



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

memorandum

TO: Urbana Zoning Board of Appeals

FROM: Marcus Ricci, AICP, Planner II

DATE: August 14, 2020

SUBJECT: ZBA-2020-C-01: A request for a Conditional Use Permit by the Masonic Lodge #157, represented by Mitch Duszynski, to allow operation of a Lodge or Private Club on the property at 312 West Elm Street in the MOR, Mixed-Office Residential, Zoning District.

Introduction

Mitch Duszynski, on behalf of the Masonic Lodge #157 (Lodge), requests a Conditional Use Permit to allow operation of a Lodge at 312 West Elm Street, which previously served as the Saint Nicholas Orthodox Church. The Lodge would provide meeting space for lodge, auxiliary, and youth group members. Section V-1.A.2. of the Urbana Zoning Ordinance permits a Lodge or Private Club in the MOR, Mixed-Office Residential, zoning district with a Conditional Use Permit.

The Urbana Zoning Board of Appeals must review the Conditional Use Permit application and hold a public hearing. It may vote to approve, approve with conditions, or deny the application. Staff recommends the Board approve the Conditional Use Permit, after finding that the conditional use criteria have been met.

Background

The applicant has signed a purchase contract with the current owner, Saint Nicholas Antiochian Orthodox Church, contingent upon zoning approval by the City.

The subject property is located on the northeast corner of West Elm and Birch Streets, and is comprised of three lots totaling approximately 19,900 square feet. An alley runs along the north property line and provides additional access to the parking lot. The former church building is located on the westernmost lot and is 4,216 square feet, half of which is in the basement. The middle and east parcels contain a 36-space parking lot. There is limited open space on the site, to the east and south of the building and in landscaped areas between the parking lot and Elm Street. There are two mature trees on the property: one in the southwest corner and one in the southeast corner; there is also a mature City-owned parkway tree between the building and Elm Street.

The applicant proposes to use the existing building and parking lot without any modifications. There is currently a parking agreement that allows Busey Bank to park vehicles in the lot during the day; this contract would be renewed by the Lodge if it acquires the property. Except for the existing building encroaching 10 feet, 6 inches into the front yard along Birch Street, the proposed development would meet all of the requirements of the Zoning Ordinance, including automobile parking, lot coverage, and yard setbacks, as well as other City development regulations.

Land Use and Zoning

The table below summarizes surrounding zoning and land uses for the site:

Location	Zoning	Existing Land Use	Future Land Use
Site	MOR, Mixed Office Residential	Vacant – formerly Religious	Central Business
North	MOR, Mixed Office Residential	Single-Family House (rental); Apartments; Financial Services (bank); Retail (knitting store)	Central Business
South	MOR, Mixed Office Residential	Single-Family House (owner-occupied and rental); Apartments	Mixed Residential
East	MOR, Mixed Office Residential	Single-Family House (rental); Personal Services (yoga spa)	Central Business
West	MOR, Mixed Office Residential	Single-Family House (rental)	Mixed Residential

Discussion

The owner is requesting a Conditional Use Permit to allow the operation of a Lodge or Private Club in the existing building by the Masonic Lodge #157, the contract purchaser. The Conditional Use Permit procedures are meant to ensure that the proposed use is consistent with the intentions of the MOR zoning district. The existing 36 parking spaces would accommodate 1,800 square feet of assembly area, and 5 bicycle parking spaces exceed the required number of spaces.

Requirements for a Conditional Use Permit

According to § VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit shall demonstrate the following requirements shown in italics.

1. That the proposed use is conducive to the public convenience at that location.

The proposed Lodge is conducive to the public convenience at this location because it is easily reached by driving, cycling, and walking, and has adequate of parking for attendees. The church’s congregation when it left the site was nearly 180. The Lodge plans to have six meetings per month, between 7:00 and 9:00 p.m., with 10 to 30 attendees per meeting. This schedule is much less intense than the previous use by the church. Bicycle parking is already provided and West Elm Street is designated as “bicycle-friendly.” In addition, there are two MTD bus stops within one block of the site.

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 as a Lodge would not be unreasonably injurious or detrimental to the MOR zoning district, as it would use the existing building and parking lot for only six evening meetings per month,

which is much less intense than the former church's twelve daytime services and twelve evening services per month. The exterior of the building would not be modified. The Lodge would benefit the MOR district, as it would continue to lease daytime parking to First Federal Savings Bank, reducing the need for additional downtown parking, and would allow the currently vacant building to be reused.

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 § VII-3.

Since the Lodge would reuse the existing building, it will continue to conform to the regulations of, and preserve the character of, the MOR zoning district. The greatest benefit is the Lodge's proposed reuse of the existing building, adapting it to a new purpose. This is aligned with the purpose of the Mixed-Office Residential district: "to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to **encourage the adaptive re-use of existing older structures** through incentives that will extend the useful life of such structures."

Consideration

According to Zoning Ordinance § 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 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; and
7. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings

1. The contract purchaser proposes to operate a Lodge or Private Club at 312 West Elm in the MOR, Mixed-Office Residential zoning district. The Urbana Zoning Ordinance allows a Lodge or Private Club in the MOR district with a Conditional Use Permit.

2. The proposed Lodge would use the existing building with no exterior modifications, and the existing 36-space parking lot.
3. The proposed use is conducive to the public convenience due to ease of access and adequate parking and the intensity of its use would be less than the previous use.
4. The proposed use would not be a detriment to the MOR district because the intensity of its use would be much less than the previous use, and it would continue to provide off-street parking to a nearby MOR business during the day, when the Lodge will not be in use.
5. The proposed use is consistent with the applicable regulations and standards of, and preserves the essential character of, the MOR district in which it shall be located, as it will adaptively reuse an existing building.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2020-C-01:

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.

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 **APPROVE** the proposed conditional use in case ZBA-2020-C-01 for the reasons articulated above. Attachments: Exhibit A: Location & Aerial Map

Exhibit B: Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: Conditional Use Permit Application

Exhibit E: Site Photos

cc: Mitch Duszynski, representing Masonic Lodge #157
Blake Weaver, Attorney

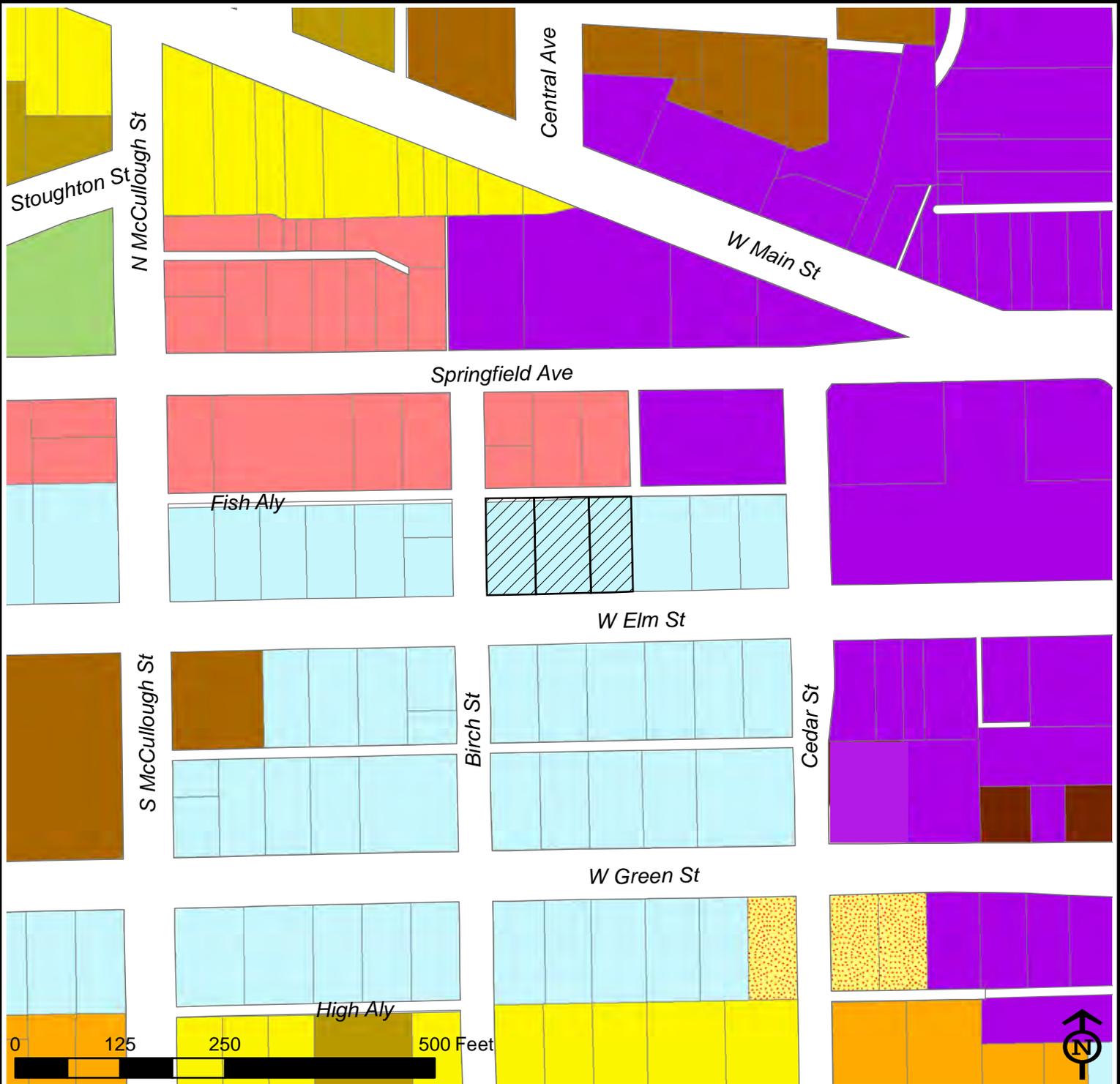
Exhibit A: Location & Existing Land Use Map



Case: ZBA-2020-C-01
 Subject: Conditional Use Permit for Lodge/Private Club
 Location: 312 West Elm Street
 Petitioner: Masonic Lodge #157

 Subject Property

Exhibit B: Zoning Map



Case: ZBA-2020-C-01
 Subject: Conditional Use Permit for Lodge/Private Club
 Location: 312 West Elm Street
 Petitioner: Masonic Lodge #157

	B1		R3
	B2		R4
	B4		R5
	CRE		R6
	MOR		R6B
	R2		Subject Property

Exhibit C: Future Land Use Map



Case: ZBA-2020-C-01
 Subject: Conditional Use Permit for Lodge/Private Club
 Location: 312 West Elm Street
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- Residential
- Mixed Residential
- Campus Mixed Use
- Central Business
- Subject Property

Exhibit D: Conditional Use Permit Application



Application for Conditional Use Permit

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ ZBA Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

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 the following use or construction purpose:

To use the current building for a private club or lodge (Urbana Masonic Lodge #157) and the attached parking lot for private parking.
on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Urbana Masonic Lodge #157 Phone:
c/o Mitch Duszynski, Secretary
Address (street/city/state/zip code): 2606 Landis Farm Road, Urbana, IL 61802
Email Address: mrski@yahoo.com

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Contract to purchase contingent upon issuance of Conditional Use Permit

2. OWNER INFORMATION

Name of Owner(s): St. Nicholas Orthodox Church Phone:
Address (street/city/state/zip code): 312 W. Elm, Urbana, IL 61801
Email Address:

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: 312 W. Elm Street
PIN # of Location: 92-21-17-135-009
Lot Size: Lot 9-57.75x115.5 Lot 10-65.25x115.5 Lot 11-50x115.5
Current Zoning Designation: MOR

Exhibit D: Conditional Use Permit Application

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

Proposed Land Use: Masonic Lodge

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

Lots 9, 10 and 11 of Roe's 2nd Addition to the City of Urbana

4. CONSULTANT INFORMATION

Name of Architect(s): N/A Phone:

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

Email Address:

Name of Engineers(s): N/A Phone:

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

Email Address:

Name of Surveyor(s): N/A Phone:

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

Email Address:

Name of Professional Site Planner(s): N/A Phone:

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

Email Address:

Name of Attorney(s): Blake Weaver Phone: 217-384-0000

Address (*street/city/state/zip code*): 130 W. Main Street, Urbana, IL 61801

Email Address: bweaver@wkb-attys.com

5. REASONS FOR CONDITIONAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property. The use of the property as a meeting place for the Masonic Lodge will be of low density, not unlike the prior use as a church. There will normally be 2 meetings per month and 2 meetings of the youth group 2 times per month, 2 meetings of auxillary per month. These meetings will normally involve no more than 10 to 30 individuals and will be held from 7:00 p.m. to 9:00 p.m. The applicant also requests permission to use the adjoining parking lots on an ongoing basis, now currently leased to Busey Bank for employee parking during normal business hours.

Exhibit D: Conditional Use Permit Application

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 applicant does not intend to make any exterior changes to the exterior of the existing building, so the design and location of improvements on the premises will not change. Signage will be changed.

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 MOR district is intended to encourage the adaptive reuse of existing structures and to extend the useful life of the same. The change in use is not significantly different than the prior use, and with no exterior changes planned, the conditional use extends the useful life of the structure with no exterior changes and the nature of the proposed use will not effect the character of the neighborhood.

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

7-21-20
Date

Exhibit E – Site Photos



Figure 1. Looking northeast from Elm & Birch.



Figure 2. Looking west across parking lot.



Figure 3. Looking southwest from alley.



Figure 4. Looking southeast across Birch.