

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** June 15, 2005

**APPROVED**

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

**PLACE:** Urbana City Building  
Executive Conference Rooms A & B,  
Second Floor  
400 S. Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Paul Armstrong, Herb Corten, Anna Merritt, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

**MEMBERS ABSENT** Joe Schoonover

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services; Paul Lindahl, Planner I; Matt Wempe, Planner I; Teri Andel, Secretary

**OTHERS PRESENT:** Robert Bridgewater, Bill Henry, Jim Rose, Bill and Cindy Winkler

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**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**

Mr. Corten moved to approve the minutes from the May 18, 2005 meeting as presented. Mr. Warmbrunn seconded the motion. The minutes were approved as presented by unanimous voice vote.

**NOTE: Chair Merritt swore in members of the audience who wanted to speak during the public hearings.**

#### 4. WRITTEN COMMUNICATIONS

- ▶ Email from Andrea Antulov regarding ZBA-05-MAJ-04
- ▶ Homestead Corporation Site Plan for ZBA-05-MAJ-04
- ▶ Peoria Charter Marketing Materials for ZBA-05-C-01

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW PUBLIC HEARINGS

**ZBA-05-C-01: Request filed by Peoria Charter Coach Company for a conditional use permit to establish a motor bus station at 2002 and 2008 Federal Drive, in Urbana's IN, Industrial Zoning District.**

Matt Wempe, Planner I, presented this case to the Zoning Board of Appeals. He introduced the case by describing the proposed site plan and its surrounding properties noting their zoning and land uses. He talked about the proposed development with regards to the building location and landscaping. He described conversations with both the petitioner's engineer and Bill Gray, City Engineer, regarding parking lot configuration and access drives. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He summarized staff findings and read the options of the Zoning Board of Appeals. Staff's 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 during the public hearing, staff recommended that the Zoning Board of Appeals grant the proposed conditional use permit for the Phase I and overall site plans, along with the following conditions:*

1. *The development is completed in substantial conformance to the layout depicted in the site plan labeled as Exhibits "E" and "F".*
2. *That private stop signs or other appropriate signage be installed at the exit drive along Kenyon Road at the property owner's expense.*
3. *That the property owner recognize and accept Ordinance Number 8990-105, Sections 1 and 2 regarding the sidewalk deferral along Kenyon Road.*
4. *That the development be completed in full conformity with all applicable provisions of the Urbana Zoning Ordinance.*

Mr. Warmbrunn asked if the fuel tank would not be setup in Phase I of the development. Mr. Wempe stated that was correct. Mr. Warmbrunn inquired if the fuel island would be the same as a gas station pump. Mr. Wempe replied that it would basically be a gas station pump, with a fuel tank that would supply gas to the site. Buses would be able to pull onto the site off of Federal Drive, stop at the fuel island to refuel, and then pull into the storage facility. When the business gets to a point

where they would have 24 buses as opposed to the original six buses running, then it would be more economical to have their own on-site gas station.

Mr. Warmbrunn questioned how many pumps there would be above ground. Would there be some shrubbery or other landscaping to block it? Mr. Wempe answered by saying that there would only be one pump above ground, and the owner was proposing exterior screening on the western side, which would screen the fuel pump from Federal Drive.

Mr. Warmbrunn inquired if the owner was proposing any fencing around the property. Mr. Wempe said no.

Mr. Warmbrunn referred to the third recommended condition by staff. He asked what this meant. Mr. Wempe explained that Ordinance Number 8990-105 created Park 74 Industrial Subdivision 1, which was the lot located at the corner of Federal Drive and Kenyon Road. Section 2 of the Ordinance refers to the approval of a sidewalk deferral. He mentioned that in this case, Mr. Gray, City Engineer, had opted to continue the deferral until there was a need for a sidewalk in the area. Mr. Warmbrunn asked if when they reached that point if the petitioner would have 90 days to install a sidewalk at their cost. Mr. Wempe stated that was correct.

Ms. Merritt understood the difference between the B-3 and the B-4 Zoning Districts, and she understood the need for a Conditional Use Permit in the Industrial Zoning District. What she did not understand was the rationale behind why this particular use, motor bus station, required the Conditional Use Permit. Was this perhaps something that the Plan Commission should look at in the future when they review uses for the Industrial Zoning District? Ms. Tyler responded by saying that staff goes through the Table of Uses in the Zoning Ordinance periodically and try to correct issues that arise with the level of permits required within zones. Whoever drafted that Table of Use may have thought that a motor bus station was a business use and that it belonged in a business zone.

Ms. Tyler went on to talk about the Industrial Zoning District. The City of Urbana currently only has one industrial zone; whereas, most communities have a Light Industrial Zone and a Heavy Industrial Zone. Clearly, the proposed use would fit in a Light Industrial Zone. Staff was looking to make this distinction in the Comprehensive Plan and to fine tune the Table of Uses in the Zoning Ordinance. She noted that staff had just republished the Zoning Ordinance, and the next step would be for staff to do some omnibus clean-up of the Ordinance.

Bill Winkler, President of the Peoria Charter Coach Company, remarked that his grandfather founded the company in 1941. He noted that the business had expanded over the years, and they were land-locked in the City of Peoria. They would like to locate in the City of Urbana, as they already do a significant amount of business in the area. Illini Swallow went out of business, and he felt that there was a need for charter bus service in the Champaign-Urbana area. The proposed property was right off the interstate, which would make it easy for the coaches to get on and off of the interstate.

Mr. Corten inquired about how many trips per week were currently being made out of the Champaign-Urbana area. Mr. Winkler said that they had three coaches that they stored in the local area, and these three buses made about 12 trips per week. Mr. Corten commented that it appeared

that the company would expand considerably after locating in Urbana. Mr. Winkler stated that they planned to start out with six coaches and hopefully expand to 12, 18 and then 24.

Mr. Corten asked what type of clients Mr. Winkler expects to attract. Mr. Winkler replied that there were many mature adults (seniors) who use motor bus service, in addition to the company's contract with the University of Illinois's Athletic Department.

Mr. Armstrong wondered if the petitioner had a timetable in mind in terms of expanding. Mr. Winkler mentioned that the company tried to do things in ten-year increments. They were currently in the period of 2000-2010. Within the next ten years, they would expect to expand to six coaches. They want to control their growth by first getting their name out and want to grow the right way.

Bill Henry, owner of HAL Communications, expressed his concern with the drainage requirements for the proposed development. When he built the buildings his business occupies, his property was the highest piece of land around. When Federal Drive was constructed, dirt was hauled in, and his property became the drainage pond. Next, Melrose Apartments and Holiday Inn were built, which created a serious drainage problem. As a result, the street was turned into a drainage ditch. He noted that he was still paying on the \$23,000 assessment for the ditch. According to the drawings for the proposed development, it appeared that 95% of the property would be paved. When looking at a topographical and geological survey map, the proposed property would be higher than his property. He was concerned about more stormwater drainage running off onto his property. He suggested that the Zoning Board of Appeals request additional drainage be included in the development plans.

Mr. Henry did not agree that there was low traffic on Kenyon Road, which was his second concern. He stated that Kenyon Road was heavily used by construction trucks hauling asphalt, by the large trucks from Ryder, by the Caterpillar Tractor people, and by all the traffic to Federal Express. He noted that the City of Urbana had recently been out putting band-aids on the road by pouring tar in cracks. However, the road would not hold out if it were to continuously be used by heavy vehicles.

His third concern was regarding access for the proposed development on Kenyon Road. As a bus swings out headed east, the bus would go right by the entrance to his property, which is a blind entrance. Therefore, it would be very hard for his employees to see a bus coming.

His final concern was regarding a fire hydrant that currently was located where the petitioner was proposing to have the access on Kenyon Road. He hoped that the fire hydrant would be relocated to another area nearby.

Mr. Henry stated that he believed the proposed business would be a very good business for the City of Urbana. However, he would also like to see more concern shown about neighboring properties, particularly the drainage, because it is already a problem in the area.

Mr. Corten inquired if Mr. Henry had talked to the Mr. Gray about any of his concerns. Mr. Henry replied no. He stated that Tom Berns had been his engineer in developing his property. He noticed that Mr. Bern's company was also the engineer for the proposed development as well.

Ms. Tyler shared some of the issues and topics that were discussed during the engineering review of the proposed plans. The proposed development was part of a subdivision that included public improvements, including the Regional Detention Basin, which Mr. Henry pays in to. There were also drainage improvements existing and proposed on the site, which were indicated on the site plan. So, drainage was addressed on a couple of different levels. The drainage plan submitted by the petitioner would need to meet the City's requirements. The plans were submitted for engineering review and were accepted to meet those requirements. This should prevent flooding on adjacent properties. She felt confident that the proposed development would not harm Mr. Henry's property. She suggested that Mr. Henry meet with Mr. Gray to prevent drainage from harming his property.

As far as repairing Kenyon Road, Ms. Tyler noted that the Illinois Department of Transportation's (IDOT) right-of-way extended pretty far south. She was not sure if Kenyon Road was currently a City responsibility. If it was enduring heavy traffic and needed to be improved, then it needed to be on the City's Capital Improvement Plan.

Regarding the fire hydrant, Ms. Tyler suggested that the Zoning Board of Appeals add a condition that the reviews satisfy the City's Engineer and the City's Codes and Regulations. Surely, the fire hydrant would be relocated and replaced. The City of Urbana did not eliminate fire hydrants.

Ms. Uchtmann inquired if the recent rain had created a ponding problem on his property. Mr. Henry said no. The rainwater drained rather well, because  $\frac{3}{4}$  of his property was grass.

Mr. Corten asked if the Zoning Board of Appeals could recommend certain requirements. Ms. Tyler felt that there was protection from the Zoning Ordinance in making a decision at this meeting regarding this case. The recommended condition # 4 was a safety precaution if the Zoning Board wanted to make a decision. She suggested that the Zoning Board of Appeals place a similar condition on their approval of the conditional use permit, if so approved. Mr. Welch questioned if there would be inspections made as development progressed on the proposed site. Ms. Tyler said yes. Mr. Welch felt that by adding any additional conditions other than those recommended by staff would be considered micro-managing of the development. Getting too specific would be unwise and redundant. The petitioner would need to meet City codes, which already requires adequate drainage of the site.

Mr. Armstrong added that in looking at both site plans, the Phase I site plan and the overall site plan, there were manholes indicated around the site. Therefore, the drainage issues were being addressed by engineer. He believed that the Zoning Board of Appeals should take what is on the plans as being at face value. Ms. Tyler pointed out that Berns, Clancy and Associates worked on both Mr. Henry's site as well as the proposed development. She found it hard to believe that Mr. Berns would jeopardize one client over another.

Mr. Warmbrunn felt the same way about the fire hydrant. The Zoning Board of Appeals should trust the City to replace and relocate the fire hydrant without placing an additional condition on the approval of the Conditional Use Permit.

Mr. Corten moved that the Zoning Board of Appeals approve the Conditional Use Permit request along with the conditions recommended by City staff. Mr. Armstrong seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion passed by unanimous vote.

**ZBA-05-MAJ-04: Request to reduce the front-yard setback from 20-feet to 10-feet at 809 North Busey Avenue in Urbana's R-2, Single-Family Residential Zoning District.**

Paul Lindahl, Planner I, presented this case to the Zoning Board of Appeals. He described the proposed site and noted the surrounding zoning and land uses. He explained the reason for the variance request for the reduction in the front-yard setback. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He presented staff's recommendation, which was as follows:

*Based on the findings outlined 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 Urbana Zoning Board of Appeals recommend approval of the variance to the Urbana City Council with the following condition:*

- 1. The development on the site must generally conform to the site plan submitted at the public hearing.*

Mr. Warmbrunn inquired if the petitioner would have needed a major variance if they had submitted the development plans with a 15-foot setback along Fairview Avenue or would it have been considered a minor variance? Mr. Lindahl replied that it might still be considered a major variance.

Mr. Warmbrunn asked if City staff had looked at the proposed lot and at the square footage of the proposed design. Did staff try to work with the petitioner to try to get him/her to design a different building that would fit on the lot? He noted that the petitioner could build a different building, shaped more rectangular, and pick up more square footage and still be able to build within the 15-foot setback. Mr. Lindahl responded by saying that staff had a number of conversations about what the petitioner could do on the lot. His understanding was that the Homestead Corporation has a basic standard design, which they have used in the past and meets some of the federal requirements that they have. The design they use has a layout that works for the families, who buy these types of homes.

Mr. Warmbrunn was surprised to see that there would be three bedrooms in the proposed house, because the square footage of the proposed lot was not very large. He questioned if the garage would be attached. Mr. Lindahl said yes. Elizabeth Tyler, Director of Community Development Services Department and City Planner, added that there were some programmatic reasons for the

number of bedrooms and the attached garage related to the fact that this would be a home-funded project for affordable housing through the HOME Investment Partnership Program.

Ms. Tyler went on to talk about the comparison of the setback along Busey Avenue versus the setback along Fairview Avenue. The petitioner was respecting the 25-foot setback along Busey Avenue. The Homestead Corporation could have asked for a design that would need a variance on both frontages. In looking at not just the building that was proposed, but at the neighborhood, the next property to the east on Fairview Avenue had a similar layout with a deep setback from Busey Avenue and a narrow setback from Fairview Avenue, because Busey Avenue was a main street. Staff had discussed with the petitioner the possibility of splitting the difference between the two frontages, but they both felt that asking for one variance for the Fairview Avenue setback would be more consistent with the neighborhood in order to respect the more historical layout. Mr. Lindahl added that they could have a different design fit in the required setbacks, but the only way it would work is if it would face onto Fairview Avenue, which would have a different affect on the neighborhood.

Mr. Warmbrunn understood staff to say that there was a standard set by different governmental organizations on the sizes and types of these non-profit occupied homes. Mr. Lindahl stated that the petitioner could answer that question easier. The only standard that he was aware of was that the garage must be attached or else the HOME Program would not pay for it.

Ms. Uchtmann inquired if anyone had considered moving the lot line. Mr. Lindahl replied that there was not as much room to the south as one would think. There might be 15 feet to the house. It was already a platted lot, and moving the lot line would require additional expenses that would be added to the cost of the home and make it less affordable.

Jim Rose, Executive Director of the Homestead Corporation, talked about the proposed footprint of the house. He mentioned that the Homestead Corporation had previously built six other homes in the Eads of Lincoln Subdivision using the same footprint. The houses were not necessarily designed to fit on a corner lot. They wanted to use the same design, because they have a very limited budget. Starting all over from scratch with a new housing design would almost be cost prohibited.

Mr. Rose went on to say that the Eads homes were three and four bedrooms and actually had a little more square footage than the proposed house. They reduced the square footage a bit to fit the home on the proposed lot.

Mr. Rose talked about their search for affordable vacant lots to build on. It was very difficult to find these types of lots in both the City of Champaign and the City of Urbana. He had spent months driving around to find vacant lots, finding out who owned the lots and calling the owners to find out if they were for sale. The homebuyer that the Homestead Corporation was working with found this lot, because she has family living in the neighborhood.

He mentioned that the attached garage was a requirement of the HOME Program. The HOME Program does not allow funding for accessory buildings. They consider anything not attached to

the house as an accessory building. Therefore, he could not build a fence, a shed or a detached garage with HOME funds.

Mr. Rose stated that the answer to the question why they did not design a different layout for the house was because the cost of doing so would be unaffordable. He went on to say that normally they do not know who the eventual homebuyers would be. They try to market the homes and find homebuyers that would qualify. Homebuyers must earn less than 80% of the median family income for the area. This particular homebuyer has a lower income; therefore, the Homestead Corporation must keep the price of the house affordable to the family.

Mr. Warmbrunn inquired if the person would own the home after the construction was finalized. Mr. Rose answered yes. In this case, the homebuyer would need to get a construction loan to cover the cost of the building materials. The lot will be deeded to the homebuyer after it is purchased by the Homestead Corporation. The Homestead Corporation will act as the developer and hire a contractor to construct the home using the homebuyer's construction loan to purchase the building materials.

He explained that there would be an "affordability period", which meant that the homebuyer would have to remain the homeowner of this particular house for at least ten years. Therefore, it would not be a house that the homebuyer could sale tomorrow or turn into rental. She could not do this without a major penalty of having to repay the majority of the subsidy money she received.

Mr. Corten questioned who would own the house if the homebuyer goes bankrupt. Mr. Rose explained that the homebuyer would have a mortgage with a local lending institution, so the lending institution would own the home if the homebuyer went bankrupt.

Mr. Armstrong moved that the Zoning Board of Appeals recommend approval of the proposed major variance to the City Council along with staff's recommended condition that the development of the site must generally conform to the site plan submitted prior to the hearing. Mr. Corten seconded the motion. Roll call was as follows:

Ms. Merritt	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes

The motion was passed by unanimous vote.

Ms. Tyler pointed out that the case would be heard by the City Council on June 20, 2005.

## **7. OLD BUSINESS**

There was none.

## **8. NEW BUSINESS**



There was none.

#### **9. AUDIENCE PARTICIPATION**

There was none.

#### **10. STAFF REPORT**

**Ms. Tyler reported on the following:**

- **Next scheduled meeting** may be cancelled due to the lack of agenda items. Staff had not received any new cases; however, there was still time for someone to submit an application.

#### **11. STUDY SESSION**

There was none.

#### **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:51 p.m.

**Respectfully submitted,**

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**Elizabeth Tyler, City Planner  
Urbana Zoning Board of Appeals**