

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

DATE: March 21, 2018

APPROVED

TIME: 7:00 p.m.

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

MEMBERS PRESENT Joanne Chester, Mr. Cho, Ashlee McLaughlin, Harvey Welch

MEMBERS EXCUSED Nancy Uchtmann, Charles Warmbrunn, Jonah Weisskopf

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

OTHERS PRESENT Lloyd Alleman, Eileen Borgia, Robert Burack, Roseanne Burack, Jan Domier, Les Domier, Helen Dueringer, Aaron Freeman, Sebastian Frith, Kristin Hedman, Peter Heinricher, Fred Lawrence, Linda Lopez, Gabriel Massey, Nicole Massey, Stanley Paul, Marie Reeves, Fred Schlipf

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

Chair Welch called the meeting to order at 7:03 p.m. Roll call was taken, and he declared a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the February 21, 2018, regular meeting were presented for approval. Ms. Chester moved to approve the minutes as written. Mr. Cho seconded the motion. The minutes were approved by unanimous voice vote as written.

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

4. COMMUNICATIONS

- Exhibit D – Landscaping Plan (Updated) for Case No. ZBA-2018-C-02
- Email from Gwendolyn Rose Derk and Kima Kheiolomoom regarding 312 West Elm Street
- Letter from Eileen Borgia for Case No. ZBA-2018-C-02

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2018-C-02 – A request by Richard L. Thies, Individually and as Trustee of the Craig R. Webber Testamentary Trust, and Carl M. Webber, on behalf of AMERCO Real Estate Company, for a Conditional Use Permit to expand a Self-Storage Facility at 2010 South Philo Road by adding the properties at 1506 and 1510 East Mumford Drive and 2028 South Philo Road in the B-3, General Business Zoning District.

Chair Welch opened the public hearing for this case. Christopher Marx, Planner I, presented the staff report to the Zoning Board of Appeals. He began by stating the purpose for the proposed conditional use permit and giving background information on the subject site including a description of the site. He noted the updated Landscaping Plan that was handed out prior to the start of the meeting. He reviewed the requirements for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval with four conditions.

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

Lorrie Pearson, Planning Manager, pointed out that there was one communication received from Eileen Borgia regarding the case.

Ms. McLaughlin inquired if there had been any complaints about traffic in the area since the previous U-Haul request for outdoor storage pods. Mr. Marx replied that Public Works nor the Planning staff had been made aware of any traffic issues.

Ms. Chester asked what the difference is between the B-3 (General Business) Zoning District and Community Business. Mr. Marx answered that "Community Business" is the Future Land Use designation of what the Comprehensive Plan foresees the use of the area in the next 20-30 years. B-3 is the current zoning of the subject property. Ms. Pearson added that the Zoning Ordinance is the legal mechanism and the Future Land Use map in the Comprehensive Plan is a guide. Mr. Marx noted that they are both consistent with each other for this property.

With their being no further questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant to speak first.

Aaron Freeman, President of U-Haul in Illinois, approached the Zoning Board of Appeals to speak on behalf of their application for a conditional use permit. He noted that the proposed property is run down, dilapidated, and an eyesore for their business. U-Haul wants to revitalize the site and add more security and landscaping. The storage use is a quiet business and most of their clients are local, living within one or two miles of the site.

Ms. McLaughlin asked about U-Haul's plans for the three access drives along Mumford Drive. Mr. Freeman replied that U-Haul plans to continue to use the main access drive along Philo Road. They have signage that directs traffic away from the access drives on Mumford Drive. They do not intend to use them.

Ms. McLaughlin wondered if U-Haul would continue using the existing barriers to block traffic from entering the site at the three access drives being discussed. Mr. Freeman said no. Although they would be open, U-Haul would replace them with signage to direct clients to the entrance along Philo Road. Mr. Marx added that Public Works staff determined that it was not necessary for U-Haul to block the three access drives. It would be acceptable if the applicant desired to use them. Ms. Pearson noted that the access drive to the east is a 20-foot wide emergency access easement and would accommodate a fire truck provided it was not blocked.

Ms. McLaughlin asked if the applicant had considered planting a species of evergreen trees that would consistently provide screening from the residential neighbors to the south. Mr. Freeman explained that City staff preferred a species of tree that is low growing due the overhead power lines. The bushes that they have chosen to use grow up to four feet and would screen the property year round. He would willing to consider alternative landscaping ideas. Ms. McLaughlin felt that the evergreen species would be best to use to shield the property from adjacent residential neighbors.

Ms. McLaughlin questioned if they had considered installing a fence. Mr. Freeman responded saying that they did install a fence along the backside (east side) of the property. However, he deterred from installing a fence completely around the property for security reasons. It also would create a prison look and they want an open look to prevent pockets where people cannot be seen. Ms. Pearson noted that a privacy fence would not be allowed along Mumford Drive or Philo Road as they are both considered front yards.

Mr. Welch asked if the expansion was based on the concept that more storage is needed. Mr. Freeman said yes, it would be a service that is beneficial to the community.

Mr. Welch inquired about the hours of operation. Would it be open 24 hours a day/7 days a week to clients? Mr. Freeman stated that they have restrictive business hours. Maybe 1% of the clients will visit the site after hours. It is not a use where clients will come during the middle of the night. Each unit is individually alarmed and each building has video surveillance to identify if a customer is there after hours. It has not been an issue to require a lock or a fence to keep clients out after hours.

Eileen Borgia approached the Zoning Board of Appeals to speak in opposition of the proposed application. She stated that U-Haul has been a wonderful neighbor and crime has reduced.

However, she does not support an expansion of the use. There are three to four semi-trucks coming and going every day, which makes her wonder if U-Haul is more than a self-storage use. These trucks create noise that is unpleasant.

She stated that traffic access on Mumford Drive at Philo Road is dangerous all of the time without a traffic signal light. More traffic for the expanded use will only exacerbate the existing traffic issue.

While she appreciates U-Haul's efforts to prevent crime, the bright spotlights are a danger to birds and other nocturnal animals. The lights shining in her windows at night is a violation of her uninterrupted sleep.

Many businesses along Philo Road have a lot of green space. U-Haul does not. She suggested rather than expanding the use to allow more storage units, U-Haul should use the two lots to increase the amount of green space on their property.

Fred Schlipf approached the Zoning Board of Appeals to speak in opposition. He mentioned that U-Haul has been an attractive site and has been well maintained. He would like to see two of the access drives along Mumford Drive removed. He believed it would make a tremendous difference in the appearance of the area and to the entrance into Eagle Ridge Subdivision.

Fred Lawrence approached the Zoning Board of Appeals to speak in opposition. He stated that U-Haul has been good neighbors and done a fine job in every respect. He, too, would like to see the closure of the two western access drives along Mumford Drive. It would greatly improve the situation for residents of the Eagle Ridge Subdivision.

Linda Lopez approached the Zoning Board of Appeals to speak in opposition. She showed photos of the subject site that she took earlier in the day. She encouraged U-Haul to get input on the species of trees to plant and to have someone check the health of the existing trees. She would like the access drives removed and a row of trees planted along Mumford Drive. She pointed out that once traffic turns down Mumford Drive there is no way out.

Marie Reeves approached the Zoning Board of Appeals to speak in opposition. She stated that she lives across Philo Road in a duplex. She expressed concern about her and her tenants view from their front windows. All they will see is a line of trucks and orange doors. She is worried that the proposed expansion and the view would make it difficult for her to get tenants and the value of her duplex would decrease. She encouraged the Zoning Board of Appeals to consider the effect the expansion would have on the adjacent neighbors.

Sebastian Frith approached the Zoning Board of Appeals to speak in opposition. He agreed that U-Haul has been a great neighbor. However, he does worry about the value of his property decreasing. He did not believe that more pavement for more big U-Haul trucks to park on would be a good look. He was excited to hear that U-Haul is planning to landscape the area because it is desperately needed. He worried about U-Haul planning to open the access drives on Mumford Drive. Mumford Drive is in bad shape and needs to be repaved, so the idea of having increased

traffic, even accidentally, worried him. He encouraged U-Haul to work with the Eagle Ridge neighborhood to beautify the corner of Mumford Drive and Philo Road.

Roseanne Burrack approached the Zoning Board of Appeals to speak in opposition. She confirmed that it does get loud when trucks come in and out during the weekdays. U-Haul has done an amazing job of renovating the existing property. However, she agreed with her neighbors that more of the blue, white and orange buildings would be a detractment especially that close to Mumford Drive. She felt that U-Haul should plant some fir trees along Mumford Drive and two of the three access drives should be removed. U-Haul has accommodated the neighborhood, so she believed that the neighborhood should be reasonable with what U-Haul wants to do on their property.

Lloyd Alleman approached the Zoning Board of Appeals to speak. He expressed concern about the three access drives being open and traffic disobeying U-Haul's intended signage. If a semi-truck driver makes the mistake of turning on Mumford, there is nowhere for the driver to turnaround to exit. Children play in the neighborhood, so large trucks entering Mumford Drive would be dangerous. Therefore, the access drives should be closed.

He complimented U-Haul for the improvements that they have made to their property. He believed that if they would close off the access drives and landscape appropriately, then the neighbors would be happy.

Mr. Freeman re-approached the Zoning Board of Appeals to address some of the concerns expressed by the neighbors. He stated that delivery drivers are given specific instructions and mapping on the access point to enter U-Haul's site. Signage has worked so far. If they find that additional signage did not work, then they would alter their plans and look for another solution.

In response to the lighting issue, he would shut the light off, unplug it or remove it altogether to accommodate the neighbor. Although it may create a security issue, he understands about not wanting a light shining in her window when she tries to sleep.

He stated that he was open to look into the health of the existing trees. If they are in poor condition, then U-Haul will address that.

U-Haul has never entered a community where they brought adjacent property values down. Their investment in their properties always enhances the value of their properties as well as those of the neighbors, especially for properties such as the proposed site.

Ms. McLaughlin commented that the main issue is with the access drives along Mumford Drive. Why does U-Haul not want to use barriers to block the two western access drives? Mr. Freeman replied that anytime access points are closed off, it decreases the value of the property. Having multiple access points does create confusion for traffic, so they use signage to direct their business traffic to one entrance along Philo Road. He would like to first explore using additional signage for the new expansion to see how it works with deterring traffic to this entrance. If a problem occurs, then he will solve it by trying a different plan.

With no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motion(s) by the Zoning Board of Appeals. Ms. Chester moved that the Zoning Board of Appeals grant the conditional use permit request in Case No. ZBA-2018-C-02 with the following four conditions:

1. The applicant submits a Site Plan that contains any adjustments deemed necessary for compliance with the City's municipal codes.
2. The use generally conforms to the Site Plan submitted in the application in Exhibit D that shows the outdoor storage units located outside of the storm sewer line.
3. An easement for the storm sewer line is created between the property owner and the City's Public Works Department.
4. There is landscaping installed and maintained along Mumford Drive and Philo Road that provides screening, which is consistent with the Landscape Plan submitted in the application in Exhibit D.

Mr. Cho seconded the motion.

Ms. McLaughlin moved a friendly amendment to Condition 4 to read as such, "*There is landscaping installed and maintained along Mumford Drive and Philo Road that provides screening, which is consistent with the Landscape Plan submitted in the application in Exhibit D that includes higher, denser evergreens.*"

Discussion ensued about the height of evergreen trees and about whether the friendly amendment included the existing trees or only the new ones being proposed. Mr. Marx shared a comment from Public Works staff about tall trees interfering with the overhead power lines. Ms. McLaughlin stated that her intent for the friendly amendment was to require denser trees that provide year round coverage to shield the adjacent neighbors.

The motion to amend and the original motion were rescinded.

Ms. McLaughlin moved that the Zoning Board of Appeals grant the conditional use permit requested in Case No. ZBA-2018-C-02 with the following four conditions:

1. The applicant submits a Site Plan that contains any adjustments deemed necessary for compliance with the City's municipal codes.
2. The use generally conforms to the Site Plan submitted in the application in Exhibit D that shows the outdoor storage units located outside of the storm sewer line.
3. An easement for the storm sewer line is created between the property owner and the City's Public Works Department.
4. There is landscaping installed and maintained along Mumford Drive and Philo Road that provides screening which is consistent with the Landscape Plan submitted in the application in Exhibit D as well as revisiting the Landscape Plan with the City Arborist to see if there are other varieties of acceptable shrubs or trees that would provide more consistent year round coverage.

Mr. Cho seconded the motion.

Roll call on the motion was as follows:

Mr. Cho	-	Yes	Ms. McLaughlin	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes

The motion passed 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 0.92 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 0.17 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-MAJ-05 – A request by St. Nicholas Orthodox Church for a Minor Variance to allow a building addition to encroach up to 6 feet into a required 11.125 foot Side 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.

Chair Welch opened the public hearing for these cases concurrently.

Kevin Garcia, Planner II, presented the staff report to the Zoning Board of Appeals. He began by explaining the reason for the proposed variance requests which is to allow St. Nicholas Orthodox Church to expand their existing building. He received one communication, an email from Gwendolyn Derk and Kima Kheiolomoom in opposition. He noted the zoning and existing land use of the subject property as well as for the surrounding adjacent properties. He discussed each variance request in more detail. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance as they relate to the proposed variances. He read the options of the Zoning Board of Appeals for the major variances and for the minor variance requests. He presented City staff’s recommendation for approval of each case.

Chair Welch asked if any member of the Zoning Board of Appeals had questions for Planning staff. There was none, so Chair Welch opened the hearing for public input. There was none, so he closed the public input portion of the hearing and opened the hearing for Zoning Board of Appeals discussion and/or motions.

Mr. Cho moved that the Zoning Board of Appeals forward Case Nos. ZBA-2018-MAJ-01, ZBA-2018-MAJ-02, ZBA-2018-MAJ-03, ZBA-2018-MAJ-04 and ZBA-2018-MAJ-05 to the City Council with a recommendation for approval. Ms. McLaughlin seconded the motion. Roll call was as follows:

Ms. McLaughlin	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes	Mr. Cho	-	Yes

The motion was passed by unanimous vote. Mr. Garcia stated that these cases would be forwarded to City Council on April 2, 2018.

Mr. Cho moved that the Zoning Board of Appeals grant Case No. ZBA-2018-MIN-01 as requested. Ms. Chester seconded the motion. Roll call on the motion was as follows:

Mr. Welch	-	Yes	Ms. Chester	-	Yes
Mr. Cho	-	Yes	Ms. McLaughlin	-	Yes

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Lorrie Pearson, Planning Manager, reported on the following:

- Citizen Planner Workshop Training will be held on April 12, 2018. She invited the Zoning Board of Appeals members to attend.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 8:49 p.m.

Respectfully submitted,

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