

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: October 19, 2016

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

MEMBERS EXCUSED Matt Cho

STAFF PRESENT Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II

OTHERS PRESENT Robert Acheampong (via telephone), Mark Allen, Carl Muench, Peg Santiago

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

Chair Welch called the meeting to order at 7:33 p.m. Roll call was taken, and he declared that there was a quorum of the members present.

NOTE: Chair Welch swore in members of the audience who indicated that they may give testimony during the public hearing.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the September 21, 2016 regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Ms. McLaughlin seconded the motion. The minutes were approved by unanimous voice vote as written.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2016-MIN-03: A request by Bervelyn Acheampong for a Minor Variance to allow a reduction in the amount of required parking from 17 spaces to 13 spaces at 1101 East Colorado Avenue in the R-5, Medium-High Density Multiple Family Residential Zoning District.

Chair Welch opened the public hearing for this case. Christopher Marx, Planner I, stated that the applicant, Robert Acheampong, was present via telephone. He presented the staff report to the Zoning Board of Appeals. He began by stating the purpose of the minor variance request and giving a brief background on the history of the property. He talked about the staffing requirements by the Illinois Department of Children and Family Services and about the City of Urbana's requirements for parking. He noted the zoning and current land use of the subject property as well as for the adjacent properties. He reviewed how the criteria from Section XI-3 of the Urbana Zoning Ordinance pertained to the proposed request. He read the options for the Zoning Board of Appeals and presented City staff's recommendation for approval with the condition that "*Adequate bicycle parking is installed as required by the Zoning Ordinance*".

Chair Welch asked if the members of the Board had questions for City staff.

Mr. Warmbrunn asked for an explanation of the City requiring three parking spaces per two staff. Mr. Marx answered saying that parking requirements are usually based on universal professionally recognized standards of appropriate parking levels for different types of uses. City staff would need to research the history of the adoption of the parking standards when they were enacted.

Mr. Warmbrunn inquired if the Zoning Board of Appeals' decision would have any impact on the State requirements for the daycare. Does the state regulate parking? Mr. Marx replied that the State of Illinois requires the applicant to comply with the local government's parking code and regulations. So, the State of Illinois would only allow the daycare to have the number of staff and children that would be met by the City of Urbana's parking requirements.

Mr. Welch asked if attempts were made to obtain parking spaces off-site at the vacant County Market store. Mr. Marx said that he was unaware of this. The applicant would be more capable of answering this question.

Ms. Uchtmann commented that the alternative option for the applicant would be to provide paving for three additional parking spaces on the proposed property. Mr. Marx responded that the applicant would need to find more space on the property to provide additional paved parking. This could be quite costly.

There were no further questions for City staff. Chair Welch opened the hearing for public input. Chair Welch swore in Robert Acheampong, applicant, so he could answer questions that the Board may have. Mr. Acheampong, then, stated that he would answer any questions.

Mr. Welch asked if Mr. Acheampong had attempted to contact the owner of the County Market property to obtain off-site parking. Mr. Acheampong replied that they had talked to the owners, but they could not make an agreement before County Market closed and they have not been in contact with the owners since their initial attempt.

Mr. Welch questioned if the Board approves the minor variance, it would limit the number of employees that the daycare would be able to have. Mr. Acheamong said that is correct. They currently have no plans to expand the daycare or their hours of operation.

Peg Santiago approached the Zoning Board of Appeals. She asked if there would be an impact on the on-street parking in front of Steer Place. On street parking is at a premium. Lorrie Pearson, Planning Manager, stated that City staff has not performed a parking analysis or study. However, the City’s parking requirement is for three parking spaces per two employees. This means at full staffing of eleven employees, with the existing thirteen parking spaces, there would be two extra parking spaces in addition to the drop-off area. Employees and parents should not need to park off-site and therefore there should not be any impact.

With there being no further comments or testimony from members in the audience, Chair Welch closed the public input portion of the hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Ms. Uchtmann commented that the Steer Place is the one that is out of compliance with regards to parking. When it was built, the owner did not anticipate so many of the caregivers or residents having personal vehicles.

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2016-MIN-03 including the following condition: *Adequate bicycle parking is installed as required by the Zoning Ordinance.*

Mr. Uchtmann seconded the motion. Roll call on the motion was as follow:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Weisskopf	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes

The motion passed unanimously by a vote of 6-0.

ZBA-2016-MIN-04: A request by Mark Allen and Carl Muench of Carmala, LLC for a Minor Variance to allow the construction of a freestanding monument sign that encroaches two feet into the required eight-foot setback along University Avenue at 202 West University Avenue in the B-3, General Business Zoning District.

Chair Welch opened the public hearing for this case. Christopher Marx, Planner I, presented this case to the Zoning Board of Appeals. He began by stating the purpose for the variance. He gave a brief background on the history of the subject property and noted the current zoning and land use of the subject property and of the adjacent properties. Referring to Exhibit E (Site Plan), he showed where the proposed sign would be located noting that the applicant would prefer to move the sign 8 feet to the east of where it is shown on the site plan. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff’s recommendation for approval with the condition that *“The site be developed in general compliance with the attached site plan and rendering”*.

Chair Welch asked if the members of the Board had questions for City staff.

Ms. Uchtmann questioned why the City has zoning regulations if they are always granting variances. She believed that this would set a precedent for this area, and other property owners will want similar variances. She measured the sign at Patel Law and found it complies with the City's zoning regulations, and it looks very nice. It is very visible. She did not believe that the applicant needed this variance to construct a nice sign.

Mr. Warmbrunn questioned how close the sign would be to the building if it was located 8 feet from the property line. Mr. Marx replied that it would be very close to the building as the building was constructed 15 feet from the property line.

Ms. Chester wondered if the language in the illustration of the sign on Exhibit E would be what is permanently on the proposed sign. Lorrie Pearson, Planning Manager, stated that the City was not able to regulate content on signs.

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

Mark Allen, applicant, approached the Zoning Board of Appeals to speak. He was glad to answer any questions the Board may have.

Mr. Warmbrunn asked for clarification on how many feet would be between the sign and the building if they placed the sign 8 feet from the property line. Mr. Allen replied two feet. They would like the sign to be a little closer to the street because of the proximity of the building to the front property line. The small size of the lot has created a number of difficulties in building on the lot.

With regards to Ms. Uchtmann's comments about the Patel Law sign. He recalled that the Patel Law building was located further back from University Avenue.

As for the language on the proposed sign, they plan to put a future tenant's business name on the sign where it currently reads "*Space for rent. Build to suit.*"

Ms. Chester questioned if moving the sign 8 feet to the east would impose an issue with the line of sight for traffic. Mr. Allen replied that he had raised this concern with his engineer. His engineer, Berns Clancy and Associates, informed him that the vision triangle was not an issue since it is an intersection with traffic lights. He explained that the reason for requesting to move the sign 8 feet to the east was because City staff informed them that staff would not support having a second monument sign along Race Street even though the building has two street frontages. So, with just having one sign, they would prefer to locate it 8 feet to the east closer to the intersection.

Ms. Chester asked if the sign would be located under the overhang/eave on the building. Mr. Allen said that it would be a little away from the eave of the building.

With there being no further comments or testimony from members in the audience, Chair Welch closed the public input portion of the hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Ms. Pearson noted that the sign for Patel Law was located between the parking lot and the front property line, not near the building.

Due to the small size of the subject property and the proximity to the intersection, City staff would not have supported a variance for two freestanding signs.

Ms. Uchtmann moved that the Zoning Board of Appeals deny Case No. ZBA-2016-MIN-04. Due to no one seconding the motion, the motion died.

Ms. Chester moved that the Zoning Board of Appeals approve Case No. ZBA-2016-MIN-04 as recommended by City staff with the condition that *the site be developed in general conformance with the attached site plan and rendering and allow the sign be moved eight feet to the east.* Mr. Warmbrunn seconded the motion. Roll call on the motion was as follows:

Ms. Uchtmann	-	No	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes	Ms. McLaughlin	-	Yes

The motion passed by a vote of 5 ayes to 1 nay.

Ms. Uchtmann excused herself from the meeting.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 8:37 p.m.

Respectfully submitted,

Lorrie Pearson, AICP
 Planning Manager
 Secretary, Urbana Zoning Board of Appeals