

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

DATE: October 21, 2020

DRAFT

TIME: 7:00 p.m.

PLACE: Zoom Webinar

MEMBERS ATTENDING REMOTELY:	Joanne Chester, Ashlee McLaughlin, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn
MEMBER ATTENDING AT CITY BUILDING:	Harvey Welch
MEMBERS ABSENT	Matt Cho
STAFF PRESENT	Marcus Ricci, Planner II; Katherine Trotter, Planner I; Lily Wilcock, Planner I; Jason Liggett, UPTV Manager
OTHERS PRESENT	Jane Amundsen, Kaelob Capel, Tracy Chong, Danger Zoning Board of Appeals, Gokhul, Christopher Hansen, Bob Kapolnek, Dave Line, Stephanie McNicholas

NEW PUBLIC HEARINGS

ZBA-2020-MAJ-06 – A request by VitalSkin Physician Management, LLC, represented by David Line, for a Major Variance to allow parking to encroach up to 14 feet into the required 15-foot front yard at 1111 West Kenyon Road in the B-3, General Business Zoning District.

Chair Welch opened the public hearing for this case. Marcus Ricci, Planner II, gave the staff report for the case. He began by stating that there were several representatives of VitalSkin in attendance of the meeting to answer questions. He explained the purpose for the proposed major variance, which is to reduce the minimum required front yard from 15 feet to 1 foot to allow additional parking in front of the building. He noted a previous case for a special use permit to allow a dermatology clinic in the B-3 (General Business) Zoning District that was reviewed by the Urbana Plan Commission on September 24, 2020. The Plan Commission forwarded the case to the City Council with a recommendation for approval. He showed the site plan. He stated the location, zoning and future land use designation of the subject property as well as for the adjacent properties. He showed photos of the property, noting the existing mature landscaping. He talked about the proposed parking and alternative plans to provide the additional parking on the site. He reviewed how the proposed major variance relates to the criteria from Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and

presented City staff's recommendation for denial. If, however, the Zoning Board of Appeals recommends approval, City staff recommends the following condition: *Construction must be in general conformance with the attached site plan, entitled "1111 West Kenyon Road," dated August 25, 2020 (Exhibit D, Sheets C1-C2).*

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff. There were none.

Mr. Warmbrunn asked if the major variance was approved, then the edge of the parking lot would be 111 feet from the center line of Kenyon Road. Mr. Ricci said yes.

Mr. Warmbrunn asked if the Illinois Department of Transportation (IDOT) owned that right-of-way. Mr. Ricci said yes. Mr. Warmbrunn inquired what IDOT would do with that much right-of-way. Did they request that much because of the interchange with the interstate? Mr. Ricci stated that he did not know. He noted that the right-of-way narrows as you go west. The property owner two properties to the east of the proposed site was able to acquire the right-of-way north of their property, so it does not appear that IDOT has any plans to develop the area; however, he could not speak for IDOT.

Mr. Warmbrunn asked if the lot north of the proposed site was buildable. Mr. Ricci replied that there is no lot north of the proposed site. Interstate 74 is located north of the site. Ms. Chester recalled that there was a clover leaf interchange to Interstate 74, which is why the right-of-way is so big.

Ms. Uchtmann asked if the owner of the subject property had considered buying the right-of-way from IDOT. Mr. Ricci stated that this would be a good question for the applicant's representatives.

Mr. Rusch asked if the alternative parking designs would provide the same number of parking spaces that the applicant has requested. Mr. Ricci replied not necessarily. He is not an engineer and not familiar with AutoCAD. The parallel parking option spans further along the front of the building. It is approximate to scale and would provide 12 parking spaces.

Mr. Welch asked how many existing parking spaces are located near the north entrance. Mr. Ricci said that there are 11 standard and 2 accessible parking spaces in the current row in front of the building.

Mr. Welch asked if those 13 parking spaces included parking for staff. Mr. Ricci deferred the question to the applicant's representatives to answer during their input. He mentioned that the proposed 6,000 square foot renovation for the clinic would require 24 parking spaces for a clinic of that size. There are 90 parking spaces in the rear of the property, but the parking lot is over 300 feet away from the front entrance with no connecting sidewalk.

There being no questions for City staff, Chair Welch opened the hearing for public input. He invited the applicant or the applicant's representative to speak.

David Line, representative for the applicant, raised his hand to speak. Chair Welch swore him in.

Mr. Line stated that VitalSkin Physician Management, LLC does not have any need to purchase the right-of-way in front from IDOT. They have no plans for expansion beyond renovating the existing building.

Bob Kapolnek, representative for the applicant, raised his hand to speak. Chair Welch swore him in. He thanked the Board members for considering the proposed variance and complimented Mr. Ricci on his presentation of the case.

Mr. Kapolnek mentioned that their design team had talked about other possibilities for parking. The most overriding factor for having the parking as they have configured it is to have all of the patient parking in front. He felt that parallel parking would put some parking spaces further away from the front door, and they anticipate having patients with accessibility issues. Also, it would be more of an eyesore to have to have cars lined up along the entire north elevation of the building. Their reservation with having angled parking is that it would create a one way access potentially confusing patients and visitors to the clinic in terms of the ingress and egress from that parking lot. By narrowing the aisle, they would be limiting the amount of space between parked cars, and this would present a hazard. Their desire to have the 90-degree parking is predicated on what they believe is best for the patients. It will be the safest way to navigate into the entrance of the clinic. He stated that he would answer any questions the Board members may have.

Ms. McLaughlin asked if the applicant had an estimate of how many patients they expect to be at the clinic at one time. What capacity does the applicants expect the parking lot to be occupied? Mr. Line replied that they are planning to have 14 exam rooms, and if there are patients waiting to be seen, they could easily fill the 26 parking spaces.

Ms. McLaughlin asked if this would be a typical size for a clinic. Mr. Line said that clinics typically provide 3 exam rooms per provider (physicians and nurse practitioners). They believe that they will need 14 exam rooms.

Mr. Rusch questioned who would maintain the right-of-way in the front yard. It is owned by IDOT, but would the applicant maintain it? Mr. Line stated that in the past it was maintained by the National Council of Teachers of English, and VitalSkin is now maintaining the area.

Mr. Warmbrunn stated that the elevation in front slopes down. Would the applicant need to level that off? If so, would they need to put in a barrier on the north side after they level it off? Mr. Kapolnek said yes, they planned to level it off and would need to put in a small amount of retaining wall. It has to be designed to drain properly and not collapse. There would be bumpers to keep vehicles from falling off the edge.

Ms. Uchtmann stated that she preferred angled parking versus 90 degree parking. She felt that the patients would be able to figure out which driveway to enter and exit the parking lot, especially if the applicant posted signs.

Ms. Chester asked if there would be a build up to the retaining wall. They would only have one foot of area for a buildup. Mr. Kapolnek said no, not if they construct a retaining wall. The wall would probably not be more than 8 inches tall, and it would be within their property line.

Ms. McLaughlin stated that normally they would be required to provide a buffer from the parking area. If the proposed variance is approved, then the applicant would not only be encroaching 14 feet into the required 15-foot setback, but there also would not be a buffer? Mr. Kapolnek responded that they still plan to install some landscaping on the north end of the parking lot if they are legally able to. The landscaping, however, would not be on their property, so they would need to get legal approval from IDOT. Ms. McLaughlin replied that the legal issue would be out of the Zoning Board of Appeals purview, so they would essentially be recommending approval for no buffer.

Kaelob Capel, representative for the applicant, raised his hand to speak. Chair Welch swore him in.

Mr. Capel pointed out that VitalSkin's proposed parking would be further back from the front property line than the parking lot at Holiday Inn Express to the east is from their front property line. Mr. Ricci showed Exhibit D, Neighborhood Plan to indicate what Mr. Capel was saying. Mr. Ricci also noted that the parking lot for Campus Ink, to the west of the subject property, roughly lines up with the proposed parking for VitalSkin. Mr. Rusch asked if this could be a result of Campus Ink purchasing part of the right-of-way from IDOT. Mr. Ricci said yes.

Mr. Warmbrunn asked staff if the City was concerned about the applicant not having a buffer in front of the parking lot because there was nothing to buffer from. Mr. Ricci said that was correct. There is 110 feet of grassy right-of-way area between the proposed parking lot and Kenyon Road.

With there being no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motions by the Zoning Board of Appeals.

Mr. Rusch moved that the Zoning Board of Appeals forward Case No. ZBA-2020-MAJ-06 to the City Council with a recommendation for approval as requested based on the findings outlined in the written staff report with the condition that *Construction must be in general conformance with the attached site plan, entitled "1111 West Kenyon Road," dated August 25, 2020 (Exhibit D, Sheets C1-C2).* Mr. Warmbrunn seconded the motion.

Chair Welch stated that for this motion to pass it would require affirmative votes of four of the six Board members in attendance. Roll call on the motion was as follows:

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

The motion passed by a vote of 5 ayes to 1 nay. Mr. Ricci noted that Case No. ZBA-2020-MAJ-06 would be forwarded to the Urbana City Council on Monday, November 9, 2020.