



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: May 15, 2015

SUBJECT: ZBA Case 2015-C-03: A request by Eric Herzog for a Conditional Use Permit to allow an automobile repair and detailing facility on a single lot at 509 E. Main Street in the B-4, Central Business zoning district.

Introduction

This case is a request by Eric Herzog for a conditional use permit to allow a facility that is used for detailing and repairing automobiles. Currently, the site is vacant and used for storing cars. The proposed use is best classified as *Automobile/Truck Repair* which is allowed with a conditional use permit in the Table V-I of the Urbana Zoning Ordinance.

Background

The subject property is located in the eastern portion of downtown at 509 E. Main Street. The parcel is approximately 1.23 acres. The subject property, on the eastern portion of its lot, is currently used for automobile storage and is zoned B-4, Central Business. The applicant is leasing the eastern portion of the lot and proposes a use that involves automobile detailing and repair. The detailing and repair in the eastern building would be an extension of services provided by the applicant's business, M&M Auto Repair Service and Towing located at 703 N. Cunningham Avenue. The business would also exist to complement the automotive repair garage belonging to the property owner on the western portion of the lot.

The uses surrounding the subject property are commercial, industrial, and residential. The parcel to the north is zoned IN-1, Light Industrial/Office and is occupied by a steel fabricating company. To the south and east are a residence and some small apartment buildings. The residential areas are mostly in the R-3, Single and Two-Family Residential district with several parcels being located in the R-5, Medium High Density Multiple Family Residential district. Towards the west is an automobile repair facility, Long's Garage, which is also owned by the applicant and lies in the B-4, Central Business District.

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	B-4, Central Business	Vehicle Storage	Central Business
North	IN-1, Light Industrial/Office	Steel Fabricator	Central Business
South	R-3, Single and Two-Family Residential; R-5, Medium High Density Multiple Family Residential	Apartments and Single Family Home	Residential
East	R-3, Single and Two-Family Residential; R-5, Medium High Density Multiple Family Residential	Single Family Home	Residential
West	B-3, General Business	Automotive Repair	Central Business

Discussion

The applicant proposes to establish an automobile detailing facility at 509 E. Main Street. An Automobile/Truck Repair, per the Table of Uses in Article V of the Zoning Ordinance, is allowed with a conditional use permit in the B-4, Central Business zoning district.

The subject property has previously existed as storage and is owned by the neighboring automotive repair garage on the western portion of the parcel. Both the subject property and the neighboring automotive repair garage have a long past of serving as for automotive storage or repair. The applicant is requesting permission to use the eastern part of the subject property as an extension of his automobile repair business located in the northern part of the city. The subject property would mainly be used for servicing and detailing cars. The hours of operation would be during traditional, daytime business hours. The activities would include minor repairs, cleaning, waxing, and washing. The facility would not be used for oil changes or removal. The customer traffic would also be minimal as the facility would mainly be handing vehicles from the applicant’s Cunningham Avenue business. The applicant expects no more than 4 or 5 customers per day.

The applicant is also making minor physical changes to the building and property. He is undertaking actions to improve the interior of the building to make it more hospitable for business operations. He also plans on pouring fresh gravel in the rear parking lot, painting the

building exterior, and improving the existing signage. While no off-street parking spaces are required in the B-4, Central Business, the applicant plans to make several parking spaces available for patrons.

The application for the conditional use permit is a result of discussions with the property owner to keep the parcel in compliance with uses allowed under the Zoning Ordinance. A detailing facility would be consistent with the historical use of the subject property and neighboring business. A site that services automobiles would not significantly deviate from the current use of the site for automobile storage.

Development Regulations

In order to operate as an Automobile/Truck Repair use in the B-4, Central Business zoning district, a property must be granted a conditional use permit as stated in Table V-I, Table of Uses in the Zoning Ordinance. The subject property has operated with automobile storage in the past.

Comprehensive Plan Goals & Objectives

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

Goal 17.0 Minimize incompatible land uses

Objective 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

Objective 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

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.

The proposed use would allow for re-use of an under-utilized building and would allow the continued operation of an existing business. It would also bring into compliance a property with previous problems of use violations.

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 would assist a local business and match the historic use of the property in servicing automobiles. The operations in the proposed use are very similar to that of the nearby existing automotive repair. It is located next to an existing automobile garage and will assist as a place to repair and detail automobiles.

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.

Granting a conditional use permit to a use that entails automobile detailing and repairs is very similar to the current and past use of the property. The property has previously operated as a site that handled automobile storage. There would be little physical change or adjustment to the property beyond minor improvements of the building. The operation hours and customer traffic would be consistent with existing conditions.

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.

According to the Zoning Ordinance, the purpose of the B-4 district is

“to provide an area for the focus of the city, in which the full range of commercial and business uses may locate in a limited area of high intensity uses, with the appropriate forms of physical development at a high density...”

The proposed use will allow for the continued operation of an existing business in the B-4, Central Business district. The continued presence of an automobile repair and detailing operation is beneficial to the surrounding neighborhoods in the city.

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 an automobile detailing facility at 509 W. Main Street in the B-4, Central Business district. The Urbana Zoning Ordinance allows a similar use of “*Automobile/Truck Repair*” as a conditional use in the B-4 district.
2. The proposed use would allow automobiles to be cleaned, repaired, and serviced in conjunction with another automotive repair business also owned by the applicant at 703 N. Cunningham Avenue.
3. Both the subject property and neighboring property have historically been used for automobile servicing and repair.
4. The proposed use will complement the operation of a nearby business.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2015-C-03:

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

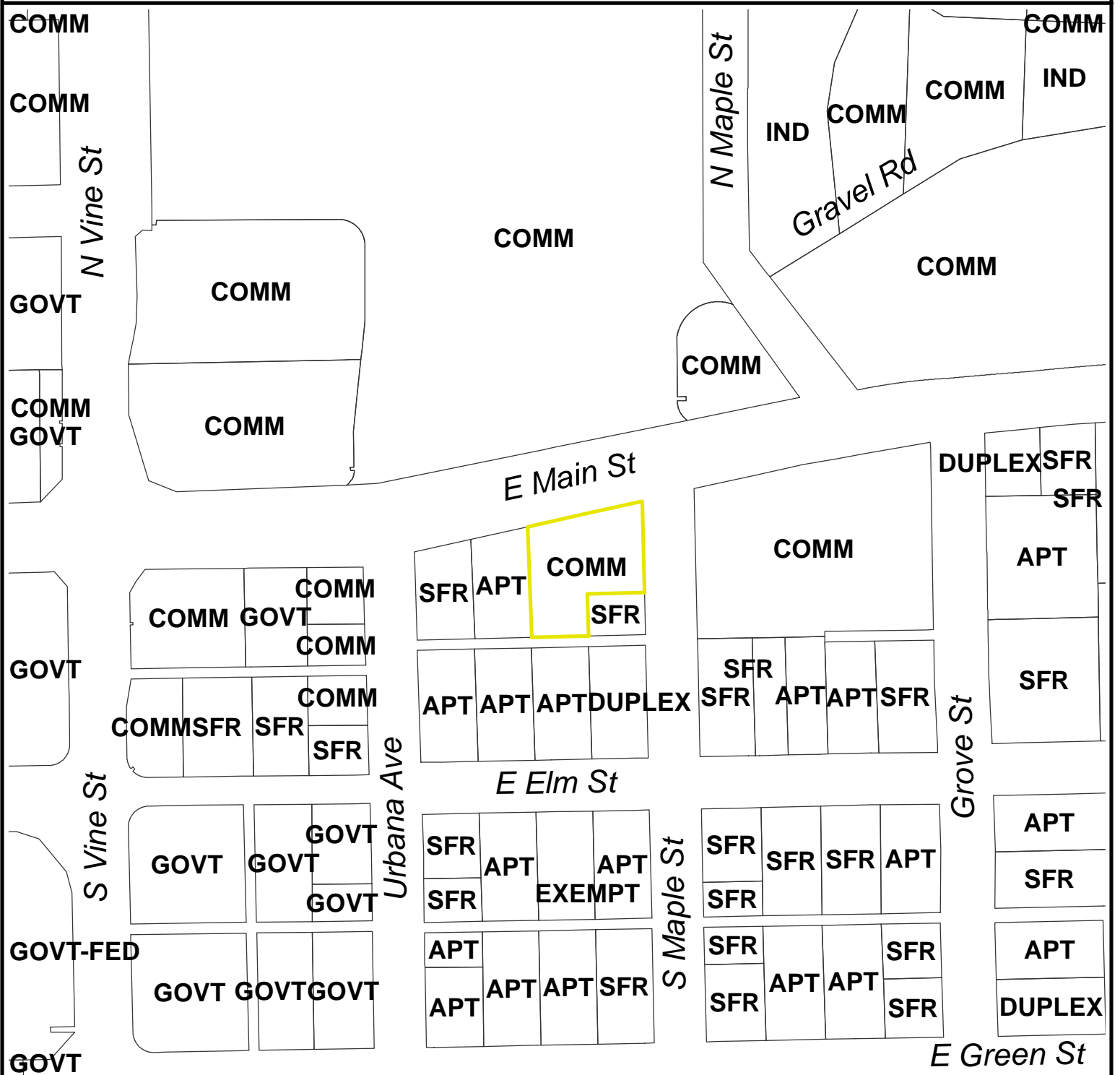
Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **GRANT** the proposed conditional use in case ZBA-2015-C-04 for the reasons articulated above with the following condition:

1. There are no vehicular sales performed on the premise of the subject property.
2. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance.

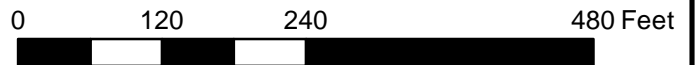
Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Site Photos
Exhibit E: Application

cc: Eric Herzog

Exhibit A: Location & Existing Land Use Map



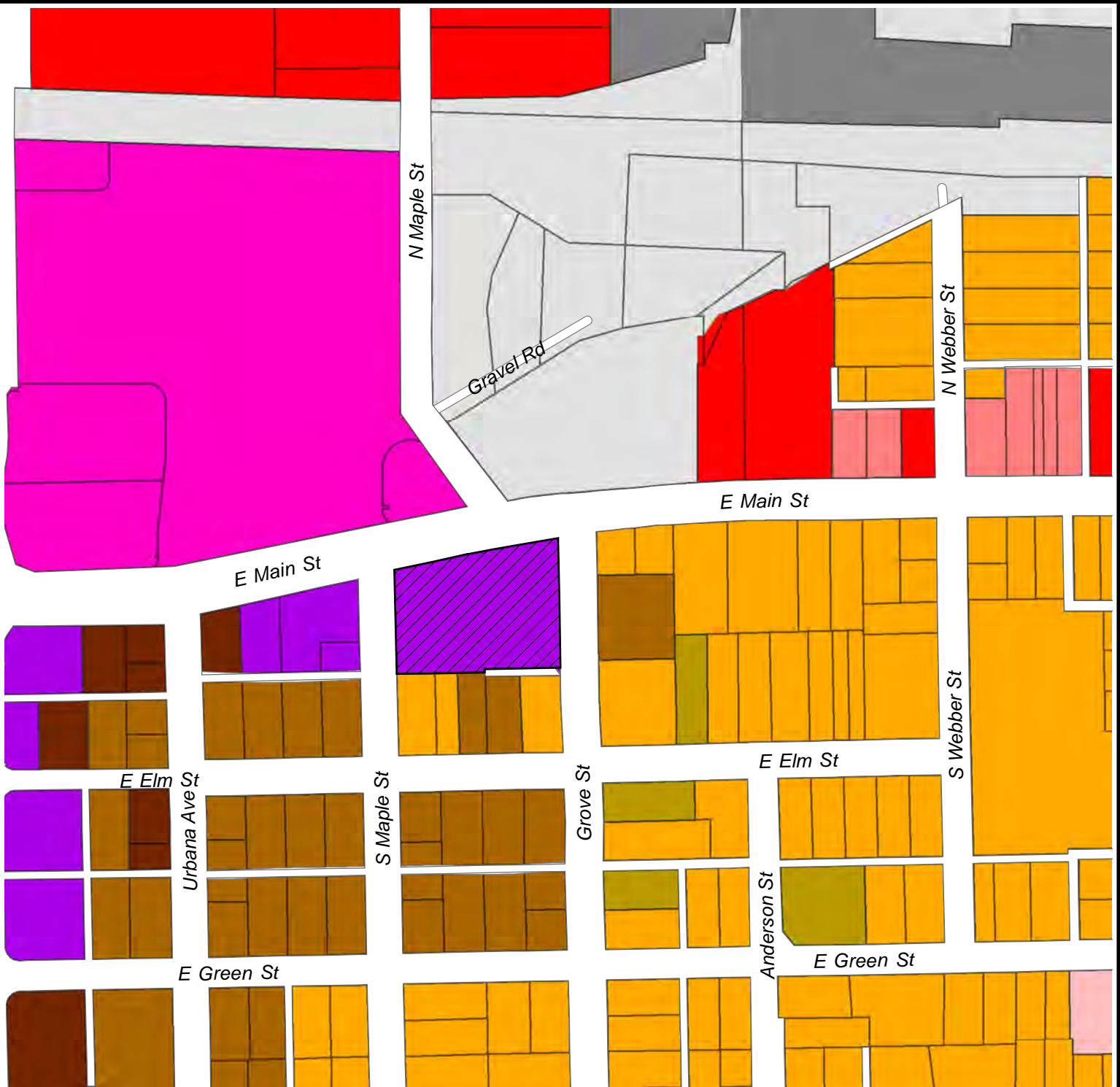
Case: 2015-C-03
 Subject: Conditional Use Permit
 Location: 509 E. Main Street
 Petitioners: Eric Herzog



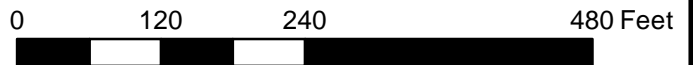
 Subject Property



Exhibit B: Zoning Map



Case: 2015-C-03
 Subject: Conditional Use Permit
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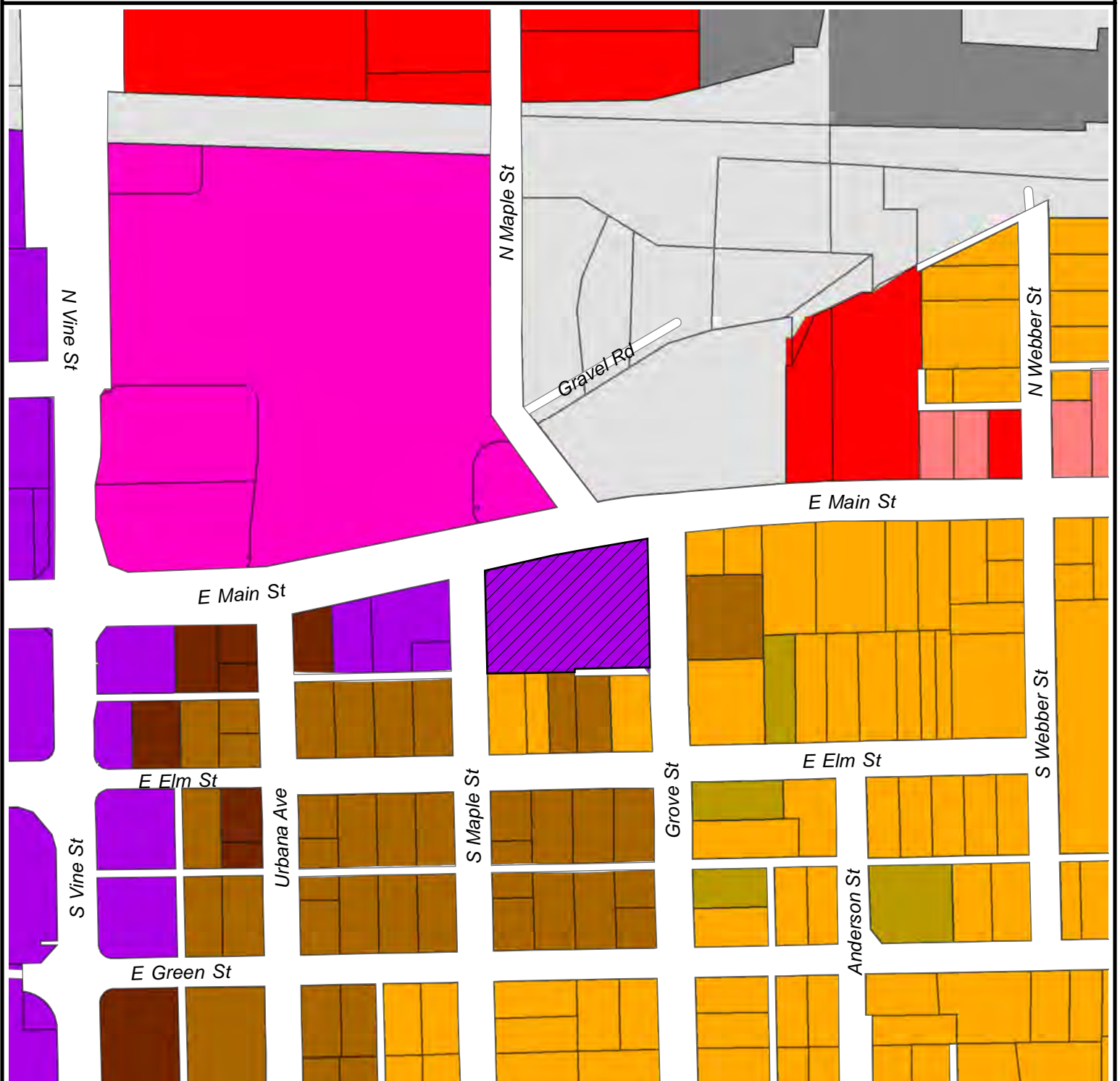


 Subject Property

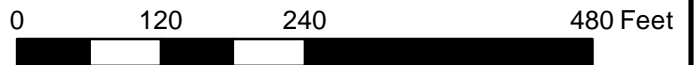
- | | | | |
|--|---|--|--|
|  B1 |  B4 |  IN-2 |  R5 |
|  B2 |  B4E |  R3 |  R6 |
|  B3 |  IN-1 |  R4 | |



Exhibit C: Future Land Use Map



Case: 2015-C-03
 Subject: Conditional Use Permit
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 Petitioners: Eric Herzog



- | | |
|--------------------------|--------------------|
| Residential | Community Business |
| Mixed Residential | Central Business |
| Multi-Family Residential | Institutional |
| Campus Mixed Use | Park |
| Subject Property | |









Application for Conditional Use Permit

Zoning Board Of Appeals

APR 01 2015

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 4/1/15 ZBA Case No. ZBA-2015-C-03
Fee Paid - Check No. 2580 Amount 150.00 Date 4/1/15

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)* Detail Shop on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): ERIC HERZOG Phone: 217-841-5672
Address (street/city/state/zip code): 402 W. Springfield Ave
Email Address: fixeruperic@yahoo.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Leasee

2. OWNER INFORMATION

Name of Owner(s): LONGS Garage Phone: 217-866-1170
Address (street/city/state/zip code): 503 E Main St
Email Address: Longsautorepair Longsautomotiverepair.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: 0509 E Main St
PIN # of Location: PT-229-009
Lot Size: _____

Current Zoning Designation: B-4

Current Land Use (vacant, residence, grocery, factory, etc): Longs Automotive Repair

Proposed Land Use: Repair + Detail

Legal Description: _____

4. CONSULTANT INFORMATION

Name of Architect(s): _____ Phone: _____

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

Email Address: _____

Name of Engineers(s): _____ Phone: _____

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

Email Address: _____

Name of Surveyor(s): _____ Phone: _____

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

Email Address: _____

Name of Professional Site Planner(s): _____ Phone: _____

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

Email Address: _____

Name of Attorney(s): _____ Phone: _____

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

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.

This Property is set up to be a service Station.
The Detail Shop will be performing small repairs
but nothing relating to oil Removal

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.

this Property was previously used for similar Purpose.
it was provided a conditional use in the Past.

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).

B-4 zoning allows Auto Repair. Auto Detailing is a low form of Repair. We will be performing small repairs that will conform with the current zoning.

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