

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: February 21, 2018

APPROVED

TIME: 7:00 p.m.

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

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

MEMBERS EXCUSED Nancy Uchtmann

MEMBERS ABSENT Matt Cho

STAFF PRESENT Lorrie Pearson, Planning Manager; Marcus Ricci, Planner II; Teri Anadel, Planning Administrative Assistant II

OTHERS PRESENT Jacob Croegaert, John Hall

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

Chair Welch called the meeting to order at 7:01 p.m. Roll call was taken, and he declared a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

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

3. APPROVAL OF THE MINUTES

The minutes from the January 17, 2018, regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as drafted. Ms. Chester 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-2018-C-01 – A request by the Champaign County Board for a Conditional Use Permit to allow a Skilled Care Facility Nursing Home located at 500 Art Bartell, Road in a proposed R-4, Medium Density Multiple Family Residential Zoning District.

Chair Welch opened the public hearing for this case. Marcus Ricci, Planner II, presented the staff report to the Zoning Board of Appeals. He began by giving some background information on the subject property. He noted the zoning and existing land uses of the proposed site and of the surrounding adjacent properties. He reviewed the requirements for a conditional use permit from Section VII-2 of the Urbana Zoning Ordinance and stated the relevant goals and objectives of the 2005 Urbana Comprehensive Plan to the proposed conditional use permit. He summarized staff findings and read the options of the Zoning Board of Appeals. He presented City staff's recommendation for approval including four conditions. He stated that he would answer any relevant questions that the Zoning Board of Appeals members may have for City staff.

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

Mr. Warmbrunn inquired about the subdividing of 12.315 acres from the 63.56-acre parcel. Using the maps in Exhibit A and Exhibit B, Mr. Ricci showed where the 12.315 acres were located in the 63.56-acre parcel. He also noted the zoning of the different areas in the overall parcel.

Mr. Warmbrunn questioned the difference between a private road and a public road. Mr. Ricci explained that Art Bartell Road is a private road and would be maintained by Champaign County; whereas if it was a public road, it would be maintained by the City of Urbana. Champaign County proposes to keep Art Bartell Road as a private street but to grant an easement so that the public can use the street.

Mr. Warmbrunn had questions about the agreement between Champaign County and a potential buyer. Lorrie Pearson, Planning Manager, referred the question to be directed to the applicant when they approached the Board to speak.

Mr. Warmbrunn asked if a business purchased the subject property and operated a nursing home for five years, then sold it to another company. Would the second company be allowed to continue operating a nursing home there? Mr. Ricci answered yes.

If the property is rezoned to R-4, would Champaign County or whomever purchases the property be allowed to have a different use there? Mr. Ricci explained that they would be allowed to operate any use permitted by right in the R-4 Zoning District. If a use was not permitted by right, then they would need to seek further approval from the City.

With no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant and/or representatives of the applicant to approach to speak.

John Hall, Champaign County Zoning Administrator, and Jacob Croegaert, Assistant State’s Attorney, approached the Zoning Board of Appeals to speak. They would answer any questions the Board may have.

Mr. Warmbrunn asked if an agreement between Champaign County and a potential buyer would be good through 2027. Mr. Croegaert said yes. The Champaign County Board intends to sell the 12.315-acre parcel. The agreement includes covenants that a potential buyer would have to fulfill until 2027.

With no further input from the audience, Chair Welch 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 grant the proposed conditional use permit in Case No. ZBA-2018-C-01 for the reasons articulated in the written staff report with the following four conditions:

1. The Conditional Use Permit is only valid if the property is rezoned to a zoning district that allows Skilled Care Facility Nursing Home as a conditional use.
2. The use must continue to conform to all applicable zoning, building and development codes.
3. The use must continue to generally conform with the Site Plan and Floor Plan submitted in the application (Exhibit C, Attachments 3 and 4). Any significant deviation from the site plan and floor plan will require an amendment to the Conditional Use Permit, including further review by the Zoning Board of Appeals.
4. The Owner must continue to comply with the requirements of the “Intergovernmental Agreement Between Champaign County, Illinois, City of Urbana, Illinois and the Urbana Park District in Champaign County, Illinois, relating to Development and Management in the Watersheds which include parts of East Urbana, the County’s East Campus and the Park Districts, Weaver and Prairie Parks,” as passed by Urbana City Council in Ordinance No. 2007-10-123 (Exhibit C, Attachment 8).

Mr. Warmbrunn seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

ZBA-2018-MAJ-01 – A request by St. Nicholas Orthodox Church for a Major Variance to increase the maximum Building Height from 35 feet to 38 feet, 6.5 inches to allow a building addition at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MAJ-02 – A request by St. Nicholas Orthodox Church for a Major Variance to increase the maximum Floor Area Ratio from 0.7 to 0.85 to allow a building addition at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MAJ-03 – A request by St. Nicholas Orthodox Church for a Major Variance to decrease the minimum Open Space Ratio from 0.3 to 0.075 to allow a building addition at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MAJ-04 – A request by St. Nicholas Orthodox Church for a Major Variance to allow a building addition to encroach up to 11 feet into a required 15 foot Front Yard at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MIN-01 – A request by St. Nicholas Orthodox Church for a Minor Variance to allow a building addition to encroach up to 3 feet into a required 15 foot Front Yard at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

ZBA-2018-MIN-02 – A request by St. Nicholas Orthodox Church for a Minor Variance to allow a building addition to encroach up to 1.5 feet into a required 14.125 Rear Yard at 312 West Elm Street in the MOR, Mixed Office Residential Zoning District.

Chair Welch opened the public hearing for all six of the preceding cases regarding 312 West Elm Street and continued them to the March 21, 2018 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 7:35 p.m.

Respectfully submitted,

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