it is a single-family home. However, they do have a ramp in the garage to make it easier to get people in wheelchairs in and out of the house.

Acting Chair Armstrong clarified that the Building Safety Division has looked at the premises and has that the petitioner's home would be permissible to be used for the proposed adult daycare center. It is not in the purview of the Zoning Board of Appeals to determine whether the feasibility of the building as an adult daycare facility or what the qualifications of the provider should be. It is only their purview to look at how the proposed use would impact the current zoning. Mr. Lindahl felt this to be a fair statement. From a land use standpoint, because this is a conditional use permit request, the City is interested in the impact on the neighborhood.

Ms. Uchtmann wondered if this was a request for a daycare for children, would they still be discussing this case. Mr. Lindahl replied no. There is certainly a difference between adults and children. Small children and infants have less capacity to exit buildings in case of emergency.

Mr. Myers added another difference is that the petitioner is requesting to provide overnight stays. This is different than home daycare for children.

Mr. Lindahl pointed out that the Zoning Administrator looked at the case and determined there is a difference because of the respite care, and it would be beyond her discretion in simply making an administrative decision of whether it should be allowed. In the future, City staff can look at adding a definition for "adult day care" in the Zoning Ordinance to get a bit more clarification for the use.

Ms. Uchtmann commented that it would interfere with the peaceful enjoyment of the neighborhood by the other neighbors just by the traffic that the use would generate with drop off, pickup and deliveries. She would like to hear from the public.

Mr. Corten wondered what the conditions were in approving the alzheimer's home off of Windsor Road. Mr. Lindahl stated that the alzheimer's facility is on Amber Lane. It did not come before the Zoning Board of Appeals, because he believes it was simply reviewed by the Building Safety Division as an institutional structure with a residential component. Mr. Corten asked if that could give the Zoning Board of Appeals any guidance on this case. Mr. Lindahl replied not necessarily. The Alzheimer's home is a much larger facility, and it is still an institution. Therefore, it had to meet all the requirements regarding fire safety and security. In this particular case, Ms. Boland-Williams is trying to provide a certain amount of stimulation and care in a home-like environment.

Mr. Warmbrunn questioned what a "service dependent individual" is defined as in the code. Mr. Lindahl read the definition from the Zoning Ordinance, which is as follows: *Service Dependent*

*Population: Groups who by reason of mental or physical disability require supervision offered in connection with residence in a community living facility as herein defined. Such groups shall reside as members of a single housekeeping unit in a quasi-parental relationship with staff. Said groups shall not include persons for whom such services are a requirement of a sentence upon conviction of a criminal offense or whose need for such services arises during or immediately following a sentence of incarceration for a criminal offense.* He mentioned that it makes a distinction between people who need a certain amount of care in a quasi-parental relationship, such as autistic adults.

Mr. Warmbrunn inquired if any of Ms. Boland-Williams clients would be service dependent. Mr. Lindahl said that the petitioner would be able to tell the Zoning Board of Appeals more about what types of needs her clientele might have.

Mr. Warmbrunn questioned whether there are any street lights in the area. Mr. Lindahl did not believe so. Mr. Warmbrunn asked if there is suppose to be street lights in the final planning or will it be a dark cul-de-sac? Mr. Lindahl stated that street lights would not be required under the present Ordinance. He stated that the builder was present and could answer this question more accurately.

Acting Chair Armstrong opened the meeting up to hear input from members of the audience. He then swore-in all those who wished to speak who were not sworn in previously and requested that they sign in.

Carl Hill, the builder of the home, and Cherry Boland-Williams, petitioner, approached the Zoning Board of Appeals to speak. They passed out an informational sheet on the biography of Ms. Boland-Williams.

Mr. Hill spoke about the house. He stated that the single-family home is 5,500 square feet, and it has eight bedrooms and six bathrooms. One of the bathrooms has a roll-in shower for wheelchair accessibility. The driveway can hold approximately six cars. Mr. Corten inquired if the house is already built. Mr. Hill replied yes, and it is being lived in by the petitioner.

He explained that he worked with Ms. Boland-Williams to find a suitable location that would accommodate this type of house and this type of facility. They especially want it to be in a residential neighborhood. It is not really conducive to commercial areas with high traffic, etc. So they found a cul-de-sac that has very large lots on it. They talked with Paul Tatman, who is the developer of the subdivision, and the proposed use was fine with him. Before taking on this project he talked at length with Ms. Boland-Williams and her husband and with the architect who designed the home to ensure that what she is trying to do would work.

He mentioned that Ms. Boland-Williams has operated a day care for children for several years. They figured that if she was allowed to have a day care for eight children, then she should be allowed to have a day care for eight adults, which would be the same amount of traffic. Most often, adults would be dropped off at her house for the day. The adult clientele would not necessarily be invalids. They would be adults who want to work in the yard, play cards and

socialize with other people. They might include people who have just had some minor surgery and should not be left at home by themselves. He read a note from Jean Teems, a nurse from Georgia. She found out about Ms. Boland-William's plans for a respite cottage. Her letter encouraged the Zoning Board of Appeals to approve and promote the proposed use and to keep it in a residential setting.

Mr. Hill stated that he has received encouragement from people as well. He feels this concept will catch on and that we will be seeing more adult day cares in the future. As a result, he sees the concern of the Zoning Board of Appeals approving this without having zoning regulations in place for adult day care facilities. Although Ms. Boland-Williams could have up to four unrelated adults living in her home, she would rather work with the City in setting up some guidelines or standards that would be workable for them as well as for the neighborhood without upsetting anyone.

He continued to explain that they have put sidewalks all the way around the house. Overnight clients will be able to go outside from their bedrooms onto decks around the sidewalks to a patio on the back of the home. There are also two other exits from the house that are wheelchair accessible, and a third additional exit that has two small steps. However, the basement has been set up for people with the ability to negotiate steps. There will be an exercise room, a care room, four bedrooms, two bathrooms and a laundry facility in the basement. There are six egress windows in the basement level. So it has been very well setup to accommodate people, young or old.

He encouraged the Zoning Board members to read the biography that was handed out. This is the type of person we want doing the type of work that she wants to do. He feels that we need to encourage her in every way we can.

Acting Chair Armstrong inquired about the yard. How is it setup or defined as a yard? Is it an open yard without any barriers? Is it fenced in?

Mr. Hill replied that the yard is all fenced around with a gate at each end and one in the back to allow access to mow. There is a garden area, flower planting area, and a patio in back that connects to the sidewalks and decks around the house.

Acting Chair Armstrong understood this to be not a simple ordinary single-family residential home. This particular house was planned from the very beginning and constructed to be used as an adult day care facility. All these provisions are geared toward this.

Mr. Hill replied that is correct. Urbana is entering a new phase and does not have regulations for adult day care facilities. So they are asking for this to be a start. They are hoping to work with the City to develop regulations that would be conducive to this type of work.

Mr. Corten questioned whether a 20 year old who is disabled could come and stay in the adult day care home. Ms. Boland-Williams said yes, any adult.



She went on to say that she would love to have the proposed conditional use permit approved because she can think of nothing else that she would like to do than to be a part of this population's life. She feels comfortable being able to make them happy, especially people who are confined and their caregivers have been taking care of them for so many years. The caregivers are unable to leave them, because the disabled adults have no where to stay. They need a place to hang out and to rest from their everyday chores. This type of facility is so greatly needed in this area. In most other cities, this type of development is already available.

Acting Chair Armstrong inquired as to how much traffic the proposed adult day care home would generate. Ms. Boland-Williams said practically none. She does not just want to have clients picked up and dropped off. She also wants them to be able to stay as long as they want. There is a golf course and park nearby that the clients can walk to if they want. She feels lucky to have found this location. It is almost as if Prairie Winds was planned for her idea for an adult day care home.

Mr. Corten wondered if Ms. Boland-Williams would be living in the home. Ms. Boland-Williams said yes and that she lives there now.

Mr. Warmbrunn asked the petitioner to address the concept with the overnight stays. Would this be something that she envisioned would be happening quite often?

Ms. Boland-Williams replied that there is a respite center in southwest Champaign called the Cumberland Association. Many of the people who stay there are state supported or are on welfare. There are not any centers for people who are willing to pay by private insurance or directly from their pockets.

Mr. Warmbrunn inquired as to how long her clients would stay overnight...a week or a month.

Ms. Boland-Williams responded by saying that her clients would only stay overnight 24 to 48 hours.

Mr. Warmbrunn responded if the overnight clients would be part of the group of eight people allowed.

Ms. Boland-Williams said that they would not have more than two or three overnight clients at one time.

Mr. Lindahl explained that the petitioner would not be allowed to have any more than eight clients at one time, and the maximum number of overnight clients would be limited to two people. If the petitioner wanted to allow longer overnight stays, then the City staff would have approached this differently.

Mr. Warmbrunn questioned whether that was mentioned in the staff report that overnight stays would be limited to 48 hours. Mr. Lindahl stated that it does not. Mr. Hill added that this is the reason why they need to develop zoning regulations for adult day cares facilities.

Mr. Corten inquired as to what kind of care she planned to give to her clients. Is she a registered nurse? Would she be able to see that her clients are getting their medications on time? Ms. Boland-Williams said yes, she is a registered nurse and would be able to administer medications prescribed by a physician.

Mike Hagemeyer, 1902 South Kathryn Street, spoke in opposition of the proposed conditional use permit. His first issue is that there will be clients there because they need physical help or assistance. Although there are egress windows in the basement, the clients most likely would need help exiting through the windows in an emergency. So the petitioner will need more staff even to help out with regular functions. Another concern he has is if any of the overnight clients have Alzheimer's, will the doors to the outside be locked? If so, is this not a fire hazard? If the doors are not locked, then how will the petitioner know if a client with Alzheimer's gets out of the house? He mentioned that there are eight bedrooms. He thought there should be nine bedrooms to allow for eight clients and a bedroom for the petitioner.

Mr. Corten pointed out that there would only be a maximum of two clients staying overnight at any one time.

Mr. Hagemeyer stated that this brings up the issue of who will regulate whether there are only two people staying overnight. He mentioned that he is looking at the worse case scenario. What if clients only stay for short periods of time like an hour or two and then leave? More clients could come and stay for short periods. Therefore, he foresees a lot of extra traffic in the neighborhood. He bought his property because it is in a cul-de-sac and does not want the extra traffic. If he had known that the proposed use would be allowed, he would not have bought his property.

Mr. Welch questioned whether Mr. Hagemeyer's concern is with the proposed day care or any day care in general at this location? Mr. Hagemeyer stated that his concern is with any day care in general. He is concerned with any business that would have a sign and would have clients being dropped off and picked up and has a lot of extra activities.

Mr. Welch pointed out that the Zoning Board of Appeals has to be careful because a child daycare would be allowed by right. It would be the same traffic presumably. There may not be the overnight traffic, but there would be a big influx of traffic at 5:00 p.m. and between 6:00 and 8:00 a.m. As a Zoning Board, they cannot say that the proposed daycare should not be allowed without a distinction on the difference between older people and younger people, especially when talking about traffic. Traffic will be there presumably if it is a business.

Mr. Hagemeyer stated that he understood this. He is saying that plans for the proposed daycare should have been brought up in the blueprint stage. It is not fair that he is just finding out about this and his house is already half built.

Mr. Corten asked if Mr. Hagemeyer lived on Kathryn Street.

Mr. Hagemeyer stated that he is currently building his home on the corner of Colorado Avenue and Kathryn Street. He just feels that everyone should have had the opportunity to talk about this a long time ago. This project has evidently been planned for quite some time.

Dan Orchard, 1906 Kathryn Street, spoke in opposition of the proposed conditional use permit. He stated that he has several concerns with the proposed use as well with an increase in traffic being the biggest issue. There may be additional traffic generated for in-house medical appointments with various practitioners and physical therapists coming to the house to meet the needs of the clients. This additional traffic ties into his next concern of parking. In this court, the width of the frontage for each of these lots is so small that there is not going to be parking space in between there, so traffic will need to park on the main part of the street. It was mentioned earlier that a wheelchair access would be through a ramp in the garage. Therefore, they would need to leave the bay in the garage open for the ramp to be used, in which case this is no longer a viable parking spot for a vehicle. If the petitioner plans to have field trips, then there would be an additional vehicle at her disposal in addition to their personal vehicles. So the vehicle count is going up, and the parking spaces are very limited.

Margaret Reagan, of 2004 East Colorado, spoke in opposition of the proposal. She explained that her family just built a house on the corner of Kathryn Street and Colorado Avenue and moved to the Urbana area last February. They chose this property because their lot backs up to Lohmann Park. She stated that had they known about the proposed day care facility, her family probably would not have bought their lot.

Mr. Welch inquired if she opposed this type of facility or neighborhood businesses that are allowed in these types of areas in general.

Ms. Reagan replied that she opposes neighborhood businesses in general.

Ms. Reagan commented that she is a physical therapist and works with dementia residents every day. Many of them are huge wanderers. She does not want people walking around at night or cutting through their lot to get back to the park.

Mr. Warmbrunn asked the petitioner how they perceived the parking, arriving/drop off to be handled. He has the impression that none of the clients will be driving.

Ms. Boland-Williams stated that her clients will be dropped off and picked up. There would not be any cars other than hers parked there at all.

Mr. Warmbrunn questioned whether she has a separate vehicle to use for field trips. Does it hold 8 people?

Ms. Boland-Williams said yes. She commented that they would keep their personal vehicles in the garage. Their cars are currently parked in the driveway because they just moved in. However, they do not like to see a lot of cars in the driveway or parked on the street. She agrees with the people who spoke in opposition in that she does not want a lot of traffic either.

She mentioned that they would not be having a sign. The proposed adult day care home would not be anything unusual. This is a residence, and no one will know that there are other people in her home.

Mr. Hill noted that the driveway is very wide. There is a separate door so the garage door would not have to be open to the garage where there is a ramp that goes into the main part of the house. No cars will have to be moved and none will have to be left out. The garage is plenty wide for two, possibly three, cars plus the ramp. This has been very well planned. It is a large house, and the driveway is large enough to park six cars in even without the garage. There is no reason to expect any on-street parking.

Ms. Boland-Williams mentioned that prior to building her home, they discussed it with one of the people who just spoke in opposition. They were very pleased about the proposed use. So, she is surprised to see them object the proposed use at this point.

Mr. Warmbrunn inquired as to what supervision would be provided. Say there are two clients in the back yard, two clients in the basement and two others walk off to the park. He asked if the clients would be pretty much on their own. Ms. Boland-Williams stated that her clients are able-bodied people who may be lonely in their homes and just need to interact with others. Besides, they just had a brand new fence installed in the rear yard.

Mr. Corten remarked that it seems to him that the demand for this type of activity is growing and will continue to grow as people now live longer. We are going to have to provide much more of this kind of service in the future. Ms. Boland-Williams commented that Champaign and Urbana are a little bit behind on this, because this type of service is going on in other cities.

Ms. Uchtmann expressed her puzzlement over why the petitioner did not seek approval from the Zoning Board of Appeals prior to building her home designed with the adult day care in mind.

Mr. Hill pointed out that Ms. Boland-Williams is allowed by right to provide adult day care service out of her home according to the City's regulations.

Ms. Uchtmann understood the issue to be then with the overnight respite care, correct?

Mr. Hill said that is correct. City zoning allows up to four unrelated adults living in a residential single-family home by right.

Mr. Warmbrunn wondered if the petitioner could have more than eight clients just as long as she did not have anymore than eight clients at her home at any given time. Mr. Lindahl said yes, there could be clients that only come on certain days of the week.

Mr. Warmbrunn asked if the Zoning Board should include the condition that the overnight respite care be limited to 48 hours. Mr. Lindahl stated that they could add this as a condition.

Mr. Corten commented that he hoped they would add it as a guideline rather than a requirement. Mr. Lindahl replied that anything over 48 hours would be considered more of a residency similar to a hotel-motel use.

Mr. Welch inquired as to whether the City has defined "residency" anywhere. Mr. Lindahl replied that he has not found a definition that address residency. The Zoning Ordinance has a definition for "dwelling unit", but it does not deal with about a person having to live or be there for seven days a week, etc. He stated that City staff is comfortable with 48 hours.

Mr. Warmbrunn questioned who would regulate this new condition.

Mr. Welch responded that it would be the same people who regulate occupancy requirements. If adult day care facilities were state regulated, then there could be surprise inspections. Without state regulations, we have to depend on good faith.

Mr. Myers added that in terms of occupancy, the City of Urbana has inspectors assigned to inspect for occupancy requirements and follow up on complaints that too many people are living in a building. If there is an issue with over-occupancy in a building, the inspectors will collect information and notify the property owner of the over-occupancy to get the issue resolved.

Mr. Warmbrunn commented that the City is not going to require a license for the adult day care facility.

Mr. Welch did not feel that the City could regulate a facility like this if the State does not have any regulations for it.

Mr. Corten wondered if Mr. Welch could foresee State regulating this type of use in the future.

Mr. Welch replied probably, especially if there are going to be more and more adult day care facilities in the future as Mr. Corten had suggested earlier.

Ms. Uchtmann referred to the letter written and submitted by Richard Thies. Point # 11 states that *"The requested use would not qualify as a "home occupation" under the ordinance as it will have more than two customers or clients on the premises."*

Mr. Lindahl responded that home occupations were originally set up for people who, for instance, want to operate a part time real estate business out of an extra bedroom. Another home occupation is a day care home, and it could have up to eight clients at any time. So, the restriction on only two clients at any given time applies essentially to office type business or trade uses, not to day cares.

Mr. Myers reminded the Board that City staff is not technically considering this a home occupation use. Even though it would be located in a home, it is not a subsidiary use. Under home occupation requirements, a home occupation has to be subsidiary to its primary use as a

single-family residence. A day care is allowed in the R-2 Zoning District with a conditional use permit.

Mr. Lindahl added that if it were a conditional use permit for a child day care facility, the petitioner would not be required to live on the premises either.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2007-C-04 for a conditional use permit including the first four conditions as recommended by City staff and including condition #5 with the following change: "The number of overnight client stays shall be limited to a maximum of two individuals per night and limited to 48 hours in duration." Mr. Corten seconded the motion. Roll call on the motion was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Mr. Schoonover	-	No	Ms. Uchtmann	-	No
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion was approved by a vote of 4 – 2.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Myers reported on the following:

- Trammel Crow Major Variance to allow a mixed retail/apartment complex building with an interior parking garage to have five-foot side-yard setbacks was approved by City Council.
- Case No. # ZBA-2007-C-04: Ms. Uchtmann inquired as to whether the City would consider any special designation for adult day care. There is a need for this, and it will probably come up again. Mr. Myers stated that it would make sense to do so because the Zoning Ordinance is updated on a periodic basis. As society changes, land uses change and our current ordinance doesn't yet address adult daycare.

Mr. Warmbrunn commented that there is an appeal process of the Zoning Administrator's opinion. How does one know when to appeal it, when they do not know that a decision has been made? Can the people who oppose the adult day care use at Ms. Boland-Williams'

home appeal? He believes that with a case like this there should be some kind of notification to the neighboring property owners, especially in an abnormal case like this where the Zoning Administrator has made a decision. Mr. Lindahl stated that this is a point well taken, and it has not come up before that he is aware of.

Mr. Warmbrunn also suggested that City staff follow up with Ms. Uchtmann's request for City staff to create an ordinance regarding adult day care facilities.

Mr. Myers noted that had the business been approved administratively, the business opened, and the neighbors disagreed with the Zoning Administrator's decision, then they could appeal the Zoning Administrator's decision to the Zoning Board of Appeals. If someone does not agree with the decision of the Zoning Board of Appeals in this or any other case, then they can appeal the Board's decision to circuit court.

Mr. Warmbrunn stated that he voted in favor of Case No. ZBA-2007-C-04, because no one challenged the determination of the Zoning Administrator that there could be up to eight adult clients allowed in the day care. Acting Chair Armstrong noted that this is a gray area, because as Mr. Welch had pointed out, if this had been a normal child day care, then the Zoning Board would not have even seen the case.

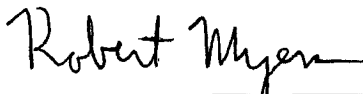
## 11. STUDY SESSION

There was none.

## 12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,



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Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals

**MINUTES OF A RESCHEDULED MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** November 14, 2007

**APPROVED**

**TIME:** 7:30 p.m.

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

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

**MEMBERS EXCUSED:** Charles Warmbrunn

**STAFF PRESENT:** Robert Myers, Planning Manager; Paul Lindahl, Planner II; Tom Carrino, Economic Development Manager; Teri Andel, Planning Secretary

**OTHERS PRESENT:** David Crow, Robert Walsh

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

The meeting was called to order at 7:50 p.m. Chair Merritt noted that the meeting was delayed due to technical problems. There was no Urbana Public Television staff to cover the meeting. Roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

Staff requested that the Zoning Board of Appeals remove Case No. ZBA-2007-MAJ-09 from the agenda at this time. The petitioner has withdrawn their request for a major variance. The Zoning Board of Appeals agreed.

**3. APPROVAL OF MINUTES**

Chair Merritt mentioned that although she was not present at the September 19, 2007 meeting, she found a typographical error on Page 3 in the fourth paragraph. It should read as such: "*Robert Myers, Planning Manager,*" Mr. Corten moved that the Zoning Board of Appeals approve the minutes of the September 19, 2007 meeting as corrected. Ms. Uchtmann seconded the motion. The minutes were approved by unanimous voice vote as corrected.



#### 4. WRITTEN COMMUNICATIONS

There were none.

**NOTE:** Chair Merritt swore in members of the audience who indicated they might want to speak during the public input portion of the hearing.

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW PUBLIC HEARINGS

**ZBA Case No. 2007-MAJ-08: Request filed by Trammell Crow Higher Education Development, Inc. to allow a mixed retail/apartment building to have an 11-foot and 11-inch encroachment into the required 22-foot rear yard setback, including a 3-foot and 1-1/2 inch encroachment of a terrace overhang at 1008, 1010 and 1012 West University Avenue in the B-3, General Business Zoning District.**

Paul Lindahl, Planner II, presented this case to the Zoning Board of Appeals. He gave a brief introduction and presented background information on the history of the proposed site and the reason for the proposed major variance request. He described the proposed site noting its current land use and zoning designation, as well as the current land use and zoning designation of the adjacent properties. He discussed how the proposed development relates to the goals and objectives of the 2005 Comprehensive Plan. He summarized staff findings and read the options of the Zoning Board of Appeals. He presented staff's recommendation, which is as follows:

*Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals forward major variance Case No. ZBA-2007-MAJ-08 to the Urbana City Council with a recommendation for approval.*

Mr. Lindahl showed an illustration of what the rear configuration would look like. He pointed out the rear property line and mentioned that the petitioner had tried to obtain some additional land behind the property, which is railroad right-of-way. This would have allowed the petitioner to develop the property as originally requested. Without the purchase of the additional land, the petitioner needs approval of the proposed major variance to allow the development to be built 10 feet from the rear property line rather than the required 22 feet. The other part of the major variance request is to allow the terrace on the second floor to encroach the required 5-foot setback.

Mr. Schoonover inquired if the security fence would be located directly below the terrace. Mr. Lindahl said yes. His understanding is that the fence would be at the edge of the concrete parking lot.

Ms. Uchtmann asked where the portion of the property shown in the illustration that Mr. Lindahl referred to is located on the Site Plan. Mr. Lindahl pointed out that it would be all along the rear of the development. He noted that behind the rear property line is railroad right-of-way. His understanding is that the railroad company is not particularly interested in continuing to maintain this portion of the rail and its right-of-way, because it only serves one customer, Solo Cup. There is a likelihood that the railroad will eventually discontinue service to Solo Cup. Chair Merritt commented that "eventually" could be quite some time in the future.

Mr. Corten wondered if the Fire Department is concerned with being able to get to the rear of the proposed property. Mr. Lindahl stated that the Fire Department reviewed the previous site diagrams and did not express any concern. He is not sure if they have reviewed the new site plan. However, he understands that a requirement for any kind of a road to the back of a property depends upon the distance from other roads and from other fire hydrants. There is no reason to think that this development would not meet their requirements.

Ms. Uchtmann expressed her concern on how a fire truck would get to the back of the proposed apartment units. Mr. Lindahl replied that they could drive a fire truck down the right-of-way in behind the property. Robert Myers, Planning Manager, added that the Fire Department staff mentioned that they would be able to drive through the main access and that they could access the proposed site from adjoining parking lots as well.

Mr. Myers talked about the proposed major variance. He mentioned that when the Zoning Board of Appeals originally reviewed the proposed development at a prior meeting, it was for the same type of variance request. The petitioner had previously sought a major variance to allow the terrace on the east side of the building to encroach into the side-yard setback and be 1-1/2 feet from the property line. He pointed out that the residential units themselves would be setback 10 feet from the property line.

Ms. Uchtmann questioned if the proposed development would be set closer to University Avenue than the present Durst building. Mr. Lindahl stated that he is not sure what the setback is for the Durst building; however, the proposed development would meet the required 15-foot front-yard setback. After showing an aerial photo of the two sites, he wondered if the Durst building had required a variance, because it appears to be closer to the street than 15 feet. Therefore, the proposed development will sit back further from the street than the existing Durst building. Although, it will have some bay windows on the upper floors that will encroach a little into the front yard setback.

Robert Walsh, representative of Trammel Crow, thanked the Zoning Board of Appeals for allowing them to make this petition. He stated that if they would have had all the information, then this request would have been part of the original variance request. One other thing he wanted to mention is that as you can see from the diagram, the major portion of the parking structure extends out the furthest. If they are not allowed to have this, then they wind up having to eliminate approximately 60 parking spaces. They are trying to maximize the number of parking spaces for the tenants and also minimize any type of on-street parking or residents having to park somewhere else.

Mr. Corten inquired as to how many parking spaces compared with apartments are being planned for the proposed development. Mr. Walsh answered by saying that there would be 228 parking spaces. What is required by code is significantly less than what they are proposing. There will be 247 bedrooms. Therefore, there are only about 20 parking spaces below the total number of beds, which is very good.

Mr. Corten wondered how much the rent would be for a one and two-bedroom apartment in the proposed development. Mr. Walsh said that the rent has not been defined. It all has to do with the final construction costs of the project. His understanding is that the rent will be in line with the other costs in the area. He mentioned that they are looking to accommodate graduate students or upper classmen and to also accommodate people working in the neighboring hospitals.

Mr. Corten asked if the proposed development would be wheelchair accessible. Mr. Walsh replied yes. It is required by the Americans with Disability Act (ADA). There will be handicap parking spaces in both the lower and upper levels as well.

Chair Merritt questioned where the parking for the businesses would be located. Mr. Walsh stated that they would be on the first level in the rear of the building. Chair Merritt wondered if these parking spaces reduced the number of parking spaces available for the residential tenants. Mr. Walsh explained that although it reduces the number of parking spaces for the residential tenants, they expect the residential tenants to be coming and going. They are hoping that the business parking spaces would be available to the residential tenants in the evening.

Mr. Corten inquired if they planned to assign parking spaces to residential tenants. Mr. Walsh said no. Parking spaces will be available as the tenants can find them.

Ms. Uchtmann questioned if the parking garage would be under the entire development or only under part of it. Mr. Walsh stated that the parking garage would be under the entire development.

Mr. Corten asked if each unit would have an outdoor window. Mr. Walsh replied yes.

Mr. Corten questioned what type of material would be used for the outside of the building. Mr. Walsh responded by saying brick. He showed an illustration of what the proposed building would look like from the front.

Mr. Corten inquired as to when they planned to open. Mr. Walsh mentioned that they were planning to open the development in the fall of 2009. They plan to submit documents for City plan review in January or February of 2008, and they are hoping to start the basement excavation in the spring of 2008.

Chair Merritt closed the public input portion of the hearing and opened the hearing up for the Zoning Board of Appeals discussion and motion(s).

Tom Carrino, Economic Development Manager, mentioned that the City does have a development agreement with the petitioner that has been forwarded to the City Council with a recommendation for approval by the Committee of the Whole. The City Council will consider this agreement on November 26, 2007. There are timelines in the development agreement that state when the construction will start sometime in 2008 with an opening in August of 2009. Mr. Walsh added that they are hoping to have some of the units available for the City's inspection in May of 2009, so they will be available to rent to prospective students in the fall of 2009.

Mr. Corten moved that the Zoning Board of Appeals forward Case No. ZBA-2007-MAJ-08 to the City Council with a recommendation for approval. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion was passed by unanimous vote.

Mr. Myers noted that this case will be forwarded to a special meeting of the City Council on November 26, 2007.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Myers reported on the following:

- ZBA Case No. ZBA-2007-MAJ-09 was withdrawn by the petitioner earlier in the day. The petitioner may or may not resubmit an application in the future. If they resubmit, then new updated information will be sent out to the Zoning Board of Appeals.

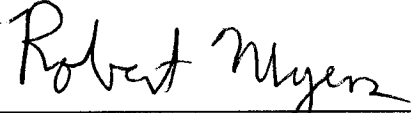
**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert Myers". The signature is written in a cursive style with a horizontal line underneath it.

Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals