

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: August 16, 2006

APPROVED

TIME: 7:30 p.m.

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

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

MEMBERS ABSENT Joe Schoonover

STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner I; Teri Andel,
Planning Secretary

OTHERS PRESENT: Brett Stillwell

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

Chair Merritt called the meeting to order at 7:31 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Regarding the minutes of the June 21, 2006 Zoning Board of Appeals meeting, Ms. Uchtmann moved to approve the minutes as presented. Mr. Armstrong seconded the motion. The minutes were approved by unanimous vote as presented.

4. WRITTEN COMMUNICATIONS

- Starbuck's Fuel Station Site Plan
- Starbuck's Café Photo

NOTE: Chair Merritt swore in members of the audience who might give testimony during the public hearing.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-06-C-03 – A request by SM Properties Urbana, LLC for a Conditional Use Permit to allow the establishment of two principal uses on a single parcel of land at 104 North Vine Street in the B-4E, Central Business Expansion Zoning District.

ZBA-06-C-04 – A request by SM Properties Urbana, LLC for a Conditional Use Permit to allow the establishment of a “Gasoline Station” at 104 North Vine Street in the B-4E, Central Business Expansion Zoning District.

Paul Lindahl, Planner I, presented these two cases together to the Zoning Board of Appeals. He began with a brief introduction and background for the proposed property. He described the proposed site and noted the surrounding zoning and land uses. He discussed the development regulations for the proposed development regarding access, sidewalk connections, setbacks, landscape buffers, parking, and Floor Area Ratio (FAR) and Open Space Ratio (OSR) requirements. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He summarized staff’s findings, read the options of the Zoning Board of Appeals and presented staff’s recommendation for each case

Regarding Case No. ZBA-06-C-03, staff recommended the following:

Based on the findings outlined 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 Urbana Zoning Board of Appeals approve the proposed conditional use to allow the establishment of more than one principal use on a single parcel of land for the reasons articulated in the written staff report and along with the following conditions:

- 1. That the development shall generally conform to the submitted site plan attached as Exhibit H, as it may be amended to meet the codes and regulations of the City of Urbana. Any significant deviation from the site plan will require an amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.*
- 2. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.*

3. *That the petitioner shall submit a detailed landscape plan for review and approval by the City Arborist and Zoning Administrator, in general conformity to submitted schematic plans, and including provisions for pedestrian and bicycle access and parking.*
4. *That the Starbucks and gas station/convenience store buildings utilize high quality building materials (e.g., brick, masonry, etc.) to complement the existing Schnucks Crossing grocery store and strip center buildings and in recognition of the prominent site location in downtown Urbana.*

Regarding Case No. ZBA-06-C-04, staff recommended the following:

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals APPROVE the proposed conditional use to allow the establishment of a "Gasoline Station" in the B-4E zoning district for the reasons articulated above and along with the following conditions:

1. *That the development shall generally conform to the submitted site plan attached as Exhibit H, as it may be amended to meet the codes and regulations of the City of Urbana. Any significant deviation from the site plan will require an amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.*
2. *That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.*
3. *That the petitioner shall submit a detailed landscape plan for review and approval by the City Arborist and Zoning Administrator, in general conformity to submitted schematic plans, and including provisions for pedestrian and bicycle access and parking.*
4. *That the gas station/convenience store building utilize high quality building materials (e.g., brick, masonry, etc.) to complement the existing Schnucks Crossing grocery store and strip center buildings and in recognition of the prominent site location in downtown Urbana.*

Mr. Corten noticed that the Site Plan labels the convenience store as "Future C-Store". Does this mean that the developer is not planning to build the convenience store right away? Where will people pay for their gas when paying in cash? Mr. Lindahl stated that he was not sure of the petitioner's timeline for the proposed development. Therefore, this would be a good question for one of the representatives of Starbuck's that is in the audience.

Mr. Warmbrunn wondered what the size of the lot is. Mr. Lindahl did not recall the size of the lot. Mr. Welch found in the application that the lot size is 38,790 square feet.

Mr. Corten inquired if there would be an air pump station available for people to inflate their tires. Mr. Lindahl stated that they would need to ask the project architect.

Mr. Myers added that there was a slight difference in the two Site Plans. Exhibit H shows the dumpster enclosure along Main Street, and Exhibit I shows the dumpster enclosure along the backside of the proposed site. He suggested that the Zoning Board of Appeals specify in their motion which site plan they are voting on.

Ms. Uchtman noticed in the application for ZBA-06-C-04 under Reasons for Request for Conditional Use Permit #1, the petitioner stated that there is only one other station within a 3-mile radius of the proposed site. She commented that she could think of at least seven other gas stations within a 3-mile radius. What effect will the proposed gas station have on the other seven in the area? Mr. Lindahl said that there are other gas stations in the nearby area.

Mr. Lindahl went on to explain that this is one of the changes in the patterns of commercial development where larger entities like Schnucks is looking to partner with other small businesses like gas stations or to extend their product line in this fashion. Places like Walmart and Meijer's have gas stations in front of them. Conceivably Farm & Fleet may have a gas station at some point too.

Competition is competition. He could not say how the proposed gas station would impact the other gas stations in the area. Chair Merritt added that although it is a fine line, this is a business consideration, which is not the concern of the Zoning Board of Appeals, rather than a neighborhood impact issue. Mr. Myers noted that it might also depend on their product mix as well. Maybe they have a different product mix and selection that is not directly competitive with the other gas stations in the area.

Brett Stillwell, of Architectural Spectrum, mentioned that he is the project architect for the proposed project. He stated that Mr. Lindahl had done an excellent job presenting the evidence, so he would answer any questions that the Zoning Board of Appeals has.

Mr. Corten inquired as to who would be taking the cash when he buys gasoline without a store present. What does "future" mean in this case? Mr. Stillwell explained that on the Site Plan, they noted it as a "Future C-Store". Conceptually, the Starbuck's café is "future" as well as the fuel station at this point. They have drawings and construction documents for a building of this type already for the Starbuck's café; however, they were waiting to get approval for the fuel station before they draw up plans. Therefore, the annotation as a "Future C-Store" is a drawing convention indicating that they were not quite ready to go ahead with it yet.

Mr. Corten asked who would run Starbuck's. Mr. Stillwell replied that Starbuck's would be operated by Starbuck's themselves. They are actually run out of their Seattle office or their Chicago office. The fuel station would be operated by Schnuck's employees.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve ZBA-06-C-03 as submitted in the written staff report along with the four provisions recommended by City staff with the

following change to Condition #1: *That the development shall generally conform to the submitted Site Plan attached as Exhibit H with the changed dumpster location as reflected in Exhibit I, as it may be amended...* Mr. Corten seconded the motion. Chair Merritt asked if there were any questions as to what the Zoning Board would be voting on.

Mr. Myers interjected by saying that Exhibit I also shows the sidewalk connection from the corner of Vine and Main Streets to the Starbuck's café and show the sidewalk around the convenience store. Exhibit H does not reflect these sidewalks. Ms. Merritt commented that all of the documentation is clear that the sidewalks were part of the plan, correct? It is just not shown graphically, except in Exhibit I. Mr. Myers said that is correct. Staff just wants to be clear for the record, so they know exactly what is being approved.

Mr. Warmbrunn restated the motion to say that the Zoning Board of Appeals approve ZBA-06-C-03 as outlined in the written staff report along with the four provisions recommended by City staff with the following changes to Condition #1: *That the development shall generally conform to the submitted Site Plan attached as Exhibit H with the changed dumpster location and pedestrian access areas as reflected in Exhibit I, as it may be amended to meet the codes and regulations...* Mr. Corten seconded the motion a second time.

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 was passed by unanimous vote.

Mr. Warmbrunn moved that the Zoning Board of Appeals approve ZBA-06-C-04 as outlined in the written staff report along with the four provisions recommended by City staff with the following changes to Condition #1: *That the development shall generally conform to the submitted Site Plan attached as Exhibit H with the changed dumpster area and pedestrian access as reflected in Exhibit I, as it may be amended to meet the codes and regulations...* Mr. Armstrong 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.

Mr. Lindahl mentioned that because these two cases are Conditional Use Permit requests, they will not be forwarded to the Urbana City Council.

Mr. Corten asked when the project will take place. Mr. Stillwell responded that since they have documents together already for the Starbuck's café, construction will be moving ahead as quickly as they can. The convenience store and fuel station will follow several months after the café. Ms. Merritt inquired as to when ground breaking would take place. Mr. Stillwell said that ground breaking would occur this fall for the Starbuck's.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Prairie Winds Major Variance for changes to the lot-lines and minimum lot size were approved by City Council.

Ms. Uchtmann inquired as to the progress of Ben's Kitchen. She noticed that there is still a "FOR RENT" sign in the front. Mr. Lindahl stated that staff has not heard from the proprietor of Ben's Kitchen and is not sure about his plans.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:11 p.m. by unanimous vote.

Respectfully submitted,

Robert Myers, Secretary
Urbana Zoning Board of Appeals