

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

DATE: December 16, 2020

APPROVED

TIME: 7:00 p.m.

PLACE: Zoom Webinar

MEMBERS ATTENDING REMOTELY: Joanne Chester, Ashlee McLaughlin, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn

MEMBER ATTENDING AT CITY BUILDING: Harvey Welch

MEMBERS ABSENT Matt Cho

STAFF PRESENT Kevin Garcia, Principal Planner; Marcus Ricci, Planner II; Katherine Trotter, Planner I; Jason Liggett, UPTV Manager

OTHERS PRESENT Alan Craig, Mike Hosier, James Langer, Karen Myers, Katie Ruthstrom

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

Chair Welch called the meeting to order at 7:03 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 November 18, 2020 regular meeting were presented for approval. Ms. Uchtmann moved that the Zoning Board of Appeals approve the minutes as written. Mr. Warmbrunn seconded the motion. Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Mr. Rusch	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes

The minutes of the November 18, 2020 regular meeting were approved as written.

4. COMMUNICATIONS

- ZBA CASE No. 2020-C-02
Communications received in Favor:
Email from David “Sam” Samet
Kat Trotter summarized the communication.
- Bylaws - Updated Staff Report

5. CONTINUED PUBLIC HEARINGS

ZBA-2020-C-02 – A request by Karen Myers for a conditional use permit to allow an owner-occupied bed and breakfast to operate at 2914 Susan Stone Drive in the R-2, Single-Family Residential Zoning District.

Chair Welch re-opened the public hearing for this case. Kat Trotter, Planner I, explained that the only new communication received was the email from David “Sam” Samet in favor of the proposed conditional use permit. There was some discussion of whether the Board should go through the whole process again for Ms. Uchtmann’s benefit since she was not at the last meeting.

Ms. Uchtmann wondered why the case was continued. Chair Welch explained that there was some concern that the public did not receive enough notification of the proposed case and therefore were unable to give comments.

Ms. Uchtmann stated that the existing building was originally built as a duplex. She questioned if it could be used as a duplex rather than an air bed and breakfast. Ms. Trotter replied that in order for it to be legally used as a duplex, the owner would need a conditional use permit. The proposed conditional use permit is for an owner-occupied air bed and breakfast. Ms. Uchtmann explained that the reason she asked is because an air bed and breakfast would generate more people coming and going.

Ms. McLaughlin stated that that is not the case before the Zoning Board of Appeals. She called the hearing to order.

Chair Welch opened the hearing for public input.

Katie Ruthstrom raised her hand to speak. Chair Welch swore her in.

Ms. Ruthstrom stated that she is the realtor that helped the applicant purchase the subject property and sell her home in Mahomet. She noted that Ms. Myer’s home in Mahomet had been immaculately taken care of and was sold before it even hit the market. She added that there is no doubt in her mind that Ms. Myers would maintain the property at 2914 Susan Stone Drive in a way that would continue to improve the neighborhood. She addressed some concerns that were raised about the impact of the proposed use on neighboring property values by saying that home values are continuing to rise.

Alan Craig raised his hand to speak. Chair Welch swore him in.

Mr. Craig stated that he and other neighbors had submitted correspondence regarding this case. So, there were more correspondence than what was mentioned at the beginning of the meeting. Mr. Rusch asked if he had sent any additional correspondence since the previous meeting on November 18, 2020. Mr. Craig said no.

With no further input from the audience on the case, Chair Welch asked if City staff had any additional information to add. Ms. Trotter pointed out that a revised neighbor notice was mailed out on November 30, 2020 correcting the previous notice. Other than this, there were no changes to the staff report or presentation.

Chair Welch opened the hearing for discussion and/or motion(s).

Mr. Rusch moved that the Zoning Board of Appeals approve Case No. ZBA-2020-C-02 as submitted. Ms. McLaughlin seconded the motion.

Mr. Warmbrunn asked if the motion included staff’s recommendations/four conditions. Mr. Rusch amended his motion to include the following conditions recommended by City staff:

1. *The owner must be present while the property is being rented.*
2. *The conditional use permit shall expire upon transfer of the property, or after six (6) verifiable nuisance complaints within a twelve-month period related to the rental of the unit.*
3. *A maximum four guests will be allowed at a time, and parking will be available on site.*
4. *The property will be subject to regular City inspection.*

Ms. McLaughlin seconded the amendment to the motion.

Roll call on the motion was as follows:

Ms. Uchtmann	-	No	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	-	Yes	Mr. Rusch	-	Yes

The motion was approved by a vote of 5 in favor and 1 in opposition.

6. NEW PUBLIC HEARINGS

ZBA-2020-C-04 – A request by James Langer, on behalf of Serionix, Inc. for a Conditional Use Permit to allow an air filter manufacturing business to operate at 302 North Broadway Avenue in the B-4, Central Business Zoning District.

Chair Welch opened the public hearing for this case. Marcus Ricci, Planner II, gave the staff report for the case. He explained the purpose for the proposed conditional use permit, which is to

allow for an air filter manufacturing business. He stated the location, zoning, and future land use designation of the subject property as well as for the adjacent properties. He showed photos of and discussed the business operation. He showed the layout of the building, noting the areas of the building that the applicant planned to use. He reviewed the requirements for a conditional use permit from Section VII-2 of the Zoning Ordinance. He summarized staff findings, read the options of the Zoning Board of Appeals, and presented City staff's recommendation for approval. He noted that the applicant and the owner of the building were both present to answer questions.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. There being no questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant or the applicant's representative to speak.

James Langer, applicant, raised his hand to speak. Chair Welch swore him in.

Mr. Langer thanked the Zoning Board of Appeals who considering his request. He felt Mr. Ricci did a great job articulating what he would like to do with his business. He stated that he would be willing to answer any questions that the Board members may have for him.

He stated that while they are technically considered material scientists/chemists, their business does not emit fumes or pollution. Their product is designed to clean the air. He felt that the business would be a good match for the culture and vibe in the City of Urbana.

Ms. Uchtmann stated that she felt it would be a good fit for the subject parcel.

Ms. McLaughlin noticed that there was a hood for the glue spray. She asked what the hood is used for since they have no emissions. Mr. Langer explained that the entirety of their business was research and development. They deal with mostly water-based chemistries. However, there are some products that they have made for the United States Army and for NASA that require ventilation. The hood provides ventilation for the glue spray to pull any of the fine water mist out. They plan to install a roll coater which would apply the glue evenly on the frame, and there would be no need for the hood in the new facility.

Chair Welch then invited those in support of the proposal to address the Zoning Board of Appeals.

Mike Hosier, owner of the building, raised his hand to speak. Chair Welch swore him in.

Mr. Hosier thanked the Planning staff for their work on the case. He noted a correction to the staff report in that they planned to add one or two new bathrooms to the space that Serionix would be leasing.

He stated that they purchased the building about three years ago. They are trying to make better use of a really large building with challenging parking issues in the center of Downtown Urbana. This potential use is a good balance of transforming a raw warehouse with a manufacturing space into more office/meeting space. It will bring more people downtown and more jobs.

Chair Welch invited those in opposition of the proposal to address the Zoning Board of Appeals. There were none.

With there being no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motions by the Zoning Board of Appeals.

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2020-C-04. Mr. Rusch seconded the motion. Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Mr. Rusch	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes

The motion passed by unanimous vote.

7. OLD BUSINESS

Review of Annual Bylaws

NOTE: Ms. Uchtmann was excused from the meeting at 7:43 p.m.

Chair Welch re-opened this item on the agenda. Mr. Garcia reviewed and presented answers to the following questions/concerns expressed during the previous meeting:

Question 1: Are the recently implemented Public Input Guidelines recently passed by the City Council only in effect during online meetings during the Emergency Order?

Answer 1: Mr. Garcia said yes. The Ordinance creates two separate sections of the City Code. One titled “In Person Meetings”, and one titled “Electronic/Virtual Public Meetings”. He anticipated returning to “In Person Meetings” after the pandemic is over. So, the rules apply for meetings held during the pandemic. However, if the City should ever need to hold “Electronic/Virtual Public Meetings” again in the future, then regulations would be in place.

Question 2: Does the Chair of the Zoning Board of Appeals have the power to extend the public input time limit?

Answer 2: Mr. Garcia replied that as Jason Liggett, UPTV Manager, had stated at the previous meeting, the temporary rules would require a vote of the board to extend the public input time limit. This only applies to extending the entire public comment period beyond one hour. There are no regulations to extend an individual’s time limit beyond the four (4) minutes. He felt this was reasonable because it would give everyone the same amount of time to speak.

Mr. Warmbrunn asked if there was one rule for all boards and commissions regarding Audience Participation. Mr. Garcia replied yes, to a certain extent. During the public input portion of the hearings, public input can be as long as necessary.

Mr. Warmbrunn pointed out that Audience Participation for the Zoning Board of Appeals occurs at the end of the meeting. However, Audience Participation for the City Council occurs at the beginning of their meetings. Article IV - Section 4.3 of the Zoning of Appeals Bylaws states, "All public input may be limited to topics germane to those described on the agenda for that particular meeting." He understood this to mean that the public could only talk about the cases that the Zoning Board of Appeals had heard and voted on during that meeting. Mr. Garcia suggested that they strike this from the bylaws based on recent guidance that he had received. They are not allowed to limit public input to certain topics.

Mr. Warmbrunn stated that the Bylaws state that "Any person addressing the Zoning Board during "Audience Participation: shall be allowed five (5) minutes to speak." Would they be resuming this time limit once the pandemic is over and they go back to "In Person" meetings? Mr. Garcia said yes.

Mr. Warmbrunn asked when the Board continues a case, where do they start the case back up again. Do they need to add any language to the Bylaws regarding this? Mr. Garcia stated that he did not know if adding language would be necessary. If a member does not feel that have enough knowledge about the first meeting, then they could ask questions. A board member who is absent during one meeting could review the minutes and the video of the previous meeting. Mr. Warmbrunn agreed.

Mr. Rusch moved that the Zoning Board of Appeals approve the changes to the bylaws as proposed by City staff along with the deletion of the following sentence from Article IV - Section 4.3 of the Zoning of Appeals Bylaws, which states, "All public input may be limited to topics germane to those described on the agenda for that particular meeting." Ms. McLaughlin seconded the motion. Roll call on the motion was as follows:

Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Mr. Rusch	-	Yes			

The motion was approved by unanimous vote.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Garcia reported on the following:

- Lily Wilcock, Planner I, passed her examination and is now a member of the American Institute of Certified Planners, which is a professional accreditation for planners.

Chair Welch extended a “Congratulations” to Ms. Wilcock on her accomplishment.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch wished his fellow Board members a Happy and Safe Holiday Season!

Chair Welch adjourned the meeting at 7:54 p.m.

Respectfully submitted,

Kevin Garcia, AICP
Principal Planner
Secretary, Urbana Zoning Board of Appeals