

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: February 19, 2003

APPROVED

TIME: 7:30 p.m.

PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Darwin Fields, Anna Merritt,
Joe Schoonover, Charles Warmbrunn

MEMBERS ABSENT Harvey Welch

STAFF PRESENT: Tim Ross, Senior Planner; Michaela Bell, Planner; Teri
Andel, Secretary

OTHERS PRESENT: Adam Judeh, Al Koeberlein, David Miller, Charles Nogle

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

The meeting was called to order at 7:30 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the January 15, 2003 meeting were presented. Mr. Armstrong moved to approve the minutes as presented. Mr. Corten seconded the motion. The minutes were then approved by unanimous vote.

4. WRITTEN COMMUNICATIONS

- ✓ Addendum to Staff Memorandum regarding Case # ZBA-03-C-01.

Chair Merritt swore in members of the public audience who were interested in speaking during the public portions of the hearings.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-03-MAJ-03: Request by Adam Judeh to increase the maximum area of a freestanding sign from 50 square feet to 66 square feet in the B-3, General Business Zoning District.

Michaela Bell, Planner, presented this case to the Zoning Board of Appeals. She began by explaining that the petitioner, Adam Judeh, was requesting the variance to add a 16 square foot illuminated sign to his existing freestanding sign at 1509 East Washington Street. The proposal was a 32% increase, which makes it a major variance request. She gave a brief description of the subject site. Ms. Bell noted that this request was a result of some new construction on the site. Mr. Judeh has added two gasoline pumps. She explained that the State of Illinois Regulations were requiring the petitioner to display proper signage, which would be a 4' x 4' price sign for the gasoline. She described the surrounding zoning and land uses of the subject site. She reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance as it related to the case. She read the options of the Zoning Board of Appeals and presented the staff recommendation, which was as follows:

Based on the findings outlined in the written staff memorandum, and without the benefit of considering additional evidence that may be presented at this public hearing, staff recommended that the Urbana Zoning Board of Appeals approve the case as requested.

Mr. Schoonover inquired as to which side of the existing freestanding sign would the proposed sign be attached to? Ms. Bell responded that the proposed sign would be attached directly beneath the existing sign. Mr. Schoonover asked if the proposed sign would be connected to the two poles that were there? Ms. Bell replied that was correct.

Mr. Warmbrunn inquired as to where the petitioner would relocate the sign? Ms. Bell answered that Mr. Judeh was planning to move the freestanding sign south 15 feet from its current location. She explained that the existing sign was nonconforming, because it was in the front yard setback. By the petitioner relocating the sign to proposed location, it would then become in compliance with the City's setback requirements.

Mr. Warmbrunn questioned what the history of the business was? Was it not originally a gasoline station? Mr. Ross believed that was correct.

David Miller, of Max Food Stores, stated that his company was sponsoring the construction on the subject site and would become a partner with a lease on the petitioner's property, and Mr. Judeh would become a commissioned marketer of Max Food Stores. He noted that the petitioner was asking for the absolute minimum increase in order to be able to conduct business. The smallest sign that they could get illuminated and would be approved by the State of Illinois was 4' x 4'. The commodity of selling gasoline requires that the price be displayed at the point of

sale. He reassured the Zoning Board of Appeals that the proposed sign would offer no light pollution whatsoever. It would only be illuminated within itself. It would only backlight the solid painted numbers that would be on it. He referred the Zoning Board members to look at Exhibit H and stated that the proposed sign would be similar to the single price sign as shown.

Mr. Corten commented that the new addition would be to add gasoline service to the convenient store. He asked if that was to compete with the new gas station that had moved in next door? Mr. Miller replied yes. He noted that they had started this project about a year and a half ago. Unfortunately, their engineer had “dropped the ball” in regards to some of his responsibility. Mr. Corten summarized by saying that there would be two convenient stores side-by-side selling gasoline as well. Mr. Miller responded that was correct. They plan to bring a little competition to that end of the market, which could only benefit the consumer.

Charles Nogle, owner of Monical’s Pizza next door to the west of the subject site, objected to the proposed major variance request. If the Zoning Board should approve the major variance, then he would like to increase the size of his signage as well. The petitioner has been a good neighbor for thirty years.

Mr. Corten remarked that Mr. Nogle was a pizza seller and Mr. Judeh was planning to sell gasoline. He did not understand why Mr. Nogle would need to put a bigger sign up to compete with Mr. Judeh. Mr. Nogle replied that the bigger sign would be needed to compete with Mr. Nogle in size.

Mr. Schoonover stated that the petitioner was planning to use their existing sign. Mr. Judeh was just going to dig it up, move it south 15 feet, plant it again, and add the 4’ x 4’ price sign for the gasoline. He asked Mr. Nogle if he felt that this sign was a bad influence amongst the community. Mr. Nogle replied that it was a problem. He noted that the sign does not help him in anyway.

Mr. Schoonover inquired whether the existing sign was 5’ x 10’? Ms. Bell replied that was correct.

Mr. Miller re-approached the Zoning Board of Appeals to say that by moving the sign to be in compliance with the City’s regulations, they are withdrawing some of their visibility. Mr. Nogle’s sign is closer to the road. Every business owner wants as much as they can as closest to the road as they possibly can.

Mr. Fields moved that the Zoning Board of Appeals approve the increase in size requested for the proposed sign. Mr. Corten seconded the motion. The roll call was as follows:

Mr. Corten	-	Yes	Mr. Fields	-	Yes
Ms. Merritt	-	Yes	Mr. Schoonover	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Armstrong	-	Yes

The motion passed by a unanimous vote.

ZBA-03-C-01: A request by Al Koeberlein for a Conditional Use Permit to allow a motor coach/classic vehicle storage and sales facility at 1909 North Linview Avenue, located in the IN, Industrial Zoning District.

Ms. Bell gave the staff report for this case to the Zoning Board of Appeals. She presented a brief background and description of the subject site, including adjacent land uses and zoning designations. She reviewed the Conditional Use Permit criteria according to Section VII-2 of the Urbana Zoning Ordinance as they pertained to the case. She read the options of the Zoning Board of Appeals and presented the staff recommendation, which was as follows:

Based on the findings outlined in the addendum to the staff memorandum, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals approve this case, with the condition that the development must generally conform with the site plan submitted as Exhibit "H" of the staff memorandum.

Mr. Warmbrunn questioned if the motor coach/classic vehicle storage and sales facility would be contained in one building? Ms. Bell replied that was correct. Mr. Warmbrunn inquired if there would be enough room for a show room for the cars? Ms. Bell responded that the petitioner, Al Koeberlein, had noted that the selling of vehicles would be of classic vehicles; therefore, there would be a limited amount of vehicles that he would be showing, and it may possibly be by appointment.

Mr. Schoonover inquired if any of the storage area would be used for mechanical work on vehicles inside the building? Ms. Bell stated that was her understanding that the storage area would be strictly used for storing classic vehicles or large motor homes.

Mr. Corten commented that the stall walls were "dashed" on Exhibit "H". He questioned what that meant? Ms. Bell answered that the petitioner intended to use separation walls. Mr. Ross added that tenants would be able to lease more than one stall and separate the walls, so that there would be one larger open area. Using this type of walls would give the petitioner and future tenants a little more flexibility on how they would lease the stalls.

Mr. Warmbrunn inquired if the City was concerned with the petitioner selling one auto or more in an "auto dealership" as it is defined? Ms. Bell replied that staff recommended that the petitioner generally stick to the proposed site plan, which allows for a limited amount of auto sales.

Mr. Corten questioned if it was the intent that the vehicles are not parked around the outside of the building? Mr. Ross answered that the intent was that the showroom would be indoors and the outside parking would be for customers. He added that generally the Zoning Ordinance defines things by use. The number of cars for sale would not change what the use would be. When considering a Conditional Use Permit, it would be up to the Zoning Board of Appeals to determine whether or not a certain sized operation was appropriate. Mr. Corten inquired if the parking spaces shown on page one of Exhibit "H" were for customers and not for showing cars? Mr. Ross replied that was correct.

Ms. Merritt asked if the petitioner became primarily concerned with selling instead of storing vehicles, then he would not be conforming to the site plan? Was that why the condition was added to staff's recommendation? Mr. Ross stated that the condition was more of a customary thing that staff would request on a Conditional Use Permit to clarify that the request heard before the Zoning Board would be the request that was implemented. It was really for the design and for the general operation.

Al Koeberlein, petitioner, said that he planned to sell classic cars. He does not want them to sit outside due to the value of the cars. He commented that he was not a professional car salesman and did not want to be there full-time. He planned to sell classic cars to people from all over the world by appointment only. He noted that he might sell two or three cars a year in the Champaign-Urbana area.

Mr. Koeberlein stated that he currently has a construction company. In looking to his future retirement from the construction company, he planned to go to more car sales. He explained that car sales are where he primarily buys and sell cars. He added that he follows the auctions quite a bit, and would like to do so a lot more.

Mr. Corten asked if Mr. Koeberlein would have car auctions on the proposed site? Mr. Koeberlein replied no. Mr. Schoonover commented that the proposed sounded more of a holding site. Mr. Koeberlein said that he was into the specialty items. He noted that most of the parking area would be used for the motor homes/coaches to pull in and back in the stalls.

Mr. Corten inquired if the petitioner anticipated that most of the stalls leased to store motor homes would be by local people? Mr. Koeberlein responded that he had stored his motor home about thirty miles away just to put it in a secure storage area like he is proposing. As a camper owner, he understands the ins and outs of owning a motor home. He planned to provide facilities for motor home owners to be able to dump and wash their motor homes.

Mr. Schoonover moved that the Zoning Board of Appeals approve the Conditional Use Permit with the condition that the development must generally conform to the site plan on Exhibit "H". Mr. Armstrong seconded the motion. The roll call was as follows:

Mr. Fields	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes

The motion was 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

Mr. Ross reported on the following:

- ✓ **Urbana Zoning Ordinance:** Mr. Ross mentioned that staff was working hard on republishing the Urbana Zoning Ordinance to make it more user friendly. When staff has finished, they will distribute it to the members of the Zoning Board of Appeals.
- ✓ **Annual Review of Zoning Map** will be presented within the next month to the Plan Commission and City Council. Once it is approved, then staff will distribute it as well.
- ✓ **Next scheduled meeting** is set for Wednesday, March 19, 2003. There may be a couple of cases coming in for staff to present to the Board.
- ✓ **Annual Zoning Board of Appeals Report:** Mr. Ross noted that the annual report would also be presented to the Zoning Board in the next month.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Tim Ross, Senior Planner
Urbana Zoning Board of Appeals