



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: Marcus Ricci, AICP, Planner II

DATE: January 10, 2020

SUBJECT: **ZBA-2019-C-06:** A request for a Conditional Use Permit by St. Nicholas Orthodox Church, represented by Father James Ellison, to allow operation of a “Church, Temple or Mosque” at 1807 Federal Drive in the IN-1, Light Industrial/Office Zoning District.

Introduction

St. Nicholas Orthodox Church, represented by Father James Ellison, requests a Conditional Use Permit to operate a church in the existing building at 1807 Federal Drive. The church is a contingency purchaser: the property is currently owned by 1807 N. Federal Drive, LLC, represented by David Johnson. Section V-1.A. of the Urbana Zoning Ordinance permits a “Church, Temple or Mosque” in the IN-1 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 approve, approve with conditions, or deny the application.

Background

1807 Federal Drive is located on the west side of Federal Drive, between Cardinal Court and the proposed Union Gardens residential development (Exhibit A). The 1.49-acre parcel contains a 10,124-square-foot building and an 11-car parking lot accessed from North Federal Drive. There is an additional access point along West Cardinal Court leading to a garage bay; this drive has one additional parking space. In 2018, the church was granted a series of variances to allow the expansion of their existing church building at 312 West Elm Street; however, the expansion proved to be too expensive, and the church is now looking to relocate to a larger building to accommodate their growing congregation.

Land Use and Zoning

The property is currently leased by Sagamore Publishing, but the property owner would like to sell the land rather than continue leasing it. The building is located on the north half of the property; the south half is undeveloped and will likely be used for additional parking in the future. The building itself is divided into a 48-foot by 68-foot eastern portion, containing a showroom and offices, and a 70-foot by 98-foot warehouse.

The property and land to the west (Bimbo Bakeries), north (Illinois American Water, Fasteners Etc.), and east (Canteen Services) are zoned IN-1, Light Industrial/Office. Land to the south (future Union Gardens residential development) is zoned R-4, Medium Density Multiple-Family Residential.

Table 1 below lists the current zoning (Exhibit B), land use, and future land use designated by the City of Urbana’s 2005 Comprehensive Plan (Exhibit C) for the site and surrounding properties. Although the site’s future land use is designated as “Light Industrial,” the property to the south is designated for future “Institutional” land use, acknowledging the approval of a Special Use Permit in 2002 for the land to be developed into a church.¹

Table 1. Zoning, Existing and Future Land Uses

Location	Zoning	Existing Land Use	Future Land Use
Site	IN-1, Light Industrial / Office	Publishing house (north); Open space (south)	Light Industrial
North	IN-1, Light Industrial / Office	Warehouses, utility contractor garage, offices	Light Industrial
South	R-4, Medium Density Multiple-Family Residential	Farmland (approved for residential subdivision)	Institutional
East	IN-1, Light Industrial / Office	Vending machine servicer	Light Industrial
West	IN-1, Light Industrial / Office	Bakery	Light Industrial

Discussion

St. Nicholas Church requests a Conditional Use Permit to allow them to operate a church in the existing building. A “Church, Temple, or Mosque” is permitted in the IN-1, Light Industrial / Office zoning district with a Conditional Use Permit. The Conditional Use Permit procedures are meant to ensure that the proposed use is consistent with the purpose of the IN-1 zoning district, which is:

...to provide land for employment centers related to research and development, engineering and testing, office uses, warehousing, and limited manufacturing and industrial activities that will not have an adverse effect upon the district in which it is located. In addition, some low intensity commercial uses may be permitted in this district to provide convenient goods and services for employees and patrons in the zoning district...

The dimensions of the property and the existing building meet the requirements of the Zoning Ordinance. The lot is 1.49 acres and the building is 10,124 square feet. Other “Public Uses” permitted in the IN-1 zoning district include Municipal or Government Buildings (By Right) and Educational and Charitable Institutions (Conditional Use) (Exhibit D). The floor area ratio (FAR) is 0.16, much less than the maximum FAR of 2.00. There is no maximum building height in the IN-1 district. There is also no minimum open space ratio, which would allow an expansion of the existing parking area to meet parking requirements and/or the needs of a growing congregation.²

¹ 1819-SU-02: Special Use Permit approved for Church of the Living God to build a church.

² One automobile parking space is required for every five seats in the church’s main assembly area; bicycle parking is required for 10% of the number of required automobile parking spaces. The total number of parking spaces required will ultimately be based on how many seats are installed in the church.

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. City Staff analysis follows each criteria.

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

The proposed church is conducive to the public convenience at this location due to its proximity to Lincoln Avenue and I-74, which will provide easy access for congregants, staff, and visitors. Federal Drive is 34 feet wide, which should easily accommodate additional traffic (and offers overflow parking, should the need arise). In addition, a sidewalk runs along the west side of Federal Drive, which will provide access for people walking to the church from the bus stop at West Kenyon Road. Federal Drive and its sidewalks would connect to any future development to the south, including the approved Union Gardens residential development. Church traffic will be highest on nights and weekends, when neighboring businesses are not in operation, so regular business should not be disrupted. The existing building is also accessible for people with mobility issues.

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 Church will be designed, located, and operated so as not to be unreasonably injurious or detrimental to the IN-1 zoning district or to the public welfare. Shifting the main building usage times from weekdays to nights and weekends should limit any disruption to nearby businesses, and will provide additional security by having people present in the area during otherwise unoccupied times. Changing from an industrial building to a church will provide a valuable buffer for any future residential use to the south, and since St. Nicholas Church is purchasing the property, that buffer should remain in place for the foreseeable future. A five-foot landscaping buffer along the south property line will be required, as will shade trees for any parking lot expansion. The landscaping buffer will also provide screening for the parking lot.³

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.

The proposed church will conform to the applicable regulations and preserve the character of the IN-1 zoning district. The church will operate within the existing building, and any renovations will meet building safety standards. It will need to meet buffer and landscape yard requirements, and automobile and bicycle parking requirements. Landscape, lighting and other required plans will be submitted as part of the building plan review process.

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

³ § VIII-3.F. Shade Trees; § VI-6.A. Screening – Buffer and Landscape Yards; § VI-6.B. Screening of Off-Street Parking Areas

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 prospective owner proposes to operate a Church at 1807 North Federal Drive in the IN-1, Light Industrial / Office zoning district. The Urbana Zoning Ordinance allows a Church in the IN-1 district with a Conditional Use Permit.
2. The proposed Church will operate in the existing 10,124 sq.ft. building and require additional automobile and bicycle parking. Any proposed expansion or renovations will meet city code requirements.
3. The proposed use is conducive to the public convenience due to the proximity of adequate transportation infrastructure, and should not disrupt surrounding businesses because peak usage will occur on nights and weekends.
4. The proposed use will not be a detriment to the IN-1 district because it should not interrupt surrounding businesses, should increase security in the neighborhood on nights and weekends, and will have adequate landscaping and screening buffers.
5. The proposed use is consistent with the applicable regulations and standards of, and preserves the essential character of, the IN-1 district in which it shall be located, as it will use the existing conforming building, and any expansions or renovations will meet city code.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2019-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.

Recommendation

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-2019-C-06 for the reasons articulated above. In addition, staff recommends that the use be subject to the following condition:

1. The church must use the existing building at 1807 North Federal Drive. Any future expansion of the building will require a new Conditional Use Permit.

Attachments: Exhibit A: Location Map

Exhibit B: Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: IN-1 – Light Industrial / Office Zoning District Zoning Description Sheet

cc: Father James Ellison, St. Nicholas Orthodox Church, Contingency Purchaser
Ryan Murphy, Agent for 1807 North Federal LLC, Owner

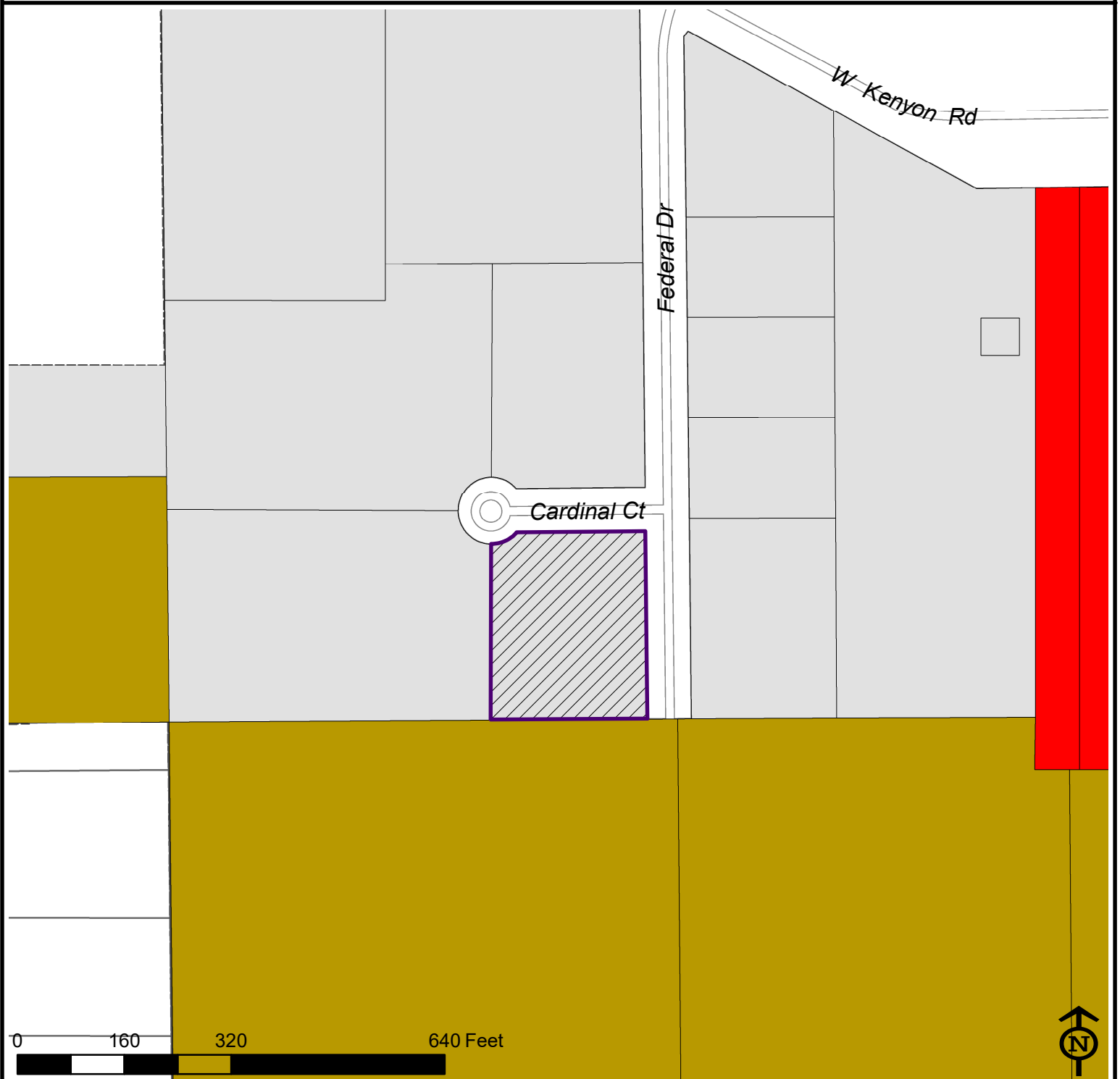
Exhibit A: Location & Existing Land Use Map




Case: 2019-C-06
Subject: Conditional Use Permit
Location: 1807 Federal Drive
Petitioner: St. Nicholas Church

 Subject Property

Exhibit B: Zoning Map



Case: 2019-C-06
Subject: Conditional Use Permit
Location: 1807 Federal Drive
Petitioner: St. Nicholas Church

 Subject Property




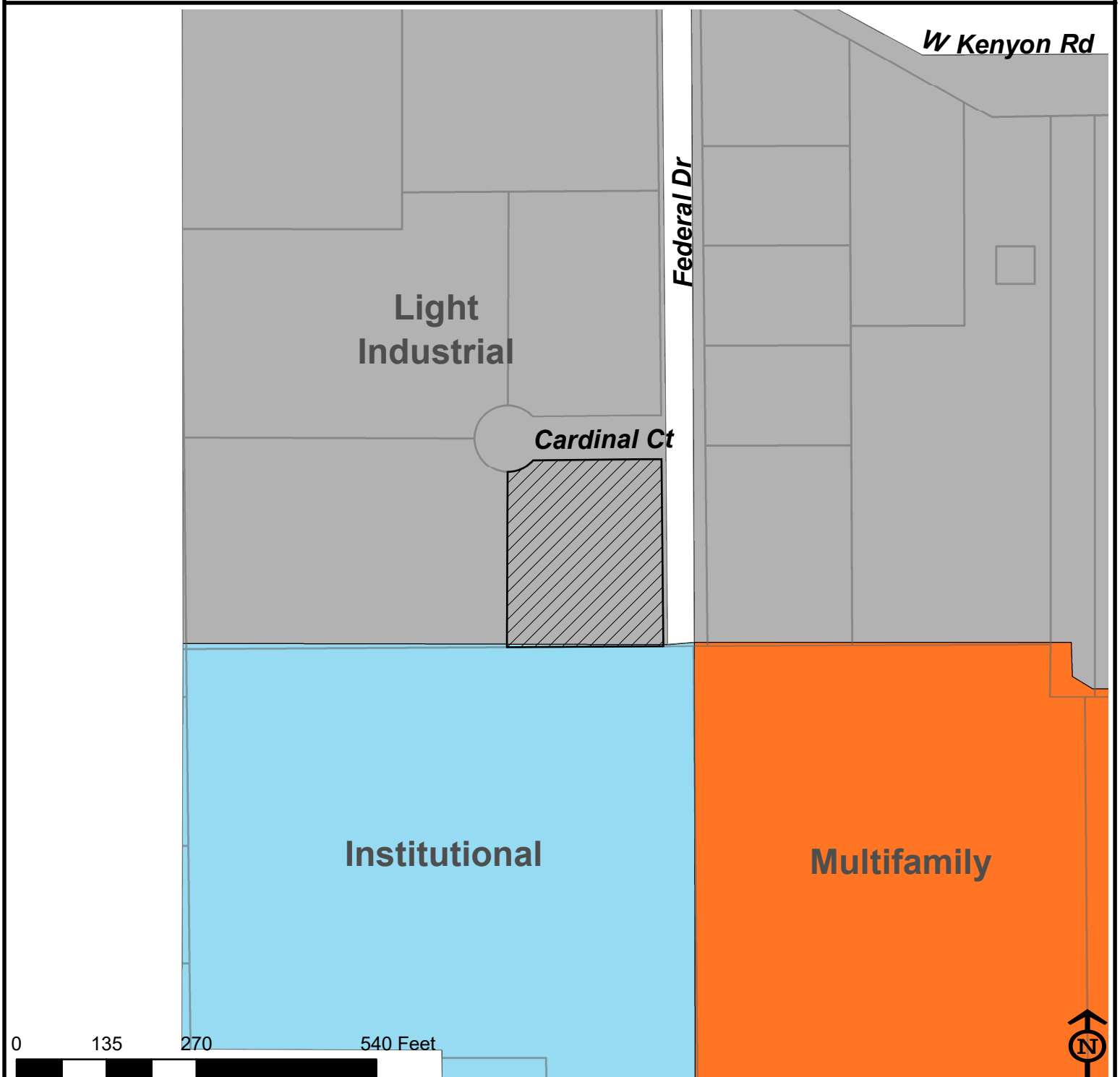
 B-3
 IN-1
 R-4

Exhibit C: Future Land Use Map



Case: 2019-C-06
Subject: Conditional Use Permit
Location: 1807 Federal Drive
Petitioner: St. Nicholas Church





-  Multi-Family Residential
-  Light Industrial/Office
-  Institutional
-  Subject Property

Exhibit D: 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 12/23/2019 ZBA Case No. -2019-C-06
Fee Paid - Check No. #5325 Amount \$175.00 Date 12/23/2019

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:
Orthodox Christian Church - Religious Worship, Education Fellowship
Charitable Service
on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): St. Nicholas Orthodox Church Phone: 217-840-8543
Address (street/city/state/zip code): 312 W. Elm, Urbana, IL 61801
Email Address: vrevjames@gmail.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): David Johnson/Ryan Murphy ^{realtor} Phone: 217-840-7953
Address (street/city/state/zip code): 201 W. Springfield 11th floor 61820
Email Address: Ryan.Murphy@ctcdr.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: 1807 N. Federal, Urbana, IL 61801
PIN # of Location: 91-21-06-401-009
Lot Size: 1.49 acres
Current Zoning Designation: IN-1

Exhibit D: Application

Current Land Use (vacant, residence, grocery, factory, etc): **Light Industrial - Office**

Proposed Land Use: **Church**

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

**Lot 201 in park 74 Industrial Development Subdivision Number 2
Plat Book BB at page 95 as document 90R 21351 in
Champaign County permanent index 91-21-06-401-009**

4. CONSULTANT INFORMATION

Name of Architect(s): **Reifstek-Reid**

Phone: **217-351-4100**

Address (street/city/state/zip code): **909 Arrow Rd, Champaign IL 61821**

Email Address: **creifstek@rr-arch.com DWakefield@rr-arch.com**

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): **Marc Miller Miller/Hendren** Phone: **217-352-2171**

Address (street/city/state/zip code): **PO Box 980, 30 E Main Ste 200, Champaign IL 61824**

Email Address: **christam@mhlawoffice.com**

5. REASONS FOR CONDITIONAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

Relocating a growing congregation to a larger building. Handicap Accessibility, stable quiet neighbor

Exhibit D: 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.

Typical hours of primary operation will be different than area businesses. Weekend and evening activities may enhance security. If permit is granted we are prepared to add needed off-street parking & landscape enhancement.

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).

It is our understanding that adjacent vacant property is planned residential development. A church in this location will serve as an excellent transition into the light industrial Area. Also typical days & hours of operation will not conflict w/Area business,

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

but in fact improve security

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.

Jenny B. Ellison
Applicant's Signature

12-22-2019
Date