



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Lisa Karcher, AICP, Planner II

DATE: August 13, 2009

SUBJECT: ZBA-2009-C-01: A request by Audra Martin for a Conditional Use Permit to allow a confectionery products manufacturing and packaging business to operate at 708 Killarney Street (Lincoln Commerce Centre), within the B-3, General Business Zoning District.

Introduction

The applicant, Audra Martin, proposes to establish a confectionery products manufacturing and packaging business in an existing building known as the Lincoln Commerce Centre at 702-732 Killarney Street. The Lincoln Commerce Centre is located north of the intersection of Killarney Street and Linview Avenue. Ms. Martin is proposing to lease 2,430 square feet of space, addressed as 708 Killarney Street, in the Lincoln Commerce Centre to manufacture and package hand-made toffee.

The applicant currently owns and operates the business “Toffee by Audra”. Commercial restaurant space is currently rented to produce the toffee, and cold storage is rented to store the necessary ingredients for the toffee. The toffee is sold at various locations such as: Art Mart, Walnut Street Tea Company, First Fruits Produce Company, World Harvest, Sun Singer, Early American Museum and the Urbana Market at the Square. Moving her current operations will allow for increased production. The toffee will be shipped to retail locations from the subject site. On-site retail is not proposed.

Background

The subject site is zoned B-3, General Business. According to Table V-1 (Table of Uses) in the Urbana Zoning Ordinance, “confectionery products manufacturing and packaging” is allowed as a conditional use in the B-3, General Business Zoning District. Confectionery products manufacturing and packaging is also allowed by a conditional use permit in the B-2, B-3U, B-4 and B-4E Zoning Districts. The IN, Industrial Zoning District is the only zoning district where a confectionery products manufacturing and packaging business is allowed by right. Pursuant to Section VII-2 of the Urbana Zoning Ordinance, conditional uses must be authorized by the Zoning Board of Appeals.

Description of the Existing Site

The facility at 702-732 Killarney Street contains 46,919 square feet and is currently occupied by Carle Clinic, Carle Foundation, Prairie Center and HBM, Inc. (formally SoMat Products). Although there are currently only four occupants and one vacant space, the building appears to have been originally built to accommodate 15 different occupants. There are 15 primary entrances, each with different addresses, and 15 rear entrances and loading areas. These units have been combined over time to accommodate the current occupants. Each of the current leased areas is served by separate mechanical systems.

Parking is provided in both the front and rear of the building. At the rear of the building, a loading area and dock is provided for each of the 15 original units. It is apparent that most are unused and that employees park in these areas. Staff is working with the property management company to assess loading area/dock use and the striping of unused loading areas for employee parking. Adequate parking for all the occupants in the building can be accommodated on-site.

Surrounding Properties

There is a mix of commercial and industrial zoning and land uses in the surrounding area. To the north is zoned B-3, General Business and is developed as a hotel. To the west is also zoned B-3 and is developed as a restaurant. The property to the east, across Killarney Street, is undeveloped land that is zoned B-3, General Business. There is both B-3, General Business and IN, Industrial zoning to the south, across Killarney Street. These properties to the south are a mix of commercial and light industrial uses.

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	B-3, General Business	Offices	Light Industrial/Office
North	B-3, General Business	Super 8 Motel	Regional Business
South	B-3, General Business IN, Industrial	Andrea's Harley-Davidson Jericho Missionary Baptist Church	Regional Business Light Industrial/Office
East	B-3 General Business	Undeveloped land	Light Industrial/Office
West	B-3, General Business	Urbana Garden Family Restaurant	Regional Business

Discussion

The applicant is proposing to occupy the only vacant space in the Lincoln Commerce Centre. The space is 2,430 square feet in area and consists of an office and a warehouse area. To make and package toffee, the applicant is proposing to enclose and finish a portion of the warehouse space for manufacturing and packaging the toffee. The office space will be utilized for day to day operations. It is projected that there

will be an average of six employees working at any one time. No on-site retail is proposed. The applicant has indicated that product will be primarily shipped from the site via a carrier such as UPS or FEDEX and that ingredients will be delivered at least weekly. All renovations will need to meet the Urbana Building Code. In addition all necessary permits/licenses will need to be obtained from the Champaign-Urbana Public Health District.

The general purpose and intent of a conditional use permit is to allow a use which is deemed potentially appropriate and compatible with uses permitted by right in the zoning district in which it is located, but because of its potential impact on the district requires individual consideration and regulation. Since the proposed conditional use permit involves the renovation of an existing space within an existing building, such development regulations as lot size, lot width, structure height, floor area ratio, open space and setbacks will not change and therefore have not been analyzed. The Lincoln Commerce Centre is situated in an area that is primarily developed and used for commercial and light industrial uses. The proposed location of the toffee business in an existing building will not visually impact the surrounding area. Additional traffic will be generated due to deliveries to and shipments from the business; however, this is customary for uses permitted in the B-3 Zoning District. Based on the nature of the proposed use and the proposed location, there will be little to no impact on surrounding uses and the B-3 Zoning District as a whole.

Requirements for a Conditional Use Permit

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a conditional use permit shall demonstrate the following:

- 1. That the proposed use is conducive to the public convenience at that location.*

The proposed use will be conducive to the public convenience at this location because it will be located in an area appropriate for this type of business and in a building that has been constructed for the type of use proposed. The Lincoln Commerce Centre has been designed so that public access is from the front of the building and is therefore separated from delivery and non-public functions. The site is located within a short distance of Lincoln Avenue and I-74, both of which provide appropriate routes for product delivery.

- 2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The proposed use will not be unreasonably injurious or detrimental to the B-3, General Business district or to the public welfare. As noted by the applicant, “The production of this particular confection is unobtrusive. The candy will be manufactured on a small scale to retain its hand-made quality. It will be cooked on household electric stoves so there will not be a need for large ventilation systems”. Since the business is to be located in an existing building that will only require interior renovations to accommodate the proposed use, the business will be operated in a manner that will not be noticeable from the street and surrounding area. There will be increased delivery traffic as a result of the businesses; however, deliveries are customary for commercial uses allowed in the B-3 Zoning District.

3. *That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-3.*

A use designated as a conditional use has been determined to be potentially appropriate and compatible with uses permitted by right in the zoning district in which it is located, but requires special consideration because of its potential impact. In this case the proposed use will preserve the essential character of the B-3 Zoning District. The proposed location is situated in an area developed with commercial and industrial uses for which the proposed use is compatible. The business is proposed to be located in an existing building. There are no renovations or changes proposed that will impact applicable regulations and standards. The Urbana Zoning Ordinance requires one parking space for every 1,000 square foot of floor area for industrial uses. The subject site is able to accommodate the required parking for the proposed use. All proposed interior renovations needed to accommodate the proposed use will meet the Urbana Building Code. In addition all necessary permits/licenses will be obtained from the Champaign-Urbana Public Health District.

Consideration

According to Section XII-2, the Zoning Board of Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Zoning Board of Appeals may also impose such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require the screening of such use by means of fences walls or vegetation;
3. Stipulate a required minimum lot size;
4. Regulate vehicular access and volume;
5. Require conformance to health, safety, and sanitation requirements as necessary;
6. Increase the required yards;
7. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings

1. The subject property is zoned B-3, General Business. The Urbana Zoning Ordinance allows “confectionery products manufacturing and packaging uses” as a conditional use in the B-3 Zoning District.
2. The proposed confectionery products manufacturing and packaging use is to be located in an existing building. Only interior renovations are proposed.

3. The proposed use is conducive to the public convenience at the location because it will be located in an area that is developed with compatible commercial uses and is accessible to routes appropriate for delivery vehicles.
4. The proposed use conforms to the applicable regulations and standards of and preserves the essential character of, the zoning district in which it is located.
5. The proposal use will not pose a detriment to the B-3, General Business Zoning District in which it is proposed to be located.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2009-C-01:

1. Grant the conditional use as submitted; or
2. Deny the conditional use as submitted; or
3. Grant the conditional use along with any additional conditions and requirements as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance.

Staff Recommendation

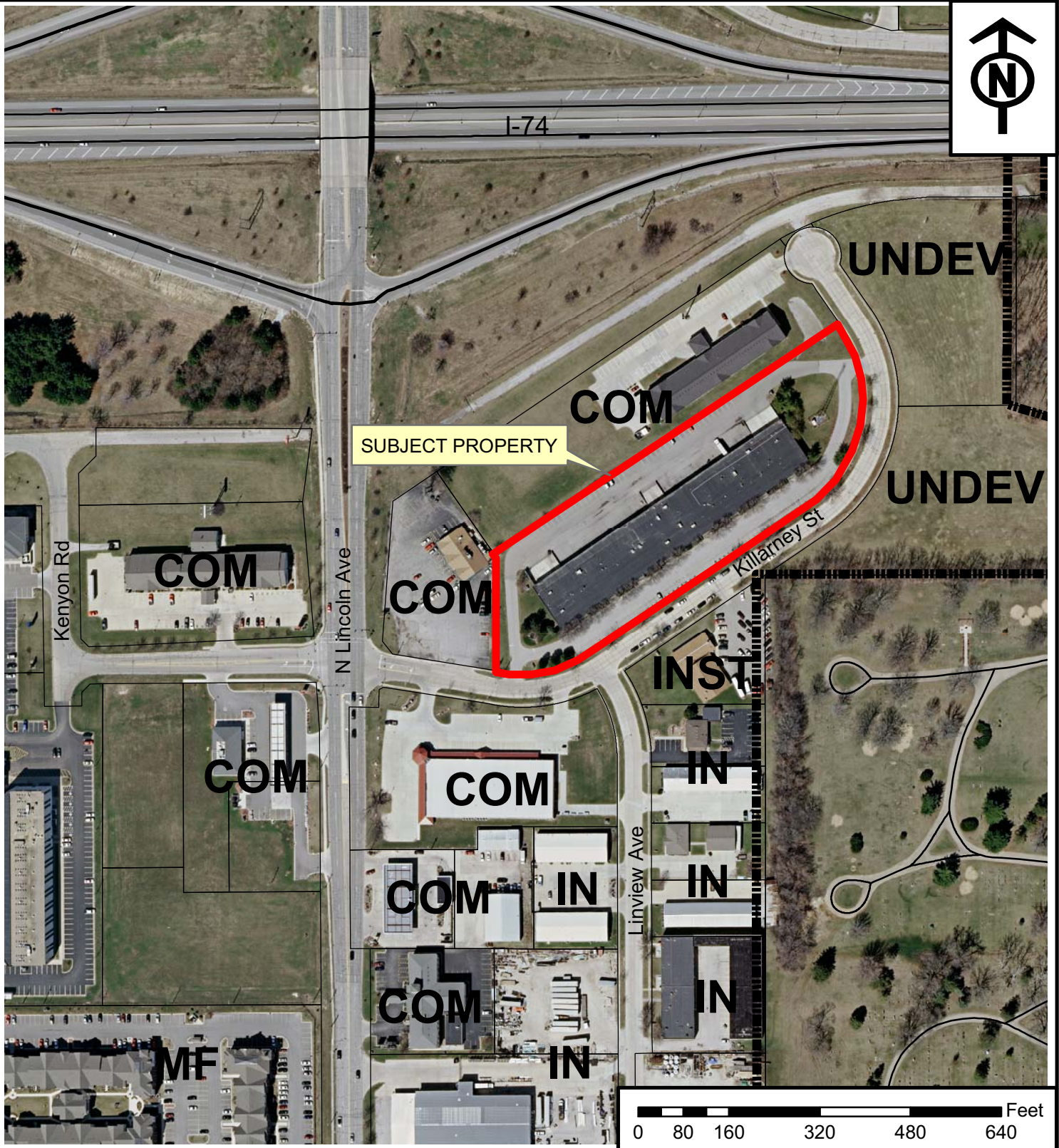
Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **GRANT** the proposed conditional use in case ZBA-2009-C-01 for the reasons articulated above with the following conditions:

1. All proposed renovations meet the Urbana Building Code.
2. All necessary permits/licenses are secured from the Champaign-Urbana Public Health District.

Attachments: Exhibit A: Location Map and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application for Conditional Use Permit

cc: Audra Martin
705 Brighton Drive
Urbana, IL 61801

EXHIBIT A: Location and Existing Land Use Map



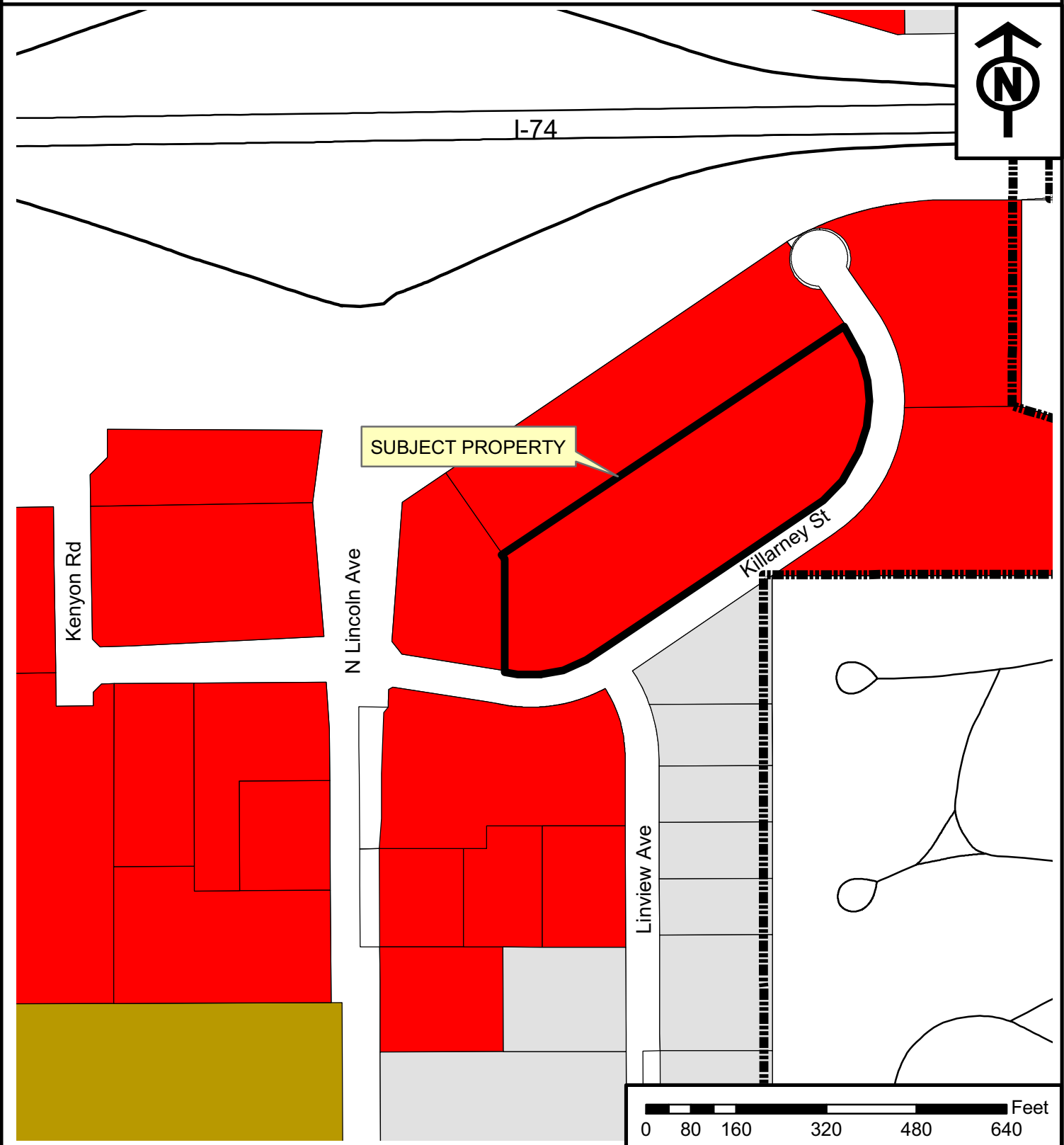
ZBA Case: ZBA-2009-C-01
Petitioner: Audra Martin
Location: 708 Killarney Street (Lincoln Commerce Centre)
Zoning: B-3, General Business
Description: Conditional Use Permit to allow for the operation of a confectionery products manufacturing and packaging business.

Prepared 8/09 by Community Development Services - lkk

LEGEND

- COM - Commercial
- IN - Industrial
- INST - Institutional
- MF - Multi-Family
- UNDEV - Undeveloped
- Corporate Limits

EXHIBIT B: Existing Zoning Map

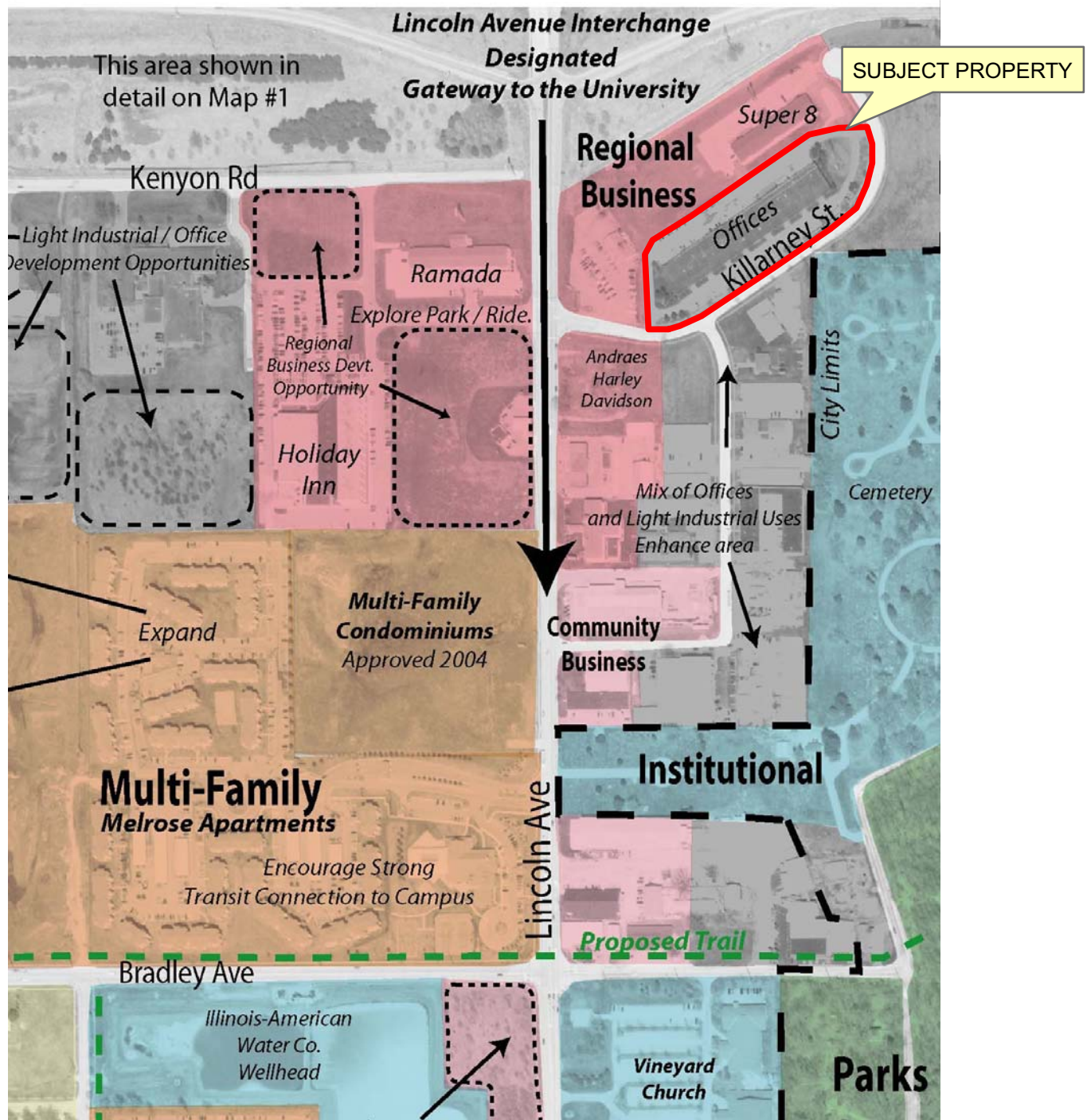


ZBA Case: ZBA-2009-C-01
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Prepared 8/09 by Community Development Services - lkk

LEGEND	
	B3
	IN
	R4
	Corporate Limits

EXHIBIT C: Future Land Use Map



ZBA Case: ZBA-2009-C-01

Petitioner: Audra Martin

Location: 708 Killarney Street (Lincoln Commerce Centre)

Zoning: B-3, General Business

Description: Conditional Use Permit to allow for the operation of a confectionery products manufacturing and packaging business.

Prepared 8/09 by Community Development Services - lkk



Application for Conditional Use Permit

Zoning Board Of Appeals

APPLICATION FEE - \$125.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 07-31-2009 ZBA Case No. zBA-2009-C-01
 Fee Paid - Check No. 2095 Amount \$125.00 Date 07-31-2009

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

A CONDITIONAL USE PERMIT is requested in conformity with the powers vested in the Zoning Board of Appeals to permit Confection manufacture and packaging, internet sales and shipping.
(insert use or construction purpose)

on the property described below, and in conformity with the plans in the permit application.

1. Location of Subject Site 708 Killarney (702-732 KILLARNEY)
2. PIN # of Location 91-21-05-302-007
3. Name of Applicant/Petitioner(s) Audra Martin Phone 217-841-6383
 Address 705 Brighton Dr. Urbana 61801
(street/city) (state) (zip)
 Property interest of Applicant(s) lesor
(owner, contract buyer, etc)

4. Name of Owner(s) _____ Phone _____

Address _____
(street/city) (state) (zip)

If there are additional owners, please attach extra pages to the application.

5. Name of Professional Site Planner(s) _____ Phone _____

Address _____
(street/city) (state) (zip)

6. Name of Architect(s) _____ Phone _____

Address _____
(street/city) (state) (zip)

7. Name of Engineers(s) _____ Phone _____

Address _____
(street/city) (state) (zip)

8. Name of Surveyor(s) _____ Phone _____

Address _____
(street/city) (state) (zip)

If there are additional consultants, please attach extra pages to application.

DESCRIPTION, USE, AND ZONING OF PROPERTY: Attach an additional sheet if necessary

Legal Description LOT 2 OF REPLAT LOT 2 LINCOLN
CENTRE, CHAMPAIGN COUNTY, ILLINOIS, AS
PER PLAT RECORDED AS DOCUMENT
97R 23323, SITUATED IN CHAMPAIGN
COUNTY, ILLINOIS.

Lot Size _____ feet x _____ feet = _____ square feet

Present Use vacant
(vacant, residence, grocery, factory, etc)

Zoning Designation B3

REASONS FOR REQUEST FOR CONDITIONAL USE PERMIT:

NOTE: The following information must be provided in order to process the application. If additional space is needed, please attach additional sheets.

1. Explain how the proposed use is conducive to the public convenience at the location of the property.

This warehouse/office property will be used for the manufacture & packaging of hand-made toffee. The office area will be used to run internet sales & general office duties. The warehouse area will be used for production with the rear portion used for shipping & receiving. Clients will have the parking lot
cont...

2. Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

The production of this particular confection is unobtrusive. The candy will be manufactured on a small scale to retain its hand-made quality. It will be cooked on household electric stoves so there will not be a need for large ventilation systems. As a result, any exhaust from the
cont.

3. Explain how the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located (except where such regulations and standards may be modified by Section VII-3 of the Urbana Zoning Ordinance, 1979).

The use of this property for confection manufacturing will not change the character of the property in any conceivable way. There will be no altering of the outside of the building other than signage on the front door. The interior of the space may be
cont...

1. cont.... at the front of the building for their convenience as well as a reception area just inside the property. At the back of the property is a loading dock for all shipments and deliveries to take place out of sight of potential customers as well as parking for employees and delivery vehicles.

2. cont... production will be very minimal both in odor and noise.

There will be no direct sales to customers from this location. This will not be a storefront so the general public will not be coming to this property unless as an invited client.

3. cont... altered to make the office and reception areas more appealing to clients. The warehouse area will be altered to accommodate the specific cooking and packaging needs to produce this product and to comply with the Public Health Department requirements. None of the structure of the building will be altered. The outward appearance of the building will also remain unaltered unless the owners deem changes necessary.

This will be a working manufacturing facility and will have employees coming and going on a daily basis. There will be shipments and deliveries also on a regular basis. As these are the same functions that occur within the general business zone, I believe that they conform to the Urbana Zoning Ordinances.