

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

DATE: August 17, 2016

APPROVED

TIME: 7:30 p.m.

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

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

MEMBERS EXCUSED Joanne Chester, Nancy Uchtmann

STAFF PRESENT Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Christopher Marx, Planner I; Teri Anzel, Administrative Assistant II

OTHERS PRESENT Robert Acheampong, Keith Haza, Kim Marino, A.J. Thoma

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

Chair Welch called the meeting to order at 7:32 p.m. Roll call was taken, and he declared that there was a quorum of the members present.

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the July 20, 2016 regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as written. Mr. Cho seconded the motion. The minutes were approved by unanimous voice vote as written.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2016-C-01 – A request by Bervelyn Acheampong for a Conditional Use Permit to allow a Daycare Facility at 1101 East Colorado Avenue in the R-5, Medium-High Density Multiple Family Residential Zoning District.

Chair Welch opened the public hearing for this case. Christopher Marx, Planner I, presented the staff report to the Zoning Board of Appeals. He began by stating the purpose of the Conditional Use Permit request. He described the subject property stating its history of uses. He noted the zoning and existing land uses of the proposed site and of the surrounding adjacent properties. He talked about the proposed childcare use with regards to the hours of operation, number of staff, and number of available parking spaces. He reviewed how the proposed Conditional Use Permit relates to the criteria from 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. He mentioned that the applicant, the property owner and the broker were in the audience and available to answer any questions.

Lorrie Pearson, Planning Manager, requested two revisions be made to any motion. They were as follows:

- 1) Colorado Street in the Subject title of the written staff memo should say "*Colorado Avenue*".
- 2) Condition #3 should read either "*The parking lot is restriped to indicate 13 parking spaces and handicap space*" or "*The parking lot is restriped to indicate 12 regular and 1 handicap parking spaces.*"

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

Mr. Cho asked about the number of employees considering the ratio of 3 parking spaces to 2 employees and that the use requires 13 parking spaces. Why do 2 employees need 3 parking spaces? Mr. Marx replied that the applicants would be allowed to have up to 8 employees and the Zoning Ordinance requires 3 parking spaces per 2 employees. Ms. Pearson added that the requirement is to help with providing space for drop-offs, parking for state employees performing evaluation(s) or check(s) on the facility, and any deliveries.

Chair Welch questioned whether the number of children would be regulated by staff or the number of parking spaces. The facility would be located on a bus line, and some employees might use the bus to get to work. As a result, they could have more employees. Based on the size of the building, if more employees are allowed, then more children would be able to attend the daycare. Mr. Marx responded saying that City staff did not suggest a limit of children based on parking spaces. According to the Zoning Ordinance, the number of parking spaces available would only accommodate 8 employees. Ms. Pearson added that the State of Illinois would evaluate the floor plan and determine how many children would be allowed. All uses are confined by the Zoning Ordinance requirements for parking. If a use has a lesser need for parking, then the business owner could seek a variance for parking.

Mr. Cho inquired why the Zoning Ordinance restricts a business's ability to function to its full capacity because of parking. Mr. Marx answered that is how the Zoning Ordinance is written.

Mr. Cho felt that it was counter-intuitive that zoning would restrict a business from maximizing its potential. There are many people who walk, ride the bus or bicycle to work.

There were no further questions for City staff. Chair Welch opened the hearing for public input.

Robert Acheampong, applicant, approached the Zoning Board of Appeals to speak. He mentioned that his concern was that the building would accommodate many more children than what the parking allows for staff. He asked if the Zoning Board of Appeals would consider making an exception to the parking. Mr. Welch replied that the Zoning Board was restricted to consider the request in the application, which was for a Conditional Use Permit to allow a daycare in the R-5 Zoning District. The applicants could apply for a variance for the parking if they would like and the Board would consider the variance request at a future meeting. Mr. Marx noted that getting approval of the Conditional Use Permit would allow the applicants to get the daycare up and running. They could apply for the variance for parking at a later date.

Kim Kissinger Marino, owner of the subject property, approached the Zoning Board of Appeals to speak. She mentioned that she and her husband purchased the building located at 1101 East Colorado Avenue in 2005 and used it as an engineering office. They fully support the daycare use. The applicants have successful facilities in Madison, Wisconsin and Columbus, Ohio. They care for the children and the families that they service. She felt that the area could benefit from a daycare in the neighborhood.

With there being no further input from the neighborhood, Chair Welch closed the public hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals grant the Conditional Use Permit requested in Case No. ZBA-2016-C-01 with the following conditions:

1. *The use must conform to all applicable zoning, building, development and State of Illinois Department of Children and Family Services codes.*
2. *The use generally conforms with the site plan and floor plan submitted in the application.*
3. *The parking lot is restriped to indicate 12 spaces and 1 handicap space for a total of 13 spaces.*

Ms. McLaughlin seconded the motion. Roll call on the motion was as follow:

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

The motion passed unanimously by a vote of 5-0.

ZBA-2016-MAJ-09 – A request by Glenn Rahn for a Major Variance to install air conditioning units that will encroach 5.7 feet into the required front yard at 1901 South Philo Road in the B-3, General Business Zoning District.

Chair Welch opened the public hearing for this case. Kevin Garcia, Planner II, presented this case to the Zoning Board of Appeals. He began by stating the reason for the proposed major variance request. He noted the location and zoning of the subject property. He talked about the

required setbacks according to Table VI-3 of the Urbana Zoning Ordinance. He mentioned that during discussions with the applicant, they had discussed alternative locations to place the air conditioning units; however, the north side was the most feasible and most desirable for all parties involved. He reviewed how the variance request related to the criteria in Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval. He mentioned that a representative for the owner of the property was in the audience and was available to answer questions.

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

Mr. Warmbrunn asked where the existing air conditioning units were located. Mr. Garcia replied that they are located on the south side of the building. Marco's Pizza would occupy a portion of the northern end of the building and the additional units were for Marco's Pizza and need to be located closer to the space they would occupy.

Mr. Warmbrunn questioned if the encroachment of 5.7 feet would include the slab and the fencing for the air conditioning units. If so, should the Zoning Board include the fencing in the motion? Mr. Garcia replied yes, the units would be fenced in. It would be a good idea to include language requiring it in the motion.

Chair Welch wondered if the building was currently one space that the owner intended to split to allow space for Marco's Pizza. Mr. Garcia stated that this was correct.

There were no further questions for City staff, so Chair Welch opened the hearing for public input.

Keith Haza, Regional Manager for Highland Ventures (aka Family Video), approached the Zoning Board of Appeals to speak. He mentioned that they started franchising Marco's Pizza and co-locating next to Family Video about four years ago. It has been a successful concept for them in their 130 locations.

The existing building is 135 feet long. Even if it were possible for them to locate the new air conditioning units on the south side of the building it would not be efficient because it would be on the opposite end of the building where Marco's Pizza would be located.

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

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2016-MAJ-09 to the City Council with a recommendation for approval with the condition that that the air conditioning units be screened appropriately with a fence. Ms. McLaughlin 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 was passed by unanimous vote. Mr. Garcia noted that this case would be forwarded to City Council on September 6, 2016.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 8:18 p.m.

Respectfully submitted,

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