

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** July 18, 2018

**APPROVED**

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

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

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**MEMBERS PRESENT** Matt Cho, Ashlee McLaughlin, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

**MEMBERS EXCUSED** Joanne Chester, Nancy Uchtmann

**STAFF PRESENT** Lorrie Pearson, Planning Manager; Marcus Ricci, Planner II; Teri Andel, Planning Administrative Assistant II; Kelly Mierkowski, Grants Management Division Manager

**OTHERS PRESENT** Brad Barker, John Dailey, Andrew Fell, Justin Johnson, Tom Johnson

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

Chair Welch called the meeting to order at 7:04 p.m. Roll call was taken, and he declared a quorum of the members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the June 20, 2018, regular meeting were presented for approval. Mr. Warmbrunn noted a correction to the minutes. On Page 2, Second Paragraph from the bottom of the page, change *City Council* to *Zoning Board of Appeals* so that it reads as such, “*Mr. Marx presented City staff’s recommendation to the ~~City Council~~ Zoning Board of Appeals of approval of the two Major Variances ...*”. Mr. Cho moved to approve the minutes as written. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous voice vote as amended.

**4. COMMUNICATIONS**

There were none.

## 5. CONTINUED PUBLIC HEARINGS

There were none.

**NOTE:** Chair Welch swore in members of the audience who indicated that they might give testimony during the public hearing.

## 6. NEW PUBLIC HEARINGS

**ZBA-2018-C-05: A request for a Conditional Use Permit by Tatman Family, LLC, represented by Paul Tatman, to allow construction and operation of an Assisted Living Facility at 1606 Colorado Avenue in the B-3, General Business Zoning District.**

Chair Welch opened the public hearing for this case.

Marcus Ricci, Planner II, presented the staff report to the Zoning Board of Appeals. He began by explaining the reason for the proposed Conditional Use Permit, which is to allow the construction and operation of a facility that provides permanent supportive housing for seniors and others needing assistance with daily living activities. He described the subject property, noting the land use, zoning and future land use designation as well as for the adjacent surrounding properties. He talked about an agreement that the City Council recently approved between the City of Urbana and the Housing Authority of Champaign County (HACC) to create up to 24 units of permanent supportive housing at this location. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval with the following two conditions:

1. The proposed development generally conforms with the site plan in Exhibit D entitled "Permanent Supportive Housing – 24 Units at 1606 East Colorado Avenue," dated July 9, 2018, submitted with the application.
2. The proposed development conforms with all applicable zoning and building safety codes in the City.

He noted that John Dailey, a representative of HACC, and Kelly Mierkowski, Manager for the City's Grants Management Division, were in the audience to speak.

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

Mr. Warmbrunn asked for clarification on whether the City Council approved the application going to the state. So, now the land will be given or sold to HACC. Mr. Ricci explained that the land is currently privately owned by Tatman Family, LLC. The plan is for him to sell the property to HACC, who will then construct and operate an Assisted Living Facility.

Mr. Warmbrunn asked if HACC would pay property taxes to the City of Urbana. Mr. Ricci deferred that question to the applicant to answer.

Mr. Warmbrunn inquired if the units would be intended for individuals or for families. Mr. Ricci deferred the question to the applicant to answer.

Mr. Warmbrunn questioned the amount of handicap parking spaces being required. Wouldn't the City require more parking spaces since the facility will be designed for people with disabilities? Mr. Ricci replied that the Zoning Board of Appeals could require additional handicap parking spaces especially since the applicant intends to provide more parking spaces than required.

Mr. Weisskopf asked if City staff had received any communications from surrounding neighbors. Mr. Ricci answered no.

Mr. Weisskopf wondered if the applicant had held a meeting with the neighbors. Mr. Ricci said no. The first step would be to get approval of a Conditional Use Permit. If it is not granted, then there would be no reasons to hold a neighborhood meeting. HACC has a public review process that they follow when doing new projects.

With no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant to approach the dais to speak.

John Dailey, Director of Capital Assets for the HACC, and Kelly Mierkowski, Manager of the City of Urbana's Grants Management Division, approached to speak to the Zoning Board of Appeals.

Mr. Warmbrunn asked how many people would be allowed to live in a unit. Mr. Dailey stated that two people could live in a unit; however, the head of household has to be the person with the disability.

Mr. Warmbrunn questioned if there would be 24-hour supervision. Mr. Dailey replied no, there would not be a manager on site 24 hours a day. Typically, HACC partners with another agency to provide the social services. HACC would provide the property maintenance and management services.

Mr. Warmbrunn asked if the proposed assisted living facility would be a permanent or transitional type of place. Mr. Dailey explained that it would be permanent. If the residents choose to move elsewhere, the residents could obtain an affordable voucher from HACC to use to move away. Typically residents stay for quite a while.

Mr. Warmbrunn inquired if HACC would be paying property taxes. Mr. Dailey said that they would be applying for tax exemption from the State of Illinois.

Mr. Warmbrunn asked if HACC would be interested in providing additional handicap parking spaces. Mr. Dailey stated that it would not be a problem.

Mr. Weisskopf wondered how they came up with 24 for the number of units. Mr. Dailey explained that the maximum number of units allowed would be 24, which would fit nicely on the subject property.

Mr. Weisskopf questioned what the thought process was for calculating the size of the units. Mr. Dailey responded that the units would be approximately 700 square feet, which is a comfortable size for a one bedroom unit.

Mr. Weisskopf asked if they usually have only individuals or if they have couples at their other facilities. Mr. Dailey replied that most of their tenants are individuals; however, there are a few couples.

Ms. Mierkowski stated that she would answer any questions the board may have regarding the grant money. Grants Management Division administers federal grants from the Housing and Urban Development Department with the federal government.

With no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motion(s) by the Zoning Board of Appeals.

Mr. Warmbrunn asked if any other process in the development would be required to go to City Council. Mr. Ricci said no.

Mr. Cho moved that the Zoning Board of Appeals grant the Conditional Use Permit in Case No. ZBA-2018-C-05. Mr. Warmbrunn asked if that included the two conditions recommended by City staff. Chair Welch said no. Mr. Cho could rescind his motion and a new motion be made to include the two conditions or one of the members could make a friendly amendment to add the two conditions to the current motion. Mr. Cho rescinded his motion.

Mr. Warmbrunn moved that the Zoning Board of Appeals grant the Conditional Use Permit in Case No. ZBA-2018-C-05 for the reasons articulated in the written staff report along with the following two conditions:

1. The proposed development generally conforms with the site plan in Exhibit D entitled “Permanent Supportive Housing – 24 Units at 1606 East Colorado Avenue,” dated July 9, 2018, submitted with the application.
2. The proposed development conforms with all applicable zoning and building safety codes in the City.

Mr. Cho seconded the motion. Roll call on the motion was as follows:

Mr. Cho	-	Yes	Ms. McLaughlin	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Weisskopf	-	Yes

The motion passed by unanimous vote.

**ZBA-2018-C-04: A request for a Conditional Use Permit by Justin Johnson to allow a second principal structure on the property at 504 South Poplar Street in the R-3, Single and Two-Family Residential Zoning District.**

Chair Welch opened the public hearing for these cases.

Marcus Ricci, Planner II, presented the staff report to the Zoning Board of Appeals. He began by stating the purpose of the proposed conditional use permit, which is to allow a second principal structure on the lot. He noted the location, existing land use and future land use designation of the subject property as well as that for the surrounding adjacent properties. Referring to Exhibit D, he reviewed the Site Plan and the elevations of the proposed structure. He talked about how the proposed development relates to the minimum required development regulations for Open Space Ratio, Floor Area Ratio and building height and how it would meet the parking requirements. He reviewed the requirements in Section VII-2 of the Urbana Zoning Ordinance for a conditional use permit. He read the options of the Zoning Board of Appeals for each type of case and presented City staff's recommendation of approval of the Conditional Use Permit with the following conditions:

1. The new structure generally conforms with the Site Plan in Exhibit D entitled "504 South Poplar Street – New Detached Garage" dated May 29, 2018, submitted with the application.
2. The new structure conforms with all applicable zoning and building safety codes in the City.

He noted that the applicant was in the audience and available to answer questions from the Zoning Board of Appeals members.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. There were no questions for City staff. Chair Welch, then, opened the public input portion of the hearing. He invited the applicant to approach the Zoning Board of Appeals to speak.

Andrew Fell, architect for the proposed project, approached the Zoning Board of Appeals to answer any questions the Board may have.

Mr. Warmbrunn questioned if it would have a single garage door or a double garage door. Mr. Fell replied that it would be a single-wide garage door. He further explained that even though the proposed garage would be wider than a single car garage, it would not be as wide as a two-car garage. So, it requires parallel parking.

With no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. McLaughlin moved that the Zoning Board of Appeals grant approval of the Conditional Use Permit in Case No. ZBA-2018-C-04 as requested based on the findings outlined in the written staff memo with the following conditions:

1. The new structure generally conforms with the Site Plan in Exhibit D entitled "504 South Poplar Street – New Detached Garage" dated May 29, 2018, submitted with the application.
2. The new structure conforms with all applicable zoning and building safety codes in the City.

Mr. Cho seconded the motion.

Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes	Mr. Welch	-	Yes
Mr. Cho	-	Yes			

The motion passed by unanimous vote.

## **7. OLD BUSINESS**

There was none.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Ms. Pearson reported on the following:

- Case Nos. ZBA-2018-MAJ-08 and ZBA-2018-MAJ-09 were approved by City Council as recommended by the Zoning Board of Appeals.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

Chair Welch adjourned the meeting at 7:48 p.m.

Respectfully submitted,

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Lorrie Pearson, AICP  
Planning Manager  
Secretary, Urbana Zoning Board of Appeals