

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** April 15, 2015

**APPROVED**

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

**PLACE:** City Council Chambers, 400 South Vine Street, Urbana, IL 61801

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**MEMBERS PRESENT** Paul Armstrong, Joanne Chester, Nancy Uchtmann, Charles Warmbrunn

**MEMBERS EXCUSED** Ashlee McLaughlin, Harvey Welch

**STAFF PRESENT** Jeff Engstrom, Interim Planning Manager; Kevin Garcia, Planner II; Christopher Marx, Planner I; Teri Andel, Planning Secretary

**OTHERS PRESENT** Dustin Allred, Randy Barrett, Jason Finkelman, Megan Gillette, Frances Harris, Norma Linton, Cynthia Oliver, Carol Ross, Harry Ross, Tod Satterthwaite, Jonah Weisskopf, Mick Woolf

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

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

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINUTES**

The minutes from the December 17, 2014 regular meeting were presented for approval. Ms. Chester moved to approve the minutes as written. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous voice vote as moved.

**NOTE:** Chair Armstrong swore in the members of the audience who indicated that they may give testimony during the public hearing. He asked that anyone who wished to speak to sign in and state their name prior to speaking.

**4. COMMUNICATIONS**

Regarding Case Nos. ZBA-2015-C-01 and ZBA-2015-MAJ-01

- Email from Kate Hunter
- Email from T.J. and Louise Kuhny

Regarding Case No. ZBA-2015-C-02

- Email from Chet Daniels

## 5. CONTINUED PUBLIC HEARINGS

There were none.

## 6. NEW PUBLIC HEARINGS

**ZBA-2015-C-01 – A request by Tod Satterthwaite for a Conditional Use Permit to allow a duplex at 703 West High Street in the R-2, Single-Family Zoning District.**

**ZBA-2015-MAJ-01 – A request by Tod Satterthwaite to grant a Major Variance to allow a duplex on a lot 50 feet wide and 4,737 square feet in area at 703 West High Street in the R-2, Single-Family Zoning District.**

Chair Armstrong opened the public hearing for each case. Charles Warmbrunn abstained to these two cases due to a conflict of interest.

Kevin Garcia, Planner II, presented these two cases together to the Zoning Board of Appeals. He began by stating the purpose for each request and by giving a brief history of the subject property. He described the proposed site as well as the surrounding adjacent properties by noting the zoning, existing land use and future land use designation of all. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Urbana Zoning Ordinance. He also reviewed the criteria for a variance according to Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals for each case and presented City staff's recommendations. He mentioned that the owner was present to answer questions. City staff received two communications regarding these two requests.

Chair Armstrong asked if the Zoning Board of Appeals members had any questions for City staff.

Ms. Chester asked for clarification. If this would have been discovered earlier, then the property owner would have been required to return the property to single-family use. Mr. Garcia replied that the owner would have been able to ask for a conditional use permit and a major variance regarding lot width similar to the proposed requests to be allowed to continue the duplex use.

Ms. Chester questioned whether Mr. Garcia was aware of a court case regarding property owners returning their illegal duplex uses to single-family uses. It was a big deal because property owners were upset about the conversion. Although the proposed property was overlooked by City staff, it was one of the properties that should have been reverted to a single-family use home. Just because a mistake was made does not mean that it should be allowed to continue as a duplex use. Mr. Engstrom responded that if the proposed requests are denied, then the property owner will be required to return the property to a single-family use.

Ms. Chester commented that duplexes and rental properties are a big issue for the people who live in the neighborhood. They are constantly on the lookout to see how properties are being used and if they are over-occupied to help preserve the character of the neighborhood.

Chair Armstrong questioned if there were other situations like this in that a conditional use or another use was allowed with a sunset clause attached. Mr. Garcia replied that during the research he did, he found that there were eight properties that were identified in the Land Use Survey in which the City staff at the time thought would not exist as legally non-conforming duplexes in the neighborhood. If they were the only duplex properties that were subject to the sunset clause, then he is not surprised that current City staff is not aware of any other times that this type of case has come up.

Chair Armstrong asked if the Zoning Board of Appeals grants the Conditional Use Permit, would it be for the current owner or would it transition to the new owner. Apparently, the Conditional Use Permit has something to do with the contingency of the sale of the property. Mr. Engstrom answered saying that in some cases, the Conditional Use Permit is attached to the business or owner, but for residential uses, it stays with the property.

Ms. Chester asked for more information regarding the Land Use Survey. Mr. Garcia stated that there were over 60 legally non-conforming duplexes that were grandfathered in and 17 properties in violation that City staff thought might have been illegally converted into duplexes after 1950. Only 8 of the 17 properties did not meet the 15% threshold that allowed the Zoning Board of Appeals to grant variances for lot width and area. The proposed property is one of the eight that was supposed to be reverted back to single-family use.

Ms. Uchtmann asked if the other 7 properties complied and reverted back to a single-family use. Mr. Garcia stated that he did not know. Ms. Chester recalled that at least one of the properties complied, and she was sure there were more because property owners were not happy with having to do so.

Mr. Garcia pointed out that there are four bedrooms in the proposed house. So, if it was reverted back to single-family use, the owner would still be able to rent out all four bedrooms. It would not be much different. It would have a different zoning classification and some building work would have to be done to convert it back to a single-family home. Ms. Chester stated that as a duplex it would be allowed to have up to 8 people living in it; whereas, as a single-family house, there could only be up to 4 unrelated people living in it.

There were no further questions for City staff. Chair Armstrong opened the hearing up for public input.

Tod Satterthwaite, owner and applicant, approached the Zoning Board of Appeals to speak. He stated that he first discovered that his property was a nonconforming use when he was Mayor. In 1995 or 1996, one of the neighbors was checking uses of homes in the area and found that his property was being used as a duplex when it should have been a single-family home. The neighbor reported it to the Community Development Department, and City staff informed him. He was previously told that he would need to install a second furnace to use it as a duplex, so he did. Multi-family recycling and the rental registration program both have treated the property as a duplex. The duplex has never created any problems for the neighborhood. In fact, the single-family homes that are used as rental properties create more problems because while duplexes are small, single-family houses are larger and can hold more people for house parties.

Chair Armstrong asked how many people currently live in the duplex. Mr. Satterthwaite replied four. One time he rented the back unit to a mother with kids, so there may have been more than three living in that unit. Also, there was a man who rented the one bedroom unit and had his fiancé move in two months before they both moved out. The one-bedroom unit is really too small for two people.

Chair Armstrong inquired if the rental registration program regulates occupancy. Mr. Engstrom answered that the inspectors perform routine inspections as well as check for occupancy compliance.

Ms. Uchtmann asked if he knew that the use of the property was non-conforming when he had a second furnace installed. Mr. Satterthwaite replied no. He found out several years later when the neighbor checked the use of the house and found the illegal use. Ms. Chester stated that Cunningham Township had it listed as single-family residential use and had informed the City of Urbana about the illegal non-conformity.

Ms. Uchtmann wondered if it was a legal duplex would there have been a change in the assessor’s record. Ms. Chester said yes.

There were no further comments or questions from the audience, so Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing up for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. Chester moved that the Zoning Board of Appeals deny Case No. ZBA-2015-C-01. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Abstain	Mr. Armstrong	-	No

The motion was approved by a vote of 2 ayes – 1 nay – 1 abstention.

Ms. Uchtmann moved that the Zoning Board of Appeals deny Case No. ZBA-2015-MAJ-01. Ms. Chester seconded the motion. Roll call on the motion was as follows:

Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Abstain
Mr. Armstrong	-	No	Ms. Chester	-	Yes

The motion was approved by a vote of 2 ayes – 1 nay – 1 abstention.

**ZBA-2015-C-02 – A request by H.G. Dwell, LLC for a Conditional Use Permit to allow the use of Banquet Facility/Event Space at 202 West Illinois Street in the MOR, Mixed-Office-Residential Zoning District.**

Chair Armstrong opened the public hearing. Jeff Engstrom, Interim Planning Manager, presented this case to the Zoning Board of Appeals. He began with a brief background of the subject property. He described the proposed site and the surrounding adjacent properties noting the zoning, existing land use and future land use designation of each. He talked more about the designations of “Professional Office” and “Banquet/Event Space”. He talked about the development regulations and noted that the existing structure is legally non-conforming. He

discussed parking requirements. He explained the goals and objectives of the Comprehensive Plan that are relevant to the proposed cases. He reviewed the requirements for a Conditional Use Permit according to Section VII-2 of the Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation. He noted that City staff received a communication from Pastor Chet Daniels and the applicant was present to answer questions.

Mr. Warmbrunn wondered if the applicant reconstructs the bell towers, then wouldn't that change the footprint of the building. Mr. Engstrom responded that City staff has not determined if the floor area will be increased.

Mr. Warmbrunn stated that the banquet facility/event space use is the main thing to consider in this case. There will be a kitchen installed in the basement of the building; however, there are no drawings or illustrations for the Zoning Board members to review. Mr. Engstrom explained that the applicant has not submitted any building plans yet. They are coming with the general concept of the plan first.

Mr. Warmbrunn asked if the Fire Department had reviewed the proposed application for occupancy and basement egress for the kitchen. Mr. Engstrom explained that the Fire Department will look at the plans when the applicant submits plans for the building permit.

Mr. Warmbrunn inquired as to how many entrance/exit doors are there to the building. Mr. Engstrom said that would be a question for the applicant to answer.

Mr. Warmbrunn wondered if there was still a law in the City of Urbana that prohibits a business from getting a liquor license if they are located within 1,000 feet of a church. Mr. Engstrom stated that he did not know. Mr. Warmbrunn asked what the distance is from the proposed building to the nearest church. Mr. Engstrom did not know. The applicant, Megan Gillette, commented that she believed the liquor license rule applied to schools, not churches.

Mr. Warmbrunn questioned how the revenue was figured from the alcohol and food sales. Mr. Engstrom replied that the applicant would be able to answer this question. Mr. Warmbrunn wondered if City staff talked with the applicant about any of this. Mr. Engstrom replied that the Economic Development staff vetted the agreement and the estimate for tax revenue with the applicant.

Mr. Warmbrunn inquired what the maximum number of people the applicant expects to have for one event. Mr. Engstrom said 500 people. Mr. Warmbrunn commented that when event is over there will be 500 people leaving the facility and pouring out onto the streets and into the community in this area.

Chair Armstrong asked if the Zoning Board of Appeals grants the proposed conditional use permit without supporting detailed documentation, would it be safe to assume that all the legal requirements with regards to occupancy, life safety issues, etc. are going to be met as the architectural drawings are going to be developed. Or is the conditional use permit contingent upon seeing these things in detail? Mr. Engstrom replied that the Zoning Board of Appeals could grant the conditional use permit either way. They could require the applicant to obtain all additional permits. It is understood that the applicant would conform to all laws and obtain all required permits, but sometimes it is made explicitly a separate condition on approval of a

conditional use permit. If the Zoning Board of Appeals felt that the application was incomplete, then they have the option to table the case and ask the applicant to return.

Chair Armstrong wondered if the City Council understood the intended use as a banquet facility/event space when they approved the Development Agreement. Mr. Engstrom stated that the approval of the Development Agreement is contingent upon the applicant getting approval of the proposed conditional use permit.

With there being no further questions for City staff, Chair Armstrong opened the hearing for public input.

Megan Gillette, Partner in HG Dwell, LLC, approached the Zoning Board of Appeals to speak. She stated that she never set out to buy or redevelop a church. The subject property came across her radar as being for sell, and being a big art history and architectural enthusiast and a historic preservationist, she wanted to save the building. When she walked through the building the first time she could not imagine how it could be redeveloped. So, she set out and researched how the building could be saved and also be economically viable. She looked into how other churches throughout the country and the world have been converted and repurposed. She sees the proposed building being converted into a cultural center.

The building is the oldest standing church in the City of Urbana. It is such an institution and a cultural landmark in Urbana. She felt the building should be open and enjoyed by the community. Also, the location makes the building accessible.

Steve Cochran, City Building Inspector, inspected the property. The building needs many repairs. So, she plans to install full fire suppression, add extra egress doors from the sanctuary, etc. There is an existing kitchen in the basement. She planned to upgrade the fire suppression above the stove to meet the requirements for Public Health. They would like to provide a commissary certified kitchen for people to bake goods to sell at the Farmer's Market.

The footprint should not change at all because she will not be adding onto the structure other than potentially recreating the original bell towers that were lost over time.

She mentioned that two years ago she did receive the most historically respectful award for an addition and expansion on a historical Spanish mission-style home on Michigan Avenue.

Ms. Chester inquired who the architect was for the proposed building. Ms. Gillette replied that the architect was Emerson Stanford Hall, who was a local architect that became quite well-known in Chicago. He studied acoustics, so the proposed building is almost acoustically perfect. There are double barreled ceilings that project from the pulpit and the organ on the second level that project the sound and the music throughout the whole space. She had some acoustic musicians come in and try out the sound, and it was amazing.

Ms. Chester asked if there is an elevator in the building. Ms. Gillette said no. Ms. Chester asked if installing an elevator was in their plans to renovate. Ms. Gillette replied that they will do what they need to do to comply with code.

Chair Armstrong stated the renderings included in the packet show different possibilities for using the space for offices and the major banquet event use. Ms. Gillette explained that for the third floor, she envisioned it to be an open office space with a kitchenette.

Ms. Uchtmann commented that she had been inside the existing building and it is an amazing structure. She is glad that it will be preserved. She noted that when the church was built, it was constructed for people who walked to church or rode their horses, and the streets were narrower. Overtime, the streets have taken over most of the green space the church once had.

Mr. Warmbrunn asked if 500 people was the maximum number of people that she planned to have attend an event. Ms. Gillette said it depends on fire code and building code review. Currently, the pews allow seating for 315 people; however, she planned to remove the pews. Mr. Warmbrunn expressed concern for 315 people leaving an event on this specific corner. He did not believe that the infrastructure was in place to handle a crowd of this size.

Mr. Warmbrunn inquired as to how they came up with the tax revenue figures. Ms. Gillette answered by saying that she and her partner looked at food sales and event sales of catered events. They researched by speaking with some bar and restaurant owners about their projected sales, and they visited a historic church in Nashville that was recently converted into an event center.

She mentioned that as part of the agreement with the City of Urbana, they asked for assistance in providing streetscaping to provide better pedestrian safety.

Mr. Warmbrunn calculated that they would make approximately \$750,000 a year in food or liquor sales, which averages to be about \$2,000 per day. A wedding costs from \$10,000 to \$15,000. Ms. Gillette pointed out that they would not be doing catering, but they do account for providing food in the figures in the packet they submitted.

Mr. Warmbrunn asked about them providing a kitchen for vendors at the Market to rent. Would they bake the items in the kitchen and carry them over to the Farmer's Market to sell? Ms. Gillette said she believed so. Mr. Warmbrunn asked if this was part of the food sales calculations. Ms. Gillette said no, it was part of another figure.

Mr. Warmbrunn inquired about a liquor license. He wondered if any City staff had said anything about not being able to get a liquor license because of the church adjacent to the proposed site. Ms. Gillette said no. They have been very transparent with the City about their plans for redeveloping the proposed site.

Mr. Warmbrunn wondered if the bourbon tasting would be a weekly event. Ms. Gillette replied that it would be a specialty item that one could add-on for a reception.

Mr. Warmbrunn questioned if there was a reason why the applicant did not provide any drawings for a proposed layout for the kitchen and other areas in the building. Ms. Gillette answered saying that it would cost \$9,000 to get an architect to create drawings of floor plan designs. \$9,000 is a lot of money, especially if they are denied the conditional use permit. Mr. Warmbrunn explained that as a Zoning Board of Appeals member, he is used to seeing drawings explaining why an applicant is asking for a specific request. He will have a hard time voting in

favor of the conditional use permit request because he does not have a real sense of what he would be voting in favor of.

Frances Harris, resident of west Urbana and a representative of the Champaign-Urbana Folk and Roots Festival, spoke in favor of the proposed conditional use permit. As a resident, she stated that she is thrilled that the church will not be ruined. She felt that the applicant has really done their homework in terms of the vision and purpose for the space. It will match well with the redevelopment that Matt Cho has done already in the downtown area. She believed that the proposed use would help revitalize the area. She and her neighbors were not worried about the traffic that would be generated from the events held at the proposed site. They are much more concerned about an empty building falling apart.

As a representative of the Champaign-Urbana Folk and Roots Festival, she mentioned that they are organizing the seventh festival in Downtown Urbana. They would like to stay in Downtown Urbana. During the week of the festival, they hold events in spaces at the Urbana Free Library, the Iron Post, the Rose Bowl Tavern, in Lincoln Square, etc. After hearing that the acoustic sound in the proposed church is amazing, she is excited to hold some of the festival events there. They need a big space for the headline acts. Their events bring in about 200 people. They also hold workshops, and it seemed that there would be plenty of space to hold them as well.

Jonah Weisskopf, nearby resident, approached the Zoning Board of Appeals to speak. He stated that he lives three houses down from the subject property. He agreed with the previous speaker in that the proposed use will be a great adaptive use of the proposed property. It is always important to look at what could happen if this does not get approved. He did not feel that it would be beneficial to the City or to the existing building to have an empty church, a dying building or to have the building carved up into apartments. He felt that the proposed use would help continue to grow Downtown Urbana and the Race Street Corridor as a vibrant, culturally oriented area. He mentioned that the Farmer's Market has thousands of people attend every Saturday and it is managed and succeeds well. So, having 315 people attend an event at the proposed site should not be an issue.

Cynthia Oliver, nearby resident, approached the Zoning Board of Appeals to speak. She mentioned that she lives across the street from the subject property. She stated that she is conflicted about the proposed use. On one hand, she would love to see the church remain. It would be beneficial to the community for the church to be supported. She is excited about the idea of a cultural center. On the other hand, she believed that the number, 315, was misleading in terms of occupancy. While it may house 350 to 500 people, she has never seen that many people come out of the existing building, so she is concerned about the impact there would be on the immediate surrounding area. Parking in the area is very difficult. It can be challenging.

Norma Linton, nearby resident, approached the Zoning Board of Appeals to speak. She stated that she lives diagonally across Illinois Street from the proposed site. Preservation and conservation are very important to her, and she was in favor of preserving a building, such as the proposed church. However, the location is a problem. There has always been a lot of parking issues with the subject property. People would park on Cedar Street around the corner.

Although the sound of the event may be contained in the sanctuary, the noise from people coming and going to the church cannot be. She heard the sound of sneakers on the gymnasium



floor for many years. She is concerned about the disruption to the neighboring residential properties.

Dustin Allred, nearby neighbor, approached the Zoning Board of Appeals to speak. He stated that he lives in a neighboring property to the north of the subject property. He has mixed feelings about the property as well. He believed it is really important to preserve these types of structures, and he would like to see the existing church be preserved much rather than to see it fall into disrepair. At the same time though, he believed the nuisance issues, particularly noise late at night, would be a major concern.

Although the proposed use technically fits within the context of the MOR, Mixed Office Residential, Zoning District, the proposed site is located on the edge of the MOR Zoning District and butts up to a large single-family residential area. Many similar facilities are required to have a buffer between the uses that would host these types of activities and the residential areas. This location lacks that buffer. There is approximately 15 feet from the wall of the church to his house. Although he had not heard sneakers on the basketball court, when a church service was going on it felt like he was sitting inside the church. He could hear everything going on. So, he felt that how the applicant proposed to contain sound from events being held is a real concern. It would be great if the applicant could hold events and yet manage the impact on the neighboring residences. He felt that there should be more study and discussions held on how to manage the impact.

Mick Wolfe, nearby neighbor, approached the Zoning Board of Appeals to speak. He mentioned that he lives in the 300 Block on Illinois Street, just down the street from the proposed site. It is one thing to support an incredible proposal. Not to be accused of NIMBYism, there are some realities that some concerned neighbors have mentioned with regards to the number of people coming out from an event, the traffic flow, people hanging out in neighboring lawns, parking, noise, etc. He felt that many of the logistics and specifics that Mr. Warmbrunn questioned are fair things to consider. He hoped that if the case proceeds, that a good faith effort on all sides would be used to address the concerns mentioned.

Jason Finkleman, nearby neighbor, approached the Zoning Board of Appeals to speak. He mentioned that his wife, Cynthia Oliver, previously spoke and he shared her same concerns and hopes. He enjoyed being a member of the City of Urbana, a fan of the Folk and Roots Festival and a curator and presenter in the community for many years now. He would not like to see the proposed church building fall into disrepair. The idea of having a center for the performance of arts in the community is intriguing and exciting, but at the same time it is a bit daunting having it located right across the street from where he lives with regards to the scope of the audience numbers and the impact that they would have. He could not help but think that it would have a detrimental effect on the residential neighborhood.

He stated his appreciation for Mr. Warmbrunn's attention to detail with the specific codes that need to be looked into. He expressed concern about a commercial kitchen being used and what type of ventilation would be used. He felt that a ventilation system should be required to keep cooking smells from polluting the community.

Another concern with having large gatherings would be where people would go to smoke. He believed that they would gather on street corners, in the parking lot across the street from him and possibly even in his front yard.

He supported the previous comments about traffic, pedestrian traffic, noise, etc. He encouraged the Zoning Board to pursue further studies on what it would take to make the most acceptable use of the proposed property.

Chair Armstrong asked City staff to restate the options of the Zoning Board. Do they have the ability to continue the public hearing to a future date if there are certain questions they feel need to be answered but are unable to be answered at this meeting? Mr. Engstrom restated the options and replied that the Zoning Board does have the option to continue the public hearing until City staff gets answers to their questions.

Ms. Uchtmann wondered if the existing building currently had air conditioning. Ms. Gillette replied no. It has very old electrical and plumbing. It also only has one boiler that fails to heat the building. Ms. Uchtmann asked if the applicant planned to install air conditioning. If so, it might prevent some of the sound coming out of the building. Ms. Gillette explained that when the project became public, she sent out an email to the West Urbana Neighborhood listserv explaining their visions and plans. They only received one reply from a direct neighbor stating that in the summertime when he had his windows open and the church had their windows open, he heard the church choir singing. She has plans to install a new HVAC system in the building.

Chair Armstrong asked the applicant if she would like to address any concerns that were mentioned by members of the public. Ms. Gillette stated that she understood the neighbors' hesitation with having an events center located in the middle of their neighborhood. It is not possible to move the existing building and there is no other place in Downtown Urbana that provides an opportunity for a cultural center.

As for safety and security issues, for all events over so many people, there would be security staff hired. They would also conform to all building and safety requirements with regards to occupancy, egress, fire suppression, etc. While she cannot control where people park, there would be many parking opportunities directly across the street with hundreds of spaces. They have checked into valet parking as well as hiring out transportation shuttles.

Ms. Chester expressed concern with noise running late into the nights from having bands at different events. Ms. Gillette responded that there is a neighborhood ordinance for noise. She believed it prohibited noise after 11:00 p.m. on weekends.

Ms. Uchtmann asked if the Zoning Board of Appeals could add a condition limiting the noise to certain hours. Mr. Engstrom said that they could add conditions to limit the intensity of the use such as limiting the hours of operation.

Chair Armstrong explained that the Zoning Board of Appeals usually gets more detailed plans when it comes to requests located in or near residential neighborhoods. Also, the architect or engineer attends these meetings to answer any questions that the Zoning Board of Appeals has with regards to the detailed plans. Mr. Warmbrunn asked if it was feasible for the applicant to get drawings created within a month before the next scheduled meeting. Mr. Engstrom stated that they might be able to get sketches without having the cost of full architectural renderings and floor plans.

Ms. Uchtmann felt it would be most helpful if they could find a solution for the noise issue.

Mr. Warmbrunn moved that the Zoning Board of Appeals continue Case No. ZBA-2015-C-02 to the next regularly scheduled meeting for the purpose of receiving drawings of the proposed kitchen and other areas, for possible noise abatement problem issue solving; for parking issues and for life safety issues. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Mr. Warmbrunn	-	Yes	Mr. Armstrong	-	Yes
Ms. Chester	-	Yes	Ms. Uchtmann	-	Yes

The motion was approved by unanimous vote.

**ZBA-2015-MAJ-02: A request by Bainbridge CC Urbana Apartment REIT, Inc. for a Major Variance to allow an increase in the area of a projecting sign up to 64.75 square feet at 1010 West University Avenue and 508 North Goodwin Avenue, in the B-3, General Business District.**

**ZBA-2015-MAJ-03: A request by Bainbridge CC Urbana Apartment REIT, Inc. for a Major Variance to allow a projecting sign located above the first story at 1010 West University Avenue and 508 North Goodwin Avenue, in the B-3, General Business District.**

Chair Armstrong opened the public hearing for each case. Christopher Marx, Planner I, presented these two cases together to the Zoning Board of Appeals. He began by stating the purpose for each major variance request. He gave background information on the subject property. He described the site and the adjacent surrounding properties noting the zoning, existing land uses and future land use designations. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to both major variance requests. He showed examples of similar signs that can also be found in Exhibit G. He stated the options of the Zoning Board of Appeals and presented City staff’s recommendation for approval of both major variance requests. He pointed out that a representative for the applicant is available to answer any questions.

Chair Armstrong asked if the Zoning Board of Appeals members had any questions for City staff.

Ms. Chester asked how tall the Jupiter sign was. Mr. Marx stated that he was unable to get the measurements of the Jupiter sign.

Ms. Chester inquired as to how tall the proposed sign was expected to be. Mr. Marx replied that it would be 18-1/2 feet tall. Mr. Warmbrunn commented that the sign would be 20 feet from the ground and the sign itself would be 18-1/2 feet tall. So, there would be 38-1/2 feet from the top of the sign to the ground. Mr. Marx replied yes.

Ms. Uchtmann wondered if there were any other non-conforming signs between Race Street and Goodwin Avenue. Mr. Marx stated that the issue of non-conforming signs was not taken too much into consideration because the majority of the signs were installed before most of the current sign regulations were put into place. Many of the signs extend higher than 10 to 15 feet.

Ms. Uchtmann asked if City staff if they foresee any other businesses in the area wanting to have a similar sign at a similar height in order to advertise their business. Mr. Marx stated that he could not foresee what specific other developments there would be. Mr. Engstrom did not believe the proposed sign would precipitate requests for other sign variances. The proposed sign is very unique in that it is a very tall building that is being constructed close to the sidewalk. Most developments along University Avenue are set back pretty far, so they want freestanding signs rather than projecting signs.

Ms. Uchtmann wondered if other businesses would want signs that are more visible. Mr. Marx replied that other businesses would still have to answer the criteria that the proposed application has tried to answer in terms of whether it would be disruptive compared to the neighboring signs, would the sign be out of scope to the size of the building, would the sign deviate more than what is necessary for proper identification purposes down the street, etc.

Mr. Warmbrunn asked if the sign would be lit. Mr. Marx deferred the question to the applicant.

Mr. Warmbrunn asked if City staff knew the size of the lettering to be used. Mr. Marx deferred the question to the applicant.

Mr. Warmbrunn inquired as to what the sign would be made of. Mr. Marx was not certain what material would be used in making the sign.

Mr. Warmbrunn stated that it would be nice to have had this information.

With there being no further questions for City staff, Chair Armstrong opened the hearing for public input.

Randy Barrett, representative for the applicant, approached the Zoning Board of Appeals to speak. He stated that he is the Construction Manager for Bainbridge. The proposed sign will be LED, so it will have soft lighting. It will have a metal frame and probably have an acrylic cover. It will start on the second floor and extend up to the fifth floor. Their goal is to make the sign part of the building. It is the only signage they will have to identify the building as Campus Circle.

There were no further comments or questions from the audience, so Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing up for discussion and/or motion(s) by the Zoning Board of Appeals.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-02 to the City Council with a recommendation for approval. Ms. Chester seconded the motion. Roll call on the motion was as follows:

Mr. Armstrong	-	Yes	Ms. Chester	-	Yes
Ms. Uchtmann	-	No	Mr. Warmbrunn	-	Yes

The motion was approved by a vote of 3 ayes – 1 nay.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2015-MAJ-03 to the City Council with a recommendation for approval. Ms. Chester seconded the motion.

Ms. Uchtmann wondered if the proposed cases were for one sign. Chair Armstrong said yes.

Roll call on the motion was as follows:

Ms. Chester	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Armstrong	-	Yes

The motion was approved by unanimous vote.

Chair Armstrong commented that they keep changing the Sign Ordinance in effect in principle by approving these types of major variances. The proposed sign is a unique situation, but a similar request may come up again in the future. He felt there was a clear desire to have these signs incorporated into the architecture, which is a good thing in general. City staff presented these two cases with the rationale that signage is somehow related to the scale of the building and works with the architecture of the building. Therefore, he felt that the City needed to rethink the whole signage issue. They are finding that the signs are either undersized or inadequate to provide the kind of advertising that people require today or that the City's Sign Ordinance is not adequate to address the technology that is available. The City carefully scrutinizes these signs and pays less attention to billboards. So, there is a lack of balance in the concerns of the negative impacts that signs could have versus the positive impacts that they have for businesses. He encouraged City staff to rethink the whole Sign Ordinance.

Ms. Uchtmann agreed and felt that there may be more requests for sign variances. Mr. Engstrom replied that City staff heard them and is currently working on an omnibus text amendment to the Zoning Ordinance to address several issues. They will take a look at the signage requirements to see if there was a certain type of variance that has been requested a lot.

## **7. OLD BUSINESS**

There was none.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Mr. Engstrom reported on the following:

- Case No. ZBA-2015-MAJ-02 and Case No. ZBA-2015-MAJ-03 will be forwarded to City Council on Monday, April 20, 2015.
- Lorrie Pearson has been appointed by the City Council as the new Planning Manager. She will be starting in May.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Chair Armstrong adjourned the meeting at 10:09 p.m.

Respectfully submitted,

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Jeff Engstrom, AICP  
Interim Planning Manager  
Secretary, Urbana Zoning Board of Appeals