



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: June 12, 2015

SUBJECT: ZBA Case 2015-C-06: A request by Emma and Theodore Gray, of Urbana, for a Conditional Use Permit to operate a café in a building at 117 W. Washington Street in the B-1, Neighborhood Business zoning district.

Introduction

This case is a request by Emma and Theodore Gray for a conditional use permit to operate a café at 117 W. Washington Avenue in the B-1, Neighborhood Business zoning district. The café would be housed in an existing building and offer limited food and beverage options with a small meeting space. A café is allowed in the B-1 district with a conditional use permit.

Background

The subject property is located in the West Urbana neighborhood at the intersection of Washington Street and Race Street. The property is a small lot that is approximately 4,700 square feet and has historically been a commercial space for small businesses surrounded by homes and apartment buildings. The building for the proposed use occupies almost all of the property with the rest of the space providing eight off-street parking spaces. Currently, the space for the proposed use on the western half of the building is unoccupied while the eastern part of the building contains a pottery studio. The building has been occupied by several other small businesses in recent years including a pizza restaurant and a small grocery store. Most recently, the space served as a private library. In 2006, a previous conditional use permit was issued in case ZBA-06-C-02 for a carry out restaurant that never opened. (See Exhibit F)

The applicants would like to open a café that serves as a coffee shop and community space. The café would feature nonalcoholic beverages such as coffee and juices as well as limited food offerings. The café would be marketed towards Urbana High School students as well as neighborhood residents. The café would operate during normal daytime hours and be open for occasional scheduled events during early evenings. The operating hours would be further limited on Saturdays and closed on Sundays. The applicants also intend to promote the use of the café as a meeting space for groups and organizations. They are working with Gail Walden, a local

writing instructor, about coordinating the space for mid-afternoon workshops. The applicants have also spoken with groups like the Urbana Park District, Urbana School District, and Urbana Arts Public Commission about providing a venue for events or meetings. The pottery studio, located in the eastern portion of the building, would remain in its current space.

The applicants plan to undertake minor modifications to the facilities to operate their business. They are consulting with an architect and contractor to undertake all the necessary structural changes to the 1,400 square feet of space. They plan to install the necessary sinks, countertops, and convection oven as required by the local health and building codes. They are also planning on installing an additional restroom as needed for their expected capacity. The occupancy volume of the café would be limited to a maximum of approximately 30-40 people, based on available seating. The applicants are planning food offerings that require preparation space but not the installation of a full service kitchen. While plans for signage are not certain, they are required to be compliant with any specifications in the Zoning Ordinance for the B-1 district. The allowable sign option for a parcel the size of the subject property in the B-1 district would be a wall sign no more than eight percent of the wall area. The parking lot provides eight off-street spaces and exists as a legal nonconformity because of its installation before the adoption of the current Zoning Ordinance. According to Table VIII-7, Parking Requirements by Use in the Zoning Ordinance, the combined uses of studio and All Other Food Service Uses would require 6 off-street parking spaces.

The property is located in a small zoning district designated as B-1, Neighborhood Business. The future land use designation in the Comprehensive Plan is *Preserve Neighborhood Business*. According to Table V-1, Table of Uses, the B-1 district allows a café use with a conditional use permit, similar to other food service uses for that district.

The surrounding uses of the subject property are residential. The parcel to the north across Washington Street is an apartment complex and is zoned R-5, Medium High Density Multiple-Family Residential. The neighboring property to the east is also a multifamily apartment unit zoned R-5. A single-family home is located to the south of the subject property. Although it is a residential use, it is zoned as B-1, Neighborhood Business. To the west across Race Street is another single-family home zoned R-2, Single Family Residential. Most of the surrounding parcels in the neighborhood are also zoned R-2, Single Family Residential.

Most of the surrounding neighborhood is also designated in the Comprehensive Plan as *Residential (Urban Pattern)*. Two neighboring parcels, including the subject property, are designated as *Preserve Neighborhood Business* intended as a small pocket of commercial space in the West Urbana residential area.

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-1, Neighborhood Business	Pottery Studio, Partially Vacant	Preserve Neighborhood Business
North	R-5, Medium High Density Multiple-Family Residential	Apartments	Residential (Urban Pattern)
South	B-1, Neighborhood Business	House	Preserve Neighborhood Business
East	R-5, Medium High Density Multiple-Family Residential	Apartments	Preserve Neighborhood Business
West	R-2, Single Family Residential	House	Residential (Urban Pattern)

Discussion

The applicant’s desire is to reestablish a small, community oriented business in a vacant commercial space within a residential neighborhood. The West Urbana neighborhood is well known for its walkable spaces, historic houses, and moderately dense nature. The unique mixture of families, students, and longtime residents make the area a tightly bonded neighborhood in the community. When the current Zoning Ordinance and Comprehensive Plan were adopted, the subject property was kept as community business space because of its existing use and perceived benefit for the surrounding residents. The parcels designated B-1 are usually small, isolated districts that are located in residential areas that benefit from the space being used commercially. The district was created for the small pockets of businesses that served their immediate surrounding neighborhoods. The subject property has similarly served the immediate West Urbana neighborhood for decades when it was a pizza shop, bakery, and grocery store amongst other businesses. In Table V-1, Table of Uses in the Zoning Ordinance, the B-1 district is given careful consideration for the allowable uses compared to the other commercial districts. *Café or Deli* is allowed with a conditional use permit to ensure the business is compatible with the surrounding neighborhood.

Based on the information and proposal submitted by the applicants, the café would be compatible with the surrounding neighborhood. A café would allow for a space of congregation for both individuals and active community groups. It would afford nearby residents the opportunity of walking instead of driving to obtain refreshment, a fulfillment offered by the space for many previous years. Equally, it could serve as a small venue for groups that would like to enjoy beverages or food with their fellowship. There would be no significant changes to the property and the operation would go into any late evening hours.

In response to the routine neighborhood notice for this zoning case, there was one letter of protest submitted. A citizen with a residence in close proximity to the subject property expressed concern over the existence of a consumer-oriented business. He stated previous problems with burglaries and an experience of being robbed when a previous food carry-out business existed on the site in the late 1990's. He expressed concerns for the café if it existed without a security system. It should be noted that other uses with a similar cash flow as a café are permitted by right in the B-1, Neighborhood Business district and the existence of cash on the premise is not a major criterion of consideration for a conditional use permit. The applicant stated that there is a security system already installed on the premise.

Development Regulations

The subject property was developed before the current Zoning Ordinance was enacted and contains remaining legal nonconformities including required yards, Floor Area Ratio (FAR), Open Space Ratio (OSR), and provisions of off-street parking. Because the proposal does not increase the scope of the use, the existing nonconformities would be allowed to be maintained.

Comprehensive Plan Goals & Objectives

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

Goal 1.0: Preserve and enhance the character of Urbana's established residential neighborhoods.

Objective 1.2: Encourage investment in older properties to help maintain their appearance and long-term potential.

Objective 1.5: Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

Goal 12.0: Preserve the characteristics that make Urbana unique.

Objective 12.1: Identify and protect neighborhoods and areas that contain significant historical and cultural resources.

Goal 18.0: Promote infill development.

Objective 12.1: Identify and protect neighborhoods and areas that contain significant historical and cultural resources.

Goal 28.0: Develop a diversified and broad, stable tax base.

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

The proposed use would allow for re-use of an under-utilized building and would provide services to a vibrant residential district. The use would be consistent with previous establishments in the same neighborhood space.

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 be conducive to the public convenience at that location. The café fills a vacant commercial space specifically designated in the Zoning Map and Comprehensive Plan as a space for a neighborhood business. The applicants intend to create an establishment that can function as a group space and gathering place for many different groups including families, neighborhood groups, and students. The use allows a business that is easily accessible to pedestrians and matches the walkable nature of the surrounding neighborhood.

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 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 applicant plans to operate during traditional daytime business hours and not be open during the late evening. The applicant also plans not to allow any events that feature live music or speaking requiring sound amplification and has expressed a willingness to provide an appropriately sized front-facing waste receptacle to discourage any littering. The existence of a coffee shop on the subject property would be consistent with prior restaurants and grocery store uses that have existed in the space in recent years.

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-1 district is

“to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently.”

The applicant is working with an architect and contractor and plans to be in compliance with all public codes relating to health, building safety, and fire safety. The applicant also plans to provide any necessary physical upgrades to meet current code, including the installation of sinks, equipment, and an additional restroom. The proposed use is similar in nature to the food service establishments that have existed at that property in the past. A small business featuring drinks,

food, and meeting space is complementary for a neighborhood with many families, students, longtime residents, and a nearby high school. The use would fulfill the aims of current and future planning policy as indicated in the Comprehensive Plan.

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 to operate a café and meeting space at 117 W. Washington Ave in the B-1, Neighborhood Business district. The Urbana Zoning Ordinance allows the use of “*Café or Deli*” with a conditional use permit in the B-1 district.
2. The proposed use would feature a café with limited food and beverage service and space for patrons or group gatherings.
3. The proposed use would involve interior renovations for the layout of the business and no exterior changes to the building. There are several existing nonconformities to the building, including off-street parking, that would be allowed to continue based on the intensity of the use which would be consistent with prior uses of the property.
4. The proposed use would feature normal daytime business hours with occasional events during evening. The applicant would encourage partnerships with community groups for hosting meetings and events.
5. The proposed use is consistent with the existing zoning, future land use designation, and historical use of the property.

6. The proposed use preserves the essential character of the zoning district in which it is located.
7. The proposed use would not create additional nonconformities and would otherwise conform to the applicable regulations and standards of the zoning district in which it is located.
8. The proposed use will not pose a detriment to the zoning district in which it is proposed to be located.

Options

Pursuant to Section VII-2.F of the Urbana Zoning Ordinance, a filed letter of protest requires a conditional use permit to be granted by a two-thirds majority of the Zoning Board of Appeals. The Zoning Board of Appeals has the following options in Case No. ZBA-2015-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 **GRANT** the proposed conditional use in ZBA case 2015-C-06 for the reasons articulated above and with the following conditions:

1. The use must conform to all applicable zoning, building, and development codes.
2. The use will not feature operating hours outside the range of 6:00 AM to 10:00 PM.

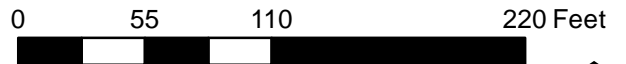
Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Site Photos
Exhibit E: Floorplan
Exhibit F: Application
Exhibit G: Previously Granted Conditional Use Permit from 2006
Exhibit H: Letter of Protest

cc: Emma and Theodore Gray

Exhibit A: Location & Existing Land Use Map



Case: ZBA-2015-C-06
 Subject: Conditional Use Permit for Cafe
 Location: 117 W. Washington Street
 Petitioners: Emma and Theodore Gray



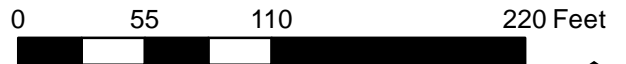
 Subject Property



Exhibit B: Zoning Map



Case: ZBA-2015-C-06
 Subject: Conditional Use Permit for Cafe
 Location: 117 W. Washington Street
 Petitioners: Emma and Theodore Gray









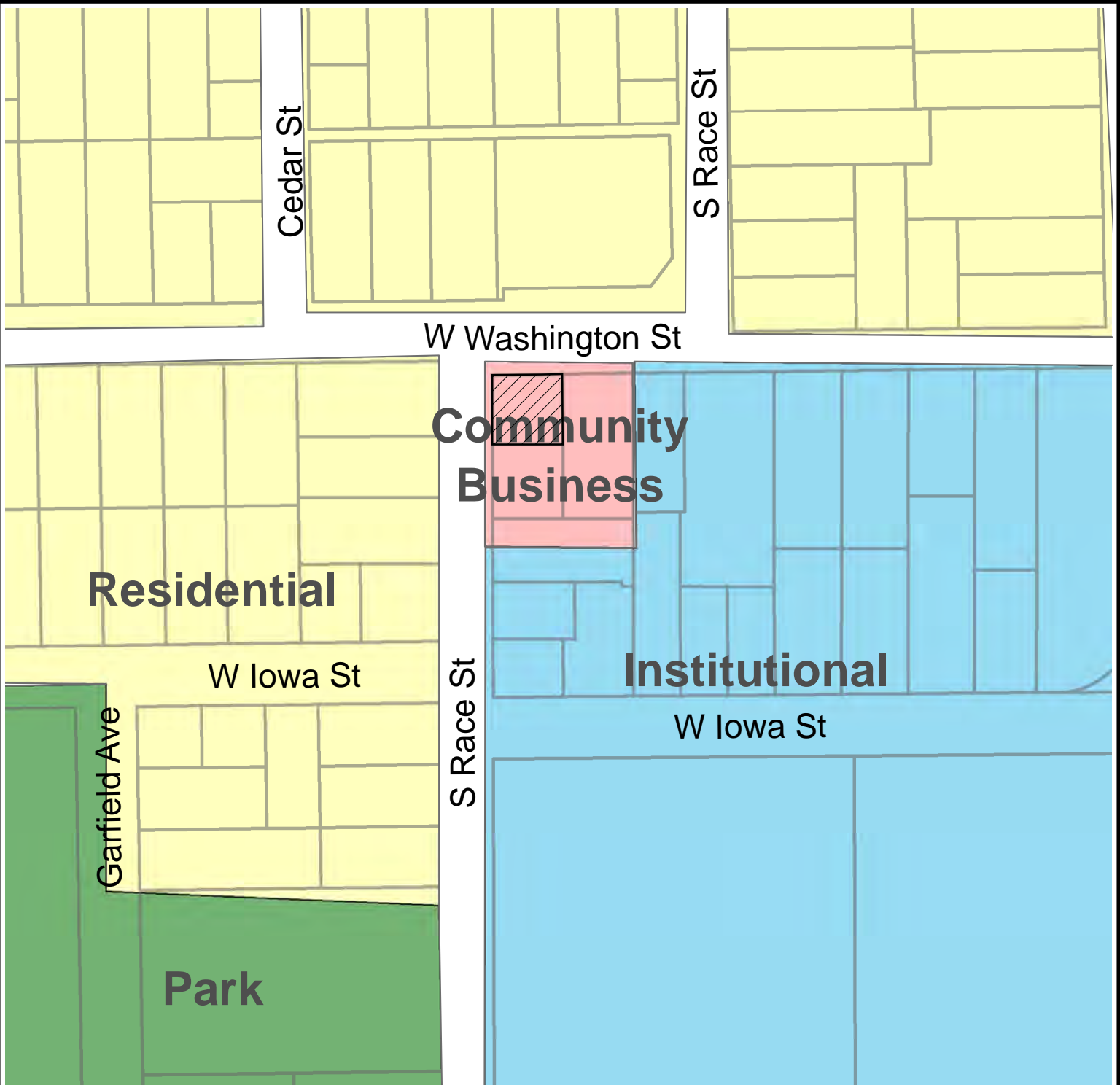
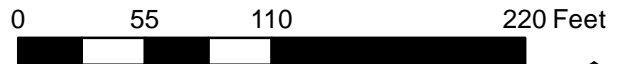
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|---|-----|---|----|
|  | B1 |  | R3 |
|  | CRE |  | R4 |
|  | R2 |  | R5 |
-  Subject Property



Exhibit C: Future Land Use Map



Case: ZBA-2015-C-06
Subject: Conditional Use Permit for Cafe
Location: 117 W. Washington Street
Petitioners: Emma and Theodore Gray



 Subject Property

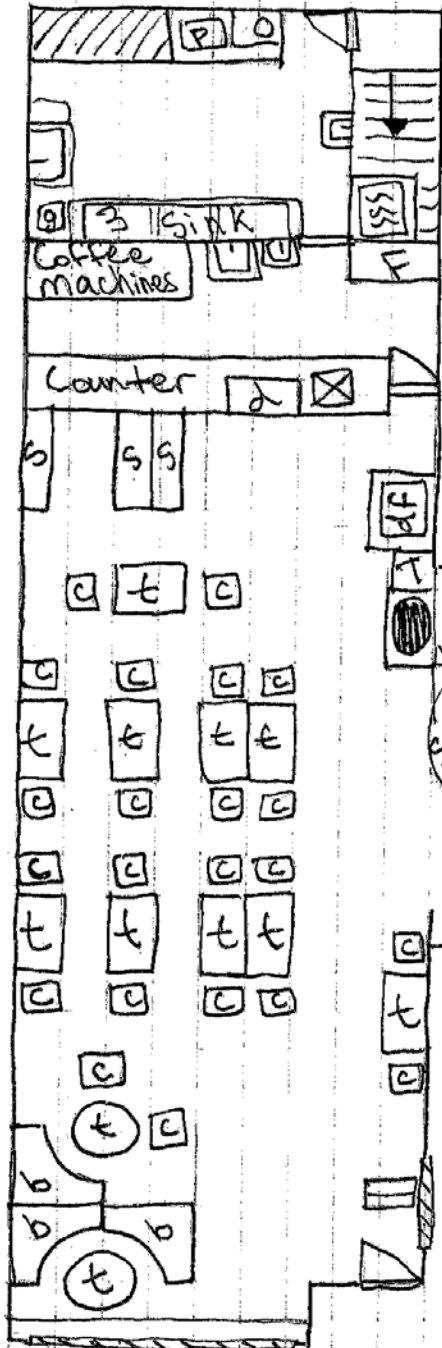


Exhibit D: Site Photos



Exhibit E: Floorplan

NOT TO SCALE



- d = display
- F = freezer
- T = trash can / recycling can
- g = grease trap
- t = table
- C = chair
- b = booth
- p = panini press
- S = shelf
- ☒ = cash register
- ☒ (with wavy lines) = microwave
- ☐ (with circle) = confection oven
- ☐ (with diagonal lines) = under counter freezers, with counter for prep space
- ☐ (with U) = sink
- (with horizontal lines) = bin for dirty dishes
- ☐ (with horizontal lines) = chalk board



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 05-19-2015 ZBA Case No. ZBA-2015-C-08
Fee Paid - Check No. 8160 Amount \$150.00 Date 05-21-2015

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)* cafe/variety sales on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Emma Gray, Theodore Gray Phone: (217) 251-8239
Address (street/city/state/zip code): 303 W Michigan Ave, Urbana, IL, 61801
Email Address: emma@emmagrays.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Lessee

2. OWNER INFORMATION

Name of Owner(s): Bridget McGill, Gregory McGill Phone: (217) 384-7408
Address (street/city/state/zip code): 2500 Brownfield Rd, Urbana, IL
Email Address: bmcg_52@yahoo.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: 117 W Washington St, Urbana, IL
PIN # of Location:
Lot Size: 4830 square feet lot, 1400 square feet section

Current Zoning Designation: B1

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

Proposed Land Use: cafe/variety sales

Legal Description: _____

Pin: ~~93~~ 93-21-17-401-023

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.

A Cafe at this location would be convenient place for community members, local students, and neighbors to have a cup of coffee, a sandwich, candy or grab some supplies. In the warmer months it would be an excellent place for parents to walk their children to get ice cream, without having to cross any big roads. It would be the perfect place for writing groups and tutors in the afternoons, something we are working to make possible. It would be a good place for clubs to meet and for students to display their artwork. During the school day while

the students are at class it would be a relaxing environment for the adults of the community to sit back and enjoy a cup of coffee.

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 Cherry Tree would be a friendly neighbor. It would have daytime hours only during the week and have even more limited hours on weekends. A bike rack would be installed to accommodate the large biking community and discourage drivers. As the primary customers would be community members living and working in close proximity our limited parking would not be an issue as most people would walk. A trash can would be located by the door on the outside to discourage littering. The Cherry Tree would never play loud music and would prohibit loitering in the parking lot.

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).

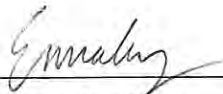
The Cherry Tree would comply with all building, health code, and fire prevention regulations by installing necessary equipment, a new bathroom and keeping everything in working condition. The essential character of the location is a community food service establishment. From Pizza World to Sunshine Grocery our community has, until recent years, had a food service business at 117 W Washington. The Cherry Tree would be preserving the character of the district by continuing on the tradition of food service.

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

05/19/15
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

**CITY OF URBANA
ZONING BOARD OF APPEALS**

DECISION SHEET

**REQUEST FOR CONDITIONAL USE PERMIT
IN CASE #ZBA-06-C-02**

At a called meeting of the Urbana Zoning Board of Appeals, a public hearing was held on Wednesday, June 21, 2006 at the City of Urbana Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Board considered the following request in Case No. ZBA 06-C-02 for a conditional use request pursuant to Section VII-2 of the Urbana Zoning Ordinance.

Request to establish a "Fast-Food Restaurant", in the B-1, Neighborhood Business Zoning District.

The subject property affected by this case is described more particularly as follows:

Common Street Address: 117 W. Washington
Owner of Record: Gregory Danner and Bridget McGill
Permanent Parcel No: 93-21-17-401-001

Legal Description:

Beginning at the NW corner of Lot 9 of Assessor's Plat of the NW ¼ of the SE ¼ of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, as per plat recorded in Book D at page 42, thence East 48.7 feet along the North line of said Lot 9, thence South along the building line 27.35 feet, thence West 7.7 feet, thence South 45 degrees, 0 minutes, 0 seconds West, 20 feet, thence South 7.7 feet, thence West 27 feet to a point on the West line of said Lot 9, 49 feet south of the point of beginning, thence North 49 feet along the West line of said Lot 9 to the point of beginning, situated in the City of Urbana, Champaign County, Illinois.

After careful review of staff's findings in this case, and upon considering all the evidence and testimony presented at the public hearing, the following decision was made by the Urbana Zoning Board of Appeals: By a roll call vote of **six ayes, zero nays, and zero abstentions**, the Urbana Zoning Board of Appeals voted to **APPROVE** the requested conditional use permit based on the following findings:

1. The proposed use will be a small, carry-out only restaurant that will serve the immediate neighborhood and the University campus.

2. The property has historically been used as commercial, and both the 1892 and 2005 Urbana Comprehensive Plans state that this neighborhood business hub should be preserved.
3. The proposal would be conducive to the public convenience at this location based upon the expected management practices of the business and the reduced number of students that may leave the high school for lunch.
4. The proposal would not pose a detriment to the B-1, Neighborhood Business Zoning District in which it is proposed to be located.
5. The proposed use will meet all the applicable requirements of the Urbana Zoning Ordinance. The building is considered legally non-conforming with regard to parking layout and number of spaces provided since it was constructed prior to adoption of the 1950 Urbana Zoning Ordinance.
6. The proposed development is generally consistent with the 2005 Urbana Comprehensive Plan.

The **CONDITIONS** of approval for the use are as follows:

1. That the proposed use shall operate as “delivery only” from 9pm to 11pm, Sunday through Wednesday, and shall close no later than 11pm on all days of the week.
2. That dine-in business shall not be permitted until such time as the necessary building code improvements are approved by the Urbana Building Safety Division and, as necessary by the Department of Public Health.
3. That the petitioner shall submit a copy of the agreement with Barr Real Estate to locate the garbage dumpster and grease container in the adjacent driveway east of the building. However, if this agreement does not materialize, then the garbage dumpster and grease container shall be screened in such a way to prevent trash from blowing out of the garbage dumpster, to make the garbage dumpster aesthetically compatible with the neighborhood, and to address the location of the garbage dumpster and grease container in the Site Management Plan.
4. That the petitioner shall submit and adhere to a Site Management Plan to the Urbana Community Development Services Department detailing measures that the petitioner will use to address potential problems such as loitering, litter, and other public safety or nuisance issues.
5. That the conditional use approval, if granted, shall not be transferrable to any other type of business at this location and/or to any other business that is not owned and/or operated by the petitioner, Terry A. Davis, Jr.
6. That no vending machine be allowed on the property outside of the building.

I do hereby affirm, that to the best of my knowledge, the forgoing is a true and accurate record of Case No. ZBA-06-C-02

Anna Merritt, Chairperson

Date

The complete and official record of this case is on file at the City of Urbana Department of Community Development Services located at 400 S. Vine Street, Urbana, Illinois.

DOCUMENT TO BE FILED AT THE CHAMPAIGN COUNTY RECORDER'S OFFICE

APPROVED FOR RECORDING BY:

James Gitz, Corporation Counsel

Date

Please return original decision sheet to the attention of Matt Wempe at City of Urbana Community Development Services, 400 S. Vine Street, Urbana, IL 61801. Phone: 217-384-2440, Fax: 217-384-2367

Prepared by:

Matt Wempe, Planner II
Community Development Services Planning Division
400 S. Vine Street Urbana, IL 61801

Exhibit H: Letter of Protest

Dear Mr. Marx,

I received a notice from your department regarding a request for rezoning the building kitty-corner from my house (ZBA Case 2015-C-06). Apparently an Urbana couple, Emma and Theodore Grey, want to open a cafe there, at 112 W. Washington Street. I own the house at 210 W. Washington Street.

I wish to object strongly to granting a Conditional Use Permit for this enterprise. The space has recently been occupied, I believe, by a retired U of I professor, who was housing his professional library and files there. During the time he has been there, there have been no problems with his occupancy. Prior to that, however, the space was occupied by a Chinese grocery store. The store opened around late March or early April 2000. Apparently the word spread fairly quickly that the store had no burglar alarm system, and the store was broken into three or four times in quick succession.

On the evening of Sunday, 7 May 2000, I returned home around midnight from attending a musical performance, and was robbed at gunpoint in my driveway by two men. I am completely convinced they were in the area to break into the store, and I just happened to be there at the wrong time. This was also the opinion of the police when I reported the crime. One man held a gun against the left side of my head while the other went through my pockets. I was then forced to my knees and continued to be threatened by the man with the gun. I do not wish to go into more details, as I have been trying to forget this incident ever since. Particularly when I come home late at night. Fortunately, I think the break-ins at the grocery store stopped, or diminished, after an alarm system was installed. I don't think the store operated for more than a few years before closing, and the space was empty for some time until the retired professor took it over.

I am extremely worried that a cafe in that spot will attract break-ins, especially if there is no alarm system. And even if there is one, the building is located in an area that would seem attractive to burglars: it is in a quiet residential area, away from main streets and traffic, and on a rather dimly-lit corner -- almost an ideal target late at night. Businesses which take in cash during the day, as a cafe or deli would, are at a much higher risk of attracting criminals, I daresay, than, say, the adjoining pottery club, or a law office, or something which is not a business at all. I would hope you will consult the police department about the relative safety of the neighborhood with, or without, a cash business in it.

I do know that there was a pizza place in that space before the Chinese grocery store. But Pizza World was strictly take out and delivery, and I'm pretty sure it had an alarm system. I don't know why it closed -- perhaps it, too, had been broken into. The safety of the neighborhood is my main concern. I really think a small cafe would be likely to attract criminals, especially given its relative isolation from brighter areas with more traffic. It has taken me a long time, these fifteen years, to begin to feel more secure coming and going late at night. If you have ever had a similar experience, you may know the feeling.

A secondary concern is that a cafe at that corner will probably cause some parking problems for the area. And the more successful it may be, the bigger the problem. Currently the building has only about eight parking spots. Some many belong to the pottery club. Assuming two or three spots for the owners and an employee or two, that doesn't leave much room for customers. The pizza place got by since it was virtually all pick-up or deliveries and the spaces turned over quickly (and even then there were occasional problems). I imagine that if there is so little cafe business that parking in that lot is not a problem, then it will not stay in business long. On the other hand, if they are even marginally successful, some customers are going to have to park somewhere else than in that small lot. And if that somewhere else is my driveway, I am going to be very unhappy about it, towing unhappy.

There are enough other potential uses for the building than putting a cash business in it, with limited parking, that I think it is counter-productive to disrupt the neighborhood for the proposed cafe.

In your letter, you say detailed information on this case is available. Would you please send it to me, by email, or regular mail: Richard Palmer / 210 W. Washington Street / Urbana, IL 61801.

Also, please let me know if this email is sufficient as testimony for the record or whether I must appear at the hearing in person to present my objections.

Thank you for your attention to this important matter.

Richard Palmer