

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

APPROVED

DATE: October 18, 2023

TIME: 7:00 P.M.

PLACE: Council Chambers, City Building, 400 South Vine Street, Urbana, Illinois

MEMBERS ATTENDING: Joanne Chester, Ashlee McLaughlin, Adam Rusch, Harvey Welch

MEMBERS EXCUSED: Matt Cho, Nancy Uchtmann, Charles Warmbrunn

STAFF PRESENT: Kimberly Smith, Director of Community Development Services;
Nick Olsen, Planner I; Marcus Ricci, Planner II; UPTV Camera
Operator

PUBLIC PRESENT: Joanne Budde, Barbara Franzen, Gary & Doris Gebauer, Jeff &
Grace Harshbarger, Lori Martinsek, Joseph Nuckolls, Wes Taylor,
Vicki Trimble, Jim & Marla Tucker

1. CALL TO ORDER and ROLL CALL

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.

3. APPROVAL OF MINUTES of PREVIOUS MEETING

The minutes of the July 19, 2023 regular meeting were presented for approval. Ms. Chester moved that the Zoning Board of Appeals approve the minutes as written. Mr. Rusch seconded the motion. The minutes were approved by unanimous voice vote.

4. CONTINUED PUBLIC HEARINGS

There were none.

NOTE: Chair Welch swore in members of the audience who wished to speak during a public hearing.

5. NEW PUBLIC HEARINGS

ZBA-2023-C-05 – A request by Wes Taylor, on behalf of Taylor Construction and Design, LLC, for a conditional use permit to allow a self-storage facility at 205 North High Cross Road in the B-3 (General Business) Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2023-C-05. Nick Olsen, Planner I, began by noting that the applicant is P.K. Elledge, LLC, although the application was submitted online by Wes Taylor on behalf of the applicant. He stated that he received many communications in objection to the proposed self-storage use. He reviewed the written staff report and reviewed the criteria for a conditional use permit according to Section VII-2 of the Urbana Zoning Ordinance. He stated the options of the Zoning Board of Appeals and presented staff's recommendation for approval with the following conditions:

1. The self-storage facility shall generally conform to the site plan submitted as part of the application.
2. The self-storage facility's operating hours shall be between the hours of 7:00 a.m. and 10:00 p.m.

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

Ms. Chester inquired about conditional use permits. Mr. Olsen explained the purpose of conditional use permits to be for uses that may be compatible with the zoning district but require individual consideration depending on the context.

Mr. Rusch asked if U-Haul wanted to build a truck rental on the proposed site, then would they be allowed to build it by right? Mr. Olsen said if truck rental use is on the list of permitted uses, then that is correct.

With there being no further questions for City staff, Chair Welch invited the applicant to approach the Board to speak on behalf of his request.

Wes Taylor approached the Zoning Board of Appeals to speak on behalf of P.K. Elledge, LLC. He stated that there are several permitted uses in this zoning district that would have greater impact on the community that surrounds the proposed site. He mentioned that they planned to have limited hours of operation, security in place, and a gate.

Joanne Budde approached the Zoning Board of Appeals to speak in opposition of the proposed request. She stated that she is not opposed to business, just this type of business being constructed in her back yard. She feels it will lower property values of the neighboring property owners. She talked about the history of the zoning of the subject property and stated that she would like to see it be rezoned back to B-1 (Neighborhood Business). She talked about how there are other vacant lots that would be more appropriate for this type of use. She stated that a self-storage facility would not preserve the essential character of Beringer Commons Subdivision. She expressed concern about the hours of operation, no staff being present on the site, and no trash receptacles.

Vicki Trimble approached the Zoning Board of Appeals to speak in opposition. She stated that Beringer Commons is a higher-end subdivision. She expressed concern about her property's value

decreasing if the proposed use is allowed and stated that the residents in the neighborhood want a business use that would complement and be low-impact on the surrounding neighborhood.

Gary Gebauer approached the Zoning Board of Appeals to speak in opposition. He noted other businesses located on High Cross Road and stated that there are six other storage facilities located in Urbana. He said that there are 280 taxpayers who each pay \$15,000 or more in property taxes every year, and he did not feel that the City would find too many favorable votes of the proposed use.

Jeff Harshbarger approached the Zoning Board of Appeals to speak in opposition. He noted his background and stated that the subject property is not a good location for a self-storage facility.

James Tucker, President of HOA 453 – Secondary Homeowner’s Association of Beringer Commons, approached the Zoning Board of Appeals to speak in opposition. He talked about a vacant property located at 3001 Rutherford Drive, which is currently for sale. This property is located 20 feet from where the proposed self-storage facility would be constructed. He felt the use is wrong for the neighborhood, and it is wrong for the Zoning Board of Appeals to already have made their decision without hearing the opinions of the adjacent neighborhood.

Wes Taylor reapproached the Zoning Board to respond to the neighbors’ concerns. He stated that he values their input and gave examples of some of the uses that would be allowed by right that would have a negative impact on the neighborhood: an adult entertainment store, a cannabis dispensary, a liquor store, a tavern/nightclub, a mortuary, or a gaming hall. If he lived in a neighborhood such as Beringer Commons, he would be outraged about the possibility of one of these permitted uses being allowed without any input or review.

With regards to security, Mr. Taylor noted that they plan to provide security and lighting. Traffic would be accessed from IL Route 130 (North High Cross Road), and there is no reason for traffic to enter through Beringer Commons. He pointed out that they also plan to construct a sidewalk to connect the existing sidewalks to provide a thoroughfare for pedestrians. He mentioned that he is not aware of any studies or research that shows that self-storage complexes adversely affect property values of surrounding properties. They intend to build something nice and would not allow anything that would be unsightly or an eye sore for the community, the neighbors, or anyone else.

Mr. Rusch asked about the rezoning of the subject property in 2020. Mr. Olsen explained that the rezoning was prompted by OSF Healthcare’s purchase of the land, and their plans to construct a clinic on the site.

Mr. Rusch asked if Aldi’s lot was still zoned B-1. Mr. Olsen said yes.

Mr. Rusch asked if the Aldi lot and the proposed lot would be part of the Beringer Commons HOA. Mr. Taylor stated that they received confirmation that they would not need approval from Aldi or the Beringer Commons HOA for the proposed use.

Mr. Gebauer reapproached the Zoning Board of Appeals. He asked how they could go about getting the subject property rezoned back to B-1, so that more fitting uses could go in there. Ms. Budde added that the uses that Mr. Taylor mentioned might be allowed under a B-3 zoning but they would not be allowed in B-1.

Mr. Harshbarger reapproached the Zoning Board of Appeals. He stated that it seemed everyone wanted economic development, but what about the citizens and community development. Ms. Trimble stated that she agreed, and it seemed like they were being punished.

Mr. Rusch asked if the Beringer Commons HOA had looked into purchasing the property.

Ms. McLaughlin stated that she never would like to hear that the residents would be unhappy in any neighborhood. However, considering the qualifications that they have to consider, it seemed to her to be a good site for the proposed use. The entry points will not be through Beringer Commons neighborhood. There is already screening. There is highway access. The property is already zoned appropriately. Therefore, it seems difficult for her to not approve the request. It would be hard to prove that the proposed use would lower property values. In her research, she could not find complaints of the impact of other storage units on surrounding neighborhoods.

Mr. Trimble reapproached the Zoning Board of Appeals. He mentioned that the Beringer Commons HOA does not allow the residents of Beringer Commons to install certain types of sheds because it would devalue their properties. The proposed buildings would be like big machine sheds being located just outside a fence. The applicant does not intend to provide any staff, so who would police or enforce rules and regulations on the site? She alleged that once it is built and the applicant is raking in the money, he won't care, and he says he will care because he wants to get approval for his proposed use. He is worried that people will discard and dump belongings right outside the entrance to their subdivision. Ms. McLaughlin replied that that is outside of the HOA's control and on the other side of a wall. She stated that as much as she would like to control the properties around her, it is not a reality we have.

Mr. Harshbarger reapproached to reiterate the need for community development over economic development.

Ms. Budde reapproached the Board to suggest that if the Zoning Board approves the request, that they also consider how it will look from the street.

Mr. Gebauer reapproached the Board to say that the City should rezone the property back to B-1. He mentioned that there is already a large storage facility across East University Avenue, just south of the Urbana Post Office.

Mr. Rusch stated that the Zoning Board of Appeals is not qualified nor empowered to make the decision of whether the subject property should be zoned B-1 or B-3. A rezoning decision is up to the Plan Commission and City Council. The Zoning Board of Appeals only considers whether requests for variances or conditional use permits meet the criteria in the Zoning Ordinance.

Ms. Trimble reapproached the Zoning Board of Appeals to ask if the Board members would table this case to allow the HOA time to get the property rezoned or figure out a way to purchase the property. The neighborhood did not know this was an issue until the proposed conditional use permit popped up. Marcus Ricci, Planner II, stated that the property is privately owned. The owner is able to sell the property to whomever they would like. The applicant has submitted a request for a conditional use permit to construct a self-storage facility. It would be inappropriate and unfair for the City to table his request to allow someone else to purchase the property.

As for rezoning the subject property, Mr. Ricci explained that it would be the purview of the owner, someone acting on behalf of the owner, the Plan Commission, or City Council to request rezoning of a property. The City would not table a standing request to allow someone else to rezone the property. Mr. Olsen noted that the rezoning that occurred in 2020 required a mailed notification to property owners within 250 feet of the subject property. City staff also posted a sign on the subject property and a legal notice in the News Gazette.

Members of the audience freely argued with City staff about the notification process.

Ms. Budde reapproached the Zoning Board of Appeals to inquire what the process is for approving a conditional use permit when there is opposition from the surrounding neighborhood. Mr. Ricci explained that the Zoning Board of Appeals reviews written comments and listens to comments that the public make during the public hearing. The Zoning Board of Appeals then makes a determination.

With there being no additional input from the audience, Chair Welch closed the public input portion of the hearing and opened it for discussion and/or motion(s) of the Board.

Ms. Chester stated that she was opposed to the proposed request. She did not believe that it was an appropriate use for the subject property.

There was an open discussion about the required vote. Not everyone involved was using a microphone so not all of the conversation could be transcribed. Mr. Olsen read the vote requirements from the Zoning Ordinance, which requires a simple majority of the board unless a valid written protest was filed with the Secretary of the Zoning Board of Appeals; then a 2/3 majority vote in favor would be required to approve a conditional use permit.

Chair Welch brought the meeting back to order. He stated that it is clear the audience is in opposition to the proposed request.

Ms. McLaughlin moved that the Zoning Board of Appeals approve Case No. ZBA-2023-C-05 with the following conditions:

1. The self-storage facility shall generally conform to the site plan submitted as part of the application.
2. The self-storage facility's operating hours shall be between the hours of 7:00 a.m. and 10:00 p.m.

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

Ms. McLaughlin	-	Yes	Mr. Rusch	-	Yes
Mr. Welch	-	No	Ms. Chester	-	No

The motion failed due to the lack of a simple majority vote.

6. UNFINISHED BUSINESS

There was none.

7. NEW BUSINESS

There was none.

8. PUBLIC INPUT

Communications received regarding Case No. ZBA-2023-C-05:

- Email from Christy Donovan
- Email from Gary & Doris Gebauer
- Email from Scott Glassman
- Email from Jeff and Grace Harshbarger
- Email from Rich & Deb Hissong
- Email from Foster & Theresa Hoffman
- Email from Mary Johnson
- Email from Igor Kalnin
- Email from Vicki Trimble
- Email from Bob Withers
- Email from Venkatesh Yekkirala

9. STAFF REPORT

There was none.

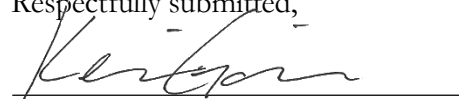
10. STUDY SESSION

There was none.

11. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:57 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Zoning Board of Appeals