

URBANA CITY COUNCIL

PUBLIC HEARING

JUNE 15, 2021, AT 6:00 P.M.

(To be held in the Training Room on the 3rd Floor of the Municipal Building)

A Public Hearing to provide citizens the opportunity to comment on the tax budget of the City of Urbana for the fiscal year beginning January 1, 2022.

URBANA CITY COUNCIL

REGULAR SESSION MEETING

JUNE 15, 2021, DIRECTLY FOLLOWING PUBLIC HEARING

(To be held in the Training Room on the 3rd Floor of the Municipal Building)

Please join meeting from your computer, tablet or smartphone.

<https://zoom.us/j/2412774424?pwd=TzBqdXRid1ZQNfZrU1l3UDgvY1J0QT09>

Meeting ID: 241 277 4424

Passcode: 43078

Dial by Phone: 1-646-558-8656

PLEASE MUTE YOUR PHONES

Call to Order

Roll Call

Pledge of Allegiance

Approval of Minutes

Urbana City Council Regular Session Meeting Minutes of June 2, 2021.

Communications

1. Letter from Columbia Gas regarding application with Public Utilities Commission to increase Columbia's base distribution rates and to implement an alternative rate plan. (See attached)

2. Planning Commission Meeting Minutes of January 25, 2021, February 22, 2021, March 22, 2021, and May 24, 2021. (See attached)
3. Design Review Board Meeting Minutes of January 25, 2021. (See attached)
4. Board of Zoning Appeals Meeting Minutes of February 8, 2021, April 12, 2021, and May 17, 2021. (See attached)

Board of Control

None

Citizen Comments

Ordinances and Resolutions

First Reading

Ordinance No. 4544-21

An Ordinance to amend Section 1102.01, Chapter 1123, and the principally permitted uses under Sections 1124.02 and 1124.04 of the Codified Ordinances of the City of Urbana. (Requires three readings)

Second Reading

Ordinance No. 4429-21

An Ordinance adopting the Tax Budget of the City of Urbana, Ohio, for the fiscal year beginning January 1, 2022; submitting the same to the County Auditor.

Third Reading

Ordinance No. 4539-21

An Ordinance to amend Chapter 929 of the Urbana Codified Ordinances for modifications to the Stormwater Utility.

Committee Reports

Miscellaneous Business

Adjourn

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, JUNE 1, 2021**

President Hess called the City of Urbana Regular Session Meeting to order at 6:00 p.m.

City staff attending: Mayor Bill Bean, Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, Director of Law Mark Feinstein, Fire Chief Dean Ortleib, Community Development Manager Doug Crabill, and Police Chief Matt Lingrell.

PESIDENT HESS CALLED ROLL: Mr. Fields, absent; Mr. Hoffman, present; Mr. Paul, present; Mr. Scott, present; Mr. Thackery, present; Mrs. Collier, present; and Mr. Ebert, present.

MINUTES

Urbana City Council Regular Session Meeting Minutes of May 18, 2021.

Mr. Paul moved to put all of the minutes on the floor for passage. Mrs. Collier seconded. Voice vote on approval: all ayes; nays, none

Motion passed 6-0.

COMMUNICATIONS

1. Notice of Annexation Petition filed by Dwight E. Pence and Phyllis A. Pence
2. Shade Tree Commission Minutes of November 12, 2020, and April 8, 2021
3. Oak Dale Cemetery Board Meeting Minutes of March 19, 2021
4. City of Urbana 2020 Audit Entrance Conference Invitation from Emily Jenkins, Audit Manager, Auditor of State's Office

Mr. Thackery moved to accept all of the communications and Mr. Paul seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 6-0

ADMINISTRATIVE REPORTS - BOARD OF CONTROL

1. LJB Inc. - \$264,929.00 (Various Funds)

Mr. Crabill stated that this purchase order was for the Part 2 design for the South High Street Improvements Project. He stated that it seems far away, but the bids for this project would be going out in 2023. He added that this proposal takes the project all the way through the final design. He also mentioned that this was the last item for LJB Inc. for this project. He also advised that the plans must be submitted by October 1, 2021.

Mr. Thackery moved to put this item on the floor for further discussion and possible passage. Mr. Paul seconded. Voice vote on approval: all ayes; nays, none

Motion passed 6-0.

2. WatchGuard Video - \$119,094.00 (Police & Fire Income Tax Levy – Capital Improvement Fund)

Chief Matt Lingrell said this has been a dream of the Police Department for many years. He stated that this contract includes the purchase of 19 body-worn cameras, 6 cruiser cameras, software, cloud-based storage, and support for the Urbana Police Division. He added that the department budgeted for the same this year and would like to move forward. He added that each offer would have their own camera and when they go off shift, the cameras will be charged and ready for that officer's next shift. He advised that Watchguard would help the department with IT issues and maintenance is included in the contract. He added that Watchguard would replace the equipment every 3 years.

Mr. Scott moved to put this item on the floor for further discussion and possible passage. Mr. Thackery seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 6-0.

CITIZEN COMMENTS

Stephanie Truelove – 707 N. Oakland St., spoke about the traffic control in her neighborhood. She explained that the residents have been very tolerant with the work that has been going on in their neighborhood, but the traffic is very bad and she was concerned there would be an accident. She also spoke about who was taking care of the culvert. She stated that it was getting bad and if

there was anyone that could address this issue. Mrs. Collier advised that she has spoken to Preston Carter about this issue.

ORDINANCES AND RESOLUTIONS

First Reading

Ordinance No. 4429-21

An Ordinance adopting the Tax Budget of the City of Urbana, Ohio, for the fiscal year beginning January 1, 2022; submitting the same to the County Auditor.

Mrs. Boettcher stated the revenue would be in the amount of \$7,323,550.00, with expenses being in the amount of \$7,187,500.00, with revenue remaining in the amount of \$136,050.00. She advised that there would be a Public Hearing to address the budget at the next scheduled Council Meeting of June 15, 2021.

Ordinance No. 4542-21

An Ordinance adopting a Statement of Services to be provided to two parcels consisting of approximately 1.44 acres, more or less, in Urbana Township proposed for annexation to the City of Urbana by the Petitioners, Dwight E. Pence and Phyllis A. Pence, and declaring an emergency.

Mr. Crabill advised there are only two parcels involved in this annexation. He added that the right of way was brought into the City during the Walmart build. He also advised that currently, both of the properties are listed for sale. He said that there were two pieces of legislation that Council must act upon and that the legal descriptions were being corrected. He also stated that the City was requested an annexation agreement with the Township and that no payments will be made to the Township once the parcels were annexed into the City.

Mr. Paul moved to put this Ordinance on the floor for further discussion and possible passage on its first reading. Mr. Scott seconded.

President Hess called for a roll call for passage: Mr. Huffman, yes; Mr. Paul, yes; Mr. Scott, yes; Mr. Thackery, yes; Mrs. Collier, yes; and Mr. Ebert, yes.

Ordinance passed 6-0.

Ordinance No. 4543-21

An Ordinance relating to land use and zoning buffers for two parcels consisting of approximately 1.44 acres, more or less, in Urbana Township proposed for annexation to the City of Urbana by the Petitioners, Dwight E. Pence and Phyllis A. Pence, and declaring an emergency.

Mr. Crabill stated this Ordinance was specific to land use. He said that once the parcels are annexed into the City, they will be added to the zoning map and subject to the City's Zoning regulations.

Mr. Thackery moved to put this Ordinance on the floor for further discussion and possible passage on its first reading. Mrs. Collier second.

President Hess called for a roll call for passage: Mr. Paul, yes; Mr. Scott, yes; Mr. Thackery, yes; Mrs. Collier, yes; Mr. Ebert, yes; and Mr. Hoffman, yes.

Ordinance passed 6-0.

Second Reading**Ordinance No. 4539-21**

An Ordinance to amend Chapter 929 of the Urbana Codified Ordinances for modifications to the Stormwater Utility.

Mr. Paul advised that the Ordinance basically increases the rate to \$5.50 per month on March 1, 2022, first payable on the April, 2022 utility bill, and be effective until otherwise changed.

President Hess declared this Ordinance to have its second reading.

Third Reading

None

COMMITTEE REPORTS

Mr. Thackery stated there was an Economic Development Meeting scheduled for tomorrow evening and that the Zoning Committee was working on the BR1 being rewritten.

Mr. Scott advised that the Infrastructure Committee Meeting would be scheduled upon Mr. Bumbalough's vacation.

Mr. Paul advised the Safety Committee Meeting would be rescheduled.

MISCELLANEOUS BUSINESS/WORK SESSION

Mr. Ebert asked if there was any way to get meeting minutes for the Board of Zoning Appeals, etc. President Hess advised that upon their approval, they would be provided for Council's review.

Mr. Paul advised that tomorrow would be the end date for the mask mandate.

Mr. Crabill stated that the project on Freeman Avenue was beginning and they were working on a date to get the letters out. He added that they were finalizing the Phase 2 Water Project.

Mrs. Boettcher advised that the Finance Department had their kick off meeting with the State Auditor and they were looking at the end of July to wrap things up.

Fire Chief Ortleib spoke about the Community Paramedic Program and how well it was going.

Mr. Brugger advised that the City Pool opened this weekend.

Mayor Bean stated that in light of the Governor's orders, as of 12:01 a.m. tomorrow morning, he would be lifting the State of Emergency for the City of Urbana.

President Hess asked Council if they wanted to schedule a Work Session this month, and all affirmed. He also advised residents that should they see a hazard at an intersection, to please contact the Zoning Department. He also inquired as to the Salary Commission and their status of any changes. Mr. Feinstein advised that he understood they were just putting things together.

Mrs. Collier moved to adjourn. Mr. Scott seconded.

Motion passed 6-0

ADJOURNED AT 6:52 p.m.

NEXT SCHEDULED MEETING

June 15, 2021, at 6:00 p.m.

Council Clerk

Council President

May 28, 2021

Dear Elected Official:

We are sending this letter to inform you that at the end of June, for the first time in over a decade, Columbia Gas of Ohio will file an application with the Public Utilities Commission of Ohio to increase Columbia's base distribution rates and to implement an alternative rate plan.

Since Columbia filed its last application to modify distribution rates in 2008, Columbia has made significant investments in the physical infrastructure that provides service to your community to provide safer, more reliable service. You and your residents have paid for many of these investments through line items on the gas bill known as "riders." In its rate case application, Columbia will seek to recover more of these costs through the fixed base distribution rate portion of the bill. This shift will account for a large portion of the rate changes requested in Columbia's filing.

Enclosed with this letter, you will find Columbia's summary of proposed rates. If approved, Columbia's new rates will likely take effect in 2022. Details regarding the application, including a copy of Columbia's proposed tariff schedules and rates, can be found on the Commission's electronic docket for this case, Case Numbers 21-637-GA-AIR, *et al.*, at <http://dis.puc.state.oh.us/CaseRecord.aspx?CaseNo=21-637&x=0&y=0> and <https://www.columbiagasohio.com/our-company/about-us/regulatory-information>.

We are committed to providing outstanding customer service and to maintaining strong relationships with the communities we serve. If you have any questions about our rate application, or if you would like us to send you a hard copy or compact disc of Columbia's proposed tariff sheets and typical bill comparison at Columbia's expense, please contact Melissa Thompson, Director of Regulatory Policy, at (614) 315-3391.

Sincerely,



Vincent Parisi
President
Columbia Gas of Ohio

Enclosures
Rate Impact Sheet

COLUMBIA GAS OF OHIO, INC.
STATEMENT OF PROPOSED BASE RATES
CASE NOS. 21-637-GA-AIR, et al.

The following is a statement of Company's proposed base rates for all classes of customers.

Rate SGS – Small General Sales Rate

Monthly Delivery Charge	\$46.31 per account per Month
Regulatory Assessment Rider	\$0.0114 per Mcf

Rate SGSS – Small General Schools Sales Rate

Monthly Delivery Charge	\$43.99 per account per Month
Regulatory Assessment Rider	\$0.0114 per Mcf

Rate GS – General Sales Rate

Monthly Delivery Charge	\$194.00 per account per Month
First 25 Mcf per account per Month	\$1.8450 per Mcf
Next 75 Mcf per account per Month	\$1.3879 per Mcf
Over 100 Mcf per account per Month	\$1.0915 per Mcf
Regulatory Assessment Rider	\$0.0114 per Mcf

Rate GSS – General Schools Sales Rate

Monthly Delivery Charge	\$184.30 per account per Month
First 25 Mcf per account per Month	\$1.7528 per Mcf
Next 75 Mcf per account per Month	\$1.3185 per Mcf
Over 100 Mcf per account per Month	\$1.0369 per Mcf
Regulatory Assessment Rider	\$0.0114 per Mcf

Rate LGS – Large General Sales Rate

Monthly Delivery Charge	\$5,645.00 per account per Month
First 2,000 Mcf per account per Month	\$0.6630 per Mcf
Next 13,000 Mcf per account per Month	\$0.4065 per Mcf
Next 85,000 Mcf per account per Month	\$0.3529 per Mcf
Over 100,000 Mcf per account per Month	\$0.2790 per Mcf
Regulatory Assessment Rider	\$0.0114 per Mcf

Rate LGSS – Large General Schools Sales Rate

Monthly Delivery Charge	\$5,362.75 per account per Month
First 2,000 Mcf per account per Month	\$0.6299 per Mcf
Next 13,000 Mcf per account per Month	\$0.3862 per Mcf
Next 85,000 Mcf per account per Month	\$0.3353 per Mcf
Over 100,000 Mcf per account per Month	\$0.2651 per Mcf
Regulatory Assessment Rider	\$0.0114 per Mcf

Rate SGTS – Small General Transportation Service

Monthly Delivery Charge	\$46.31 per account per Month
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Rate SGTSS – Small General Transportation Schools Service

Monthly Delivery Charge	\$43.99 per account per Month
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COLUMBIA GAS OF OHIO, INC.
STATEMENT OF PROPOSED BASE RATES
CASE NOS. 21-637-GA-AIR, et al.

Rate GTS – General Transportation Service

Monthly Delivery Charge	\$194.00 per account per Month
First 25 Mcf per account per Month	\$1.8450 per Mcf
Next 75 Mcf per account per Month	\$1.3879 per Mcf
Over 100 Mcf per account per Month	\$1.0915 per Mcf

Rate GTSS – General Transportation Schools Service

Monthly Delivery Charge	\$184.30 per account per Month
First 25 Mcf per account per Month	\$1.7528 per Mcf
Next 75 Mcf per account per Month	\$1.3185 per Mcf
Over 100 Mcf per account per Month	\$1.0369 per Mcf

Rate LGTS – Large General Transportation Service

Monthly Delivery Charge	\$5,645.00 per account per Month
First 2,000 Mcf per account per Month	\$0.6630 per Mcf
Next 13,000 Mcf per account per Month	\$0.4065 per Mcf
Next 85,000 Mcf per account per Month	\$0.3529 per Mcf
Over 100,000 Mcf per account per Month	\$0.2790 per Mcf

Rate LGTSS – Large General Transportation Schools Service

Monthly Delivery Charge	\$5,362.75 per account per Month
First 2,000 Mcf per account per Month	\$0.6299 per Mcf
Next 13,000 Mcf per account per Month	\$0.3862 per Mcf
Next 85,000 Mcf per account per Month	\$0.3353 per Mcf
Over 100,000 Mcf per account per Month	\$0.2651 per Mcf

Rate FRSGTS – Full Requirements Small General Transportation Service

Monthly Delivery Charge	\$46.31 per account per Month
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Rate FRSGTSS – Full Requirements Small General Transportation Schools Service

Monthly Delivery Charge	\$43.99 per account per Month
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Rate FRGTS – Full Requirements General Transportation Service

Monthly Delivery Charge	\$194.00 per account per Month
First 25 Mcf per account per Month	\$1.8450 per Mcf
Next 75 Mcf per account per Month	\$1.3879 per Mcf
Over 100 Mcf per account per Month	\$1.0915 per Mcf

Rate FRGTSS – Full Requirements General Transportation Schools Service

Monthly Delivery Charge	\$184.30 per account per Month
First 25 Mcf per account per Month	\$1.7528 per Mcf
Next 75 Mcf per account per Month	\$1.3185 per Mcf
Over 100 Mcf per account per Month	\$1.0369 per Mcf

COLUMBIA GAS OF OHIO, INC.
STATEMENT OF PROPOSED BASE RATES
CASE NOS. 21-637-GA-AIR, et al.

Rate FRLGTS – Full Requirements Large General Transportation Service

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Over 100,000 Mcf per account per Month	\$0.2790 per Mcf

Rate FRLGTSS – Full Requirements Large General Transportation Schools Service

Monthly Delivery Charge	\$5,362.75 per account per Month
First 2,000 Mcf per account per Month	\$0.6299 per Mcf
Next 13,000 Mcf per account per Month	\$0.3862 per Mcf
Next 85,000 Mcf per account per Month	\$0.3353 per Mcf
Over 100,000 Mcf per account per Month	\$0.2651 per Mcf

Rate FRCTS – Full Requirements Cooperative Transportation Service

Monthly Delivery Charge	\$85.00 per account per Month
First 25 Mcf per account per Month	\$1.0485 per Mcf
Over 25 Mcf per account per Month	\$0.9681 per Mcf

Carbon Reduction Rider

Optional \$5.00 per account per Month service

Federally Mandated Investment Rider

\$0.00 per account per Month

Federal/State Tax Reform Rider

\$0.00 per account per Month

Capital Expenditure Program Rider

\$0.00 per account per Month

Infrastructure Replacement Program Rider

\$0.00 per account per Month



Planning Commission

January 25, 2021, Meeting Minutes

Attendance

Members Present: Kimberly Gordon-Brooks; Kerry Brugger; Richard Kerns; Bill Bean; and Steve Brandeberry (Alternate);

Member(s) Absent: Eric Samuelsson (Chair); Jennifer Dunham-Young.

Guests Present: Joe Tim of TIS Properties, LLC; and Marcia of CEP.

Call to Order and Pledge of Allegiance

Action: Kerry Brugger called the meeting to order at 6:00 PM. Preston Carter was introduced as the new zoning and compliance officer.

Reading of Rules of the Meeting

Action: Steve Brandeberry read the rules of the meeting. Kerry Brugger motioned to allow Eric Samuelsson to serve as a chair for 2021 and Richard Kerns seconded the motion. Steve Brandeberry asked to motion to have a vice chair. No motions were presented. Therefore, there is no vice chair. Bill Bean motioned to have Steve Brandeberry as Designer Board Representative. Kim seconded the motion. Steve Brandeberry proposed to appoint Eric Samuelsson as the Housing Council Member for the year of 2021 which is a two-year term and he was in this position in 2020. Bill Bean motioned and Kerry Brugger seconded the motion

Prior Meeting Minutes

Action: Steve Brandeberry asked to motion to accept last meeting minutes. There was no further discussion. Bill Bean made a motion to accept
Bill Seconded the motion

Discussion: None.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Old Business – Application(s)

Case # 1: PC-2020-18 – Korte – Equipment Storage Building – 750 S. Edgewood Avenue – Site Plan Review (tabled 9-28-2020)

Application, Staff Comments & Recommendations: Doug Crabill read the application, provided the background, and read the staff report to the Board. This was tabled in September 28th meeting. Kerry Brugger motioned to take it off the table and Richard Kerns seconded this motion.

Testimony in Favor: None.



Testimony Against: None.

Discussion: Doug Crabill stated that the original presentation of this project was vague and many questions regarding it were simply needing more information. Kerry asked the question of how this project has made it far enough to be presented to the Project Commission considering all of the incomplete information originally presented. Mr. Gordon answered that the location and zoning was being checked and they were addressing some technical questions including exact location of the building and the nuisances reported on the property. They had originally wanted to break ground last fall. Doug was concerned that the project layout depicts the frontage as being 25' while actually being 50'. The rear is depicted as 10' while actually being 40'. The main change to this project is that the access to this building will be off Edgewood instead of the easement. This is part of the issue with the confusion for the front and rear zoning. It was mentioned that other than building orientation, the size and height seems okay. Kerry stated that this project and property is non-conforming. Kerry moved to approve the application given the below listed stipulations. Bill Bean seconded the motion.

Action: To be approved and project can proceed given the following;

- Variance is approved by the BZA
 - Use of the gravel
 - Front and back setback
- Planning commission acting on application
- Comments are addressed

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

New Business – Application(s)

Case # 1: PC-2021-01 – TIS Properties LLC – 605 Miami Street – Site Plan Review

Application, Staff Comments & Recommendations: Doug Crabill read the application, provided the background, and read the staff report to the Board. Joe Tim from TIS Properties attended to represent the project, and Marcia to represent CEP and has worked on these projects for a number of years. The 2nd floor will be office space for inspections, 1st floor for Community Health and Wellness Partners (medical clinic). The back will be warehouse and manufacturing space.

Testimony in Favor: None.

Testimony Against: None.

Discussion: The question as asked if the LUC was involved in this project. Doug Grabill answered that they are not. Doug said there will need to be a zoning permit needed as well as a flood permit and some corrections will be made to the project drawing. We recommended having the new sewer to be assessed. There will be a city right of way. Question about the elevated parking lot will need some railing. There will be a landscape plan and photometric plan required. These documents will be submitted by TIS at a later date for approval. Recommend putting in a short sidewalk from Miami Street to West Building entrance for a pedestrian access. Discussed with Fire Dept is that the post indicating valve and the FDC are shown to be on the sidewalk on the eastside, suggestion that those be wall mounted so as to not block too much sidewalk space. The dumpster enclosure will need to be refined to be more visually appealing. Will need more information on the monument sign at a later date. Fire department wants to ensure they are able to get completely around all sides of the building by existing streets with ease. Suggested to continue to work with the utilities regarding the fire line, back flow location. More clarification needed on these matters.



Richard Kerns Motioned to approve the plan given this below listed issues are addressed and approved, and seconded by Bill Bean.

Action: Project to be approved given the following issues addressed;

- Zoning and flood permit approved
- Project drawing corrections
- New sewer addressed
- Railing for elevated parking is added
- Landscape and Photometric plan approved
- Valves and FDC moved to wall mount
- Address dumpster enclose

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 2:

PC-2021-02 – Na Cl Salt Spa – 1472 East US Hwy 36 – Wall Sign

Application, Staff Comments & Recommendations:

Doug Crabill read the application, provided the background, and read the staff report to the Board.

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Doug outlined that the City Code states that box signs are prohibited due to their lack of appeal. The sign at discussion is similar but offers more depth and lighted letters. Doug proposed that if this sign is approved, the city will likely see an increase in requests to use this kind of sign. Doug stated that he and Adam Moore discussed this and are okay with this matter as the sign will be visually appealing, but this likelihood needs to be known by the counsel during this discussion.

There was no further discussion of this matter.

Kerry Brugger motioned to approve the new sign, and seconded by Richard Kerns.

Action: Approved

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Adjournment

Action: Kerry Brugger made a motion to adjourn.
Richard Kerns seconded the motion.

Vote: 5 (Yay) – 0 (Nay)
Motion passed.



Planning Commission

February 22, 2021, Meeting Minutes

Attendance

Members Present: Kimberly Gordon-Brooks; Eric Samuelsson (Chair); Kerry Brugger; Richard Kerns; Bill Bean;

Member(s) Absent: Jennifer Dunham-Young; Steve Brandeberry (Alternate);

Guests Present:

Call to Order and Pledge of Allegiance

Action: Eric Samuelsson called the meeting to order at 6:00 PM.

Reading of Rules of the Meeting

Action: Kerry Brugger read the rules of the meeting.

Prior Meeting Minutes

Action: Richard Kerns moved to accept the previous meeting minutes, and Kim Gordon-Brooks seconded the motion.

Discussion: Motion passed

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Old Business – Application(s)

Case # 1:

**Application, Staff
Comments &
Recommendations:**

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action:

Vote: 6 (Yay) – 0 (Nay)
Motion passed.



New Business – Application(s)

Case # 1: PC-2021-03 – Ultra-Met Company – 720 N. Main St. – Site Plan Review

Application, Staff Comments & Recommendations: Preston Carter read the application, provided the background, and read the staff report to the Board. This is a new parking lot and a 5,000' building addition. They have been through BZA this month for the 2nd curb cut for the parking lot. Representatives were present from Ultra-Met.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Kerry Brugger asked if everything has been addressed from the last meeting. Ultra-Met answered that the wall packs will no longer be present on the new addition and the new plans had just finished. Kerry Brugger asked Preston Carter if the zoning department had any concerns. Carter answered that everything had checked out from the zoning side.

Kerry Brugger motioned to approve the application and Richard Kerns seconded the motion.

Action: Application approved.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 2: PC-2021-04 – Kile Real Properties/Urbana Dental Smiles – 1052 S. Main St. – Site Plan Review 7.00

Application, Staff Comments & Recommendations: Preston Carter read the application, provided the background, and read the staff report to the Board.

Testimony in Favor: None.

Testimony Against: None.

Discussion: It was asked if the sewer department had any issues with this project. Preston Carter answered that there was nothing from the sewer company.

Bill Bean moved to accept the site plan and Kerry Brugger seconded the motion.

Action: Approved

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 3: PC-2021-05 – E. Williamson Holdings/Pet Clinic of Urbana – 1053 N. Main St. – Site Plan Review

Application, Staff Comments & Recommendations: Preston Carter read the application, provided the background, and read the staff report to the Board. This will be 2 additions to the building including around 300' addition and a 600' addition and 4 additional parking



spots. The primary issue is the north side parking because this would have people backing out onto the street which is against city code. They are working to address this issue.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Thomas Whitestein was there to represent the Pet Clinic and stated they are willing work with the city to come to a better solution.

Kerry Brugger asked if the property boundaries have been clarified. Whitestein stated that the deed lists both lots separately but both are the property.

Dustin Hurst stated that if the correct channels were taken to get the two lots listed out as one and redefined as the property, it would be ideal from a zoning stance.

Kerry Brugger motioned to accept the application if the parking issue is addressed, the dumpster enclosure, and identifying the boundary correctly. Kimberly Gordon-Brooks seconded the motion.

Action: Approved given the following issues are addressed

- The parking plan is adjusted to meet satisfaction of the engineers
- The dumpster enclosure is addressed
- The zoning lot boundaries are corrected

Vote: 6 (Yay) – 0 (Nay)

Motion passed.

Case # 4: **PC-2021-06 – Urbana Champaign County Senior Center – 150 Patrick Ave. – Wall Sign**

Application, Staff Comments & Recommendations: Preston Carter read the application, provided the background, and read the staff report to the Board. The sign is going to be the only sign. This will be aluminum and have colored and LED lighting. The sizing of the sign met all of the zoning compliance. This will be 8' by 8' in overall size, this size also meets city zoning compliance.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Kerry Brugger moved to accept the sign, Richard seconded the motion.

Action: Approved

Vote: 6 (Yay) – 0 (Nay)

Motion passed.

Miscellaneous

Case # 1: **Propose to update the Fence Ordinance**

Application, Staff Comments & Recommendations: Dustin Hurst presented the information on the fence ordinance.



Testimony in Favor: None.

Testimony Against: None.

Discussion:

The wording is changing and clarified height and width restrictions and aligned the ordinance with engineering code. The materials of the fence were also addressed in this new writing. This makes the ordinance more enforceable. Fence permits will now only be open for 6 months compared to the original 2 years. If the client wants to put a fence on property line, they will need to get a written letter from the neighbor stating that they are okay with this fence. The ordinance also addresses that the construction of the fence must be kept orderly.

Bill Bean asked should there be limits as to what can be placed on top of the fence/wall. Dustin Hurst explained that is the purpose of the material section of the ordinance which clearly outlines what materials are acceptable and in what districts.

Bill Beans motioned to accept the changes to the fence ordinance and to move it along to City Counsel to review. Richard seconded the motion.

Action:

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Adjournment

Action: Eric made a motion to adjourn.
Kerry seconded the motion.

Vote: 5 (Yay) – 0 (Nay)
Motion passed.



Planning Commission

March 22, 2021, Meeting Minutes

Attendance

Members Present: Kimberly Gordon-Brooks; Eric Samuelsson (Chair); Kerry Brugger; Richard Kerns; Bill Bean;

Member(s) Absent: Jennifer Dunham-Young; Steve Brandeberry (Alternate);

Guests Present: Jim Sawyer

Call to Order and Pledge of Allegiance

Action: Eric Samuelsson called the meeting to order.

Reading of Rules of the Meeting

Action: Kerry Brugger read the rules of the meeting.

Prior Meeting Minutes

Action: Preston Carter informed the PC that the meeting minutes will be present in this next meeting from the previous meeting.

Discussion: Motion passed

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Old Business – Application(s)

Case # 1: None.

**Application, Staff
Comments &
Recommendations:** None.

Testimony in Favor: None.

Testimony Against: None.

Discussion: None.

Action: None.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.



New Business – Application(s)

Case # 1:

PC-2021-07 – Heartland Beef Inc./Arby's – 639 Scioto St. – Site Plan Review

Application, Staff Comments & Recommendations:	Preston Carter read the application, provided the background, and read the staff report to the Board. This includes a new sign, new drive through menu, new paint, parking, landscaping and installing an ADA ramp. The TRC offered very little feedback outside of handicap signs and their placement.
Testimony in Favor:	None.
Testimony Against:	None.
Discussion:	Richard Kerns moved to accept the application given the handicap signage and sidewalk repairs are addressed, the motion was seconded by Kim
Action:	Application approved given the following <ul style="list-style-type: none">• Proper signage for handicap accessibility• Sidewalk is repaired
Vote:	6 (Yay) – 0 (Nay) Motion passed.

Case # 2:

PC-2021-08 – Seth's Garden and Produce Center – Jefferson Ave. and Water St. – Site Plan Review

Application, Staff Comments & Recommendations:	Preston Carter read the application, provided the background, and read the staff report to the Board. The engineering and zoning and community development department wanted more detail. This will be a greenhouse project with a market of 5,400' on the corner of Jefferson Ave and Water St. Parking has been a concern to be addressed. The square footage of the market/green house would require 46 parking spots. The current drawing only proposes 20 parking spots.
Testimony in Favor:	None.
Testimony Against:	None.
Discussion:	<p>Some feedback was given regarding dumpster enclose and signage.</p> <p>Jim Sawyer spoke to represent the project development. Jim stated that majority of the staff comments were minor and will be addressed easily with the exception of a few. He stated that the greenhouse already exists, they just need to lay out a foundation. He also states that the owners are entering into a REA so they can maintain and allow customers to use the parking lot adjacent to the greenhouse. Jim states that the location of the parking lot to Goodwill and CVS is perfect for them because the customers to the other businesses will not be using the same parking spaces at the market customers given the layout of the parking lot.</p> <p>Kerry Brugger asked what the rear drive will be for. Jim answered that access will be for deliveries, utility, and trash removal. Therefore, customers will enter the property from the front of the building.</p> <p>Kerry Brugger also made the point that the greenhouse will not have the same traffic all year as off seasons will be slower. Preston Carter stated that this has been discussed and the with the existing parking as well as the proposed additional parking would likely be enough even during peak season.</p>



Jim Sawyer also mentioned that the sign would be on the building and on the ground in accordance with the ordinance. He also addressed the trash pickup and stated that the dumpster will have a fence enclosure with landscaping down the drive to it.

They also will be putting in an deduct meter so to use the run off water to help irrigate the plants. There would be concrete walkways and then the water will go through the ground and not into the storm sewer.

Richard Kerns moved the accept the application with the understanding that all of the above is addressed. Kimberly seconded the motion.

Action:

Application approved provided the following will happen.

- Zoning is cleared
- Lighting, signage, and parking is addressed

Vote:

6 (Yay) – 0 (Nay)

Motion passed.

Miscellaneous

Case # 1:

Park Place Development Updates

**Application, Staff
Comments &
Recommendations:**

Preston Carter stated that this project has been pulled from the Agenda as a few things are still being adjusted.

Testimony in Favor:

None.

Testimony Against:

None.

Discussion:

None.

Action:

None.

Vote:

6 (Yay) – 0 (Nay)

Motion passed.

Adjournment

Action:

Richard Kerns made a motion to adjourn.
Kimberly Brooks seconded the motion.

Vote:

5 (Yay) – 0 (Nay)

Motion passed.



Planning Commission

May 24, 2021, Meeting Minutes

Attendance

Members Present: Kimberly Gordon-Brooks; Eric Samuelsson (Chair); Kerry Brugger; Richard Kerns; Bill Bean; Jennifer Dunham-Young; Steve Brandeberry (Alternate);

Member(s) Absent:

Guests Present:

Call to Order and Pledge of Allegiance

Action: Eric Samuelsson called the meeting to order.

Reading of Rules of the Meeting

Action:

Prior Meeting Minutes

Action: Kerry Brugger motioned to approve the meeting minutes for January through March and was seconded by Kimberly Gordon Brooks.

Discussion: Motion passed

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Old Business – Application(s)

Case # 1: None.

**Application, Staff
Comments &
Recommendations:** None.

Testimony in Favor: None.

Testimony Against: None.

Discussion: None.

Action: None.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.



New Business – Application(s)

Case # 1: PC-2021-09 – Urbana Commercial Investments LLC/Mary Rutan Hospital – 209 Lippencott Lane – Wall Sign (Administratively approved 4/16/2021)

Application, Staff Comments & Recommendations: Preston Carter read the application, provided the background, and read the staff report to the board. This is the same sign company which did the sign on Lippencott. This will be a mirrored image of the original sign. This was administratively approved by Preston Carter and Kerry Brugger.

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action:

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Case # 2: PC-2021-10 – Hometown Vargains – 1637 E. HWY 36 #1B – Wall Sign

Application, Staff Comments & Recommendations: Preston Carter read the application, provided the background, and read the staff report to the board. This is located at the old Wal Mart space. They have a temporary sign and are seeking approval for a permit for a permanent sign. This is brushed aluminum vinyl sheeting with printed graphics. Other businesses in the strip have channel lettering which is not mandated by the code. It will be a flat panel sign. There are other signs around town like this one.

The permitted material for signage allows for low maintenance material being metal, concrete, stone. Preston Carter spoke with Mike for the owner of Streamline who is producing the sign. Mike spoke highly of the dybon paneling material. It is likely to hold up for a long time.

Eric Samuelsson asked if there was anyone of the public to speak on the sign application. There was no response.

Mr. Carter stated that sign is within code on size therefore, this really comes down to the aesthetics of the sign.

Steve Brandeberry moved to accept the application as proposed and it was seconded by Richard Kerns.

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action:

Vote: 7 (Yay) – 0 (Nay)



Motion passed.

Case # 3: Chapter 1123 – Business Residentials District (BR-1) - Revision

**Application, Staff
Comments &
Recommendations:**

Preston Carter stated that he has been working with Vince Gonzalez, Pat Thackery, Kim Gordon Brooks, Doug Crabill, and Marcia Bailey to rework the existing BR-1. The way the BR-1 is currently does not foster the growth they hope to see for the city. They are hoping to expand the allowed uses in this district to make it easier for businesses to open. In the past there have been multiple businesses that have been looking for space to rent/own and operate out of but could not do so as BR-1 did not allow their kind of business in this district. Therefore, Urbana has lost some economic opportunity for this reason.

The changes were a redefinition of the district as a whole. The BR-1 is still transitional district while focusing on keeping the original character of the districts. The conditional use of 'offices' was moved to a principally permitted. Therefore, office business will not need conditional approval. No changes were made to accessories. Conditional uses have been expanded to include commercial recreations such as arcades, bowling allies, movie theater, etc. Retail business was added along with restaurants, printing and publishing, and automotive repair.

The maximum floor area was added to the district rules to attempt to limit the size of the businesses in this district. This is to allow the original character to stay within the neighborhoods and not allow a chain restaurant business to come in and buy multiple lots and build a large restaurant which would drastically change the character of the whole neighborhood. However, a small law office or coffee shop could move into one of the homes in a BR-1 and maintain the overall character of the neighborhood and still operate business. This would be 2,500 square feet. While there are some instances where the building will be bigger than 2,500 square foot, they would need to apply for a variance.

Mr. Carter also stated the reason there was more added to the conditional use rather than the principal use is so there can be conditions added to the application. For example; if the board would be concerned about lighting, parking, or traffic issues, the conditional use could be approved with the conditions the business will address those concerns and make it more functional for the neighborhood.

The term restaurant was addressed as well. Currently the code reads with restaurant and restaurant fast food. Restaurant is a place where patrons go in and sit down and are waited on and served on non-disposable dishes. A fast food restaurant is when patrons are served food from a disposable container.

This was addressed to be more specific. There are now four (4) restaurant definitions. They added drive in restaurant which is like Sonic in which you order from your car, you are served in your car, and you eat in your car. The other restaurant is take-out which is when you order to-go and leave.

Mr. Samuelsson asked if a business-like Casey's could come back into a BR-1 district with the proposed changes. Mr. Carter answered that a Casey's could not come back because they outline that automotive fueling stations will no be permitted in the BR-1.

If this is approved by the Planning Commission, it would go before the City Council.

Mr. Brugger noted that the old version of the BR-1 definition stated that the maximum lot occupancy was 50% but did not have anything regarding square footage of used building space. Mr. Carter reiterated the new definition will have a maximum square footage of floor area.

Bill Bean stated that he was concerned about the use of automotive repair in a BR-1 depending on how it is defined. He sees someone buying a property in a neighborhood and dragging in a bunch of vehicles and being able to work on cars until all hours of the night and making noise in the neighborhood. Mr. Carter stated that



this is still a conditional use which means they could implement conditions such as how late they can operate, how long vehicles can sit on the property, noise issues can be addressed.

Kerry Brugger asked if someone buys a home in the BR-1 and lives in the home but wants to start a mechanic shop in his garage, can they do so. Mr. Carter answered that they can do this but if he does not follow the normal nuisance and ordinance regulations, then he would be treated as a nuisance and it would be addressed as such.

It was also mentioned that these rules and guidelines are meant for the office to assume these are good business people and will follow the rules. If they do not, they would answer to the zoning and compliance office.

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action: It was motioned by Richard Kerns to accept these changes to the BR-1 as proposed and seconded by Kerry Brugger.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Case # 4: Chapter 1124 – General Business District (B-2) – Principally permitted uses update

**Application, Staff
Comments &
Recommendations:** Preston Carter stated that B-2 will now allow all restaurant by definitions

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action: It was motioned by Richard Kerns to accept these changes to the B-2 as proposed and seconded by Kerry Brugger.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Case # 5: Chapter 1125 – Central Business District (B-3) – Principally and conditional uses updated

**Application, Staff
Comments &
Recommendations:** Preston Carter stated this would change the conditional use of restaurant in the b-3 to restaurant drive in and restaurant drive through. Principal use would be restaurant fast food and restaurant carry out.

Testimony in Favor: None.



Testimony Against: None.

Discussion:

Action: It was motioned by Richard Kerns to accept these changes to the B-3 as proposed and seconded by Kerry Brugger.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Case # 6: Chapter 1102 – Definitions Updates/Additions

**Application, Staff
Comments &
Recommendations:**

Preston Carter stated the term restaurant was addressed as well. Currently the code reads with restaurant and restaurant fast food. Restaurant is a place where patrons go in and sit down and are waited on and served on non-disposable dishes. A fast food restaurant is when patrons are served food from a disposable container.

This was addressed to be more specific. There are now four (4) restaurant definitions. They added drive in restaurant which is like Sonic in which you order from your car, you are served in your car, and you eat in your car. The other restaurant is take-out which is when you order to-go and leave.

The definition of personal services changed to include hair salons, barbers, massages, shoe shining, anything that is a luxury personal service.

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action: It was motioned by Richard Kerns to accept these changes to the definitions as proposed and seconded by Kerry Brugger.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Miscellaneous

Case # 1:

**Application, Staff
Comments &
Recommendations:**

None.

Testimony in Favor: None.

Testimony Against: None.

Discussion: None.



Action: None.

Vote: None.

Adjournment

Action: Richard Kerns made a motion to adjourn.
Kimberly Brooks seconded the motion.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.



Design Review Board

January 25, 2021, Meeting Minutes

Attendance

Members Present: John Bry; Lin Giampetro; Steve Brandeberry; Patrick Trenor (chair); Richard Colvin (Vice Chair); Kurt Heintz; Steve Brune; Lydia Hess (Alternate)

Member(s) Absent:

Guests Present: Amy Forest from In Good Taste Market

Call to Order and Pledge of Allegiance

Action: Doug Crabill called the meeting to order. Preston Carter was introduced as the new zoning and compliance officer.

Reading of Rules of the Meeting

Action: Doug Crabill decided to skip rules given the late start.
Patrick Trenor was nominated for Chair and Richard Colvin as vice chair by Steve Brandeberry seconded the motion.

Prior Meeting Minutes

Action: Richard Colvin motioned to approve the minutes from November 23rd meeting and Steve Brune seconded the motion.

Discussion: None.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Old Business – Application(s)

Case # 1: None

**Application, Staff
Comments &
Recommendations:** None.

Testimony in Favor: None.

Testimony Against: None.

Discussion: None.

Action: None.



Vote: N/A

New Business – Application(s)

Case # 1: DRB-2021-01 – 300 N. Main Street, Suite 1 – First Federal Community Bank – Projecting/Blade Sign

Application, Staff Comments & Recommendations: Doug Crabill read the application, provided the background, and read the staff report to the Board.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Doug Crabill stated this is a common sign used in the past and been approved by the board in the past. All regulations and specifications have been met for this sign and bracketing is already in place waiting to hold the sign. Kurt Heintz moved to accept and approve the sign, Richard seconded the motion.

Action:

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 2: DRB-2021-02 – 12 Monument Square – In Good Taste Market/Catering – Projecting/Blade Sign

Application, Staff Comments & Recommendations: Doug Crabill read the application, provided the background, and read the staff report to the Board. Amy Forest from In Good Taste Market to represent this project.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Doug Crabill discussed this sign is a little different from what is usually expected. This sign will likely be used more by John White. This sign offers some dimension and visually appealing color and lighting. The question was asked if the lighting intensity can be adjusted on this sign. The intention is to make the sign function more of a glow rather than a light so the light would not be as intense.

Doug Crabill provided that the code states sign shall not be above the 2nd floor while this one is going to be placed between the 2nd and 3rd floor. Since the building is 3 stories, the placement should suffice.

Doug Crabill wants to ensure that the scale and placement on the building looks correct, and how far out does the sign stick off the building as code states the sign may not stick out more than 4' from the building.

The question was asked what exactly this business is. Amy Forest explained that the business is a food market including prepared meals and prepackaged food as well as oils, vinegars, jams, etc. Most of which is provided to them by local vendors and other local business owners.

Kurt Heintz states that the sign is nice looking but it will dominate the landscape as it is so large and out of character of the downtown. Richard mentioned that Amy and he are hoping to paint the building and paint a



sign to make the sign conform the branding of the store and the sign. He acknowledges this would bring a contemporary look the overall historic building and tie the sign in more to look in character to the look. Pat motioned to accept and approve the sign, Richard Colvin seconded the motion.

Action: Sign approved

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Miscellaneous

Discussion: Kerry Bruegger suggested that the board found a new and faster way to address sign issues when the sign on a building is being changed to a similar style and size from an already approved and present sign. This would save the customers time so they do not have to wait a month or two to change their sign and the board does not have spend time on these uniform and basic cases when they already know the sign will be approved. Kerry stated this matter does not need address immediately but something for the board to consider to improve and stream line the process.

Action:

Vote:

Adjournment

Action: Steve Brandeberry made a motion to adjourn.
Lin Giampetro seconded the motion.

Vote: 5 (Yay) – 0 (Nay)
Motion passed.



Board of Zoning Appeals

February 08, 2021, Meeting Minutes

Attendance

Members Present: Vincent Gonzalez; Marty Hess; Bryant Heflin; Charles Zerkle; Lisa Haulman

Member(s) Absent: Skip Mintchell

Guests Present: Jason Kyle from Urbana Dental Smiles; Chad Messer from Ultra-Met;

Call to Order and Pledge of Allegiance

Action: Vincent Gonzalez called the meeting to order.

Reading of Rules of the Meeting

Action: Vincent Gonzalez read rules of the meeting. The positions were addressed at the end of the meeting. Zerkle motioned to allow all position to be held by the same people for this board, the motion was seconded by Heflin.

Votes were unanimous for yes.

Prior Meeting Minutes

Action: None.

Discussion: None.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Old Business – Application(s)

Case # 1: None

**Application, Staff
Comments &
Recommendations:** None.

Testimony in Favor: None.

Testimony Against: None.

Discussion: None.



Action: None.

Vote: N/A

New Business – Application(s)

Case # 1: BZA-2021-01 – 1052 South Main St. (K48-25-00-01-20-048-00) – Kile Real Properties LLC (Urbana Dental Smiles) – Variance from Chapter 1124.08 (Rear Yard Setback)

Application, Staff Comments & Recommendations: Lisa Haulman read the application, provided the background, and read the staff report to the Board. This would allow the applicant to build an addition on the dental office.
Doug Crabill read about the 987' addition off the back of the building in a district that allows a 30' setback. They are asking for a variance for a 10' set back. The intention is to add an orthodontist and this project will allow the space to do so. Jason Kyle was introduced as a representative of this project.
Jason stated that the orthodontist office would be a great amenity that is not already offered in Urbana. After 3 years of operation in this building, they are looking at adding the space so business can continue to run smoothly for years to come and the addition will conform with the historic character of the original building.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Bryant verbally noted the well-drawn out details of the project and stated that everything was spelled out well enough.

Action: Lisa Haulman motioned to accept and approve this variance and seconded by Bryant Heflin.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 2: BZA-2021-02 – 720-738 North Main Street (K48-25-00-04-02-055-00 thru K48-25-00-04-02-059-00) – The Ultra-Met Company – Conditional use pursuant to the Urbana Corridor Development Standards (Drive Approach/Curb Cut)

Application, Staff Comments & Recommendations: Lisa Haulman read the application, provided the background, and read the staff report to the Board.
Doug Crabill stated this project has been seen a few times by the board. This is for a new parking lot to replace an old one. This project drawing provides a right turn only when exiting the parking lot. This is an improvement and this drive will be wider to meet more commercial use. This is going to Planning Commission later in the month. The corridor requirements state that when parking lot is for commercial or industrial use, it requires each curb to have conditional use through the BZA.

Chad Messer from Ultra-Met was there to represent the project.

Testimony in Favor: None.

Testimony Against: None.



Discussion: Zerkle asked is the ally way is still going to be used and Chad stated that parking lot design will allow the ally way to be used for emergency. Zerkle also asked if both exits from the parking lot will be right turn only. Chad stated that the exit by the house will allow for turning out both directions.

Hess asked how far this would be from the North intersection. Doug Crabill responded to say they will measure and stated there would be 170' and this would not need a variance as it will not create any issue with the flow of traffic.

Hess asked if Semi trucks will be able to use this parking lot. Chad responded that semis will not be using this parking lot as they will have a separate space for them which includes the dock.

Haulman asked if the existing parking lot on the corner will still be in use and available. Chad stated that parking lot will be kept.

Heflin asked asked if the South exit from the parking lot will have adequate signage to say right hand turning and to not allow people to make a left turn coming into the parking lot which will stop traffic. Chad stated there will be signage. Doug Crabill stated there will be a force to turn to guide traffic properly.

It was moved by Hess to accept and approve this project and seconded by Zerkle.

Action: Project application approved

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 3: BZA-2021-03 – 750 S. Edgewood Avenue (K48-25-11-01-33-020-00) – Jennifer Korte – Variance from Chapter 1126.06 (Front Yard Setback)

Application, Staff Comments & Recommendations: Lisa Haulman read the application, provided the background, and read the staff report to the Board. This client is asking for a variance to build 25' from the front lot line while the current code requires 50'.

Doug Crabill gave an overview of the project. Stated this is a flag lot and legally not conforming. The front would be Edgewood.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Zerkle asked if they driveway will be all the way around the water tower, the client said yes. Zerkle asked if the property to the west is owned by the City but Doug Crabill stated which Bundy owns the property to the west.

Doug Crabil stated this has been to Planning Commission who asked them to finalize and request the variances presented. This project will allow Korte to have a shop space, office space, and restroom on site to accommodate their construction business. This would be over 7,000' building.

Zerkle asked if the City was concerned about this building being so close to the water tower. Crabill stated that the building in this location is not of concern based on the technical regulations and last meeting.

Action: The acceptance and approval were moved by Gonzalez and seconded by Heflin.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.



Case # 4: BZA-2021-04 – 750 S. Edgewood Avenue (K48-25-11-01-33-020-00) – Jennifer Korte – Variance from Chapter 1126.08 (Rear Yard Setback)

Application, Staff Comments & Recommendations: Lisa Haulman read the application, provided the background, and read the staff report to the Board. This client is asking for a variance to build 10' from the rear lot line while the current code requires 40'.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Heflin asked about directional clarification. Gonzalez further clarified the position of this property and the proposed building.

Heflin also asked how big the parking lot is going to be. Korte explained that there will be a parking lot and outlined where he intends it to be. He also stated that he is looking to have space for a few employees and clean up some of the things around the property through this building.

Hess asked how wide the building is, Korte answered it will be 80' wide and 96' long.

Heflin moved to accept and approve the variance and seconded by Haulman.

Action:

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 5: BZA-2021-05 – 750 S. Edgewood Avenue (K48-25-11-01-33-020-00) – Jennifer Korte – Variance from Chapter 1133.02(e) (Paving)

Application, Staff Comments & Recommendations: Lisa Haulman read the application, provided the background, and read the staff report to the Board. This application is the same, this is just the 3rd piece to the same project.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Doug Crabill stated that code calls for a durable and dustless surface. Gravel does not meet these requirements which is why the variance is needed.

Korte added that the driveway has been gravel for many years. The question was asked who owned the easement. Doug Crabill clarified that the easement is the driveway owned by that parcel owner so that the city can maintain the water tower.

Maintenance for this driveway and easement may need addressed. Korte mentioned that paving it would be costly in case maintenance is needed for the water main or the hydrant. Sewer is about 1,500' away and they could arrange the sewer usage for the restroom and Doug Crabill mentioned that Korte was granted approval from the EPA for his septic system already.

Moved by Hess to accept the application and seconded by Haulman.



Action: Project accepted.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Miscellaneous

Action: Doug Crabill announced Preston Carter as the new zoning and compliance officer and Dustin Hurst for zoning consulting.

Gonzalez suggested that the finding of facts does not need read aloud anymore as they are read aloud by Lisa Haulman for this meeting. Heflin agreed this is not necessary at the start of each case to save time. The board agreed.

Vote: N/A

Adjournment

Action: Heflin made a motion to adjourn.
Haulman seconded the motion.

Vote: 5 (Yay) – 0 (Nay)
Motion passed.



Board of Zoning Appeals

April 12, 2021, Meeting Minutes

Attendance

Members Present: Charlie Zerkle; Skip Mintchell; Lisa Haulman; Bryant Heflin; Marty Hess; Vincent Gonzalez

Member(s) Absent:

Guests Present: Jesse Brewer; Jarrod Houchin; Tanisha Brown; Paul Gor; William Gibson; Mike Ward;

Call to Order and Pledge of Allegiance

Action: Called to order by Vince Gonzalez at 6:01PM and pledge was led.

Reading of Rules of the Meeting

Action: Gonzalez read the rules of the meeting.

Prior Meeting Minutes

Action: Vince moved to accept the minutes of the February BZA meeting minutes. The motion was seconded by Marty Hess.

Discussion: None.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Old Business – Application(s)

Case # 1: None

**Application, Staff
Comments &
Recommendations:** None.

Testimony in Favor: None.

Testimony Against: None.

Discussion: None.

Action: None.

Vote: N/A



New Business – Application(s)

Case # 1: BZA-2021-010 – 307 Poe Ave. (K48-25-00-04-12-088-00) – Jesse Brewer – Variance in an R-2 Medium Density Residential District – Permitted Accessory Structures.

Application, Staff Comments & Recommendations: Lisa Haulman read the project overview. This variance will allow the client to build an accessory structure without there being a principal structure. Preston Carter presented the staff reports and project. This will be a 50x48 pole barn structure. The applicant is present.

Testimony in Favor:

Testimony Against:

Discussion:

Hefflin asked Carter the question about the lot size and occupancy. Carter answered that this build will not exceed maximum occupancy and the two lots may eventually be zoned together.

Hefflin asked the main use of the pole barn. The applicant answered this will be a storage barn with living quarters inside. He will not be running a business out of this building either. The driveway and parking will be addressed. Mr. Brewer said he plans for concrete for the driveway and parking.

Mr. Brewer stated that there will be 30% living quarters and 70% shop. Hess stated that he is concerned that there could eventually be a business on this property and the neighbors have not been involved and have had no say. Brewer stated that there is a possibility of there eventually being a building but not soon. Brewer also made mention of multiple close businesses to this area. Brewer also outlined multiple properties which had pole barns and nothing more on the parcel in the area.

Hess asked how extensive of a living quarter will this building have as that changes a lot of the process. Will this be a residence? Hess said it will be a full home and therefore a primary structure.

Hefflin also did the math and determined that this structure will only take up about 15% of the lot occupancy.

Mr. Gonzalez stated that the intent of this structure has changed since the original application from just a pole barn to a primary structure of residency. Carter stated this project was originally articulated without intention of living quarters.

Dustin Hurst stated that Brewer will need to get blueprints and complete a whole new application for the structure as the intentional use has changed so much. The city planning and utility and engineering will need to be addressed. The county building department will also need to be involved.

Hess suggested that this be tabled until the new arrangements are made and the applicant can get more clarification for the project.

Action: Application tabled.

Vote:



Case # 2:

BZA-2021-011 – James Ave. (K48-25-00-01-12-034-00) – Jarrod Houchin – Variance from Chapter 1133.02(e) – Off-Street Parking and Design Standards.

**Application, Staff
Comments &
Recommendations:**

Lisa Haulman read the project overview. This is a variance would allow the applicant to use gravel parking and driveway rather than a dustless material per the ordinance. This would be for a 150'x220' parking pad for a dumpster rental service. They will use number 4 gravel as opposed to dustless surface.

Jarrod Houchin spoke and stated that he owns multiple businesses in the area and multiple businesses near him have gravel. This gravel will allow for him to park dumpsters and trucks on this lot. Some dumpsters will be full and some will be empty while all garbage and refuse will be contained within the dumpsters. There will not be planning for a building on this lot for a year or more.

Preston Carter stated the site plan review has been submitted and if his variance goes through today, other committees will be reviewing and will need to sign off on this project.

Testimony in Favor:

None.

Testimony Against:

None.

Discussion:

Skip Mintchell said he did not have an issue and Marty Hess stated that he recognizes that many other businesses in that area have similar gravel, therefore he does not have a problem with it.

Action:

Moved by Mr. Zerkle to accept the application presented and seconded by Mr. Hess.

Vote:

6 (Yay) – 0 (Nay)
Motion passed.

Case # 3:

BZA-2021-012 – 624 N. Main (K48-25-11-04-34-037-00) – Robert Glessner – Variance from 1133.08 (dd) – Parking Space Requirements.

**Application, Staff
Comments &
Recommendations:**

Lisa Haulman read the project overview. This is a variance to allow the applicant to expand the overall square footage of the principal structure without adding any additional parking.

Robert Glessner stated this had been a topic of discussion and at one point, there was a proposed Deal with Ultra Met to build more parking across the railroad tracks to allow for more spaces. In January, the lawyers for Ultra-Met stated that the risk was too high for Ultra Met to follow through with this deal. This did not work out.

They are intending to build a deck for special events only during the summer months, once a month or so. Since Lincoln & Main will not be using this deck once in a while, they would like to not add more marking. In the further, there will be more parking at the adjacent house if Lincoln & Main helps share the cost of the parking lot. This would allow an additional 10 spots but these plans are not ready yet. Ultra-Met has also agreed to let Lincoln & Main use the empty, undeveloped field for additional parking for special events as they have done in the past in 2018. They would put lines in the grass for parking for temporary events.

Testimony in Favor:



Testimony Against: William Gibson spoke up and said he lives at 545 Main Street and has for over 40 years. He is concerned that the parking will be more of an issue more often than for special events. Street parking has been tight since Lincoln & Main opened for business. He stated that without special events on Fridays and Saturdays, Mr. Gibson cannot park at his own house and has had 8 cars parking at his house for Lincoln & Main business. When he has family visit, they have to walk a block and a half away and walk back. He knows street parking is for public use, but the business is overtaking street parking which should be used for residents, this case will only get worse if the variance does go through.

Mr. Gibson stated that Lincoln & Main has not complied with noise agreements. He suggested that they move to the old Frisch's building which already has plenty of parking and is in a restaurant area and is set up for businesses like Lincoln & Main.

Discussion: Mr. Gessler stated Lincoln & Main was looking into the decibel reading and make sure they comply but that did not work out as the decibel ordinance was thrown own. Gessler stated that when there is a band and there are complaints, they try to minimize the noise. Gessler stated that events are only in June, July, August, and maybe September and bands only visit on Saturdays and only on every two weeks from 6PM-9PM.

Mr. Gessler also stated that there has been a verbal agreement between Lincoln & Main and King Law Office who may have 12-15 new parking spots in the next year. King Law has agreed to share parking with them. Lincoln & Main will help share the cost. They have also talked to Bill Parker who may be willing to sell a few plots on the other side of the tracks to add a parking lot next to the walking trail. Nothing is formal or finalized yet, but they are in the works.

Mr. Gibson stated that putting parking on the other side of the tracks is not going to stop people from parking on the street if it is closer and they do not want to walk far.

Mr. Hess stated that he feels it is a shame that when the city plans for businesses and different zoning districts they do not consider that a restaurant will bring a different feel than a law office and its unfortunate that a restaurant was put in with a residential area across the street. He stated this kind of business should not be allowed in this area.

Mr. Hess stated that the Zoning Map might not be correct. Dusty Herst stated this was the official City of Urbana Map and is all they can use.

Bryant Hefflin asked what the current square footage there was. Mr. Gessler stated that the original was 1,200 square feet and a kitchen was added. Dusty Herst stated that the Auditor's site said it is currently 2,277 square feet. Mr. Hefflin asked if the existing deck and patio is part of that measurement and Mr. Carter answered that it is. Mr. Hefflin recognizes that the parking requirement is based on 100 square feet. This is anything that is the principal structure including kitchen and bathrooms. Patio and desk included in this number and yard and grass space are not including in this configuration. Based on the square footage of principal structure, they would be required 32 parking spaces as is. Lincoln & Main only has 21 right now.

Hefflin also stated that the grass space would be an issue if there is rain and it becomes muddy. Therefore, this may not be a viable answer.

Mr. Herst stated that based on the circumstance, the business could call for a hard ship being that off-street parking is public parking and not private parking for the residence. Therefore, businesses which are similar to this one would not usually have this issue.

Mr. Hess stated this business being in such a heavily residential area created the issue of parking. Mr. Herst stated the use of restaurant business was approved at the time of the zoning and the time of the establishment being built. Mr. Herst stated that this business is in a business district and the residential district is the next street over. Lincoln & Main is not in a spot zoning.



Mr. Gessler stated that again that the deck will only be used for special events. The deck will only be used for dining if King Law Office has more parking.

Lisa Haulman asked how many special events there would be. Mr. Gessler answered that pre-COVID-19, there were special events once every 4 to 6 weeks with bands coming in every 3 weeks.

Action: Motioned by Mr. Mintchell to accept the application as presented and seconded by Mrs. Haulman.

Vote: 3 (Yay) – 2 (Nay) – 2 (abstained)
Application is disapproved.

Case # 4: BZA-2021-013 – 1490 E. U.S. Highway 36 (K48-25-11-03-47-005-00) – Cornerstone Project, LLC – Conditional Use pursuant to Chapter 1124.04 (i) – Hospitals.

**Application, Staff
Comments &
Recommendations:**

Lisa Haulman read the project overview. This will be a conditional use to use the lot for hospital type services. This is zoned for B-2 and the proposed business does not fall under B-2 use. They are asking to use it as a hospital.

Mike Ward spoke and stated that Cornerstone started in 2011 as a mental health facility as well as alcohol and chemical dependency treatment. They work with court systems to help people recover in Springfield and Dayton. They also help these people to continue education and get back into the workforce. They work with a range of different manufacturers to secure jobs for their clients as they recover. This location would be somewhere for Cornerstone to offer detox assistance in a controlled and safe environment. The goal is that this location would help people without disrupting the community. Pending approval, this project would bring 20-30 jobs to the area and clean up the hotel and its property. There is a similar Cornerstone project in a residential area in Columbus and there has been no complaint from the community regarding the operations.

Vince Gonzales asked if the 20-30 jobs brought to the area would be full-time. Mr. Ward answered they would have mostly full-time positions with a hand full of part-time. They are offering medical and dental insurance, life insurance, and offer internal promotions and education incentives. They would work with other community agencies to make sure they have the support they need.

Testimony in Favor:

Testimony Against:

Discussion:

Mr. Hefflin asked the current number of rooms in the hotel and what the number of rooms will be repurposed? How many rooms will be inpatient rooms. Mr. Ward answered that there are 40 rooms and the majority of them would be for inpatients. Mr. Hefflin asked if the outpatient care would be handled in existing conference rooms or where those facilities would be. Mr. Ward said those services would be in Springfield. This facility will be inpatient only for 3 days to 30 days.

Hr. Hefflin asked about safety measures for existing facilities that may be implemented at this Urbana location. Mr. Ward stated that the facilities are staffed 24/7 and they have their own vehicles and can contact local emergency assistance if anything were to get out of hand. There will be medication management from health and mental health.

Mr. Hefflin also asked about the kitchen facilities and how the people will be fed during their stay. Mr. Ward answered there is already a kitchen from the original hotel but will be need to build a new kitchen as well.

Mr. Gonzalez stated that he had researched their existing locations and he was impressed with the upkeep and how nice the facilities look.



Mrs. Haulman stated that she feels there is a need for a facility like this and the location they picked would be great for this project.

Marty Hess asked if a half-way-house was a stretch of the hospital use to Mr. Carter. Mr. Carter answered that there is no uses such as this outlined in the ordinance that outlined their goal.

Mr. Hess and Mr. Herst discussed whether or not it was necessary to involve the police department in this decision.

Action: Lisa Haulman moved to accept the application and seconded by Mr. Hefflin.

Vote: 4 (Yay) – 1 (Nay)
Motion passed.

Case # 5:

**Application, Staff
Comments &
Recommendations:**

Testimony in Favor:

Testimony Against:

Discussion:

Action:

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Miscellaneous

Action: Vince Gonzales brought it to the attention of the board that the zoning office is working on redefining the BR-1 district to include other businesses. Mr. Carter stated the goal is to make it so there will be more businesses able to open in a BR-1 as it is so slim right now that there are many empty lots. The goal is to make it easier to fill those lots without disrupting the regular flow and function of the surrounding neighborhoods.

Vote:

Adjournment

Action: Mr. Hefflin motioned to adjourn the meeting and Mrs. Haulman seconded the motion.

Vote: 5 (Yay) – 0 (Nay)
Motion passed.



Board of Zoning Appeals

May 17, 2021, Meeting Minutes

Attendance

Members Present: Charlie Zerkle; Skip Mintchell; Lisa Haulman; Bryant Heflin; Marty Hess; Vincent Gonzalez

Member(s) Absent:

Guests Present: Jesse Brewer; Tammy Gables; David Ellis

Call to Order and Pledge of Allegiance

Action: Called to order by Vince Gonzalez at 6:00PM and pledge was led.

Reading of Rules of the Meeting

Action: Gonzalez read the rules of the meeting.

Prior Meeting Minutes

Action: Marty Hess moved to accept the minutes of the April BZA meeting minutes. The motion was seconded by Bryant Heflin.

Discussion: None.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Old Business – Application(s)

Case # 1: BZA-2021-010 – 307 Poe Ave. (K48-25-00-04-12-088-00) – Jesse Brewer – Variance in an R-2 Medium Density Residential District – Permitted Accessory Structures.

Application, Staff Comments & Recommendations:

Vince Gonzalez motioned to take this application off the table and readdress it. It was seconded by Mr. Hess. This project was presented at the previous BZA but tabled when Mr. Brewer expressed that he had planned to have living quarters in this building which was not previously communicated and not depicted in any of the drawings or representations. Therefore, Mr. Brewer was instructed to fill out a different application and follow the steps to prepare the lot for a dwelling. Since then, Mr. Brewer has decided that the lot was no longer going to have living quarters and would just have the shop. This is a variance that would allow him to build an accessory structure without there being a principal structure on the property. The structure would be a pole barn for working in. The lot is currently vacant in a B-2 district.

Jesse Brewer spoke and stated that he is no longer interested in the living quarters. He is building a place to store his tools and tool boxes and somewhere to work in. He also would be building a half bathroom so that he does not need a portable bathroom.



Vince asked what the staff thought of the project. Mr. Carter stated that the project is fine with the project and willing to help him with the half bathroom to ensure it meets all requirements since the project will no longer have the living quarters.

Mr. Heflin asked if there would be an issue that this property is two parcels, if that could cause issues in the future should this property need to be sold. Mr. Carter stated that for all intensive purposes, this property is deeded as on parcel and therefore should not cause any issue in the future.

Testimony in Favor:

Testimony Against:

Discussion:

Action: Mr. Heflin motioned to accept the application as it has been presented. The motion was seconded by Misa Haulman.

Vote: 5 (Yay) – 0 (Nay)
Motion passed.

New Business – Application(s)

Case # 1:

BZA-2021-014 – 609 Loudon St. (K48-25-00-04-10-004-00) – Clayton Homes – Variance from Chapter 1121.06 - Front Yard Setback.

**Application, Staff
Comments &
Recommendations:**

This is a request for a variance from the frontage setback requirements. This will allow the application to build a principal structure with a 16' setback with the requirement being 25' setback. This will be a manufactured home with the frontage facing Loudon. The depth of this house is just over 28'.

David Ellis spoke to represent Clayton Homes in Bellefontaine. He stated that they will also be building steps to get in to the house as it's a manufactured home. Therefore, the house will be 16' from the road but with the steps only being 11' from the road.

Mr. Zerkle asked if there would ever be a front porch or handicapped access in the future which will affect the setback as time goes on. Mr. Ellis stated that he does not have it in the plan for the project to build anymore porch than is required so that would be up to the owner in the future. Mr. Carter stated that if she would want to build a porch in the future, she could have to come to the BZA and they could address the setback issue at that time. Mr. Zerkle also asked if the property had been surveyed yet. Mr. Carter stated that he could not speak to the most recent survey and Mr. Ellis said he had not but he did go out a measure himself. Mr. Hurst stated that the zoning office went based on the Auditors website.

Mr. Hess stated that he does not understand the drawing and therefore he cannot decide anything. Mr. Gonzalez agreed that the drawing was not clear.

Mr. Heflin stated that many of the homes on this street are close to the street. He asked if the set of steps were built to the house with no roof, would it still be considered to be encroaching on the right-of-way. He asked if there were a condition where the foundation plan could be staked on the property so that they can ensure that the property would sit where they are anticipating. Mr. Hurst stated that is part of the process for the building permit so it would be addressed. Mr. Ellis stated that they will do a laser measurement before placement as part of the process.



Mr. Heflin also asked what percentage of this lot can be occupied in this district. Mr. Hurst stated that the lot occupancy is 30% in this district. Mr. Heflin acknowledged that this lot will only have 18% occupancy once this project is complete and therefore room for a garage later if they so choose.

Mr. Ellis stated that they measured the lot and then split the difference to decide where the house would sit so it could be moved back if the board prefers but it would give them less back yard. Mr. Gonzalez stated that he went and looked at other homes on the street and felt that as long as the new build were not too much closer to the road than the neighboring homes, it should look fine and be okay.

Testimony in Favor:

Testimony Against:

Discussion:

Mr. Gonzalez stated that they should approve the application pending a more detailed outline of the property as Mr. Heflin has recommended. Mr. Carter stated that if this application is approved, this applicant will still go through the normal new construction process which would require them to do so. This would be verified during construction.

Action:

Mr. Heflin motioned to accept the application and Mrs. Haulman seconded the motion.

Vote:

4 (Yay) – 1 (Nay)
Motion passed.

Case # 2:

BZA-2021-015 – 609 Louden St. (K48-25-00-04-10-004-00) – Clayton Homes - Variance from Chapter 1121.08 - Rear Yard Setback.

**Application, Staff
Comments &
Recommendations:**

This variance allows for the applicant to build the principal structure which will only have a rear setback 14' rear setback apposed to the required 30'. All the staff comments are the same.

Mr. Heflin said he did not have questions but he appreciates that something is going on that lot and it will be nice and new.

Testimony in Favor:

Testimony Against:

Discussion:

Action:

Lisa Haulman motioned to accept the application and seconded by Mr. Zerkle.

Vote:

4 (Yay) – 1 (Nay)
Motion Passed

Case # 3:

BZA-2021-016 – 609 Louden St. (K48-25-00-04-10-004-00) – Clayton Homes - Variance from Chapter 913 - Construction and Repair of Sidewalks and Curbs.



Application, Staff Comments & Recommendations:	<p>This will allow the applicant to build the principal structure without adding sidewalk to both frontages as it is a corner lot.</p> <p>Mr. Carter stated that according to code, there must be sidewalk installed on all frontages. Since this is a corner lot, this would require the applicant to install sidewalk on both frontages of the lot. However, there is no existing sidewalk on Loudon but there is on Light. This will allow them to install sidewalk to continue the existing sidewalk on Light and not install sidewalk to nowhere on Loudon. Engineering department agreed this would be a good idea for them. The engineering office recommended this variance.</p> <p>Mrs. Haulman asked if Clayton Homes handles the sidewalk or if it would be subcontracted out. Mr. Ellis stated this work would be subcontracted.</p> <p>Mr. Zerkle asked if they would be required to put in a curb or if they are only required the sidewalk. Mr. Carter answered that the sidewalk is the only requirement and curb is not required per the ordinance. Mr. Zerkle asked if the sidewalk would match the width of the existing sidewalk. Mr. Ellis answered the plan is to match the width of the existing sidewalk. He believes it is 4' but that will be measured exactly when the time comes.</p> <p>Mr. Heflin asked if the driveway will require a variance for the dustless drive. Mr. Carter stated that the drive has not been planned yet but they will apply through the BZA when it comes time to work on the driveway if they want to use a non-dustless material.</p>
Testimony in Favor:	
Testimony Against:	
Discussion:	
Action:	Lisa Haulman motioned to accept the application and seconded by Mr. Zerkle.
Vote:	4 (Yay) – 1 (Nay) Motion passed.

Miscellaneous

Action:	<p>Marty Hess asked about the James Avenue case from the last BZA meeting. He stated that there have been multiple vehicles such as pick up trucks and heavy equipment on that property. He asked if that would be permitted there based on the last meet. Preston Carter stated that the application was so the applicant could use gravel instead of a dustless material, but that the use of the lot was not addressed in the BZA. Therefore, he can park vehicles and equipment.</p> <p>Marty also asked if Mr. Glessner from the last BZA was building the deck without the extra parking even though the application was denied. Preston answered that Mr. Glessner is working with zoning office to come up with a solution and if he begins to build, it will be addressed by the office. However, it was communicated to Mr. Glessner that he could build the deck but could not use it at the last BZA meeting.</p> <p>.....</p> <p>Mr. Hess asked how we plan to move forward given that we passed a variance at the last BZA with conditions and the conditions were not met and then they were instructed to go ahead with the project anyway. He</p>
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clarified that in October Lincoln & Main had applied to build the deck. The application was approved with the condition that he had to find more parking. Then he came back this year to apply again and ask to not be required the extra parking. Mr. Hurst explained that was the point of the variance to allow him to build without adding more parking in the last meeting, which was denied. However, he was then instructed to proceed forward and build but he could not use the deck.

Mr. Heflin stated that he would agree that the applicant should not have been instructed to build the deck even if he did not use it. Mr. Gonzalez agreed.

It was clarified that Lincoln & Main has enough parking for all of his existing square footage including the previously build patio/deck. Mr. Hurst stated per the city planner and city engineer, the parking spots are the only thing which Lincoln & Main needs to address to be able to use the proposed new deck.

Mr. Heflin asked if other members had noticed the habitat house lately and what everyone thought of it. He noted that there must be a hand full of code violations at that property.

Mr. Carter asked what documentation the board would like to see moving forward for each of the BZA applications as there were some concerns for the quality of the drawings and depiction of properties for Clayton Homes. Mr. Hess stated that he would prefer an engineering survey to be provided and he acknowledges this could become costly. However, this cost will be necessary if they are approved anyway. Mr. Carter provided that this could be too costly for someone who does not even know if the project is going to be approved. Mr. Hess stated that he has to do it regularly and does not feel it should be too much to ask.

Mr. Carter stated that at the end of the day, they have to go off the county auditor's website and there isn't anything in the ordinance or in the standard which states that the applicant needs professional survey and professional engineer plan before they can go to the BZA.

Mr. Gonzalez stated that he does not want to need to make sense of someone's drawing when it is not to scale and can be hard to understand. Mr. Carter stated that as long as the measurements are presented, it should suffice.

Mr. Hurst stated the previous applications had not been an issue and they have been similar drawings and the board has been able to decide based on those similar drawings. Mr. Gonzalez stated the board has asked for professional work or at least clearer drawings in the past so that decisions can be made quicker and easier.

Mr. Hurst stated if the board would like to start requiring the survey and professional drawings, they may want to consult the law director to make sure that is a fair requirement.

Mr. Carter reiterated once the applicant is approved in any case through the BZA, they then have to continue to work through the process and work with the zoning and engineering office to get then construction permits which do require professional drawings and professional surveys. The applicant is not approved by the BZA and then set lose to do whatever the want without regulation.

Mr. Heflin suggested that moving forward, if a drawing is too vague or unclear, the board can choose to table the item until the applicant can provide more information but as Mr. Carter has mentioned above, these things can be costly and not every applicant should need professional drawings and surveys as long as their own work is clear.

Vote:

Adjournment



Action: It was motioned by Mr. Heflin and seconded by Mrs. Haulman to adjourn the meeting.

Vote: 5 (Yay) – 0 (Nay)
Motion passed.

Ordinance 4544-21

AN ORDINANCE TO AMEND SECTION 1102.01, CHAPTER 1123, AND THE PRINCIPALLY PERMITTED USES UNDER SECTIONS 1124.02, 1125.02 AND 1124.04 OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA.

WHEREAS, whenever the public necessity, convenience, general welfare or good zoning practices require, Council may by ordinance after receipt of a recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property; and

WHEREAS, on May 24, 2021, the Planning and Zoning Staff formally requested an amendment to Section 1102.01, Chapter 1123, and the principally permitted uses under Chapter 1124 and 1125 of the Codified Ordinances of the City of Urbana (*See attached Exhibit A*); and

WHEREAS, on May 24, 2021, the City of Urbana Planning Commission recommended by a 7-0 vote that Council approve the requested amendments (*See attached Exhibit A*); and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, July 6, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio:

SECTION ONE:

As to Section 1102.01:

That the existing Section 1102.01(69) of the Codified Ordinances of the City of Urbana, Ohio is hereby amended, to read:

69. Personal Services

An establishment primarily engaged in providing services generally involving the care of the person or his/her apparel. Such establishments include but are not limited to the following: laundry, cleaning and garment services; photographic studios; beauty parlors (including manicure and pedicure salons); barber shops; shoe repair shops, shoe shine parlors, and hat cleaning shops; funeral homes; and other establishments engaged in providing personal services such as tanning salons, steam baths, reducing salons and health clubs, clothing rental, locker rental, and porter services (see major group 72 of the Standard Manufacturing Classification Manual). For purposes of this code, an adult business is not defined as a personal service establishment.

That the existing Section 1102.01(82) of the Codified Ordinances of the City of Urbana, Ohio is hereby amended, to read:

82. Restaurant

Restaurant. A business where the dispensing at indoor tables and the consumption at indoor or outdoor tables of edible foodstuff and/or beverage is the principal business. This definition includes a cafe, cafeteria, coffee shop, delicatessen, lunch room, tearoom, dining room, bar, cocktail lounge and tavern. The total seating area located within the enclosed portion of the

premises is more than 50 percent of the total floor area for the restaurant. This definition does not include a drive-in or carry-out restaurant.

That the existing Section 1102.01(83) of the Codified Ordinances of the City of Urbana, Ohio is hereby amended, to read:

83. Restaurant, Fast Food.

Restaurant, Fast Food. A food establishment so developed that its retail or service character is dependent upon providing stacking spaces for motor vehicles so patrons can be served while in their motor vehicles rather than in a building or structure.

That there shall be added the following sections:

84. Restaurant, Drive-in.

An automobile and truck-oriented use whose principal operation is the dispensing of edible foodstuff and/or beverage for consumption in vehicles, at indoor or outdoor tables, at stand-up counters or to be carried off the premises. Orders generally are not taken at the customer's table and the food is generally served in disposable wrapping or containers. The total seating area, if provided, is less than 50 percent of the total floor area of the restaurant.

85. Restaurant, Carryout.

Any establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state, primarily for consumption off the premises. A carryout restaurant shall not include drive-through facilities, and up to six (6) seats may be provided for on-site consumption and/or customer waiting.

SECTION TWO:

That the existing Chapter 1123 of the Codified Ordinances of the City of Urbana, Ohio is hereby amended, to read:

CHAPTER 1123

BR-1 Business Residential District

1123.01 Purpose

The desired development pattern is to accommodate continued residential development and use while allowing for neighborhood-scale retail and institutional uses. Commercial and residential development will be of high character, quality and charm reflected in the existing architecture. All uses should be relatively nuisance-free to surrounding residents and not detract from the residential purpose and character of the surrounding neighborhood. Access to this district should be directly from an arterial or collector street and not through a residential district. Residential and commercial uses may be mixed within the same building or structure with applicable zoning and building code requirements being met.

1123.02 Principally Permitted Uses

Principally permitted uses are as follows:

- (a) Multi-family Dwellings
- (b) Personal Services
- (c) Single-family Detached Dwellings

- (d) Office

1123.03 Permitted Accessory Uses

Accessory permitted uses are as follows:

- (a) Garages
- (b) Sheds
- (c) Swimming Pools
- (d) Gazebos
- (e) Fences and Walls: see Section 1129.10 for regulations
- (f) Compost Facilities
- (g) Decks
- (h) Carports
- (i) Signs
- (j) Solar Panels
- (k) Off-Street Parking of Recreational Vehicles
- (l) Off-Street Parking and Loading
- (m) Refuse Facilities, provided Corridor Overlay requirements are met
- (n) Uses which are similar or clearly incidental to the Principally Permitted Uses on the Lot

1123.04 Conditionally Permitted Uses

Conditionally permitted uses are as follows:

- (a) Home Occupations
- (b) Bed and Breakfast Establishments
- (c) Child Day Care Facility
- (d) Convalescent Care Facility
- (e) Family Care Home
- (f) Group Home Facility
- (g) Clubs
- (h) Public Service Facility
- (i) Public and Quasi-Public Uses
- (j) Educational Institutions
- (k) Religious Places of Worship
- (l) Hospitals
- (m) Residential Care Facilities
- (n) Commercial Recreation
- (o) Retail Business
- (p) Restaurant
- (q) Restaurant, Fast Food
- (r) Restaurant, Drive-In
- (s) Restaurant, Carryout
- (t) Printing and Publishing
- (u) Automotive Repair

1123.05 MINIMUM LOT AREA AND WIDTH

The minimum lot area for properties in the BR-1 Business Residential District shall not be less than 7,000 square feet with a width of not less than 60 feet.

1123.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the BR-1 Business Residential District shall not be less than 25 feet from the front lot line.

1123.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the BR-1 Business Residential District shall be as follows:

- (a) Principal structures shall not be closer than 5 feet from the side lot line.
- (b) Accessory structures shall not be closer than 5 feet from the side lot line.

1123.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the BR-1 Business Residential District shall be as follows:

- (a) Principal structures shall not be closer than 20 feet from the rear lot line.
- (b) Accessory structures shall not be closer than 10 feet from the rear lot line.

1123.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the BR-1 Business Residential District shall be as follows:

- (a) No principal structure shall exceed 40 feet in height.
- (b) No accessory structure shall exceed 20 feet in height.

1123.10 MINIMUM FLOOR AREA

The minimum floor area for structures in the BR-1 Business Residential District shall not be less than 800 feet.

1123.11 Maximum Floor Area

The maximum floor area for structures in the BR-1 Business Residential District shall not be more than 2,500 square feet.

1123.12 MAXIMUM LOT OCCUPATION

The maximum percentage of any property in the BR-1 Business Residential District to be covered by Principal and Accessory Buildings is 50 percent.

1123.13 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as specified in Section 1133.01, Off-Street Parking and Loading.

1123.14 LAND USE INTENSITY

The following land use intensity standards shall apply to all properties in the BR-1 Business Residential District:

- (a) The number of dwelling units per acre shall not exceed 12.
- (b) Non-residential uses shall have a floor area ratio not to exceed .30.

SECTION THREE:

That the existing Section 1124.02 of the Codified Ordinances of the City of Urbana, Ohio is hereby amended, to read:

1124.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses are as follows:

- (a) Commercial Recreation

- (b) Retail Business
- (c) Personal Services
- (d) Offices
- (e) Drinking and Eating Establishments
- (f) Restaurants
- (g) Automotive Filling Stations
- (h) Hotel or Motel
- (i) Restaurant, Fast Food
- (j) Restaurant, Drive-in
- (k) Restaurant, Carryout

SECTION FOUR:

As to Sections 1124.02 and 1124.04:

That the existing Section 1125.02 of the Codified Ordinances of the City of Urbana, Ohio is hereby amended, to read:

1125.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses are as follows:

- (a) Multi-Family Dwellings
- (b) Commercial Recreation
- (c) Retail Business
- (d) Personal Services
- (e) Offices
- (f) Drinking and Eating Establishments
- (g) Restaurants
- (h) Automotive Filling Stations
- (i) Hotel or Motels
- (j) Printing and Publishing
- (k) Light Manufacturing
- (l) Restaurant, Carryout

And that the existing Section 1125.04 of the Codified Ordinances of the City of Urbana, Ohio is hereby amended, to read:

1125.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses are as follows:

- (a) Single Family Detached Dwellings
- (b) Home Occupations
- (c) Bed and Breakfast Establishments
- (d) Child Day Care Facility
- (e) Clubs
- (f) Public Service Facility
- (g) Public and Quasi-Public Uses
- (h) Educational Institutions
- (i) Religious Places of Worship
- (j) Hospitals
- (k) Bakeries
- (l) Automotive Repair

- (m) Adult Entertainment Facility
- (n) Restaurant, Fast Food
- (o) Restaurant, Drive-in

SECTION FIVE

All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22. City Council held a public hearing pursuant to Urbana Codified Ordinance 1113.09, with notice by publication pursuant to Urbana City Charter Section 2.16, on July 6, 2021.


President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this ____ day of _____, 2021.

Mayor, City of Urbana

Department requesting: Administration/Zoning		Personnel: Preston Carter	Director of Law Review 
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? (Y) N If yes, dates advertised: 06/18/2021	
Readings required: 1 2 (3)			
First reading date: 06/15/2021	Second reading date: 07/06/2021	Third/Final reading date: 7/20/2021	

Anticipated effective date if approved: August 4, 2021



Planning Commission

May 24, 2021, Meeting Minutes

Attendance

Members Present: Kimberly Gordon-Brooks; Eric Samuelsson (Chair); Kerry Brugger; Richard Kerns; Bill Bean; Jennifer Dunham-Young; Steve Brandeberry (Alternate);

Member(s) Absent:

Guests Present:

Call to Order and Pledge of Allegiance

Action: Eric Samuelsson called the meeting to order.

Reading of Rules of the Meeting

Action:

Prior Meeting Minutes

Action: Kerry Brugger motioned to approve the meeting minutes for January through March and was seconded by Kimberly Gordon Brooks.

Discussion: Motion passed

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Old Business – Application(s)

Case # 1: None.

**Application, Staff
Comments &
Recommendations:** None.

Testimony in Favor: None.

Testimony Against: None.

Discussion: None.

Action: None.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.



New Business – Application(s)

Case # 1: PC-2021-09 – Urbana Commercial Investments LLC/Mary Rutan Hospital – 209 Lippencott Lane – Wall Sign (Administratively approved 4/16/2021)

Application, Staff Comments & Recommendations: Preston Carter read the application, provided the background, and read the staff report to the board. This is the same sign company which did the sign on Lippencott. This will be a mirrored image of the original sign. This was administratively approved by Preston Carter and Kerry Brugger.

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action:

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Case # 2: PC-2021-10 – Hometown Vargains – 1637 E. HWY 36 #1B – Wall Sign

Application, Staff Comments & Recommendations: Preston Carter read the application, provided the background, and read the staff report to the board. This is located at the old Wal Mart space. They have a temporary sign and are seeking approval for a permit for a permanent sign. This is brushed aluminum vinyl sheeting with printed graphics. Other businesses in the strip have channel lettering which is not mandated by the code. It will be a flat panel sign. There are other signs around town like this one.

The permitted material for signage allows for low maintenance material being metal, concrete, stone. Preston Carter spoke with Mike for the owner of Streamline who is producing the sign. Mike spoke highly of the dybon paneling material. It is likely to hold up for a long time.

Eric Samuelsson asked if there was anyone of the public to speak on the sign application. There was no response.

Mr. Carter stated that sign is within code on size therefore, this really comes down to the aesthetics of the sign.

Steve Brandeberry moved the accept the application as proposed and it was seconded by Richard Kerns.

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action:

Vote: 7 (Yay) – 0 (Nay)



Motion passed.

Case # 3: Chapter 1123 – Business Residentials District (BR-1) - Revision

**Application, Staff
Comments &
Recommendations:**

Preston Carter stated that he has been working with Vince Gonzalez, Pat Thackery, Kim Gordon Brooks, Doug Crabill, and Marcia Bailey to rework the existing BR-1. The way the BR-1 is currently does not foster the growth they hope to see for the city. They are hoping to expand the allowed uses in this district to make it easier for businesses to open. In the past there have been multiple businesses that have been looking for space to rent/own and operate out of but could not do so as BR-1 did not allow their kind of business in this district. Therefore, Urbana has lost some economic opportunity for this reason.

The changes were a redefinition of the district as a whole. The BR-1 is still transitional district while focusing on keeping the original character of the districts. The conditional use of 'offices' was moved to a principally permitted. Therefore, office business will not need conditional approval. No changes were made to accessories. Conditional uses have been expanded to include commercial recreations such as arcades, bowling allies, movie theater, etc. Retail business was added along with restaurants, printing and publishing, and automotive repair.

The maximum floor area was added to the district rules to attempt to limit the size of the businesses in this district. This is to allow the original character to stay within the neighborhoods and not allow a chain restaurant business to come in and buy multiple lots and build a large restaurant which would drastically change the character of the whole neighborhood. However, a small law office or coffee shop could move into one of the homes in a BR-1 and maintain the overall character of the neighborhood and still operate business. This would be 2,500 square feet. While there are some instances where the building will be bigger than 2,500 square foot, they would need to apply for a variance.

Mr. Carter also stated the reason there was more added to the conditional use rather than the principal use is so there can be conditions added to the application. For example; if the board would be concerned about lighting, parking, or traffic issues, the conditional use could be approved with the conditions the business will address those concerns and make it more functional for the neighborhood.

The term restaurant was addressed as well. Currently the code reads with restaurant and restaurant fast food. Restaurant is a place where patrons go in and sit down and are waited on and served on non-disposable dishes. A fast food restaurant is when patrons are served food from a disposable container.

This was addressed to be more specific. There are now four (4) restaurant definitions. They added drive in restaurant which is like Sonic in which you order from your car, you are served in your car, and you eat in your car. The other restaurant is take-out which is when you order to-go and leave.

Mr. Samuelsson asked if a business-like Casey's could come back into a BR-1 district with the proposed changes. Mr. Carter answered that a Casey's could not come back because they outline that automotive fueling stations will no be permitted in the BR-1.

If this is approved by the Planning Commission, it would go before the City Council.

Mr. Brugger noted that the old version of the BR-1 definition stated that the maximum lot occupancy was 50% but did not have anything regarding square footage of used building space. Mr. Carter reiterated the new definition will have a maximum square footage of floor area.

Bill Bean stated that he was concerned about the use of automotive repair in a BR-1 depending on how it is defined. He sees someone buying a property in a neighborhood and dragging in a bunch of vehicles and being able to work on cars until all hours of the night and making noise in the neighborhood. Mr. Carter stated that



this is still a conditional use which means they could implement conditions such as how late they can operate, how long vehicles can sit on the property, noise issues can be addressed.

Kerry Brugger asked if someone buys a home in the BR-1 and lives in the home but wants to start a mechanic shop in his garage, can they do so. Mr. Carter answered that they can do this but if he does not follow the normal nuisance and ordinance regulations, then he would be treated as a nuisance and it would be addressed as such.

It was also mentioned that these rules and guidelines are meant for the office to assume these are good business people and will follow the rules. If they do not, they would answer to the zoning and compliance office.

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action: It was motioned by Richard Kerns to accept these changes to the BR-1 as proposed and seconded by Kerry Brugger.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Case # 4: Chapter 1124 – General Business District (B-2) – Principally permitted uses update

Application, Staff Comments & Recommendations: Preston Carter stated that B-2 will now allow all restaurant by definitions

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action: It was motioned by Richard Kerns to accept these changes to the B-2 as proposed and seconded by Kerry Brugger.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Case # 5: Chapter 1125 – Central Business District (B-3) – Principally and conditional uses updated

Application, Staff Comments & Recommendations: Preston Carter stated this would change the conditional use of restaurant in the b-3 to restaurant drive in and restaurant drive through. Principal use would be restaurant fast food and restaurant carry out.

Testimony in Favor: None.



Testimony Against: None.

Discussion:

Action: It was motioned by Richard Kerns to accept these changes to the B-3 as proposed and seconded by Kerry Brugger.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Case # 6: Chapter 1102 – Definitions Updates/Additions

Application, Staff Comments & Recommendations: Preston Carter stated the term restaurant was addressed as well. Currently the code reads with restaurant and restaurant fast food. Restaurant is a place where patrons go in and sit down and are waited on and served on non-disposable dishes. A fast food restaurant is when patrons are served food from a disposable container.

This was addressed to be more specific. There are now four (4) restaurant definitions. They added drive in restaurant which is like Sonic in which you order from your car, you are served in your car, and you eat in your car. The other restaurant is take-out which is when you order to-go and leave.

The definition of personal services changed to include hair salons, barbers, massages, shoe shining, anything that is a luxury personal service.

Testimony in Favor: None.

Testimony Against: None.

Discussion:

Action: It was motioned by Richard Kerns to accept these changes to the definitions as proposed and seconded by Kerry Brugger.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.

Miscellaneous

Case # 1:

Application, Staff Comments & Recommendations: None.

Testimony in Favor: None.

Testimony Against: None.

Discussion: None.



Action: None.

Vote: None.

Adjournment

Action: Richard Kerns made a motion to adjourn.
Kimberly Brooks seconded the motion.

Vote: 7 (Yay) – 0 (Nay)
Motion passed.