

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

**DATE:** September 20, 2006

**APPROVED**

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

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

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**MEMBERS PRESENT:** Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn

**MEMBERS ABSENT** Harvey Welch

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

**OTHERS PRESENT:** Brett Stillwell

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

Chair Merritt called the meeting to order at 7:30 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 August 16, 2006 Zoning Board of Appeals meeting, Ms. Uchtmann moved to approve the minutes as written. Mr. Corten seconded the motion. The minutes were approved by unanimous vote as presented.

**4. WRITTEN COMMUNICATIONS**

- Who's Who in Government

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-05 – Request by Fuad Handal for a Conditional Use Permit to allow the establishment of two principal uses on a single parcel of land located at 1211 East University Avenue in the City’s IN, Industrial Zoning District.**

Paul Lindahl, Planner I, presented the staff report for this case to the Zoning Board of Appeals. He began with a brief introduction and background of the proposed property. He described the proposed site and noted the surrounding zoning and land uses of the adjacent properties. He discussed how the proposed use conforms to the 2005 Comprehensive Plan. He also discussed the development regulations according to the Urbana Zoning Ordinance regarding Floor Area Ratio (FAR) and Open Space Ratio (OSR), access to the property, sidewalk connections, required yard setbacks, screening and landscaping buffers and parking. 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. He presented staff’s recommendation, which is 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 approve the proposed conditional use to allow the establishment of more than one principal use on a single parcel of land for the reasons outlined in the written staff report and along with the following conditions:*

- 1. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.*
- 2. That any intensification of use on the lot would require that the parking lot surface be upgraded with paving.*

Ms. Uchtmann inquired how the City determines the intensity of a use. Are there criteria for this? Mr. Lindahl answered by saying that there is not anything specific in the Zoning Ordinance that states whether a certain use is more intense than another. City staff would look at the amount of traffic or if the petitioner wanted to expand one of the proposed buildings to determine the intensity of the proposed uses. Ms. Merritt added that in order for the petitioner to expand the building, he would need to acquire a building permit, which would trigger the review process by City staff.

Mr. Corten asked if the petitioner wanted to divide the property into two lots (the front lot and the back lot), then what kind of access would the petitioner need to have to University Avenue from the back lot. Mr. Lindahl responded by saying that City staff would need to take a look at

it as a subdivision consideration at that time. If the petitioner desired to subdivide, then he might consider requesting a second access point from the City Engineer, although City staff would probably agree that a cross access easement at the single access point would suffice. Ms. Merritt questioned whether this had been contemplated by the petitioner at this time. Mr. Lindahl said no.

Fuad Handal, petitioner, approached the Zoning Board of Appeals. He mentioned that he did not have anything to add to Mr. Lindahl's staff report; however, he did have a couple of questions.

Would he be allowed to have another access onto the proposed site, because University Avenue is a very busy street? Mr. Lindahl replied that the City Engineer would need to review such a request. Although University Avenue is a busy street, he believed that one access would probably meet their needs now.

Mr. Handal questioned whether he could use the access onto Illini FS, Inc.'s property to enter/exit his property as well. Mr. Lindahl answered by saying that this is a legal question. The access onto the neighboring property is owned by Illini FS, Inc. There is obviously cross access at this time; however, he could not say whether there is a recorded agreement in place giving Mr. Handal and his tenants permission to use that access.

Robert Myers, Planning Manager, noted that the subdivision regulations state that all new lots have to have a frontage onto a public street. However, it does not technically say that a property owner has to have access off that frontage onto the street. If Mr. Handal wanted to subdivide the property in the future and as long as the back lot had some frontage along University Avenue, then Mr. Handal could work out an agreement with Illini FS, Inc. to allow them to have an access easement, which would give them the right to cross Illini FS, Inc.'s property to get onto or exit the back lot.

Mr. Myers pointed out that if the proposed section of University Avenue is considered along a State of Illinois route, then Mr. Handal would have to get any curb cut permit approved by both the State of Illinois and the City of Urbana.

Mr. Corten moved that the Zoning Board of Appeals the proposed conditional use permit request along with the conditions recommended by staff. Mr. Schoonover seconded the motion.

Roll call was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Ms. Merritt	-	Yes	Mr. Schoonover	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	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. Myers reported on the following:

- Starbuck's Conditional Use Permit: The petitioner has not begun construction as of yet due to a minor delay; however, they are still planning to move forward with the project.
- Ben's Kitchen Conditional Use Permit: It appears that the petitioner has backed out, and that the property owner is looking for a new tenant.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 7:58 p.m. by unanimous vote.

**Respectfully submitted,**

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Robert Myers, Secretary  
Urbana Zoning Board of Appeals