

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: May 20, 2015

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Joanne Chester, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

MEMBERS EXCUSED Paul Armstrong, Ashlee McLaughlin

STAFF PRESENT Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Maximillian Mahalek, Planning Intern

OTHERS PRESENT Brian Adams, Mark Allen, Katy Balderson, Anthony Beard, Connor and Emma Gray, Derek Liebert, Caitlin Lill, Dorothy Neumann, Thomas Sheehan

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

Harvey Welch called the meeting to order at 7:30 p.m. In the absence of Chair Armstrong, Charles Warmbrunn moved that Harvey Welch serve as Acting Chairperson for the meeting. Ms. Chester seconded the motion. The motion was approved by unanimous voice vote. Roll call was taken, and Acting Chair Welch declared that there was a quorum present.

2. CHANGES TO THE AGENDA

There were none.

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

3. APPROVAL OF THE MINUTES

The minutes from the April 15, 2015 regular meeting were presented for approval. Ms. Chester suggested a correction to the minutes on Page 2, Last Sentence to read as such, "*used and if they are ~~over-occupied~~ owner-occupied to help preserve the character of the neighborhood.*" Ms. Pearson stated that the Planning staff would confirm this.

Ms. Uchtmann moved to approve the minutes as corrected. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous voice vote as moved.

After the meeting, City staff reviewed the tape and found that the discussion was about over-occupancy, so the minutes will stand as written.

4. COMMUNICATIONS

Regarding Case Nos. ZBA-2015-MAJ-04 and ZBA-2015-MAJ-05

- Email from Douglas and Shannon Bradley

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.

Acting Chair Welch stated that the applicant requested that this case be continued to the next regular meeting of the Zoning Board of Appeals. Ms. Uchtmann moved to continue the case to the June 17, 2015 meeting. Mr. Warmbrunn seconded the motion. The motion was passed by unanimous voice vote, and the case was continued as requested.

6. NEW PUBLIC HEARINGS

ZBA-2015-C-03 – A request by Eric Herzog for a Conditional Use Permit to allow an automobile repair and detailing facility on a single lot at 509 East Main Street in the B-4, Central Business Zoning District.

Acting Chair Welch 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. He described the proposed site as well as the surrounding adjacent properties by noting the zoning, existing land use and future land use designation of all. 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 for the case and presented City staff's recommendation for approval.

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

Mr. Warmbrunn pointed out that the wrong case number was referenced on Page 5 under "Staff Recommendation". Ms. Chester noticed that the wrong property was highlighted as the subject property on Exhibit A.

Mr. Welch inquired about the condition of no auto sales being allowed. Mr. Marx explained that auto sales are not allowed in the B-4 Zoning District. There will be cars that will be detailed to be put up for sale, but no sales transactions of cars are to take place on the property. There is a lack of space to establish an in-house detailing operation for their current business. The proposed use would allow the applicant the ability to create one without installing a great deal of infrastructure and would also allow him to establish a complementary relationship with Long's Garage for business purposes.

Ms. Chester stated that it would also allow them to store cars that they planned to sale. Mr. Marx stated that if City staff noticed a large boost in the volume in customers on the site or if they received complaints, then City staff would investigate for violations of the zoning use.

Ms. Uchtmann noticed that there appeared to be a lot of gravel, so she asked if the business was required to have a setback on either side of the property. Mr. Marx did not believe that the setback required a specific surface type. The owner is allowed to maintain their existing lot, because it is most likely a legal non-conformity.

There were no further questions for City staff. Acting Chair Welch opened the hearing up for public input. There was none, so he closed the public input portion of the hearing. He, then, opened the hearing up for discussion and/or motion(s) by the Zoning Board of Appeals.

Mr. Warmbrunn moved that the Zoning Board of Appeals grant Case No. ZBA-2015-C-03 with the following conditions: 1) There are no vehicular sales performed on the premise of the subject property and 2) That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

ZBA-2015-C-04 – A request by Thomas Sheehan for a Conditional Use Permit to allow a craft brewery and tasting room at 208 West Griggs Street in the B-4, Central Business Zoning District.

Acting Chair Welch opened the public hearing for this case.

Christopher Marx, Planner I, presented this case to the Zoning Board of Appeals. He began by explaining the reason for the proposed Conditional Use Permit. He described the proposed site and the surrounding adjacent properties noting the zoning, existing land use and future land use designation of each. He discussed the intentions of the applicant noting that it would be a brewery and a tasting room, that there are no plans to have a full kitchen, and the hours of operation. He mentioned that they also plan to only produce 300 barrels in the first year and to increase that each year as demand and money allow. If they use more than 1,500 gallons of water per day, then they are required to get a permit from the Urbana-Champaign Sanitary District.

He reviewed the goals and objectives from the 2005 Urbana Comprehensive Plan that are relevant to the proposed Conditional Use Permit. He also talked about the requirements from Section VII-2 of the Urbana Zoning Ordinance for a Conditional Use Permit. He read the options of the Zoning Board of Appeals and presented City staff’s recommendation for approval.

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

Mr. Welch asked for clarification about the craft brewery being considered a Confectionary Products Manufacturing and Packing use. Mr. Marx explained that there is not a craft brewery use in the Table of Uses in the Zoning Ordinance, so the Zoning Administrator felt that the Confectionary Products Manufacturing and Packing use would fit the closest.

Mr. Welch stated that the Zoning Board of Appeals usually reviews cases regarding parking and setback requirements. However, lately they have been reviewing cases with regards to uses that do not exist in the Zoning Ordinance. There appears to be a hole in the system, and he wondered if another board should be reviewing the Zoning Ordinance to make some changes. Mr. Marx replied that there will always be unique uses that emerge. Most likely, City staff will be working on making changes to the Zoning Ordinance soon.

Ms. Uchtmann inquired if a liquor license would be required. Mr. Marx answered that a liquor license will be required for the tasting room. The applicant plans to apply for a liquor license after they receive approval for the Conditional Use Permit.

Ms. Uchtmann wondered if there was free parking to the north along the alley. Mr. Marx believed the parking was metered.

With no further questions for City staff, Acting Chair Welch opened the hearing up for public input.

Thomas Sheehan, applicant, approached the Zoning Board of Appeals to speak. He began by explaining the correlation between a brewery and a confectionary use. You take grain and steep it. You pull the sugars off and cook them. Then, you put the sugar mixture into a tank, add some yeast, and about two weeks later you have beer. They planned to keg it serve a small portion of it in the tasting room. Eventually as they gain sales throughout the local area and beyond, they plan to sell the beer to bars and restaurants.

Brian Adams approached the Zoning Board of Appeals to speak in favor of the proposed Conditional Use Permit. He talked about the history of the existing building at 208 West Griggs Street. He mentioned that Joseph Royer was involved in the remodeling of the building in 1902. He felt that the proposed craft brewery would be a great way to adaptively reuse the historic building, so he encouraged the Zoning Board of Appeals to approve the request.

Dorothy Neumann approached the Zoning Board of Appeals to speak in opposition of the proposed Conditional Use Permit. She mentioned that she lives just across the street of the subject property. She asked that the Zoning Board of Appeals defer taking action on the case during this meeting. She had many questions regarding the liquor licensing for the use. She felt that the liquor license should be reviewed and obtained prior to getting approval for a Conditional Use Permit so that the Zoning Board of Appeals would know what type of liquor license the applicant would have.

She expressed concern about the hours of operation from 4:00 p.m. to 10:30 or 11:00 p.m. Would they be having live music? Would the applicant consider shortening the hours they are opened to close earlier in the evenings?

Another concern she has is parking. The Best African Food Store will be open from 10:00 a.m. to 7:00 p.m. so the two businesses would be competing for parking for about three hours every day. She wondered what that would do for the congestion on her street.

She asked what the fire code seating capacity limit would be. The applicant claims that they could seat 50 people. This would make a difference on how she would feel about it.

She mentioned that a block down the street, Canaan Baptist Church has a substance abuse recovery house. She did not believe that this use and the proposed craft brewery were compatible.

She asked what the difference was between a tasting room and a bar. She also expressed concern about the smell coming from brewing the beer. Smell can be a real problem for the neighbors.

Are they only going to be selling packaged liquor to businesses? Much of the details of the business are unclear, so she encouraged the Zoning Board of Appeals to defer taking action.

Mr. Marx stated that he has a letter from the City's Legal Department regarding the liquor license that would answer many of Ms. Neumann's concerns. Mr. Welch explained that the Zoning Board of Appeals only focuses on the type of business. If they grant the proposed Conditional Use Permit, the applicant will still have to get approval for a liquor license from the appropriate governing body. So, any information about a liquor license does not pertain to this case.

Ms. Neumann stated that Carle Printing Services use to occupy the proposed space. The Best African Food Store occupies the other end of the building and Habitat for Humanity also occupies a space in the building. She did not believe that a craft brewery and tasting room would be compatible with these other uses.

Mr. Welch wondered if they had an option to defer the case. Mr. Marx replied that the Board does have the option to continue the case if the Board has reasons that are under the purview of the Zoning Board of Appeals. However, if City staff can answer those issues during this meeting, then it would be a good course of action.

Ms. Uchtmann pointed out that one of the conditions as recommended by City staff on approving the proposed request states that the applicant must conform to all applicable regulations of the Illinois Liquor Control Commission.

Acting Chair Welch asked if the applicant would like to respond. Mr. Sheehan re-approached the Zoning Board of Appeals. He stated that the proposed use would be heavily regulated federally and by the State of Illinois. He explained that he chose a craft brewery use over a brew pub, because a brew pub is allowed to sell beer, liquor and wine that are made by others as well as their own brew. A craft brewery can sell only its own produced beer. He plans to package it in house and sell it to their customers.

Mr. Sheehan pointed out that a bar/tavern or liquor store is allowed by right in the B-4 Zoning District. The proposed Conditional Use Permit is to allow him to make his own beer on the premise, which is all he is asking permission for. Most of Ms. Neumann's concerns do not relate to this process. He would be allowed by right to be open until 2:00 a.m., sell beer out-the-door,

and to have live music; however, he chooses not to. He is only asking to be allowed to make beer.

Mr. Warmbrunn asked Mr. Sheehan to address the concern of odor. Mr. Sheehan stated that it would not smell like the South Farms smelled. Occasionally, there may be odors that the neighbors can smell, but chocolate shops have odors, which make him nauseous. The smell will be off-putting to some people, and others make like the smell.

Mr. Sheehan mentioned that most of the effluents from the beer are slightly higher pH than normal, but it is easily treated by the Sanitary District. The written staff reports talks about using 1,500 gallons of water per day, he pointed out that he would only be using 250 gallons of water per day.

With there being no additional public input, Acting Chair Welch closed this portion of the hearing. He, then, opened the hearing for more questions for City staff from the Zoning Board of Appeals.

Mr. Welch asked if there were any breweries in the City of Champaign. Mr. Marx replied yes, that there are two...the Blind Pig and Destihl.

Mr. Welch asked if City staff was aware of any complaints from neighboring businesses or other entities. Mr. Marx said no. Ms. Pearson added that there were no complaints when she worked for the City of Champaign.

Mr. Welch opened the hearing for discussion and/or motion(s) from the Zoning Board of Appeals.

Ms. Uchtmann moved that the Zoning Board of Appeals grant the Conditional Use Permit in Case No. ZBA-2015-C-04 for the reasons articulated in the written staff report and with the following conditions:

1. The use must conform to all applicable zoning and building codes.
2. The use must conform to all applicable regulations of the Illinois Liquor Control Commission.

Ms. Chester seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

ZBA-2015-MAJ-04: A request by MALA, LLC for a Major Variance to allow a change in the required front-yard setback from 15 feet to 5 feet at 202 West University Avenue in the B-3, General Business Zoning District.

ZBA-2015-MAJ-05: A request by MALA, LLC for a Major Variance to allow parking spaces in which exiting vehicles must back out onto a public street at 202 West University Avenue in the B-3, General Business Zoning District.

Chair Armstrong opened the public hearing for these two cases together since they are regarding the same subject property.

Christopher Marx, Planner I, presented these two cases together to the Zoning Board of Appeals. He began by stating the purpose for each major variance request. He gave background information on the subject property. He described the site and the adjacent surrounding properties noting the zoning, existing land uses and future land use designations. He discussed the proposed new building and talked about setbacks and parking regulations. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to both major variance requests. He stated the options of the Zoning Board of Appeals and presented City staff's recommendation for approval of both major variance requests. He pointed out that representatives for the applicant were available to answer any questions.

He mentioned that City staff received an email/letter from the Douglas and Shannon Bradley in opposition. They live at 509 North Race Street directly to the north of the subject property. One concern the Bradleys have was with regards to using their own driveway, which is located across from the perpendicular parking off the alley on the subject property. He explained that the proposed parking to the east would be compliant with the requirements of the Urbana Zoning Ordinance.

Secondly, there is an existing utility pole that the Bradleys were concerned about. The City's Engineer Division determined that it would not interfere with movement of parking on and off the site. Relocation of the utility pole is not permissible.

The third concern was emergency access. Because the subject property borders both University Avenue and Race Street, the Fire Department determined that there were no concerns for emergency vehicles accessing the site or the neighboring residential properties.

Another concern the Bradleys had was about screening between parking lots and residential lots. The Urbana Zoning Ordinance does not require screening for parking if movement of the cars is required to go onto the right-of-way. Parking spaces numbered 9, 10 and 11 on the Site Plan, Exhibit D, would therefore not be required to have screening. However, parking space numbered 8 would require screening, which the applicant had expressed a willingness to do.

The Bradleys expressed concern about screening of the garbage or refuse. The applicant has agreed to create a space at the northeastern portion of the building for a screened and sectioned off garbage and recycling containers.

Lastly, the Bradleys were concerned about the hours of operation of the gaming hall. The use of gaming hall is permitted by right in the B-3 Zoning District; however, they are required to conform to all applications of City Code with regards to hours of operation.

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

Ms. Chester wondered how wide the alley is. Mr. Marx stated that it is approximately 15 to 16 feet. Ms. Chester commented that the narrower the parking space is the harder it will be for drivers to make the turn.

Ms. Uchtmann questioned how many parking spaces are required. Mr. Marx answered saying the City requires eight parking spaces for the proposed building and uses. Ms. Uchtmann wondered why the applicant wanted to provide 11 parking spaces. Mr. Marx replied that the applicant wanted to provide convenience and requirements of their tenants and patrons for use to the south of the building.

With there being no further questions for City staff, Acting Chair Welch opened the public hearing up for public input.

Mark Allen, Principal for MALA, LLC, approached the Zoning Board of Appeals to speak. He pointed out that the proposed building, while in approximately the same place as the existing building, would be about 30% smaller. He mentioned that he met with the Bradleys at the beginning of the meeting to discuss their concerns and hoped to have resolved some of them.

They felt that they would need more parking spaces than what was being required of them. They have addressed the screening of the refuse issue. The location of the utility pole on the Bradleys drawing was a little off. It is actually located at the corner of the property line across from the Bradley's sidewalk and would not impact Parking space #8.

Parking space #8 will setback from the alley about four to five feet. Parking spaces #9, #10 and #11 will setback approximately seven feet from the property line. The alley is narrow, and he does understand their concerns. He does want to be a good neighbor; however, the fact that the alley is narrow and causes difficulty with approach to their drive does not give the Bradleys a right to use the subject property as a means of ingress to their drive. By having some of the parking off the alley eliminate the ingress and egress traffic onto University Avenue, it will be a big benefit to the area.

With there being no additional input from the public, Acting Chair Welch closed the public input portion and opened the hearing for discussion and/or motion(s).

Mr. Warmbrunn asked for clarification on the existing parking situation. Mr. Marx stated that currently there is parking in the front of the building along University Avenue and parking in the back. The proposed new layout would eliminate the parking in front, which was a safety issue and provide one additional space in the back along the alley.

Ms. Uchtmann wondered if the driveway of the single family home was located next to the sidewalk. Mr. Marx stated that it is perpendicular to the alley and setback a few feet from the sidewalk.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-04 to the City Council with a recommendation for approval with the following conditions:

1. The site is developed in general compliance with the Site Plan, Exhibit D.
2. The parking space and curb cut along University Avenue are eliminated as proposed in the Site Plan, Exhibit D.

Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote. Acting Chair Welch stated that this case would be forwarded to City Council on Monday, June 1, 2015.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-05 to the City Council with a recommendation for approval with the following conditions:

1. The site is developed in general compliance with the Site Plan, Exhibit D.
2. The parking space and curb cut along University Avenue are eliminated as proposed in the Site Plan, Exhibit D.

Ms. Chester seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote. Acting Chair Welch stated that this case would be forwarded to City Council on Monday, June 1, 2015.

ZBA-2015-MAJ-06: A request by the Urbana Park District to construct a monument sign that will be eight feet in height, a 33.3% variance from the maximum height allowed at 505 West Stoughton Street in the CRE, Conservation-Recreation-Education Zoning District.

ZBA-2015-MIN-01: A request by the Urbana Park District to construct a monument sign that will encroach two feet into the required eight-foot setback, a 25% variance, at 505 West Stoughton Street in the CRE, Conservation-Recreation-Education Zoning District.

Chair Armstrong opened the public hearing for these two cases together since they are regarding the same subject property.

Maximillian Mahalek presented these two cases together to the Zoning Board of Appeals. He began by stating the purpose for each major variance request. He gave background information on the subject property. He described the site and the adjacent surrounding properties noting the zoning, existing land uses and future land use designations. He talked about the existing sign and discussed the sign height, digital display and sign area, setback of the new proposed sign, and the impact on the adjacent surrounding properties. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to both major variance requests. He stated the options of the Zoning Board of Appeals and presented City staff's recommendation for approval of both major variance requests. He pointed out that representatives for the applicant were available to answer any questions.

With no questions for City staff, Acting Chair Welch opened the public hearing up for public input.

Caitlin Lill, Project Manager for the Urbana Park District, and Derek Liebert, Superintendent of Planning and Operations for the Urbana Park District, approached the Zoning Board of Appeals to speak. Ms. Lill thanked City staff for working with the Urbana Park District stated that the Phillips Recreation Center is the main base for the business operations of the Urbana Park District. It is where they sell pool passes and for people to register for programs that happen throughout the City of Urbana. They believe with the curvature of Springfield Avenue and the parking to the north that the sign needs more visibility and more elevation.

Mr. Liebert mentioned that they have a Citizen Advisory Committee. The proposed variance requests come from the Park District’s response to the Urbana citizens.

There was no further public input, so Acting Chair Welch closed that portion of the hearing. He, then, opened the hearing up for discussion and/or motions.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-06 to the City Council with a recommendation for approval. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote. The case will be forwarded to the Urbana City Council on June 1, 2015.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve Case No. ZBA-2015-MIN-01. Ms. Chester seconded the motion. Roll call on the motion was as follows:

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

The motion was approved 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 No. ZBA-2015-C-01 and Case No. ZBA-2015-MAJ-01 may need to be reheard because it appears that there was not a majority of the members available to vote on the cases.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Acting Chair Welch adjourned the meeting at 9:13 p.m.

Respectfully submitted,

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