

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: Christopher Marx, Planner I

DATE: December 17, 2014

SUBJECT: ZBA Case 2014-C-06: A request by Kevin Modglin on the behalf of the Champaign Urbana Mass Transit District (CU-MTD) for a Conditional use Permit to allow a temporary second principal use (Motor Bus Station) on a single lot at 1207 E. University Avenue in the IN-1 (Light Industrial/Office) Zoning District.

Introduction

This case is a request by Kevin Modglin on behalf of the Champaign Urbana Mass Transit District (CU-MTD) for a Conditional Use Permit to allow a temporary second principal use (Motor Bus Station) on a single lot at 1207 E. University Avenue in the IN-1 (Light Industrial/Office) Zoning District. The lot contains an existing principal use of Construction Yard and CU-MTD would like to store small transit vehicles and a mobile office for temporary functions. CU-MTD is preparing for renovation of its current facility directly nearby and the temporary site would allow its current operations to continue.

Background

The subject property is a construction yard on a 3.48 acre lot that serves as a storage area for Mid-Illinois Concrete, Inc., a local construction company. The company has agreed to lease approximately 15,000 square feet of space to CU-MTD for storage of rural transit vehicles and a temporary building that will serve as a dispatch center. The vehicles are part of the district's administering of state and federal funds for service to rural residents unable to access the normal reach of transit in the Champaign County area. If approved, the lot would be allowed to house the mobile office and vehicles for a period of 18 to 24 months. The temporary use of vehicle storage and a dispatch center would qualify as a permitted-by-right use, Motor Bus Station, in the IN-1, Light Industrial/Office zoning district. Because the lot would continue to operate as a Construction Yard, a Conditional Use Permit would be required to operate with both uses pursuant to Section V-3C of the Urbana Zoning Ordinance.

Survey of Comprehensive Plan Designation, Zoning, and Land Use

Located in a transitional area of northeast Urbana, the subject property is in a corridor of industrial properties also zoned IN-1, Light Industrial/Office along University Avenue, a busy arterial and US Highway. The surrounding area contains a diverse range of zones from commercial and industrial to residential. Across the street, the north neighboring parcels is Ambucs Park zoned CRE, Conservation-Recreation-Education. The subject property is buffered by CU-MTD's offices and a recycling company to the west which are zoned B-3, General Business and IN-1, Light Office/Commercial, respectively. Towards the east, the subject property is neighbored by another construction yard also zoned IN-1, Light Office/Commercial. Directly south is a 190 foot-wide stretch of railroad zoned IN-1, Light Office/Commercial. Further south, there are some residential homes, vacant industrial properties, and a nonprofit women's shelter zoned B-3, General Business.

Direction	Zoning	Existing Land Use	Comprehensive Plan – Future Land Use Designation
Subject Site	IN-1, Light Office/Commercial	Construction Yard	Industrial
North	CRE, Conservation-Recreation-Education	Park	Parks/Recreation
South	IN-1, Light Office/Commercial	Railroad	Industrial
East	IN-1, Light Office/Commercial	Construction Yard	Industrial
West	IN-1, Light Office/Commercial	Recycling Company	Industrial

Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Heavy Industrial”. The plan defines this land use as follows:

Heavy Industrial

Heavy Industrial areas contain intensive land uses with a strong dependence on transportation facilities such as major roadways, rail or air. Typically require significant amounts of land and can often create conditions that are generally incompatible with residential uses. Heavy manufacturing, truck terminals, construction equipment and material storage are common uses in Heavy Industrial areas.

Discussion

The applicant has submitted a proposal to allow a second principal use to allow the Champaign Urbana Mass Transit District (CU-MTD) to operate and store rural transit vehicles on his company's site. The site currently serves as a construction yard for Mid-Illinois Concrete, Inc. and is used for storage of materials and equipment. Under the application, the company would continue to use the lot as a construction yard while CU-MTD would operate a dispatch center for rural transit vehicles. The 15,000 square foot portion on the Northeast corner of the lot would house incoming and departing vans used for transit in the more rural parts of Champaign County. According to CU-MTD, the lot will store 22 rural transit vans that are dispatched on a demand-driven system. Their hours of operation would be slightly longer than traditional business hours, beginning early in the morning and concluding in the late evening. A few vehicles would be operating in the late evening hours during the weekend. A temporary mobile office would serve as the office space for the dispatch center with connections for water, sanitary sewers, and electricity. The application seeks a time period of 18 to 24 months as the mobile office and van storage would be temporary while the permanent facilities are improved on CU-MTD's nearby property.

According to Table V-1: "Table of Uses" of the Urbana Zoning Ordinance, a "Motor Bus Station" is a permitted-by-right use and a "Construction Yard" is conditionally permitted use in the IN-1, Light Office/Commercial Zoning District. The Zoning Ordinance defines Construction Yard as follows:

Construction Yard: A construction yard is an area for the storage of building material and equipment which is required to be enclosed by other sections of this ordinance. Temporary or on-site construction storage or staging area shall not be considered a construction yard.

According to Section V-3.C of the Urbana Zoning Ordinance, any additional principal use building requires a Conditional Use Permit. A Conditional Use Permit is being sought because of the lot's continued use as a Construction Yard, while a temporary Motor Bus Station is established.

Currently, the proposed portion of the lot is mostly open space used for parking trailers. The temporary mobile office with tie-down anchors has already been installed at the site.

Staff has received one comment of concern from a resident to the south of the parcel. This resident expressed concerns over existing conditions of both the nearby CU-MTD headquarters area and subject property. The concerns included light pollution, disruptive noise, and reports of CU-MTD employee parking in residential neighborhoods. He was concerned about additional activity potentially affecting the current problems he observed. Having referred these concerns to the CU-MTD, City Staff do not anticipate the use generating any impact on residents south of the railroad tracks. .

Development Regulations and Parking

The building plans for the lot were reviewed by the Building Safety Division. The proposed mobile office would be connected with the required electrical, water, and sewer connections and be set back appropriately 15 feet from the property line. There are no specifications for the temporary parking or storage of vehicles, due to the difficulty of striping on a gravel surface. The existing gravel surface required been approved by the City Engineer.

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 is conducive to the public convenience at this location. It is located directly near CU-MTD's current operations and is located along a main arterial of University Avenue. The lot also provides quick access to Interstate 74 and the County Highway system for the rural transit purpose of the use. A mobile office and vehicle storage would also be consistent with the existing principal use and industrial nature of neighboring lots.

- 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 proposed use will not be detrimental to the district in which it is located or injurious to the public welfare. The dispatching of transit vehicles does not differ greatly from the traditional traffic associated with a construction yard. A mobile office is consistent with other types of buildings found on the property. The additional volume of traffic might range from 10 to 13 vehicles dispatched at any time with usually only one departure and arrival per vehicle per day, according to CU-MTD. The addition of 22 vehicles would not greatly stress the capacity of the site.

- 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 potentially consistent with the general purpose and intent of the IN-1, Light Office/Commercial Zoning District. The Zoning Ordinances Sec. IV-2. J 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.”

The proposed mobile office would meet the setback requirements and not exceed the maximum floor area ratio for the site as required by Table VI-3 of the Zoning Ordinance. The proposed use is compatible with the industrial uses on adjacent properties. The increased traffic volume would not alter the character of the district as it is already located along a busy arterial with adjacent being used in a similar regard for light industrial purposes. This use should not create any new disturbances to the neighborhood.

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. Kevin Modglin has applied for a Conditional Use Permit for a second principal use at 1207 E. University Avenue.
2. The subject property at 1207 E. University Avenue is zoned IN-1, Light Office/Commercial.
3. The Urbana Zoning Ordinance allows “Construction Yard” and “Motor Bus Station” as conditional and permitted uses in the IN-1 Zoning District, respectively.
4. The proposed second principal use would allow the Champaign-Urbana Metropolitan Transit District (CU-MTD) to store rural transit vehicles while using a mobile office to serve as a dispatch center. The proposed use is characterized as a “Motor Bus Station” under Table V-I of the Zoning Ordinance.
5. The petitioner is currently operating a Construction Yard at the subject property.

6. The secondary use is temporary and the petitioner requests a time period of 24 months on the application.
7. The proposed use is conducive to the public convenience at this location due to its congruency with the current uses of the property and nearby properties.
8. The proposed use does not pose a detriment to the zoning district in which it is proposed to be located due to the similarly zoned properties in the area.
9. The proposed use conforms to all of the applicable regulations of the zoning district in which it is located.
10. The proposed use would preserve the essential character of the zoning district in which it is located, if operated properly. Allowing the mobile office and vehicle storage will not greatly increase the intensity of the use and impact on the neighborhood.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2014-C-06:

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 **APPROVE** the proposed conditional use in case ZBA-2014-C-06, **subject to the following conditions:**

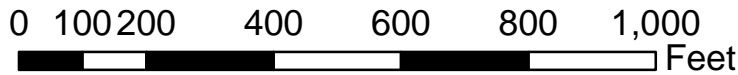
1. The Conditional Use Permit shall expire after 24 months.
2. The temporary mobile office is installed with all the appropriate electrical, sanitary, water connections, and property line setbacks as indicated in the application.
3. The use must conform to all applicable building codes and obtain a Certificate of Occupancy from the Building Safety Division.
4. The permit shall conform to site plan as shown in the application.

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application for Conditional Use Permit

Exhibit E: Site Photos

cc: Kevin Modglin
CU-MTD

Exhibit A: Location and Existing Land Use Map



 Subject Property

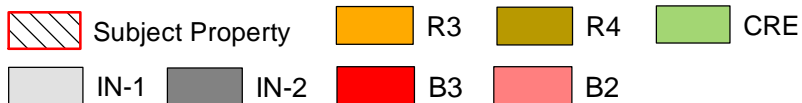
Case: ZBA-2014-C-06
 Subject: Application for CUP to allow 2nd Principle Use
 Location: 1207 E. University Avenue
 Petitioner: Kevin Modglin



Exhibit B: Current Zoning Map



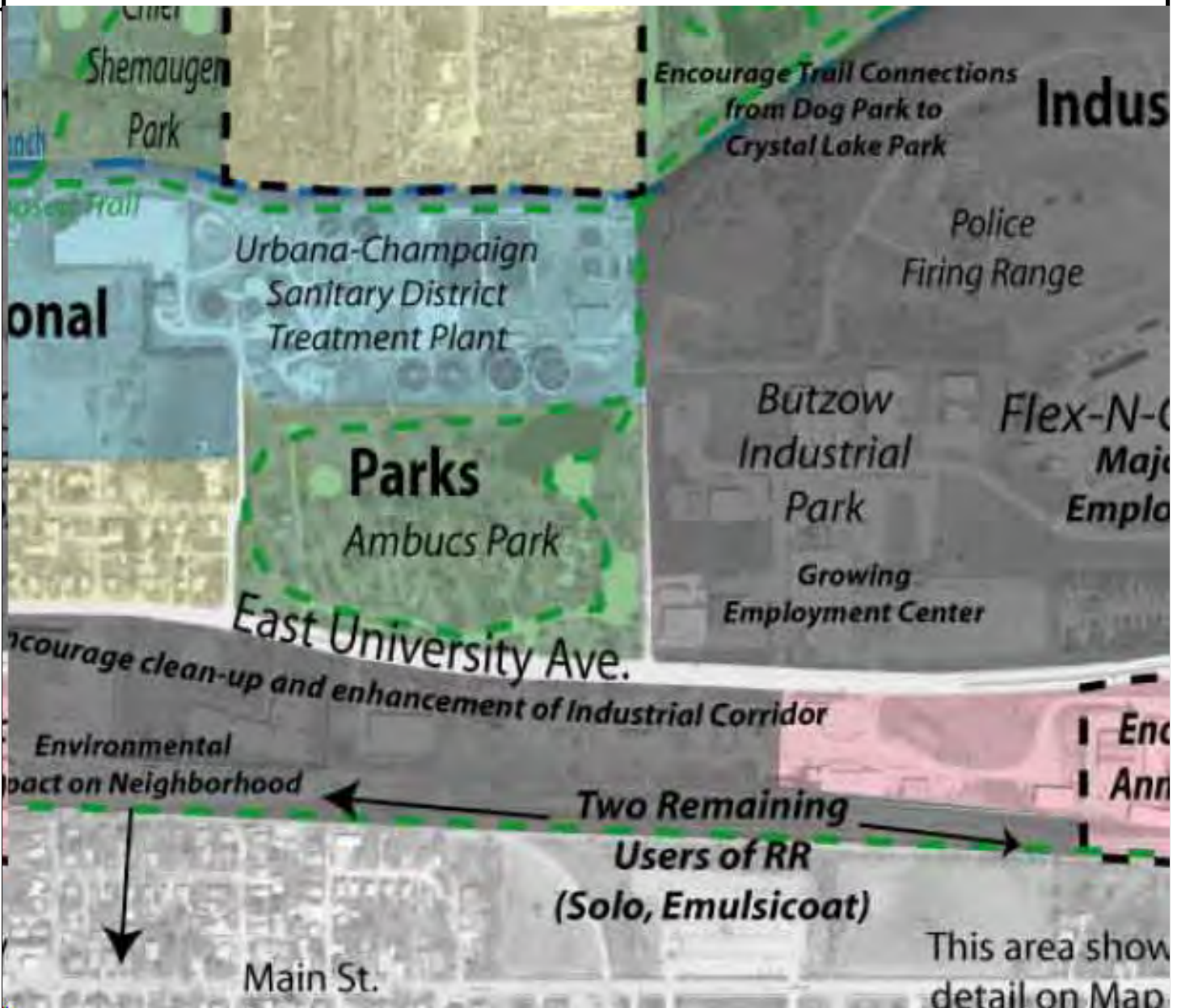
Zoning Districts



Case: ZBA-2014-C-06
 Subject: Application for CUP to allow 2nd Principle Use
 Location: 1207 E. University Avenue
 Petitioner: Kevin Modglin



EXHIBIT C: FUTURE LAND USE MAP



- Residential
 - Community Business
 - Light Industrial/Office
 - Park
- N
▲



Case: ZBA-2014-C-02
 Subject: Application for CUP to allow Bed and Breakfast
 Location: 2402 Provine Cir
 Petitioner: Andrea and Bernard Coffey

Subject Property



Application for Conditional Use Permit

Zoning Board Of Appeals

R NOV 24 2014
BY: _____

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 11/24/14 ZBA Case No. ZBA 2014-C-06
Fee Paid - Check No. 1440 Amount 150.00 Date 11/24/14

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)* TEMPORARY VAN PARKING W/ TEMPORARY MOBILE OFFICE FOR DISPATCH OF VANS (CU-MTD RURAL TRANSPORTATION VEHICLES)

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

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **KEVIN MODGLIN** Phone: **217-377-7525**
Address (street/city/state/zip code): **1207 E UNIVERSITY AVE, URBANA, IL 61802**
Email Address: **KEVIN@MIDILCONCRETE.COM**
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **OWNER**

2. OWNER INFORMATION

Name of Owner(s): **MID ILLINOIS DEVELOPMENT, LLC** Phone: **217-377-7525**
Address (street/city/state/zip code): **PO BOX 6449, CHAMPAIGN, IL 61826**
Email Address: **KEVIN@MIDILCONCRETE.COM**
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: **1207 E UNIVERSITY AVE., URBANA, IL 61802**
PIN # of Location: **91-21-09-376-011**

Lot Size: 2.88 Acres

Current Zoning Designation: **IN-1 LIGHT INDUSTRIAL**

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

Proposed Land Use: **SAME / PARK ADDITIONAL VANS AND ADD TEMPORARY MOBILE OFFICE FOR DISPATCHING OF VANS**

Legal Description: SEE ATTACHED

4. CONSULTANT INFORMATION

Name of Architect(s): N/A Phone:

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

Email Address:

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): **TIM JEFFERSON** Phone: **217-352-7661**

Address (*street/city/state/zip code*): **501 W CHURCH ST, CHAMPAIGN, IL 61820**

Email Address: **TSJEFFER@ROSKLAW.COM**

5. REASONS FOR CONDITIONAL USE PERMIT

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

PER THE REQUEST OF CU-MTD, WE HAVE AGREED UPON TERMS FOR CU-MTD'S USE OF A PORTION OF OUR LOT TO PARK THE RURAL TRANSPORTATION VEHICLES AT THIS LOCATION DURING THE CONSTRUCTION/RENOVATION OF THEIR EXISTING FACILITY. THIS IS A TEMPORARY SITUATION WHICH IS EXPECTED TO LAST 18-24 MONTHS.

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.

CURRENTLY THIS AREA IS USED TO PARK AND STORE CONSTRUCTION TRAILERS, CONSTRUCTION EQUIPMENT AND OTHER VEHICLES. THIS AREA WOULD NOW BE USED TO PARK CU-MTD'S VEHICLES. THERE WILL BE A TEMPORARY MOBILE OFFICE SITUATED IN THIS LOCATION TO HOUSE A DISPATCHER FOR THE VEHICLES.

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).

Current IN-1 permitted uses include Business-Transportation, Motor Bus Station

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

11-24-14

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

Legal Description: The following described real estate located at 1207 E. University Avenue., Urbana, Illinois and legally described as:

All that piece or parcel of land situated, lying and being a part of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Urbana, Champaign County, Illinois, and being more particularly described as follows, to-wit:

Commencing at an iron pipe survey monument found at the Northeast corner of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois; thence South 02 degrees, 35 minutes, 02 seconds East along the East line of the Southwest Quarter of said Section 9, a distance of 1,678.68 feet to the South right of way line of University Avenue (U.S. Route 150); thence North 89 degrees, 22 minutes, 02 seconds West along the South right of way line of said University Avenue (U.S. Route 150), a distance of 209.85 feet to an iron pipe survey monument reset at the Northwest corner of the Roger Dooley Tract as filed for record as Document Number 96R02026 in the Office of the Recorder of Champaign County, Illinois, and as shown on a survey by Thomas B. Berns, Illinois Professional Land Surveyor No. 2006 on May 31, 1974 for the Point of Beginning; thence South 00 degrees, 36 minutes, 00 seconds West along the West line of said Roger Dooley Tract, a distance of 297.59 feet to an iron pipe survey monument found at the Southwest corner of said Roger Dooley Tract; thence North 89 degrees, 21 minutes, 34 seconds West along the Westerly extension of the South line of said Roger Dooley Tract, a distance of 440.31 feet to an iron pipe survey monument set on the Southerly extension of the East line of Lot 1 of the Minor Plat of part of Lot B and Lot C, Urbana, Illinois, as filed for record as Document Number 99R28859 in the Office of the Recorder of Champaign County, Illinois, thence North 00 degree, 35 minutes, 08 seconds East along the East line of said Lot 1, a distance of 297.54 feet to and iron pipe survey monument found at the Northeast corner of said Lot 1, said iron pipe survey monument also being on the South right of way line of said University Avenue (U.S. Route 150), thence South 89 degrees, 22 minutes, 02 seconds East along the South right of way of said University Avenue (U.S. Route 150), an distance of 440.38 feet to the point of beginning, all as show on Plat of Survey prepared by Thomas. B. Berns, Illinois Professional Land Surveyor No. 2006, President of Berns, Clancy and Associates, P.C. Situated in Champaign County, Illinois.

PIN 91-21-09-376-011



SCALE : 1" = 50'

E UNIVERSITY AVE (US ROUTE 150)

440.38'

15'

5'

105'

CU-MTD LEASE AREA
(SEE SHEET 2)

145'

EXISTING
SHOP BLDG

297.54'

OPEN AIR STORAGE

EXISTING
OFFICE
BLDG

297.59'

1207 E UNIVERSITY AVE
URBANA, IL

PROPERTY LINE (TYP.)

SET BACK LINE (TYP.)

10'

440.31'

SITE PLAN
1207 E UNIVERSITY AVE.,
URBANA, IL
SHEET 1



SCALE : 1"=30'

E UNIVERSITY AVE (US ROUTE 150)

EXISTING WATER MAIN

PROPERTY LINE/FENCE LINE (TYP.)

SET BACK LINE (TYP.)

CU-MTD LEASE AREA (105' X 145') ~
EXISTING GRAVEL SURFACE (NO
IMPROVEMENTS TO BE MADE)

10' X 50' TEMPORARY MOBILE OFFICE
FURNISHED BY PAC-VAN, TIE DOWN
ANCHORS BY PAC-VAN, ENTRY STEPS BY
PAC-VAN

LEASE LINE (TYP.)

145'

EXIST OFFICE BLDG

EXISTING CONCRETE ENTRY DRIVE

1207 E UNIVERSITY AVE
URBANA, IL

EXIST WAREHOUSE

PAC-VAN MOBILE OFFICE UTILITY CONNECTION NOTES:

1. TEMPORARY WATER SERVICE CONNECTION BY IAWG/DAVIS HOUK TO EXISTING WATERMAIN IN S ROW OF UNIVERSITY AVE.
2. TEMPORARY SANITARY CONNECTION TO ON-SITE UCSD SANITARY MANHOLE PER UCSD STANDARDS AND CONNECTION PERMIT.
3. TEMPORARY ELECTRICAL CONNECTION TO EXISTING OFFICE BUILDING BY DAVIS ELECTRIC/COORDINATE W/ AMEREN.

SITE PLAN
1207 E UNIVERSITY AVE.,
URBANA, IL
SHEET 2

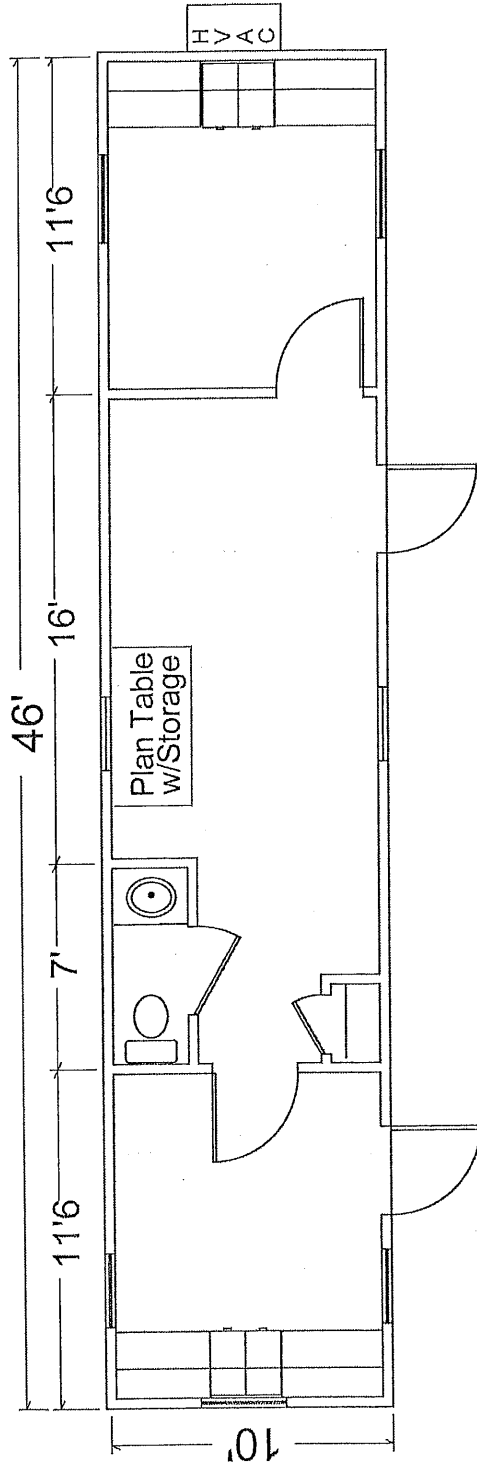


1207 E. UNIVERSITY
 URBANA, IL
 Exhibit A



www.pacvan.com

10x50 Mobile Office with Restroom 2 Private Offices & 1 Main Office



Building Specifications:

- 1050 Mobile Office – Midwest Region
- 100 Amp Electrical Service, 120/240 Volt, Single Phase, 3-wire, 60 HZ
- Central Heating and Air Conditioning (2 ton HVAC)
- Aluminum Exterior Siding and Trim
- Dead-Bolts and Security Latch Guards on 2 Exterior Doors

Additional Pac-Van Features:

- Commercial Block Tile Flooring
- 1/4" Birch Hardwood Paneling
- High Pressure Laminate Desks at each end
- (4) 2-Drawer Locking File Cabinets
- Overhead Shelf above each Desk
- Plan Table (fold down or with storage)
- Plan Rack
- Exterior Lights for Night Security
- Horizontal Sliding Windows with Insect Screens
- Drain Valve on Water Heater
- Drain Valve on Main Water Line

Experience the Pac-Van Difference ~ Quality, Service, and Value all from one supplier.

Call us today at **1-800-546-1050** and learn firsthand why Pac-Van, Inc. has twice been named

“one of the fastest-growing, privately held companies in the United States” by *Inc.* Magazine.

Exhibit E: Site Photos





