



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Rebecca Nathanson, Planning Intern

DATE: February 14th, 2014

SUBJECT: ZBA Case 2014-C-01: a request by Elizabeth Hendrick for a Conditional Use Permit to allow the installation and use of a catering kitchen and banquet center within an existing building at 801 Killarney in the IN-1, Light Industrial/Office Zoning District.

Introduction

This case is a request by Elizabeth Hendrick for a Conditional Use Permit to allow the establishment of a catering kitchen and banquet facility, at 801 Killarney in the IN-1 Industrial Zoning District. The existing building of approximately 6,650 square feet would be used as a catering facility and banquet center after two phases of renovation.

Background

The subject property is located southeast of the intersection of Killarney and Linview on a .78 acre lot. The property is roughly 6,650 square feet and although last used as a church, the current owner has ceased using it for that use and has it for sale (Figure 1). The applicant, Elizabeth Hendrick, proposes to purchase the building and convert it to a catering kitchen and banquet facility. According to the applicant, the existing building contains a kitchen and assembly space well suited for the conversion to a kitchen and banquet hall. The applicant states the location, conveniently serviced by Lincoln Avenue and I-74, is critical for the proposed use as a commercial catering kitchen and banquet facility.

The subject property is located in a neighborhood with a mix of IN-1 Light Industrial/Office and B-3 General Business zoning districts. The subject property, along with parcels north and south, are zoned IN-1; properties to the west, southwest, and northeast of 801 Killarney are zoned B-3. The eastern property boundary borders a cemetery that is presently unincorporated and zoned AG-2, Agricultural in the county.



Figure 1: 801 Killarney, Urbana

Surrounding uses include a motorcycle business, office suites, hotels, and cemetery. Adjacent to the north, south, and the west of the subject property are business lots; along the parcel’s eastern boundary is Woodlawn Cemetery. Table 1 identifies the Comprehensive Plan designation, current zoning, and current land use of the site and surrounding properties.

Table 1: Survey of Comprehensive Plan Designation, Zoning, and Land Use

Direction	Zoning	Existing Land Use	Comprehensive Plan – Future Land Use Designation
Subject Site	IN-1, Light Industrial/Office	Vacant (Institutional)	Light Industrial/Office Pattern
North	IN-1, Light Industrial/Office	Industrial	Light Industrial/Office Pattern
South	IN-1, Light Industrial/Office	Office	Light Industrial/Office Pattern
East	Not incorporated	Cemetery	Institutional Pattern
West	B-3, General Business	Motorcycle business	Community Business Pattern

Table V-1, Table of Uses, does not list catering or banquet facility as specific uses. However, Section V-1 states that in the case of a use not specified in the Table of Uses, the Zoning Administrator shall determine the use in the table to which the proposed use is most similar. The proposed use shall then be subject to the regulations of the listed use to which it is most similar. The Zoning Administrator has determined that the proposed use is most similar to “*Restaurant,*” which is allowed as a conditional use in the IN-1, Light Industrial/Office District. Pursuant to Section VII-2 of the Urbana Zoning Ordinance, conditional uses must be authorized by the Zoning Board of Appeals.

Development Regulations

The Urbana Zoning Ordinance defines this type of use as a “Food Service Establishment.” According to Table V-1: "Table of Uses", a "Restaurant" may be permitted in the IN-1, Light Industrial/Office as a Conditional Use. A “restaurant” is a type of “Food Service Establishment,” both of which are defined as:

Food Service Establishments: All establishments where the principal business is the retail sale of ready-to-consume servings of food and/or beverages are to be considered as being in one of the following three categories as defined herein.

Restaurant: Any establishment, whose principal use is the sale, at retail, of unpackaged food and/or beverages in a ready-to-consume state for consumption in the building or at tables situated on the premises; and which does not include a drive-in or drive-through service facility or offer curb service.

The applicant has proposed no changes to the exterior of the building. Since no changes to the exterior are proposed, the existing building meets the IN-1 zoning district Floor Area Ratio (FAR) and Open Space Ratio (OSR) requirements. Of note, the applicant is currently working with Midwest Group of Illinois to resolve a discrepancy regarding the east property line, which currently encroaches on the cemetery’s western boundary.

The Urbana Zoning Ordinance Table VIII-7 “Parking Requirements by Use” states that a catering service requires one parking space for every 400 square feet of floor area and a restaurant or similar use requires one parking space for every 100 square feet of floor area (excluding outdoor seating areas). Therefore, the catering facility and office space, approximately 4,650 square feet, will require 12 parking spaces (Table 2). After the banquet hall is constructed, the use will require an additional 19 spaces. Following completion, the proposed catering facility and banquet hall will require 31 parking spaces in total. There are currently 37 paved parking spaces so the proposed uses are consistent with the Urbana Zoning Ordinance.

Table 2: Estimated Use Square Footage

Phase I: Catering Service	
Kitchen	1850 sqft
Office/Restrooms/Mechanical	2800 sqft
Total:	4650 sqft
Parking (1 per 400)	12 spaces
Phase 2: Banquet Hall	
Parking (1 per 100)	19 spaces
Total required:	31 spaces

Discussion

Construction for the proposed uses would occur in two phases. Construction for the catering, office, and storage uses would begin in spring 2014; the applicant hopes to have the catering facility operating by August 2014. The floor plan indicates the proposed kitchen would be located at the south end of the building. This will allow the kitchen that exists currently in the building to continue to be used as a kitchen. Catering and food products will be delivered via Killarney to an entrance at the south end of the building. Phase two of the construction would begin sometime in 2015 and would include the banquet hall and outdoor patio.

The applicant proposes to operate the catering facility between the hours of 6 a.m. and 8 p.m. The banquet hall will operate between the hours of 8 a.m. and midnight, but only when events are scheduled. When the banquet hall opens, should the need arise for additional parking, the owner may make arrangements for shared use of adjacent parking lots when those businesses are closed.

Eleven parking spaces on the eastern boundary of the parking lot encroach onto the adjacent property, Woodlawn Cemetery. The applicant is in communication with the owner of the cemetery to secure an agreement to allow the spaces to remain.

Comprehensive Plan Goals & Objectives

The following goals and objectives from the 2005 Urbana Comprehensive Plan are relevant to the proposed Conditional Use Permit:

Goal 28: Develop a diversified and broad, stable tax base.

Objective 28.1: Encourage an appropriate balance of residential, commercial and industrial growth.

Objective 28.6: Increase the allocation of land devoted to tax-generation commercial uses in appropriate locations.

Requirements for a Conditional Use Permit

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit shall demonstrate the following requirements shown in italics. City Staff analysis follows each criteria.

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

The proposed use will be conducive to the public convenience at this location because it will be located in an area appropriate for this type of business. According to the floor plan the entrance to the property will be maintained in the location of the building's previous use. The site has excellent accessibility; it is located a short distance of Lincoln Avenue and I-74, both of which

provide appropriate routes for customer access and product delivery. The facility is on a bus route as well.

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 use is compatible with the surrounding light industrial/office and general business neighborhood. Regarding the businesses adjacent to the subject property, operation of a catering business in a kitchen of this size requires few staff persons. Noise and traffic will not be disruptive to businesses operating 8 a.m. – 5 p.m. Use of the catering facility and banquet hall during evenings and weekends would be complementary to the operation of surrounding uses operating at normal business hours. In this way the proposed uses are designed, located, and proposed to be operated so that they will not be injurious or detrimental to the neighborhood or the IN-1 district. There will be adequate parking supplied for the proposed use.

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-3.*

The proposed use is consistent with the general purpose and intent of the IN-1 Light Industrial/Office Zoning District. The Zoning Ordinances Sec. IV-2. F states:

"The IN-1, Light Industrial/Office District is intended to provide land for employment centers related to research and development, engineering and testing, office uses, warehousing, and limited manufacturing and industrial activities that will not have an adverse effect upon the district in which it is located. *In addition, some low intensity commercial uses may be permitted in this district to provide convenient goods and services for employees and patrons in the zoning district.* Higher intensity commercial uses are generally prohibited. Low intensity industrial uses are permitted by right or as a special use, depending on the attributes of the proposed land use."

Since the exterior of the building is proposed to remain mostly unchanged, and the proposed hours will not interfere with operations at surrounding businesses, the proposed uses are compatible with the neighborhood. This use should not detrimentally alter the developing character of the surrounding neighborhood or impair the activities of its neighbors.

The proposed use is consistent with the FAR and OSR regulations for IN-1 as indicated in Table VI-3 of the Urbana Zoning Ordinance. The subject property is a one story building located on a .78 acre lot. The FAR is roughly .2, far below 2.00, the maximum FAR permitted in the IN-1 district. There are no OSR requirements in the IN-1 district.

Pertaining to required yards, the subject property meets all required setbacks except for an existing encroachment into the side yard along 2008 Linview property. This encroachment is due to the fact that the property was rezoned from the City's former IN, Industrial District to the

current IN-1, Light Industrial/Office district. There were no side yard requirements in the IN district at the time of construction. The encroachment into the side yard became a legal nonconformity when the property was rezoned by the City.

By providing 37 paved parking spaces, the proposed use adequately meets Zoning Ordinance parking requirements for the proposed uses. According to Table VIII-1, two handicapped parking spaces are required and three currently exist on the site. However, only two of the three handicapped spaces currently have an eight foot wide access aisle, a requirement indicated in Section VIII-3 letter B. Additional non-handicapped parking is available on both Linview and Killarney.

Consideration

According to Section XII-2, the Zoning Board of Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Zoning Board of Appeals may also impose such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require the screening of such use by means of fences walls or vegetation;
3. Stipulate a required minimum lot size;
4. Regulate vehicular access and volume;
5. Require conformance to health, safety, and sanitation requirements as necessary;
6. Increase the required yards;
7. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings

1. The applicant proposes a catering facility and banquet center at 801 Killarney in the IN-1, Light Industrial/Office zoning district. The Urbana Zoning Ordinance allows “*Restaurant*” as a conditional use in the IN-1 Zoning District.
2. The proposed use is to be located in the existing building at 801 Killarney and with the exception of an outdoor patio, would not make changes to the building’s exterior.
3. The proposed use is located near key transportation corridors including Lincoln Avenue and Interstate 74, which will facilitate public access and the delivery of catering products.
4. The proposed use conforms to the applicable regulations and standards of and preserves the

essential character of, the zoning district in which it is located.

5. The proposed use will not pose a detriment to the zoning district in which it is proposed to be located.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2014-C-01:

1. Grant the conditional use as submitted; or
2. Deny the conditional use as submitted; or
3. Grant the conditional use along with any additional conditions and requirements as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance.

Staff Recommendation

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 **GRANT** the proposed conditional use in case ZBA-2014-C-01 for the reasons articulated above, subject to the following conditions:

- (i) Any additional exterior waste disposal containers shall be effectively screened as set forth in Section VI-E of the Urbana Zoning Ordinance and as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator.
- (ii) The owner shall secure permission from the owner of the cemetery property to allow existing parking to continue to encroach onto that property.



Attachments: Exhibit A: Location Map and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Proposed Floor Plan
Exhibit E: Proposed Site Plan

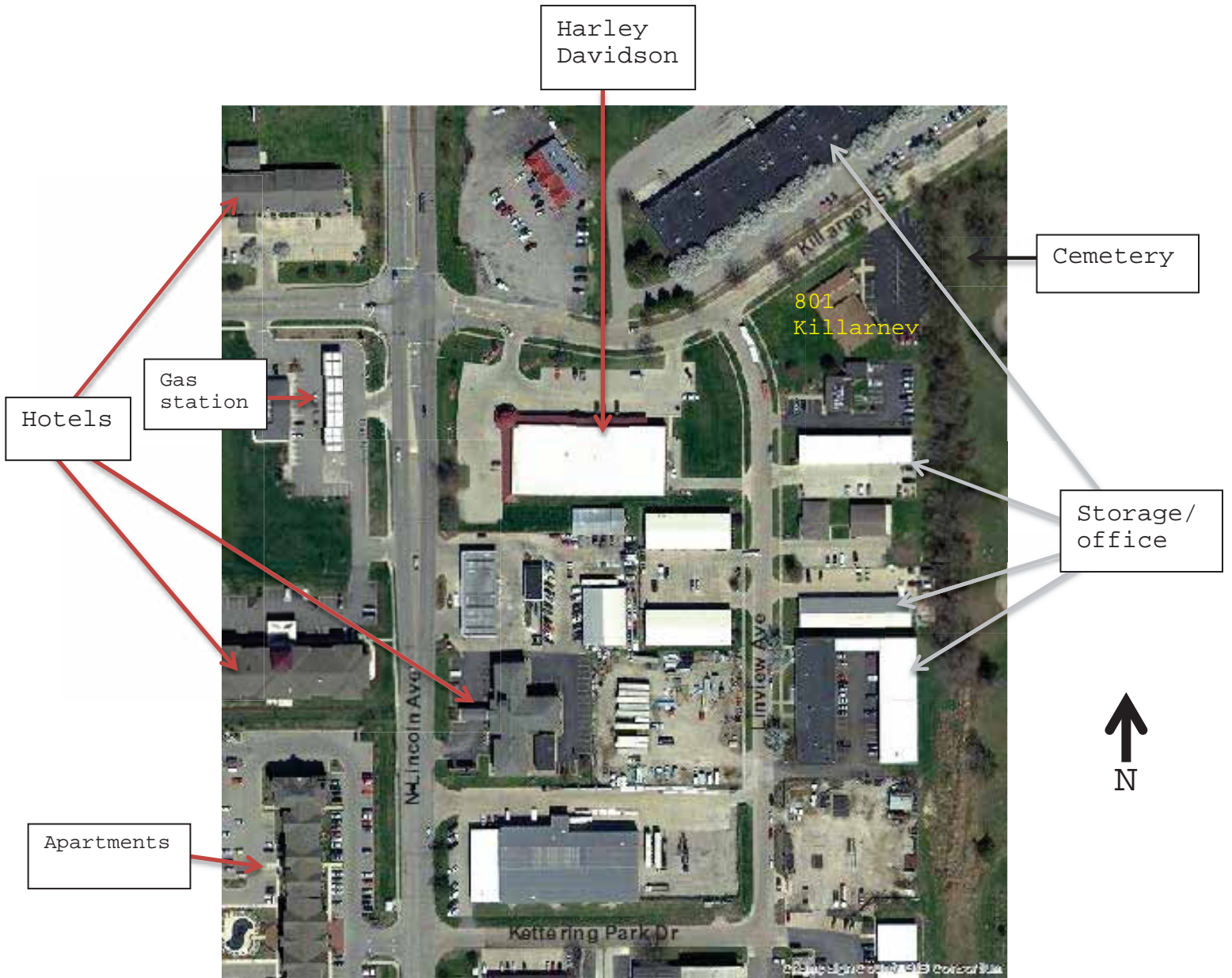
cc: Elizabeth Hendrick, 602 Haines Blvd., Champaign, IL 61820
Steve Pickett, 167 N. Ottawa St., Suite 101, Joliet, IL 60432

Location Map





Case: ZBA-2014-C-01
Subject: Certificate of Conditional Use to operate catering kitchen and banquet facility in existing building.
Location: 801 Kilarney, Urbana
Petitioner: Elizabeth Hendrick


-  Subject Property
-  City of Urbana



Existing Land Use

 B-3 District






 Subject Property
(IN-1 District)

 IN-1 District

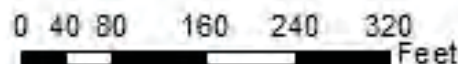
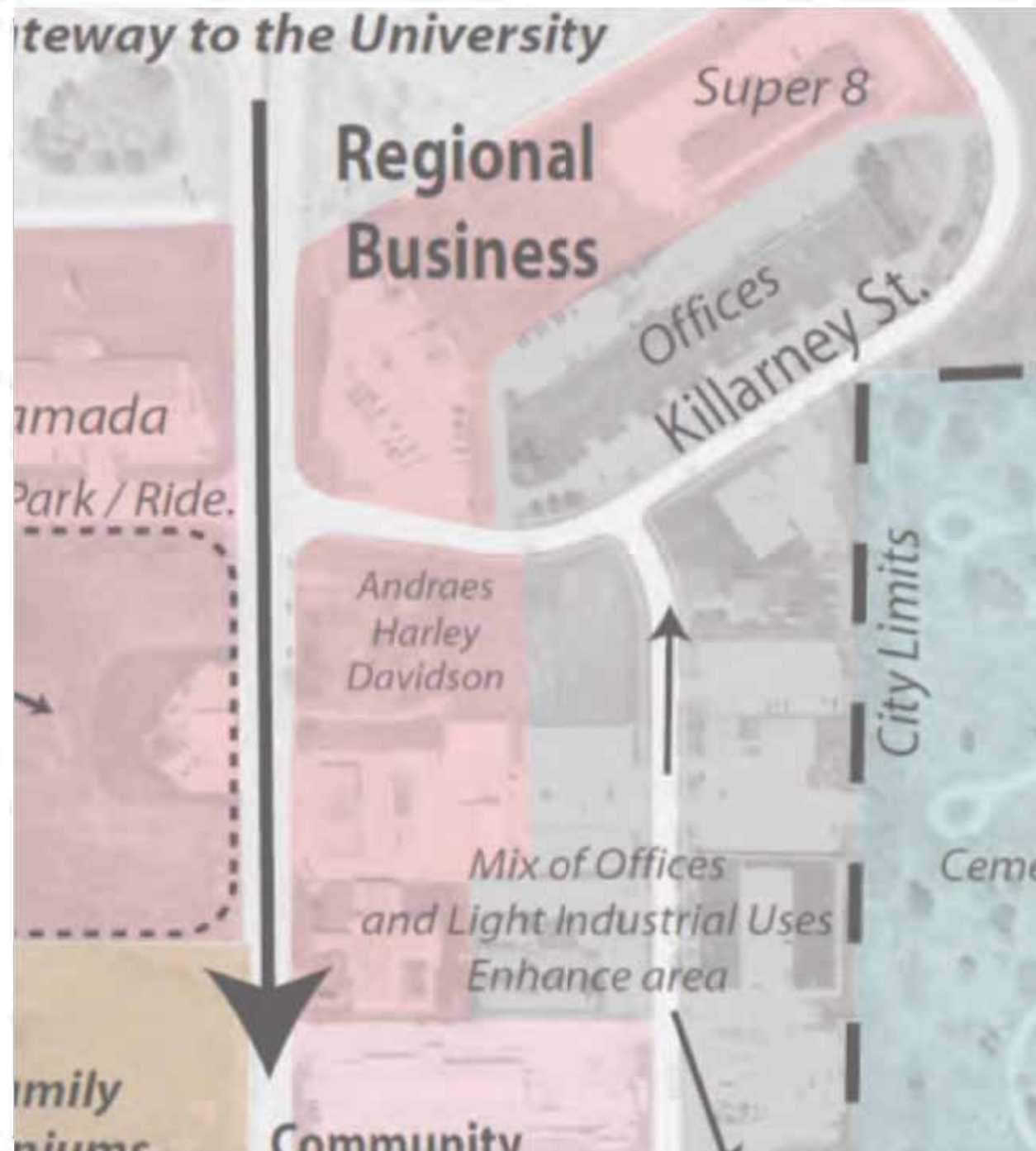
Existing Zoning




Case: ZBA-2014-C-01
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Location: 801 Kilarney, Urbana
Petitioner: Elizabeth Hendrick

-  B3
-  IN
-  R2
-  R4
-  Subject Property

Future Land Use

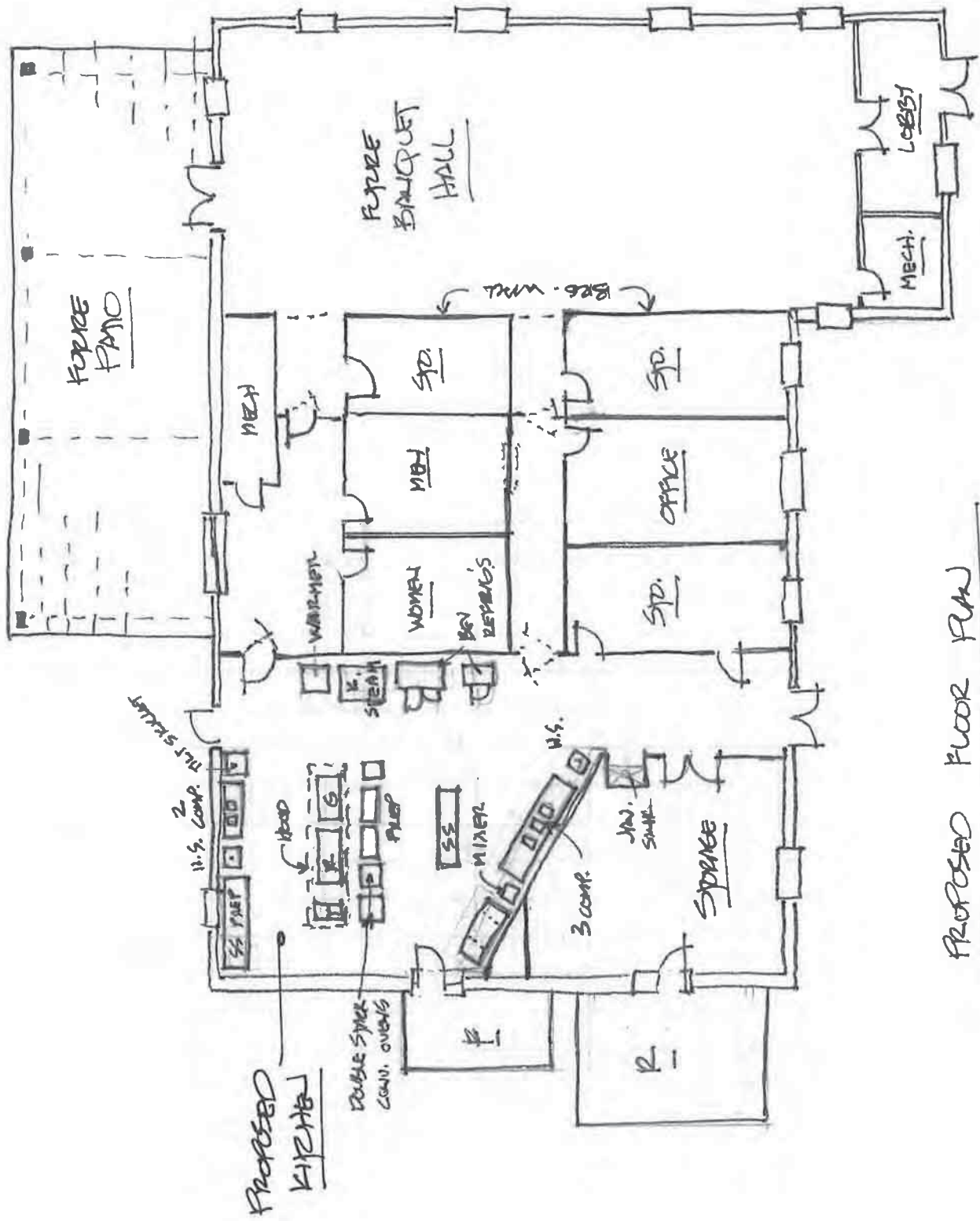


Case: ZBA-2014-C-01
 Subject: Certificate of Conditional Use to operate catering kitchen and banquet facility in existing building.
 Location: 801 Killarney, Urbana
 Petitioner: Elizabeth Hendrick

 Subject Property

-  Mixed Residential
-  Community Business
-  Light Industrial/Office
-  Institutional

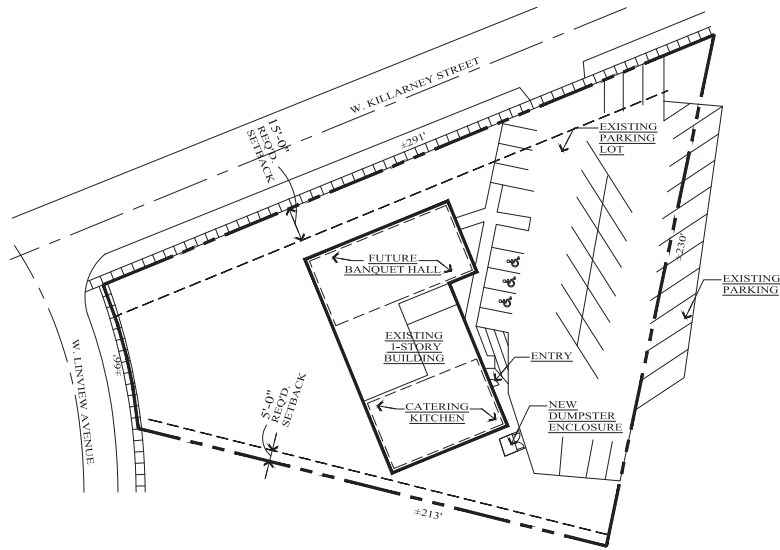
Prepared 1/31/2014 by Community Development Services - rpn



PROPOSED FLOOR PLAN

SCALE: 1/16" = 1'-0" (+/-)





EXISTING SITE PLAN

SCALE: 1" = 20'-0"



EXISTING SITE PLAN

HENDRICK HOUSE
CATERING
KITCHEN &
BANQUET HALL

801 W. KILLARNEY ST.
URBANA, IL

SP-1

PROJECT #: 13049M
DATE: 2-14-14
SCALE: AS NOTED

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Application for Conditional Use Permit

Zoning Board Of Appeals

APPLICATION FEE - \$150.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 01-23-2014 ZBA Case No. ZBA-2014-C-1
Fee Paid - Check No. 48763 Amount \$150.00 Date 01-23-2014

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A CONDITIONAL USE PERMIT is requested in conformity with the powers vested in the Zoning Board of Appeals to permit *(Insert Use or Construction Purpose)* THE
INSTALLATION AND USE OF A CATERING KITCHEN AND BANQUET FACILITY.

_____ on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **ELIZABETH L. HENDRICK** Phone: **217.365.8000**
Address (street/city/state/zip code): **602 HAINES BLVD., CHAMPAIGN, IL. 61820**
Email Address: **BETSY@HENDRICKHOUSE.COM**
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **CONTRACT BUYER**

2. OWNER INFORMATION

Name of Owner(s): **MR. JOE LEWIS, JR., for Jericho Church** Phone: **217.355.3328**
Address (street/city/state/zip code): **1601 BLOOMINGTON RD., CHAMPAIGN, IL. 61821**
Email Address: **Unknown**

Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: **801 KILLARNEY STREET**
PIN # of Location: **91-21-05-304-001 CHAMPAIGN COUNTY**
Lot Size: Trapezoid, 291' x 230' x 213' x 66'

Current Zoning Designation: **IN - 1**

Current Land Use (*vacant, residence, grocery, factory, etc*): **CHURCH**

Proposed Land Use: **CATERING KITCHEN & BANQUET FACILITY**

Legal Description: PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS DESCRIBED ON THE ENCLOSED SHEET.

4. CONSULTANT INFORMATION

Name of Architect(s): **ETERA DESIGN STUDIO** Phone: **815.768.1200**

Address (*street/city/state/zip code*): **167 OTTAWA ST., JOLIET, IL. 60432**

Email Address: **SPICKETT@ETERAGROUPLLC.COM**

Name of Engineers(s): **N/A** Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s): **N/A** Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Professional Site Planner(s): **N/A** Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s): **MR. DAVE KRCHAK** Phone: **217.351.1500**

Address (*street/city/state/zip code*): **30 E. MAIN ST., SUITE 500, CHAMPAIGN, IL. 61820**

Email Address:

5. REASONS FOR CONDITIONAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

The IN-1 zoning district allows a 'restaurant' use as a conditional use. The property is located off Lincoln Ave and I - 74, and is served by public transportation making the location ideal for this use. The proposed use of the building as a commercial catering kitchen and banquet facility follows this classification.

Explain how 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 or detrimental to the public welfare.

THE PROPOSED USE IS IN AN EXISTING BUILDING WHICH CURRENTLY HAS AN EXISTING KITCHEN AND ASSEMBLY SPACE. THE PROPOSED USE AS A CATERING KITCHEN AND BANQUET FACILITY ARE 'INTERIOR' TO THE BUILDING, AND WILL NOT BE DISRUPTIVE TO THE NEIGHBORHOOD.

Explain how 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 may be modified by Section VII-3 of the Urbana Zoning Ordinance, 1979).

THE PROPOSED USE OF THE SITE AND BUILDING WILL CONFORM TO THE REQUIRED SETBACKS, SCREENING, AND PARKING REQUIREMENTS OF THE SITE. THE BUSINESSES IN THIS IMMEDIATE AREA INCLUDE AN OFFICE BUILDING, A CEMETERY, A HOTEL, AND A MOTORCYCLE SALES FACILITY, TO NAME A FEW. WE BELIEVE OUR PROPOSED USE FITS PERFECTLY INTO THIS DISTRICT.

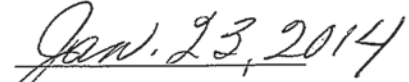
NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.


Applicant's Signature


Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

79R 2270

STATE OF ILLINOIS)
) SS.
COUNTY OF CHAMPAIGN)

LINCOLN CENTRE

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,
THE CHAMPAIGN NATIONAL BANK, TRUSTEE UNDER TRUST NO. 031-415-003,
being the owner of the following described real estate:

Part of the Southwest Quarter of Section 5, Township
19 North, Range 9 East of the Third Principal Meridian,
Champaign County, Illinois described as follows:

Commencing at the Southwest Corner of Section 5,
Township 19 North, Range 9 East of the Third
Principal Meridian; thence N 00° 02' 46" E along
the West line of the Southwest Quarter of said
Section 5, 1758.66 feet; thence S 89° 57' 14" E,
48.54 feet for a true place of beginning; thence
N 05° 16' 13" E along the Easterly right-of-way of
FA Route 39, 365.77 feet; thence N 56° 26' 30" E
along the Southerly right-of-way line of FA Route 39,
813.72 feet; thence around a curve to the right,
having a radius of 400 feet, an arc distance of
234.67 feet, said curve having a chord distance of
231.32 feet and a chord bearing of N 73° 14' 55" E;
thence S 89° 56' 37" E along the Southerly right-of-
way line of FA Route 39, 195.38 feet; thence
S 00° 10' 10" W along the West line of the Urbana
Golf and Country Club, 357.20 feet; thence S 73°
05' 37" E along the Southwesterly line of the
Urbana Golf and Country Club, 528.31 feet; thence
S 44° 00' 33" E, 200.70 feet; thence S 89° 53' 48" W
along the North line of Woodlawn Cemetery, 1087.19
feet; thence S 00° 15' 33" W along the West line
of Woodlawn Cemetery, 835.27 feet; thence S 89°
59' 55" W, 255.80 feet; thence S 00° 04' 23" W,
199.74 feet; thence S 89° 59' 54" W, 439.74 feet
to the East right-of-way line of Lincoln Avenue;
thence N 00° 02' 46" E along the East right-of-way
line of Lincoln Avenue, 386.47 feet; thence
S 89° 38' 04" E, 150.00 feet; thence N 00° 00' 25" E,
175.00 feet; thence S 89° 48' 38" E, 40.98 feet;
thence N 00° 20' 25" E, 249.94 feet; thence N 89° 34'
07" W, 178.47 feet to the place of beginning, said
tract containing 28.25 acres, more or less, and situated
in Champaign County, Illinois.

Filed
Feb. 6-79

shown in the annexed plat and described in the Surveyor's Certificate
thereunto attached, has caused the said described real estate to
be surveyed and platted by Charles S. Danner, Illinois Land Surveyor
No. 1470, Urbana, Illinois, in the manner shown on said plat, as a
subdivision to be perpetually known as LINCOLN CENTRE, and does
hereby grant and dedicate to the people of the City of Urbana,