

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** June 17, 2015

**APPROVED**

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

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

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**MEMBERS PRESENT** Paul Armstrong, Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Harvey Welch

**MEMBERS EXCUSED** Charles Warmbrunn

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

**OTHERS PRESENT** Amy Ando, Jane Billman, Susan Braxton, Clif Carey, Gregory Danner, Chris Dietrich, Conner Gray, Emma Gray, Theodore Gray, Charlotte Hall, Aleeah King, Bridget McGill, Jean Paley, Nina Paley, Richard Palmer, Stephanie Record, Tod Satterthwaite, Michael Stone, Gale Walden, Alexander Wolfram, Jeff Yockey

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

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

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the May 20, 2015 regular meeting were presented for approval. Ms. Uchtmann moved to approve the minutes as written. Ms. Chester seconded the motion. The minutes were approved by unanimous voice vote as moved.

**4. COMMUNICATIONS**

- Email from Carolyn Baxley regarding Case No. ZBA-2015-MAJ-07
- Email from Kate Hunter regarding Case Nos. ZBA-2015-C-01 and ZBA-2015-MAJ-01
- Flyer from Emma Grey regarding Case No. ZBA-2015-C-06
- 2014 Zoning Annual Report

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

## **5. CONTINUED PUBLIC HEARINGS**

**ZBA-2015-C-02 – A request by H.G. Dwell, LLC for a Conditional Use Permit to allow the use of Banquet Facility/Event Space at 202 West Illinois Street in the MOR, Mixed-Office-Residential Zoning District.**

Chair Armstrong re-opened the public hearing for this case. Ms. Pearson announced that the applicant wished to continue the case to the next regular meeting on July 15, 2015. Chair Armstrong continued the case as requested.

## **6. NEW PUBLIC HEARINGS**

**ZBA-2015-C-01 – A request by Tod Satterthwaite for a Conditional Use Permit to allow a duplex at 703 West High Street in the R-2, Single-Family Zoning District.**

**ZBA-2015-MAJ-01 – A request by Tod Satterthwaite to grant a Major Variance to allow a duplex on a lot 50 feet wide and 4,737 square feet in area at 703 West High Street in the R-2, Single-Family Zoning District.**

Chair Armstrong opened the public hearing for this case.

Kevin Garcia, Planner II, presented these two cases to the Zoning Board of Appeals. He explained the reason why these two cases were brought back to the Zoning Board of Appeals. City Legal staff determined after the original meeting on April 15, 2015 that there had not been a valid number of votes to deny or approve the request. He presented a brief history of the subject property. He described the proposed site as well as the adjacent properties by noting their zoning, current land uses, and the future land designation of each. He reviewed the criteria for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He also reviewed the criteria for a variance request from 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 of each case.

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

Ms. McLaughlin asked if no major nuisance complaints meant there were no complaints at all or that there were no complaints that were considered major. Mr. Garcia answered that when he spoke with Public Works staff there were only complaints about the grass not being mowed.

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

Tod Satterthwaite, applicant, stated that he has owned the property since 1986. He did not recall ever getting a nuisance complaint. He stated that they should think about what is best for the neighborhood. The house has been used as a duplex and fit into the neighborhood since before he purchased the property. He believed that changing it from a duplex would present a higher

risk and detriment to neighboring properties. The problem properties in the neighborhood are the single-family houses in which the tenants have access to and are able to use the entire house to hold parties; whereas duplexes do not have enough space to hold parties. To protect the neighborhood, he encouraged the Zoning Board of Appeals to approve the Conditional Use Permit and to recommend approval of the Major Variance request.

Charlotte Hall, owner of 705 West High Street, commented that the neighborhood had been quiet until lately. There have been more houses turned into group homes in the last two years, and the neighborhood is becoming pretty noisy. Tenants renting group houses generally have a lot of parties. Also, she shares a driveway with the tenants at 703 West High Street, so she preferred 703 West High Street to remain a duplex. As a result, she encouraged the Zoning Board of Appeals to approve the applicant’s requests.

She mentioned that when she purchased the property at 705 West High Street in 1985, she was also shown the property at 703 West High Street and was informed that it was a duplex. She has never thought of it any differently.

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

Ms. Uchtmann moved that the Zoning Board of Appeals grant the request for a Conditional Use Permit in Case No. ZBA-2015-C-01with the condition that *The entire duplex building be subject to the same occupancy limitations that a single-family dwelling unit must adhere to, that no more than one household and three additional unrelated person may occupy the entire duplex.* Mr. Welch seconded the motion. Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes			

The motion was passed by unanimous vote.

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-01 to the Urbana City Council with a recommendation to approve the major variance request based on the Summary of Findings in the written staff report. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Ms. Chester	-	Yes			

The motion was approved by unanimous vote.

**ZBA-2015-MAJ-07 – A request by Geoffrey Merritt for a Major Variance to decrease the required number of automobile parking spaces from twelve to four spaces at 303 West Griggs Street in the B-1, Neighborhood Business Zoning District.**

Chair Armstrong opened the public hearing for this case.

Kevin Garcia, Planner II, presented this case to the Zoning Board of Appeals. He explained the purpose for the proposed variance request, which is to reduce the number of required off-street parking spaces from between five and seven to four. He gave a brief description of the subject property as well as for the surrounding adjacent properties. He reviewed how the proposed major variance relates to the variance 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.

Mr. Garcia stated that he received an email from Carolyn Baxley expressing her concern about the intensity of the uses that would be going into the new space. He also received a phone call from the property owner of the adjacent pottery business expressing concern about the amount of traffic generated by the new uses.

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

Ms. Uchtmann wondered if it would be possible to allow parking in front of the garage door. Mr. Garcia replied that there is not enough space to allow parking in front of the door.

Ms. McLaughlin asked what the parking requirements are for the adjacent Central Business Zoning District. Mr. Garcia replied that there are not any off-street parking requirements for that district.

Ms. McLaughlin wondered if there had been any complaints about parking in the area. Mr. Garcia answered that there have not been any complaints to his knowledge.

With no further questions for City staff, Chair Armstrong opened the hearing for public input.

Geoffrey Merritt, owner, approached the Zoning Board of Appeals to speak. He stated that he did not have any additional comments. City staff had presented his case well. He would answer any questions that the Board members may have.

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

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-07 to the Urbana City Council with a recommendation for approval with the conditions recommended by City staff. Ms. Uchtmann seconded the motion. Roll call was as follows:

Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	-	Yes			

The motion passed by unanimous vote.

**ZBA-2015-C-05: A request by Ratio Architects, on behalf of Crisis Nursery, for an extension of the an existing conditional use permit for a nursery to allow a facility expansion located at 1309 West Hill Street in the R-2 Single-Family Residential Zoning District.**

Chair Armstrong opened the public hearing for this case.

Christopher Marx, Planner I, presented this case to the Zoning Board of Appeals. He began by stating the purpose for the proposed Conditional Use Permit, which is to allow an expansion of an existing conditional use. He described the proposed site and the surrounding adjacent properties by noting their zoning, current land uses and future land use designations. He talked about the development regulations and how the proposed Conditional Use Permit relates to the goals and objectives of the 2005 Comprehensive Plan. 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.

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

Chair Armstrong asked if there are any provisions for trash or services on the site. Mr. Marx responded that the applicant would be required to provide for this, especially if the proposed Conditional Use Permit was granted with Condition #1 as recommended by City staff. This condition requires that *the use must conform to all applicable zoning, building, and development codes*. He believed that the applicant planned to provide trash and other services consistent with their current receptacles along the southern edge of the property.

Chair Armstrong inquired how people would enter the building from the parking area. Mr. Marx explained that the main entrance would remain on the north side of the building. There would be a smaller entrance on the south side.

Chair Armstrong asked if the south entrance would be used primarily by staff. Lorrie Pearson, Planning Manager, referred the question to the applicants.

With no further questions for City staff, Chair Armstrong opened the hearing for public input.

Cliff Carey, of Ratio Architects, and Stephanie Record, of Crisis Nursery, approached the Zoning Board of Appeals to answer any questions the members may have.

Chair Armstrong reiterated his question about the entrances. Ms. Record stated that families use the main entrance on the north side of the building. They come in one or two families at a time. Staff, volunteers and community donors will park in the parking lot to the south and use the door along the south side of the building.

Ms. Chester asked if there was parking on both sides of Hill Street. Mr. Carey replied no. There is only parking along the north side; however, they are currently petitioning the City of Urbana to change the parking to be along the south side of the street for safety reasons.

Ms. Uchtmann asked if the expansion would be constructed where the existing playground is located. Ms. Record said that is correct. The playground would be relocated in the eastern property.

Ms. Uchtmann wondered how the children would access the future playground area. Ms. Record explained that the proposed expansion would be primarily kid space. When the expansion is constructed, children will access the playground area through the kid space in the newly expanded area.

With no further input from the audience, Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing for discussion and/or motion(s).

Ms. Uchtmann moved that the Zoning Board of Appeals grant the Conditional Use Permit request in Case No. ZBA-2015-C-05 as recommended by City staff. Mr. Welch seconded the motion. Roll call on the motion was as follows:

Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes
Mr. Uchtmann	-	Yes			

The motion was passed by unanimous vote.

**ZBA-2015-C-06: A request by Emma and Theodore Gray for a Conditional Use Permit to operate a café in a building at 117 West Washington Street in the B-1, Neighborhood Business Zoning District.**

Chair Armstrong opened the public hearing for this case.

Christopher Marx, Planner I, presented this case to the Zoning Board of Appeals. He began by stating the purpose for the proposed Conditional Use Permit, which is to operate a café in the B-1, Neighborhood Business Zoning District. He described the proposed site and the surrounding adjacent properties by noting their zoning, current land uses and future land use designations. He talked about the history of the proposed site noting previous uses and talked about the proposed use as a cafe. He discussed how the proposed Conditional Use Permit relates to the goals and objectives of the 2005 Comprehensive Plan. He reviewed the requirements for a Conditional use Permit according to Section VII-2 of the Urbana Zoning Ordinance.

Mr. Marx stated that he received a letter in opposition from Richard Palmer, Exhibit H in the written staff memo. The letter expresses Mr. Palmer’s concern that a café will attract break-ins. The letter talks about a robbery in which he was a victim of and he relates the robbery to the grocery store that was previously located in the proposed site. Mr. Marx noted that there are other uses that would be allowed by right that would have the same kind of cash flow as a café. The letter is titled Letter of Protest; however, it was not filed as an official protest, so the proposed Conditional Use Permit requires a regular vote, not a super majority vote. He read the options of the Zoning Board of Appeals and presented City staff’s recommendation for approval.

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

Ms. McLaughlin wondered if Condition #2 with regards to the range of hours from 6 a.m. to 10 p.m. referred to daily operating hours or did it include special events. Mr. Marx responded that it includes special events.

Ms. Chester asked what the normal daytime hours would be. Mr. Marx answered saying that the applicant had indicated that she did not want any late evening hours and planned to close by 6:00 p.m.

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

Emma Gray and Theodore Gray, applicants, approached the Zoning Board of Appeals to answer any questions.

Ms. Chester wondered when they planned to open each day. Ms. Gray replied that they planned to open around 6:00 or 7:00 a.m. every day to get the early people their coffee. She planned to close the café between 4:00 p.m. and 6:00 p.m. each day to allow time for the writing place to take over. Mr. Gray explained that his daughter has been working with Gayle Walden to offer writing tutoring classes after school in the café space. So, the business will transition from a café to an educational space after 4:00 p.m.

Ms. Uchtmann asked if they planned to have an alarm system. Ms. Gray stated that they would have an alarm system and security cameras.

Ms. Uchtmann inquired if they would provide internet service. Ms. Gray said yes.

Michael Stone, of 902 South Race Street, stated that he lives in the house to the immediate south of the proposed site. While he had no fundamental objections to the proposed plan, he had concerns of students littering in his yard and people parking in his driveway and sitting on his front porch as they did when the Sunshine Grocery store occupied the subject property. He also expressed concerns of the applicants providing adequate security.

Megan Gillette approached the Zoning Board of Appeals. She spoke in favor of the proposed conditional use permit request. She felt that it would be the best use for the space. She believed it would help bring high school students, their families and other members of the community together in the café culture to bridge the gap. She did not feel that traffic would be a problem because most people would be walking from school or from the nearby homes. It was exciting to see something happy and vibrant come to that corner. She also believed that they should support the young entrepreneurs.

Richard Palmer, of 210 West Washington, stated that he lives diagonally across Washington Street from the proposed café. He expressed his concern for parking. There are only eight parking spaces and assume some of them are for the pottery club. It is not safe to assume that most people would walk or bike to the property. Therefore, he was worried about spillover parking.

He also expressed his concern for safety in the neighborhood. When Sunshine Grocery occupied the proposed space, the building was robbed several times in succession. On May 7, 2000, he came home late at night and was robbed by some men who he believed were in the neighborhood

to rob the Sunshine Grocery again. He believed that a cash business in the proposed space may very well attract people intent on burglarizing it. It is located in a quiet, residential area away from the main streets and traffic on a rather dimly lit corner. He is concerned that robberies may happen again. He believed that there were other non-cash flow uses that could occupy the space. However, if the Zoning Board of Appeals granted the proposed Conditional Use Permit, then he encouraged them to require an operating security system and to ask the Police Department to patrol the area while the cafe is in operation.

Gayle Walden, of 306 West Washington, stated that she lives in close proximity of the proposed site. She mentioned that she has been working with Ms. Gray and the Urbana School District about setting up a non-profit writing service in the proposed space after café hours. Students are more likely to go to a café for workshops than to stay after school.

She stated that as a nearby resident, she would not want the café to extend into the evening hours.

Ms. McLaughlin inquired whether the non-profit service would pay rent for use of the space. Ms. Walden said yes. They still need to work out all of the details between the property owner, Ms. Gray and herself.

Ms. Uchtmann asked how many students Ms. Walden anticipated to participate in her writing workshops. Ms. Walden stated that the high school through 21<sup>st</sup> Century had some tutors that they donated to her service, but she would start out by offering college-essay writing workshops. She would close out each workshop by 10:00 p.m. She also wanted to hold some community adult workshops as well.

Jeff Yockey, of 304 West Washington, approached the Zoning Board of Appeals to speak in favor of the proposed Conditional Use Permit. He felt the café would be a great idea to meet people, build friendships or conduct business. He is supportive of young people taking initiative. He had confidence in that the Grays would resolve any conflicts that arise. The Grays live in the neighborhood as well.

He mentioned that he is also in favor of lowering the speed limit on neighborhood streets. He believed that 20 mph (miles per hour) would be great.

With regards to safety and the business being a cash flow operation, he stated that he hardly ever carries money. Most people nowadays use electronic devices to pay for services.

Alex Wolfram approached the Zoning Board of Appeals to speak in favor of the proposed request. He mentioned that he had worked with Ms. Gray on the proposed use and felt it would be a beneficial project for the City, for the neighborhood and for the students. With regards to loitering, when Sunshine Grocery occupied the proposed space, there was very little interior seating; whereas the café will have plenty of seating. There will be no need for people to loiter outside the building.

With regards to cash, he believed within the next five years, cash will be less relevant in businesses such as the proposed café. We have already seen a shift from people using cash to most people using debit and or credit cards to pay for services or items.

Overall, he felt this would be a great project for the City, and he fully supports it.

Amy Ando approached the Zoning Board of Appeals to speak in favor of the proposed request. She felt it would be great for the students and for the residents in the neighborhood. There will be fewer products provided than what Sunshine Grocery had, so shoplifting will not be an issue. The proposed café seems like a place that would be much less likely to attract crime and a place that will be a valuable community resource.

Theodore Gray re-approached the Zoning Board of Appeals. He stated that with regards to security, Emma is his daughter and will be there most of the time while the store is open. You better believe that there will be security cameras everywhere, a panic button and anything else that will make that location less attractive to thieves. He takes the issue of security seriously.

Chris Dietrich, of 903 South Race Street, stated that he lives across Race Street. He is in favor of the proposed use. He felt it is one of the best uses for the space. He believed that security is taken seriously by the applicant and her father.

Chair Armstrong asked City staff if the parking spaces available would be adequate to meet the needs of the proposed use. Mr. Marx replied that the pottery club requires one parking space and the proposed café would require five or six spaces.

Chair Armstrong questioned what City staff thought about the possibility of littering occurring. Mr. Marx agreed that with a café/coffee shop most of the consumption would occur inside the building. If someone did purchase a cup to go, it is not something that is consumed quickly and disposed of within the vicinity. The applicant has worked on providing trash receptacles located outside. A previous Conditional Use Permit for the proposed space was granted with a condition that the applicant submit a plan to deal with loitering and littering. This condition could also be applied to the proposed request for a Conditional Use Permit.

Bridget McGill, owner of the subject property, approached to explain the parking configuration to the Zoning Board of Appeals. She clarified that each lease with the tenants provides four parking spaces.

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

Ms. McLaughlin questioned who is responsible for lighting in that area. Ms. Pearson answered that street lighting is the responsibility of the City of Urbana. Property lighting is the responsibility of the property owner.

Ms. McLaughlin wondered if there was an ordinance that dealt with commercial lighting. Ms. Pearson replied that there are regulations for commercial lighting of larger sites. She requested time for City staff to look this up in the Zoning Ordinance. Mr. Welch commented that they should be mindful of stipulating bigger lights that this is a residential neighborhood. He assumed that any burglaries would occur at night, which can be dealt with by installing alarms. A chance of the place being robbed while it is open is unlikely because of the complicated street system. If the applicant removed the cash from the building at night, it would reduce the risk considerably of a burglary happening. Ms. McLaughlin stated that she just wanted everyone to know who

would be responsible for handling/resolving the different concerns that were raised during public input.

Ms. McGill re-approached the Zoning Board of Appeals to say that there is light for the parking lot. Since there is currently no way of splitting the cost of operating the light between the two tenants, she and her husband pay the electrical bill for it. If they installed a brighter light, then the neighbors would complain.

Chair Armstrong asked if the pottery club had any issues with safety. Ms. McGill explained that the pottery club has a keypad entry. People are there almost 24 hours a day due to clients having different work schedules. She has never heard of any security concerns from the pottery club tenant. Her son and daughter-in-law purchased 201 West Washington Street and can vouch for the area being safe. Their biggest concern is vehicles doing roll stops through that intersection.

Ms. McLaughlin moved that the Zoning Board of Appeals grant the proposed Conditional Use Permit in Case No. ZBA-2015-C-06 for the reasons articulated in the written staff memo with the following conditions: 1) *The use must conform to all applicable zoning, building, and development codes;* 2) *The use will not feature operating hours outside the range of 6:00 AM to 10:00 PM;* and 3) *A plan is established for clear communication between the neighborhood residents and the tenants to deal with any future problems going forward whether they be with security, littering or loitering.*

Mr. Welch stated that he would not support a condition about loitering because it is vague. Ms. McLaughlin pointed out that it would not be about loitering itself but more about a plan on how they would communicate any problems. She wanted to provide a way for the residents to have an awareness of who to contact if they have any future concerns. Mr. Welch said that a general plan would be okay but it should not mention loitering. Mr. Armstrong believed that the circumstances that occurred when the space was used for the Sunshine Grocery are substantially different than what is being proposed. He felt there was already a mechanism for communication in place. This is unique in that there will be an educational function coupled with a business function, and it will mitigate some of the concerns that the Zoning Board of Appeals feels about how this facility would be used by the public. He understood the public input to endorse the use as a café because it would increase communication. Therefore, he thought it was unnecessary to build in that kind of provision. If a member wants to add a condition that addresses other security issues such as more substantial police presence or trash or waste be disposed on site.

Ms. Uchtmann pointed out that this area is part of the West Urbana Neighborhood Association so people can post their concerns and communicate online. Ms. Chester did not feel that littering and loitering will be an issue because there are tables and chairs provided inside the building.

Ms. McLaughlin amended her motion to remove the third condition. Mr. Welch seconded the motion. Roll call was taken and was as follows:

Mr. Armstrong	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Welch	-	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:

- Zoning Board of Appeals 2014 Annual Report – A CD of the report was handed out prior to the start of the meeting. It can also be found online at [www.urbanaininois.us](http://www.urbanaininois.us).

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Chair Armstrong adjourned the meeting at 9:30 p.m.

Respectfully submitted,

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