



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: July 30, 2003

SUBJECT: Case No. 1860-SU-03, Request by St. Patrick's Catholic Church for a special use permit to establish an accessory church use at 310 N. Coler Avenue.

Introduction

The St. Patrick's Catholic Church is currently requesting approval to expand their church office uses to a residential home located at 310 N. Coler Avenue. The church owns this single-family residence that is located across the street from the St. Patrick's Parish Center. Representatives of the church have requested that the house at 310 N. Coler Avenue be used as office space and on a limited basis to provide food distribution to serve persons in need. The use of the property for this purpose is considered an expansion of the church onto the subject lot. The lot is zoned R-2, Single Family Residential, church uses are permitted in this district with a special use permit.

On July 24, 2003, the Plan Commission voted 6 to 0 to recommend approval of the request with the four conditions outlined in the staff memorandum. There was limited public testimony at the public hearing. Two members of St. Patrick's Board of Trustees and an attorney informally representing the church spoke about the intentions of the church and the proposed activities in the home. For more information regarding this case, please refer to the July 17, 2003 staff memorandum to the Plan Commission and to the minutes of the July 24, 2003 Plan Commission meeting.

Background

Description of the Site and Surrounding Properties

310 N. Coler Avenue is located on the east side of north Coler near the intersection of Coler Avenue and Clark Street. The lot is approximately 40 feet wide and 105 feet deep and contains a vacant single-family structure. The approximately 800 square foot single-story house contains a living room, kitchen with a small pantry, one bedroom, one bathroom and a front porch facing into Coler Avenue. There is

no garage or driveway associated with the house although the backyard does have access from an alley.

The surrounding neighborhood is primarily single-family residential although there is a mixture of single-family, multi-family, as well as institutional and some commercial uses in close proximity. The church and the Parish Center are located southwest of the subject property and the church parking lot is located directly west of the house.

Proposal

The church owns the home at 310 N. Coler Avenue, they acquired the residential home this past year and the house is currently vacant. Church representatives indicate that the Parish Center that operates west of the subject property has been experiencing space constraints. Currently the Parish Center operates an office for church staff, including the St. Vincent DePaul Society, a church affiliated ministry for the poor. The Parish Center also handles any church related storage needs.

The proposal is to relocate the office functions of the ministry into the first floor level of the house and to utilize the kitchen area, that opens to the alley, to be used for food aid distribution. The office functions would consist of one full-time staff member and up to three part-time volunteers operating within the house. Any daily church office activities will occur during the 8-5 schedule such as answering phones, preparing food aid products for distribution, etc. The food distribution activities will occur from 4:30 to 5:00 p.m. Monday through Friday. Historically there has been an average of 20 persons receiving aid on designated distribution days, with a maximum of 30 persons. All church office and ministry activities proposed in the house are currently being held in the Parish Center.

Church officials indicate that the interior of the home will be remodeled to accommodate the office functions, the home will be used primarily for the purposes of ministry. There are no proposals to modify the exterior of the home. The Building Safety Division Manager for the City of Urbana indicated that the use of the home for office purposes might require some additional improvements to the home in order to meet any special building codes or ADA requirements.

The standard requirement for professional office parking is one space per 300 square feet. Approximately 800 square feet of the home will be used for the office ministry thus requiring three spaces. These spaces are easily provided for in the lot to the west. Since the office is simply being relocated from the church, it should not generate any additional traffic and parking demand. Any patrons of the ministry will park in that lot and walk across Coler Avenue to the house. In this case, it could be interpreted that no additional parking is required.

At the July 24, 2003, Plan Commission meeting, members had concerns about the one-way alley adjacent to the home. The concern was for both patrons of the ministry and volunteers dropping off food to the house, that the alleyway may be a tempting spot to park and possible traffic problems may arise specifically during the food distribution hours. The Commissioners also voiced concerns about explicitly telling people which door they should use to access the home. Please refer to the minutes of the meeting for more details.

Staff is concerned about the piecemeal expansion of the church campus onto adjacent residential properties and would prefer to review an overall master plan that addresses short and long-term expansion expectations. For this reason it is recommended that this request be granted temporarily for three years to allow the church to provide a Master Plan which shows the long-term expectations of the campus facilities and property.

Discussion

Requirements for a Special Use Permit

According to Section VII-6 of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate specific criteria. On July 24, 2003 the Urbana Plan Commission considered the following:

- 1. That the proposed use is conducive to the public convenience at that location.*

The proposed relocation of the church ministry office is conducive to the public convenience at this location. The ability to locate the office in the home will allow the church and its ministry to continue their operation at the location while providing privacy in their food distribution.

- 2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The office and its activities are designed to be incidental to the church. The exterior of the home will not be altered for the proposed use thus keeping the appearance of a single-family home. The use will not contain more than equivalent of three full-time employees at any one time and would at no time increase the use of the house to allow meetings or assembly of large numbers of persons.

- 3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.*

The proposed use will be compliant with all development standards of the zoning ordinance and may require minor additional building code improvements in the interior of the house. Since the house is not proposed to be significantly altered, the essential character of the neighborhood will be preserved.

Summary of Findings

At the July 24, 2003 hearing, the Plan Commission adopted the following findings:

1. The proposed use is conducive to the public convenience at this location. It would allow for the relocation of a small church ministry office accessory to St. Patrick's Church.
2. The proposed office and its food distribution would not pose a detriment to the district in which it is proposed to be located.
3. The proposed office meets all applicable standards and regulations of the district in which it is located. A church and its ancillary uses are considered appropriate uses in residential zoning districts.
4. The proposed improvements to the exterior of the home would not alter the essential character of the neighborhood, as the home will retain the outer appearance of a single-family residential structure.

Options

The City Council has the following options regarding Plan Case No. 1860-SU-03:

1. Approve the request for a special use permit without any additional conditions;
2. Approve the request for a special use permit with any conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
3. Deny the request for a special use permit.

Recommendation

For the reasons articulated above, the Plan Commission and staff recommend that the City Council **APPROVE** the requested special use permit with the following **CONDITIONS**:

1. The use of 310 N. Coler Avenue for the purpose of an office and food distribution to the needy shall only be temporary and permitted until August 31, 2006. Prior to that date the St. Patrick's Catholic Church shall submit a Master Plan to the Urbana Plan Commission for review and approval. The Master Plan shall illustrate both the short and long-term expansion expectations. If the Special Use Permit expires without any master plan review and approval, the church shall reapply for a Special Use Permit at 310 N. Coler Avenue.
2. There shall be no truck traffic associated with the temporary office use located at the house of 310 N. Coler Avenue.

3. The house at 310 N. Coler Avenue shall meet the code requirements to conduct an office use by obtaining a Certificate of Occupancy including inspections to verify compliance.
4. There shall be no signs indicating that the structure at 310 N. Coler Avenue is used for any use other than office related uses and food distribution.

Prepared by:

Michaela Bell, Planner

Attachments: Draft Ordinance to Approve a temporary Special Use Permit
Minutes of the July 24, 2002 Plan Commission meeting

- c: Chad Beckett, 508 S. Broadway, Urbana, IL 61801
Rev. George Remm, 708 W. Main Street, Urbana, IL 61801
Tim Thilmony, 708 W. Main Street, Urbana, IL 61801
Board of Trustees, St. Patrick Church, 708 W. Main Street, Urbana, IL 61801

ORDINANCE NO.2003-08-079

An Ordinance Approving A Special Use Permit
(Request to establish an accessory church use in the R-2, Single-Family Residential Zoning District - Plan Case No. 1860-SU-03)

WHEREAS, the subject property, 310 N. Coler Avenue, is zoned R-2, Single-Family Residential and a church is allowed only as a Special Use in an R-2 zone.

WHEREAS, the St. Patrick's Catholic Church has petitioned the Urbana Plan Commission in Case No. 1860-SU-03 to consider a request for a special use permit to allow an accessory church use for office related purposes including food distribution in the existing residential structure located at 310 N. Coler Avenue; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on July 24, 2003 concerning the petition filed by the petitioner in Plan Case No. 1860-SU-03; and

WHEREAS, on July 24, 2003, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions as outlined in Section 1 herein; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the impact of the proposed development on

surrounding properties; and

WHEREAS, the approval of the Special Use Permit, with the condition set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the special use permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the establishment of an accessory church use in the existing residential structure at 310 N. Coler Avenue with the following conditions upon approval:

1. The use of 310 N. Coler Avenue for the purpose of an office and food distribution to the needy shall only be temporary and permitted until August 31, 2006. Prior to that date the St. Patrick's Catholic Church shall submit a Master Plan to the Urbana Plan Commission for review and approval. The Master Plan shall illustrate both the short and long-term expansion expectations. If the Special Use Permit expires without any master plan review and approval, the church shall reapply for a

Special Use Permit at 310 N. Coler Avenue.

2. There shall be no truck traffic associated with the temporary office use located at the house of 310 N. Coler Avenue.
3. The house at 310 N. Coler Avenue shall meet the code requirements to conduct an office use by obtaining a Certificate of Occupancy including inspections to verify compliance.
4. There shall be no signs indicating that the structure at 310 N. Coler Avenue is used for any use other than office related uses and food distribution.

LEGAL DESCRIPTION:

All of the north 39' of the west half of Lot 1 of John Gere's Subdivision of lot 4 of M.W. Busey's Heirs' Addition to Urbana, EXCEPT the East 10 feet thereof, situated in Champaign, County, Illinois.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this ____ day of _____, 2003.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk _____

APPROVED by the Mayor this ____ day of _____, 2003.

Tod Satterthwaite, Mayor _____

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2003, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "An Ordinance Approving A Special Use Permit (Request to establish an accessory church use in the R-2, Single-Family Residential Zoning District - Plan Case No. 1860-SU-03)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2003, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2003.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: July 24, 2003

TIME: 7:30 P.M.

PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Alan Douglas, Laurie Goscha, Lew Hopkins, Michael Pollock, Don White

MEMBERS EXCUSED: Randy Kangas, Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Rob Kowalski, Planning Manager; Michaela Bell, Planner; Teri Andel, Secretary

OTHERS PRESENT: Chad Beckett, Pat Dill, Diane Musumeci, Esther Patt, Susan Taylor

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

The meeting was called to order at 7:34 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Alix moved to approve the minutes from the July 10, 2003 meeting as presented. Ms. Goscha seconded the motion. The minutes were then approved as presented by unanimous voice vote.

4. COMMUNICATIONS

- North Lincoln Avenue Concepts Map
- Northeast Urbana/Champaign County Concepts Map
- “Zoning News” Newsletter (June 2003 Edition)

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Plan Case #1860-SU-03: Request by St. Patrick's Catholic Church for a special use permit to establish an accessory church use at 310 North Coler Avenue.

Michaela Bell, Planner, gave the staff report for this case. She presented a brief introduction and background by describing the site and its surrounding properties and by identifying the current zoning and land use of both. She talked about the proposed special use permit and the reason why the church requested it. She discussed the requirements for a Special Use Permit according to Section VII-6 of the Urbana Zoning Ordinance. She summarized staff findings and read the options of the Plan Commission. Staff recommendation was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission recommend approval of the proposed special use permit as presented to the Urbana City Council with the following conditions:

- 1. The use of 310 North Coler Avenue for the purpose of an office and food distribution to the needy shall only be temporary and permitted until August 31, 2006. Prior to that date the St. Patrick's Catholic Church shall submit a Master Site Plan to the Urbana Plan Commission for review and approval. The Master Plan shall illustrate both the short and long-term expansion expectations. If the Special Use Permit expires without any Master Site Plan review and approval, the church shall reapply for a Special Use Permit at 310 North Coler.*
- 2. There shall be no increase truck traffic associated with the temporary office use located at the house of 310 North Coler Avenue.*
- 3. The house at 310 North Coler Avenue shall meet the code requirements to conduct an office use by obtaining a Certificate of Occupancy including inspections to verify compliance.*
- 4. There shall be no signs indicating that the structure at 310 North Coler Avenue is used for any use other than office related uses.*

Relating to the notion of a temporary special use permit, Mr. Alix looked at it as if staff believed this type of activity would be compatible with the neighborhood for a period of three years. He found it difficult to envision a scenario under which the City would want to revoke the special use permit after three years. He asked if it was the intention of staff to dictate that the special use permit should be a short-term use or were they using the term limit on the special use permit as a stick to get the petitioner to bring in a Master Site Plan? Ms. Bell answered by saying that the reason was because this was a residential neighborhood; staff was worried about piece-meal

expansion of other homes that may be bought by the church. Currently, the church does not have a Master Site Plan. Staff was encouraging this for planning purposes.

Mr. Alix hypothetically asked if the church brought back a Master Site Plan that essentially says that they would like to indefinitely use the house at 310 North Coler Avenue as an office and that was the limit of their intended expansion, then what? Did staff think that the Special Use Permit should expire no matter what in three years? Rob Kowalski, Planning Manager, felt it would also give the City the opportunity to see how well the use operates. There may be little to no impact on the surrounding neighborhood, but it was hard to say, especially with the food distribution services that the church wanted to provide. With where the house was located on the alley and being next to a parking lot, it may very well not have much of an impact. The temporary approval gives the City some time to assess how it works. However, staff's ultimate goal was really to allow the church their short term needs and encourage them to do a Master Site Plan. The Master Site Plan may show that the church intends to keep the house as it is and continue to use it as an office.

Mr. Alix pointed out that if this does have a negative impact on the neighborhood, then three years would be a long time to try something that the City was not sure would work. In previous scenarios where the City had issued temporary permits in order to get petitioners to bring in Master Site Plans, it never seemed like there was any intention on the part of the City to exert that leverage or fail to continue to issue the special use permit after that length of time. If the City was trying to use the temporary special use permit to encourage the church to submit a Master Site Plan, then it seemed like the temporary special use permit should be for less than three years. If the City was essentially saying that they want the church to submit a Master Site Plan someday, then it might be more appropriate to issue a regular Special Use Permit and ask the church to bring in a Master Site Plan. Mr. Kowalski responded by saying that the reason for the three-year limit was to allow Father Remm to retire and the church enough time to create a Master Site Plan. Staff thought that three years would be an appropriate enough amount of time to see how the food distribution use goes, have a Master Site Plan in the works, and see how this property fits into their overall plan.

Ms. Goscha was curious about the staff recommendation to add the condition that no sign(s) should be posted indicating that it has any use except for office. She inquired if the existing parish center had any sort of sign indicating the food distribution aspect of their ministry? Ms. Bell replied that she did not believe so. Mr. Kowalski added that there was a similar request for the Unitarian Universalist Church on Green Street. Even though they were only asking for a temporary special use permit while they remodeled the church office, staff placed a condition on the special use permit that stated that the house would not be advertised as church or office related, so that the house would still look and fit into the neighborhood. The same reasoning applied to this condition in this case.

Mr. White questioned how people coming for the food on a daily basis get to the site? Did they drive? Did the people walk? How many cars would be there at one time? Ms. Bell replied that the petitioner would be able to answer that question.

Mr. Pollock inquired if the properties at 308 and 306, which were directly to the south of the proposed site, were owner-occupied? Mr. Kowalski believed that the house immediate to the south was owner-occupied.

Mr. Pollock questioned if in the future, the church decided that they wanted to utilize the proposed lot for parking, then would that require a separate special use process? Was a parking lot permitted as a special use in the R-2 Zoning District? Mr. Kowalski stated yes, that they would need to go through the special use permit process again.

Mr. Pollock questioned if the house was currently vacant? Ms. Bell stated that was correct. Mr. Pollock asked if the house was in condition to be rentable? Staff had not performed any inspections on the house as of yet.

Mr. Douglas stated that in the written staff report, it had stated that there were not any plans for any changes to the exterior of the house. However, staff indicates that the use of the house for office purposes might require some improvements to meet building codes and ADA requirements. He inquired if the ADA requirements were for the interior of the house and not the exterior? Ms. Bell understood it to be for the interior only. Mr. Kowalski added that the church would need to get a Certificate of Occupancy with the Building Safety Division of the Community Development Services Department to occupy the house for the new use. In doing that, the Housing and Building Inspector would inspect the house. There are certain code requirements for office uses. Those requirements vary on the intensity of the office use. It was possible that since the church would not be having thirty people working from 9 a.m. to 5 p.m. in the house, they will not have to do a lot of improvements to the home, like exit signs, multiple access, increase support on the floorjoices, etc. Staff was not 100% sure that there would not be any improvements needed to the exterior until the church applies for the Certificate of Occupancy.

Chad Beckett, attorney informally representing St. Patrick's Catholic Church, approached the Plan Commission to respond to some of the questions they had, which were as follows:

1. Three Year Period – He explained that one of the processes that the church goes through when they have an expansion issue or a substantial change in the way they handle the use of property was that they form a committee. The committee was made up of diverse members of the church, who meet with the pastor. It was usually about a twelve-month process, where they would attend several meetings and perform a study on the issue. He noted that the Priest was planning to retire in approximately twelve months. So, the committee does not want to place more work on the Priest that is retiring or the new priest that will be replacing him.
2. Signage – Mr. Beckett pointed out that there was a sign where the church currently provides the food aid. The sign was on the door of the parish center, which indicates the time and date of when it would be used for that purpose. It is a small sign that lets people know where to go, and it would be a concern of the church to not be allowed to have this small sign.
3. Properties at 306 and 308 North Coler Avenue – Mr. Beckett believed that both of these houses were currently owner-occupied.

4. Renovations to the House – Mr. Beckett mentioned that the church does believe that there are some renovations that need to be done to the house and do not consider it currently to be rentable. They have not rented out the house since they purchased it. He noted that right around the time that the church purchased the house, the parish put a new roof on the house and had made some improvements.

Mr. Pollock inquired about when the church had purchased the house? Mr. Beckett answered by saying that the church purchased the house in January of 2002.

Mr. Douglas expressed concern about the food distribution. He questioned where the food was currently being distributed? Mr. Beckett answered that food was being distributed from the north door of the parish center. He noted that people usually do not come into the parish center unless it was raining.

Mr. Douglas asked how these 20 to 30 people usually arrive to get the food? Mr. Beckett replied that most of the people walk. These are people who generally do not have cars. If they do arrive by car, then there is ample parking in the parking lot north of the parish center.

Mr. Douglas inquired if it was possible for the food distribution to remain at the current location? Mr. Beckett described it as being impractical. The parish has a congregation of about 1,200 families. The church was trying their best to administer to the needs of the parish, and at the same time continue to provide the assistance to the part of the community that was in need. It was just not very practical for the volunteers who help with this to stand in a doorway of what is usually the religious education wing of the building with the refrigerating equipment, which the kitchen stores somewhere all the way to the other end of the building. The volunteers have to set up tables, move the food around, distribute the food, tear everything down and put it away every Monday through Friday. That plus the general lack of office space make it impractical. What the church envisioned was this house being used primarily for food distribution.

Mr. Douglas voiced another concern regarding the increase in pedestrian traffic during the time of 4:30 p.m. to 5:00 p.m. when many people get off from work. Parking would be limited, and there was a one-way alley next to the house in case anyone would drive to pick up food. People would end up blocking the alley; as well as, the driveway just west of the house. It seemed like there would be a lot of congestion. Mr. Beckett disagreed. He stated that the church parking lot was substantial. He noted that the parking lot shown in Exhibit E of the written staff report, on any given day from Monday through Friday, was not filled up any more than what was shown, and it is very close in proximity to the house. He believed that there was sufficient space between the alley and any entrance on the house that would be used, so that there would not be the kind of congestion that would be of a problematic nature. He noted that the parish center entrance, where the food is currently being distributed, is not a very spacious area. There are people congregating while waiting in line to get the food. They would hope that the proposal would help make it easier for volunteers and for people getting food.

Ms. Goscha inquired if the church would be distributing hot meals? Mr. Beckett answered by saying no. It would just be boxes of non-perishables. They would deliver them to people at the

north door by the alley. Ms. Goscha stated that it was her understanding that the food would be distributed on the front porch.

At this time, Diane Musumeci and Patrick Dill joined Mr. Beckett to help answer questions from the Plan Commission.

Ms. Goscha asked them to describe how a person would get aid, what door they would use, etc? Ms. Musumeci understood that people would be using the side door on the north next to the alley, because it was a little more private. People would not actually be coming into the kitchen.

Ms. Goscha expressed concern about the access to the house being next to the alley, which was one way. If people drive up to receive aid, they would end up blocking the alley. Mr. Beckett commented that the church did not anticipate people driving up to the door to pick up food. They would advise people to park across the street in the parish parking lot and not to block or otherwise obstruct the alley. Ms. Goscha asked if they ever saw a need for people to park on the grass in the backyard? Mr. Beckett said no. It was not the church's intention at all.

Ms. Goscha asked about how long this ministry had been in existence serving 20 to 30 people? Mr. Beckett responded a long time. Ms. Goscha questioned if the church anticipated an increase in this service? Were they looking to growing this service to be more community based? Mr. Beckett answered no.

Ms. Goscha inquired as to what other properties the church currently owns in this area? Mr. Beckett stated that the church currently owns the three lots that border Coler Avenue on the west side, including the eastern most lot north of the alleyway on the corner of Clark Street and Coler Avenue, which is all parking lot space. They own 709 Clark Street, which was also currently being used and was zoned to be used as office space. The church also owns all of the area south of the alley between Clark Street and Main Street. They own a residence for their pastor at 205 California Avenue near Race Street. Mr. Kowalski added that the church had the option to purchase the house on the northwest corner of Busey Avenue and Main Street. Mr. Beckett stated that was correct. They have had that option for two years now. That house was currently occupied by a gentleman, who was getting his PhD.

Mr. Alix conveyed his concern about the use of the door along the alley for the food distribution. By using that door, they would be creating the appearance of a drive-up type of service. His impression was going to be negative unless the church could convince him that they have a plan to prevent people from driving up and blocking the one-way alley to the north of the property as they come to get food. He understood that a significant fraction of the people who were served would be walking, but if there were individuals who were elderly or disabled and have access to a car, then it seemed unreasonable for the church to expect them to park in the church parking lot and walk all the way around the house to the side door, and then walk back to the parking lot, especially if it was icy or raining. It just does not seem like a real good situation for either anyone else that would be traveling down the alley or for the patrons that would have to negotiate the alley without sidewalks. He thought the use of the house as a church office was fine, and he would have little reason to object to it, but the use of the side door really concerned him.

He noted that he went to see the house, and he believed that it was not a real appropriate or safe place to be operating a walk-in or potentially drive-up service. He stated that he would like to hear how the church planned to prevent people from blocking that alley or from parking on the grass or from parking in the driveway to the east of the property. Someone walking or driving by might get the impression that the driveway to the east was associated with the facility and would be the place to park to get food. Ms. Musumeci questioned if the Plan Commission would be happier if the church used the front door of the house? Mr. Alix stated that he would be happier, because the front of the house fronts on their parking lot, so it would be more apparent that people were to park in the parking lot in order to use the front door. Also, there would be more room for people to wait in line, and it would be a safer as well. Mr. Beckett mentioned that if the Plan Commission wished to make that as a condition, then the Trustees would not have any objection to it.

Mr. Alix questioned if any of the food would need to be refrigerated? Mr. Beckett replied that there was some fruit that was sometimes provided. Mr. Alix inquired if conventional refrigerators in the house would accommodate food or would they need special refrigeration equipment to do so? Mr. Beckett replied that there would not be any industrial refrigeration equipment used.

Mr. Alix understood that the reason for staff's request for no signage would be to create the illusion that this house was still in use as a home. He felt that was inappropriate, given that this was a place where visitors and vendors might be expected to come. He asked Mr. Beckett if he felt that it was reasonable that this facility would be able to operate without a sign? Mr. Beckett felt it would be a hindrance or inconvenience. He could see the possibility of misidentification or delay in deliveries of people who the church would expect to collect aid from. Mr. Alix stated that they would not want the people coming to collect aid or the volunteers knocking on residents' doors trying to figure out where to go. Ms. Bell clarified that there would be no signs indicating that the house was used for anything other than office related uses. In other words, the church could put up an identification sign. Staff was not stipulating "no signage".

Mr. Douglas inquired as to what extent they expected to have deliveries? Would there be deliveries daily? How many and at what times? Mr. Dill stated that the deliveries would be very minimal. The parishioners go to the food bank, pick up items and bring them to the food distribution center. Mr. Beckett agreed. From his experience, the volunteers at the food distribution center organize the food into baskets and bags of food to hand out. Most of the transporting of the food was done by the parishioners.

Ms. Goscha inquired if it was mostly elderly women who volunteered to work at the distribution center? If so, then she imagined that the volunteers bringing food to the distribution center would want to park in the alley and take the straight, flat way into the house, where there would be a safe and secure stair that would be easier to navigate. Mr. Beckett disagreed. They would park in the parish center parking lot as usual. Ms. Goscha inquired what the difference in the distance from the parking lot to the house would be from the distance to the parish center door? Mr. Beckett replied that it would be about the same. He added that it was not accurate to say that most of the volunteers were elderly women.

Mr. Pollock asked for clarification as to whether the church's food distribution center was an agency for the Eastern Illinois Foodbank? Or if any of their food or distributed product came from the Eastern Illinois Foodbank? Mr. Beckett replied not to his knowledge; however, he was not 100% sure. Mr. Pollock inquired where the food came from? Mr. Beckett believed that it came from local grocery stores. Mr. Dill and Ms. Musumeci were not sure. Mr. Pollock noted that he was on the Board of the Eastern Illinois Foodbank and would need to recuse himself if they were an agency of the Eastern Illinois Foodbank.

Mr. Pollock expressed concern about the long-term vitality of the neighborhood. He questioned if the church intended to use this property for this purpose when they purchased the property? Mr. Dill stated that the church was landlocked at this point in time. All of their office space and ministry were full. They had a long-range planning committee that made a commitment to stay in this area indefinitely. Mr. Pollock inquired if the discussion of that committee and that planning process include the knowledge that the church would be required if staying in this area to purchase additional properties off that main block that the church and the parish center are located on? Could the City of Urbana expect the church to continue to look to purchase properties adjacent to the main block? Mr. Dill stated that was certainly a possibility. Mr. Beckett added that at the time of the purchase of this property, it was very much uncertain whether the property would be used for the purpose that was now being sought or whether it would be simply turned around and rented. As property in the vicinity becomes available, it becomes a question of whether the property might be useful to the parish at some point in the future. 310 North Coler Avenue was more of a wait and see kind of attitude.

Mr. Pollock asked if the property had been vacant since the church purchased it? Mr. Beckett replied yes. Mr. Pollock questioned what would need to be done to the house to turn it around to rent it out? Mr. Dill responded basic remodeling to the interior such as painting the kitchen and bathroom, and replacing the carpeting in the house. Ms. Musumeci added that people did live in the house up till the time of purchase. Mr. Beckett commented that the necessary remodeling would be for aesthetic issues, not structural issues. Mr. Pollock inquired if the things that they were talking about doing to adapt the house for the proposed use could be reversed if at some point in the future the church decided to rent the property? Mr. Beckett stated that was correct.

Mr. Pollock understood landbanking, especially when a business was landlocked. Part of this has to do with the three-year horizon to see what happens with this property, and over that period of time, the request if passed by Plan Commission and City Council was that the church would come up with a Master Site Plan that would include what would happen with this property, other properties owned by the church, and other properties that the church might be interested in and what the long-range plans would be for their expansion off of the major block that they are located on. He inquired if the church had talked internally about this type of process, how long it would take and what types of things they would look at? Mr. Beckett responded by saying that the long-range planning committee had talked about if the church did stay in this area, then how would they utilize the property differently, if at all. Would they try to make improvements to the existing church or try to expand the church more on the area that was currently a parking lot? If so, then would they need any other space to provide additional parking? Those were the only discussions that the long-range planning committee had. Instead of expanding at this time, they

decided to refurbish the existing building, which they have already done last year. Mr. Dill added that the church will have a new pastor coming in about twelve months and do not want to make too many long-range plans for him. They would rather have his input into the process.

Mr. Pollock asked if there was any reason to think that the three-year horizon would be too short to adequately plan and produce a document for long-range plans as being requested? Mr. Beckett stated that it might cut it close. His preference would be to have one more year in addition to the three years. He pointed out that the exact timing of Father Remm's retirement was not exact. Mr. Dill commented that Father Remm was retiring next June. Mr. Beckett mentioned that the diocese replacing him should happen during that same month.

Mr. Pollock referred to Exhibit E – Aerial Map as he pointed out additional parking on the west side of Coler Avenue adjacent to the church property. He inquired if there was parking on the east side that was allowed? Mr. Beckett said that the parking lot on the east side of Coler Avenue was owned by Carle, and the church has a reciprocal agreement with Carle that the church could use the parking lot on Saturday and Sunday for worship. Mr. Pollock stated that he was talking about street parking on Coler Avenue. Mr. Beckett replied that there was street parking on the west side of Coler Avenue but not on the east side.

Mr. Pollock had thought about allowing the church to use the alley rather than having people park on Coler Avenue in front of the house. There was a surprising amount of traffic on Coler Avenue, which is fairly narrow. It could create a real hassle if someone parked on the east side of the street. As the public hearing progressed, he learned that the majority of the people taking part in this program do not drive, so it would not be a particular problem. However, they would need to instruct all of the volunteers and all of the people picking up food to not park on Coler Avenue regardless of which entrance was being used. Mr. Beckett would like to be permitted to have a sign that specifically instructs people not to park in the grassy area or in the alleyway.

Mr. Douglas asked what the size of the church's congregation was? Mr. Beckett replied 1,200 families.

Mr. Alix considered an additional condition, which would say that *all public and delivery access to the structure should be by the west entrance*. He inquired if that condition would be acceptable in light of the concerns that had been raised in terms of pedestrian safety and potential congestion in the alley? Mr. Beckett replied that all public and delivery vehicular traffic would park in the parish parking lot. Mr. Alix stated that he did not mean parking in particular. He meant any access. Basically, the City did not want anyone parking in the alley at all, including anyone who was bringing food to the center. He believed that by saying and publicizing that the public door to the structure would be the west door, that it would alleviate the concerns that were raised in regards to the alley and with regards to pedestrian traffic down the alley.

Mr. Dill mentioned that the north door was the closest door to the kitchen. It would seem that there would be times where perhaps some deliveries would be more convenient to be made from that north door by volunteers for a short time. Mr. Alix stated that was the cause for concern, because they would essentially be creating a loading zone in an alley that was too narrow to support a loading zone. Mr. Beckett thought they were talking about two different things. He

commented that people might want to walk from across the street and use the north door to go in and out of the building. Ms. Musumeci was thinking about the volunteers who pull up in their station wagons with food in the back. She had not seen trucks. Mr. Alix asked if they received any deliveries directly from food vendors or grocers with big trucks? Ms. Musumeci said no. Volunteers go and pick up the food. Would they be able to pull up along the side of the house long enough to carry the food in through the north door? Mr. Alix replied that it would be a question of how wide the alley was. Technically speaking in terms of the Parking Ordinance, the answer would probably be no. They would probably not be allowed to block that thoroughfare. Mr. Dill pointed out that there was a grassy area between the house and the alley. Ms. Musumeci stated that if the house were rented out, then that would be where the tenants would bring in their groceries. Mr. Douglas believed that what was going to happen ultimately was that people were going to use what was convenient to them. The City could add a condition; however, people would still park in the alley regardless of what door they use for public access. Mr. Kowalski noted that the church could pave the back of that yard for a parking space or two. If that house were rented, the tenant would need a place to park their car if they owned one. Mr. Douglas noted that would be fine, except if there are two or three people who arrive at the same time, then there would still be a traffic jam. Mr. Dill reassured the Plan Commission that these people do not drive up to receive food distribution services.

Mr. Alix stated that he wanted to hear that the church would commit to using the parish parking lot as the sole source of parking for this use. This was not a residential use and someone was not renting the house. The City would be creating an institutional use in a residential zoning district on a street that did not meet the Subdivision Ordinances and did not have a sidewalk in an area that might or might not be wide enough to park a car. He did not feel that the Plan Commission would be doing anyone a favor by supporting a use of the structure that involves people parking on the side of the alley to use the north door for deliveries. Obviously, the church was forced to contend with the challenges that come with this particular parcel.

He commented that he would feel more comfortable with approving this special use permit if the church would make the commitment that the parking for this structure would be the parish parking lot and the access to this structure was the front door on the west side of this structure. What he was hearing was a little bit of both. They have said that they would park in the parish parking lot most of the time, except when volunteers are delivering food to the center. Also, they have said that they are going to use the west door most of the time, except when they plan to carry things in and out of the kitchen. The concerns about safety and the concerns about obstruction of the alley, it would not matter if it were someone coming to deliver the food or someone coming to pick up food. He did not want to deliberately create a situation that may potentially lead to problems later on. Mr. Beckett responded by saying that the church would abide by conditions that were placed upon them.

Mr. White stated that it seemed like it would be simpler if the church would pave part of the backyard and use it as a delivery area. Mr. Pollock noted that the Plan Commission and the City Council have the ability to place specific conditions on the issuance of a special use permit.

Mr. Alix inquired if the church would be amendable to a condition that all public access was via the west door and that there would be no use of the alley by staff for parking. Mr. Beckett

agreed that makes sense. The church does not want to obstruct the alleyway. Mr. Kowalski added that it would be illegal anyway to park in the alley. It may be difficult to enforce. However, even without the condition, it would be illegal. Mr. Alix stated that the difference would be that if the City got on-going complaints about people parking in the alley, there would be another course of action through the special use permit.

Mr. Douglas felt that the work that the church was doing with the food distribution service was great. If they could control the traffic by letting people know when they are parking in the wrong space, then he would not have a problem voting in favor of this special use permit.

Mr. Pollock asked staff to reiterate the conditions that staff recommended be placed upon this special use permit. Ms. Bell read the conditions from the staff report.

Mr. Pollock asked for verification regarding the expiration of the special use permit. If this was sent and recommended by City Council, then the church would need to submit a Master Site Plan detailing a continuation of the special use permit or change in the use of this property or else the special use permit would expire? Staff replied that was correct.

Mr. Kowalski suggested changing the second condition by taking out the word “increase”, so that it would read as follows: *There shall be no truck traffic associated with the temporary office use located at the house of 310 North Coler Avenue.* The Plan Commission could add an additional condition stating that *all public and delivery access to this structure shall be by the west entrance and the alley shall not be used for parking.* Mr. Alix wanted to strike “and delivery” from the additional condition, because he would not have a problem with people carrying stuff down the alley as long as they were not parking there.

Mr. Pollock questioned if it would be appropriate if the Plan Commission and the City Council so deemed a requirement be some type of paving or surface in the backyard area? Mr. Kowalski replied that it was a possibility.

Mr. White moved to send this case to the City Council for approval as recommended. Mr. Hopkins seconded the motion.

Ms. Goscha inquired as to what the timber along the north side of the house was for? Was it possible that it was a remnant from a pull-off parking condition along the alley? Mr. Dill responded by saying that it was there to keep people from parking there.

Ms. Goscha noted that she personally was not too crazy about more paving. However, she recognized the fact that no matter what the City does, people will use the north door, because it is the most convenient place and safest route. So, maybe, they should provide some sort of “15-Minute Parking for Unloading Only” space. She also felt that the ministry that the church was providing was a wonderful thing. She hoped that the church could continue to do it whether it is at the proposed site or at their existing site.

Mr. Alix moved to make an amendment to condition four so that it is stated as such: *There shall be no signs indicating that the structure at 310 North Coler Avenue is used for any use other*

than office related uses and food distribution. He felt that the petitioner had made a compelling argument that it would be reasonable to expect that there would be signage to tell the patrons of this service where they were suppose to go to avoid confusion with other structures. Mr. White seconded the motion. The Plan Commission unanimously approved the amendment to the motion by voice vote.

Mr. Alix moved to make an additional amendment to add condition five to read as such: *All public access to the structure should be via the west entrance and parking shall not be permitted along the alley.* Mr. White seconded the motion.

Mr. Hopkins was opposed to this amendment, because the parking requirement was actually already the law. He assumed that parking would be defined in contrast to standing and stopping in what was already law. When we think about how this place was actually going to be used, standing and stopping in the alley would probably be better than the kind of standing and stopping that would occur on the east side of Coler Avenue on the street, which was not a parking space. We would be making the situation worse by trying to specify quickly in a particular circumstance. We would prefer them to stand or stop in the alley rather than pave the backyard as well. Also, the notion of public access and saying what door who can go in to a building did not appeal to him.

Mr. Alix agreed with the argument made about parking. Because there was a Parking Ordinance adequate to say essentially how long someone was allowed to block an alley, they should let that ordinance take precedence. He wished to withdraw the second half of the amendment. Mr. White agreed to withdraw the second half of the amendment.

Mr. Alix stood in favor of restricting the public access to the west entrance. He thought that what they were dealing with in the case of a special use permit was the use of a structure and a parcel for a use that was not anticipated and for which it was marginally suitable. He believed that the Plan Commission had an obligation to ensure that the use was used in a way that best promotes the safety of its users and the convenience of the uses of the surrounding properties. The reason for requesting this amendment was to essentially secure from the petitioner and from the user of this site, a commitment that the site would be used in a manner that is most conducive to the safety of the users and to the potential users of the alley. He understood the objection that the amendment was overly specific in terms of placing conditions on the use of the site, but in this case, he would favor it in view of the unusual circumstances/conditions present at this site.

Mr. Kowalski suggested rewording the condition to say that “the food distribution services shall be at the west door”, which would focus more on the use and activity rather than public access. Mr. Alix asked if this was more acceptable to the Plan Commission? Mr. Douglas felt it was more acceptable to him, because it would be more convenient to walk in to the side door after carrying a load of things across the parking lot and across the street. Ms. Goscha felt that if they were concerned about public health, safety and welfare and they were talking about a distribution that they do not want to discriminate against people, then if someone who was wheelchair bound or might have difficulty navigating steps, then the side door to the north would be easier to receive food distribution. We cannot tell people that they cannot receive aid because they cannot get up the steps to the front door. Mr. Alix responded by saying that if the only way it was

acceptable to use this facility for food distribution would be to do so with the north door, then the facility would not be suitable for food distribution, because of the dangers associated with having people walking down the alley in adverse conditions and traffic issues. He felt this was a case of a structure that was very suitable for uses as parish office, and they were trying to twist it into a structure that was suitable for food distribution, when quite frankly it was not. Another argument in favor of encouraging the west door to be used for food distribution was that it would make it very clear that the parking lot would be the most attractive place to park to receive the food distribution as opposed to creating the appearance as sort of a back-door service that was offered along this alley.

Mr. Pollock felt that we were in this conundrum because the structure was really not suitable for what it was proposed to be used for. Everyone supports the program, but there was an alley and a street with no parking. It really is a residential house. He would have a lot of trouble with it if there were not a time line on this. His inclination would be not to try and make anyone go to a particular door. Either door will pose problems because there is no parking on Coler Avenue or in the alley. If we are going to try this, because it is a marginal use, then let us give it a shot for a few years and see what happens. It would be better than writing in regulations that clearly are not enforceable. It all comes down to the fact that this was not a structure that was designed for the proposed type of use and the neighborhood was not designed for this kind of use.

Mr. White called the question. The motion to amend the original motion by adding a fifth condition failed by a vote of 1 aye to 4 nays.

Mr. White called the question to the main motion. Mr. Alix objected. Since there was no second to calling the question, the motion was defeated.

Mr. Hopkins moved to amend the second condition as suggested by staff by taking out the word “increase”, so that it would read as follows: *There shall be no truck traffic associated with the temporary office use located at the house of 310 North Coler Avenue.* Mr. Alix seconded the motion. The motion was accepted by the Plan Commission by unanimous voice vote.

The main motion was on the floor with amendments to condition two and condition four. The roll call was as follows:

Ms. Goscha	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Mr. White	-	Yes
Mr. Alix	-	Yes	Mr. Douglas	-	Yes

The motion was passed by unanimous vote.

Mr. Douglas left the meeting at 8:55 p.m.

7. OLD BUSINESS

CCZBA 344-AT-02: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance.

Mr. Kowalski gave a brief recap of the case. He stated that the County did not have any uses in the category of “Regional Special Use”, but these would be uses considered by the County Board. The County Board does not review regular Special Use Permits. They are reviewed by the County Zoning Board of Appeals. He reiterated staff recommendation, which was as follows: *Staff recommended that the Plan Commission defeat a resolution of protest for the proposed text amendment.*

Mr. White moved that the Plan Commission defeat a resolution of protest. Mr. Hopkins seconded the motion. The roll call was as follows:

Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Mr. White	-	Yes	Mr. Alix	-	Yes
Ms. Goscha	-	Yes			

The motion was passed by unanimous vote.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STUDY SESSION

There was none.

11. STAFF REPORT

Mr. Kowalski reported on the following:

- **Brief Update of Comprehensive Plan Progress** – Mr. Kowalski presented the maps for the North Lincoln Avenue Concepts and the Northeast Urbana/Champaign County Concepts. He talked about what the Comprehensive Plan Steering Committee had been working on recently and what their future plans were.

Mr. Pollock questioned if more maps like this would be coming? For the entire City or just the ETJ? Mr. Kowalski replied yes. More maps would be coming for both.

- **Text Amendment for the Interim Development Ordinance Moratorium for the M.O.R., Mixed-Office Residential Zoning District** was adopted by the City

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Council, so a moratorium is in effect for the MOR Zoning District. Staff was diligently working under a ticking clock to get some amendments to that district.

Mr. Pollock asked if there was any other activity in terms of permits prior to the enactment by City Council? Mr. Kowalski replied that an application for 701 West Green Street had been submitted as anticipated by staff and was included as an exception to the moratorium. The Development Review Board will be meeting on August 5, 2003 to consider this case.

Mr. Kowalski noted that 611 West Green Street was still listed as an exception, because they were currently under construction. 605 West Green was also an exception. The developer had submitted new plans and will also be considered by the Development Review Board on August 5, 2003. The dilapidated garage at 410-1/2 West Elm was still listed as well.

Mr. Pollock inquired if any of the pending cases before the Development Review Board were to be refused, then what happens from then on out? At what point, might those developments come under the new MOR requirement of design review? Mr. Kowalski answered by saying that if a proposal was denied by the Development Review Board, then by Ordinance, it would be forwarded to the Zoning Board of Appeals for their consideration. If the proposal were denied there too, then the application would be dead. The petitioner would have to resubmit a new application and would be subject to the new MOR requirements.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 9:03 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission