



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director/City Planner

DATE: June 2, 2005

SUBJECT: ZBA 05-MAJ-03. A request for a major variance to allow a parking lot expansion to be constructed with a 100% encroachment into the required 25-foot front yard setback at 2404 N. North Shore Drive, in Urbana's IN – Industrial Zoning District.

Introduction

Aramark proposes to expand their existing parking lot into an unused portion of their property. The existing parking lot commences at the front property line along North Shore Drive and has no front yard setback. For purposes of efficiency and safe access, Aramark is requesting that the parking lot addition have the same configuration as the existing parking lot. This would involve placement of the new parking lot addition at the front property line with no front yard setback.

The existing parking lot was constructed prior to the annexation of the property into the City of Urbana and is considered to be legally non-conforming with respect to the required 25-foot front yard setback for the IN District. The petitioner is requesting a major variance to allow the new parking lot addition to encroach 100% into the required 25-foot front yard setback.

Pursuant to the Urbana Zoning Ordinance, in order for a major variance to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward it to City Council for final approval. At a public hearing held May 18, 2005 the Zoning Board of Appeals voted 5-0 to forward the variance request to the Urbana City Council with a recommendation for approval.

Discussion

According to Aramark, increases in business volume have led to a need for more parking spaces at their facility. Their building serves both as offices and warehouse for their operations in the community. Aramark wishes to provide parking for the office staff, the drivers of the delivery trucks, and the uniform trucks themselves.

The existing parking lot provides 12 parking spaces, which exceeds the 7 spaces required. However it is not uncommon for parking space demand to exceed the minimum requirements contained in the Zoning Ordinance. The proposed parking lot addition will provide an additional 6 spaces for parking the delivery service trucks.

The building is located in the middle of the parcel with the remainder of the southern half used for truck operations while the northern half is a large area of open space. The areas south of the building or along the south property line cannot be used for parking vehicles because the space is needed to safely maneuver and back up semi-trailer trucks into the loading dock on the south side of the building. The open area directly north of the building cannot be used for the new parking because it contains a septic field and tank that would be compromised by paving.

The North Shore Drive industrial area was developed prior to its annexation into the City and so does not comply with current Urbana Zoning regulations. All of the other lots on North Shore Drive have similar layouts to Aramark with parking and operations areas in the front yard setback.

Justification for Variance

Because the septic system constrains the buildable area on the parcel and because the North Shore Drive area was developed prior to annexation without setbacks there is justification for the requested variance. The most optimal location for the new parking lot addition is to extend the layout of the existing lot to the north including the 100% encroachment into the 25-foot front yard setback. This will provide the most logical, efficient, and safe layout for the expanded parking area. North Shore Drive has a neighborhood character limited to industrial warehouse uses without front yard setbacks and should not be detrimentally impacted by the variance.

Variance Criteria

On May 18, 2005 the Zoning Board of Appeals voted their recommendation of approval based upon the following findings:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

The practical difficulty is that the septic system constrains the buildable area on the lot to the location proposed for the parking lot addition.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The special circumstances are that the existing structures on the lot were constructed prior to annexation into the City leaving insufficient room at the front of the lot to accommodate both a standard parking lot and front yard setback. The septic system was also constructed in a location that constrains the use of the area north of the building.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The need for the variances has not yet been created. The petitioner is aware of the requirements of the Zoning Ordinance and has applied for variances prior to construction.

4. *The variance will not alter the essential character of the neighborhood.*

The requested decrease of front yard setback is consistent with conditions found on other surrounding properties and will have no impact on the character of this industrial neighborhood.

5. *The variance will not cause a nuisance to the adjacent property.*

The variance should not cause a nuisance to adjacent properties. The location of the parking lot addition will reflect conditions found in the existing parking lot.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The petitioner is only requesting the deviation from the requirements that can accommodate the constraints of the parcel without the incurring the extra expense of relocating the septic system.

Options for #ZBA-05-MAJ-3

The City Council has the following options this case:

- a. The Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Council may grant the variance subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those presented herein, they should articulate these additional findings in support of the approval and any conditions imposed; or
- c. The Council may deny the variance request. If the Council elects to do so, they should articulate findings supporting this denial.

Recommendation

Based on the findings outlined herein the Zoning Board of Appeals voted 5-0 to forward the variance request in case **05-MAJ-03** to the Urbana City Council with a **recommendation for approval to allow a 100% encroachment into the required 25-foot front yard setback, in Urbana's IN – Industrial Zoning District at 2404 North Shore Drive subject to the conditions proposed.** Staff concurs with the ZBA and recommends that City Council **GRANT** the major variance in case 05-MAJ-03 with the following conditions:

- 1. The development on the site must generally conform to the site plan submitted with the application.**
- 2. No part of parked trucks or cars may encroach or overhang into the North Shore Drive public right-of-way.**

Attachments: Proposed Ordinance
Draft May 18, 2005 ZBA Minutes

Exhibit A: Location Map
Exhibit E: Aerial Photo – Close Up
Exhibit F: Aerial Photo – Surrounding Area
Exhibit G: Petition for Variance
Exhibit H: Site Plan

Prepared by:

Paul Lindahl, Planner I

Cc:

Daniel Allen
Allen Engineering Corporation
202 S. Franklin Street, Suite 1
Decatur, IL 62523

Aramark Services
Attn: Paul Hilton
2404 North Shore Drive
Urbana, IL 61802

Aramark
Attn: Reg Gehrke
5330 Industrial Blvd., N. E.
Fridley, MN 55421

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ORDINANCE NO.2005-06-075

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a Parking Lot Expansion to be Constructed With a 100% Encroachment Into The Required 25-foot Front Yard Setback at 2404 North Shore Drive, in the IN - Industrial Zoning District/ ZBA 05-MAJ-03)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions related to the parcel of land or the structure; and

WHEREAS, the petitioner, Aramark Uniform Services, has submitted a petition requesting a major variance to allow a 100% encroachment into the required 25-foot front yard setback at 2404 North Shore Drive, in the IN - Industrial Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 05-MAJ-03; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on May 18, 2005 and by a Five to Zero (5-0) vote recommended approval of the requested variance with certain specified conditions; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3, C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the Zoning Board of Appeals in support of its recommendation to approve the application for a major variance as requested:

1. The practical difficulty with reference to the parcel concerned, in carrying out the strict application of the ordinance, is that the septic system constrains the buildable area on the lot to the location proposed for the parking lot addition.

2. The proposed variance will not serve as a special privilege due to the special circumstances that the existing structures on the lot were constructed prior to annexation into the City leaving insufficient room at the front of the lot to accommodate both a standard parking lot and front yard setback. The septic system was also constructed in a location that constrains the use of the area north of the building.

3. The change in zoning requirements upon annexation created the need for the variance. The new parking lot in need of a variance has not yet been created. The petitioner is aware of the requirements of the Zoning Ordinance and has applied for variances prior to construction.

4. The variance will not alter the essential character of the neighborhood. The requested decrease of front yard setback is consistent with conditions found on other surrounding properties and will have no impact on the character of this industrial neighborhood.

5. The variance should not cause a nuisance to adjacent properties. The location of the parking lot addition will reflect conditions found in the existing parking lot.

6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. The petitioner is only requesting the deviation from the requirements that can accommodate the constraints of the parcel without the incurring the extra expense of relocating the septic system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Aramark Uniform Services, in Case #ZBA 05-MAJ-03, is hereby approved to allow a 100% encroachment into the required 25-foot front yard setback at 2404 North Shore Drive, in Urbana's IN - Industrial Zoning District, as approved by the Zoning Board of Appeals with the following conditions:

1. The development on the site must generally conform to the site plan submitted with the application.

2. No part of parked trucks or cars may encroach or overhang into the North Shore Drive public right-of-way.

The major variance described above shall only apply to the property located at 2404 North Shore Drive, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot # 4 of the North Shore Subdivision as Recorded in Recorders Office
Champaign County, IL

PERMANENT PARCEL #: 91-21-06-228-004

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2005.

PASSED by the City Council this _____ day of _____,
2005.

AYES:

NAYS:

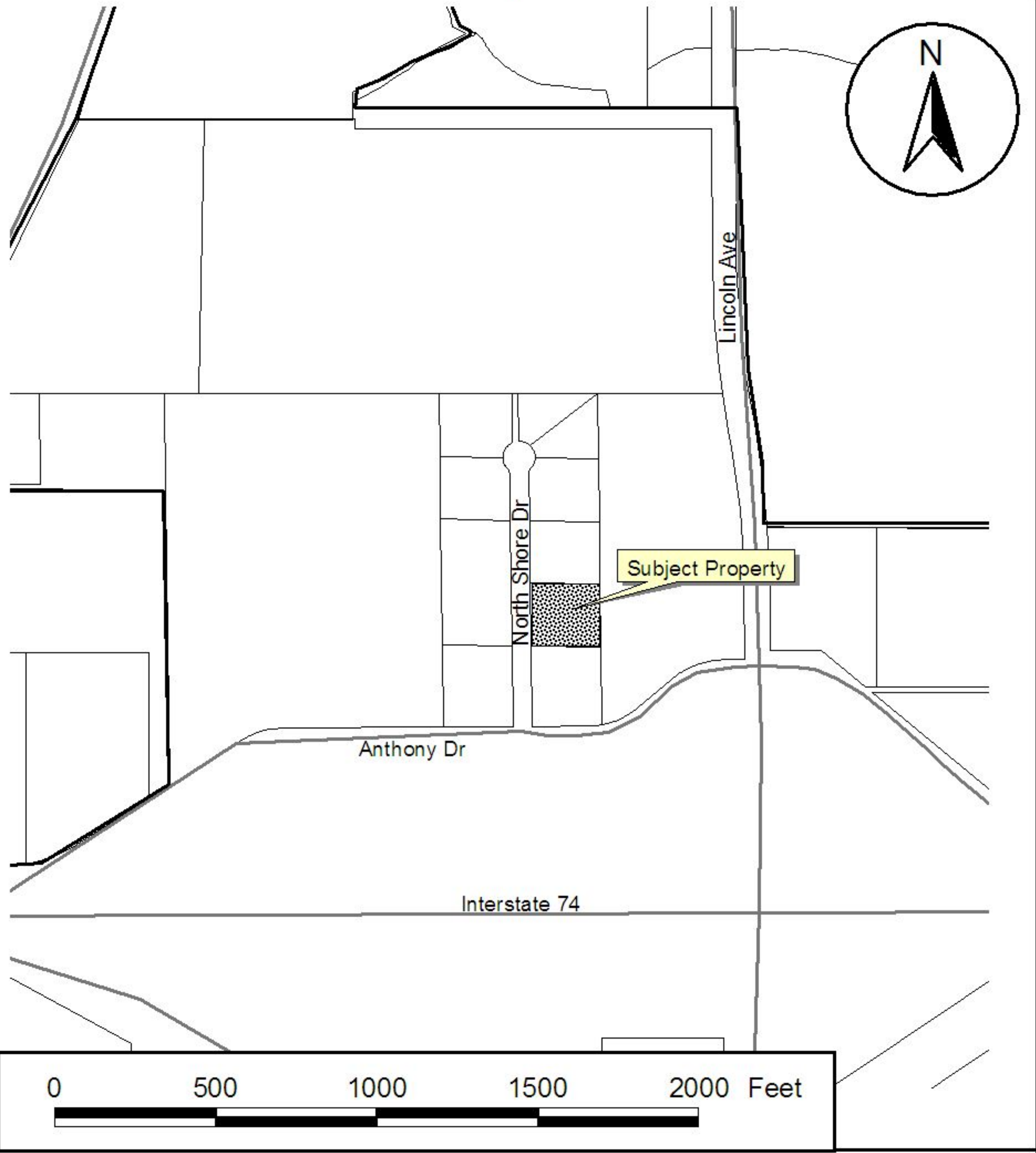
ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
2005.

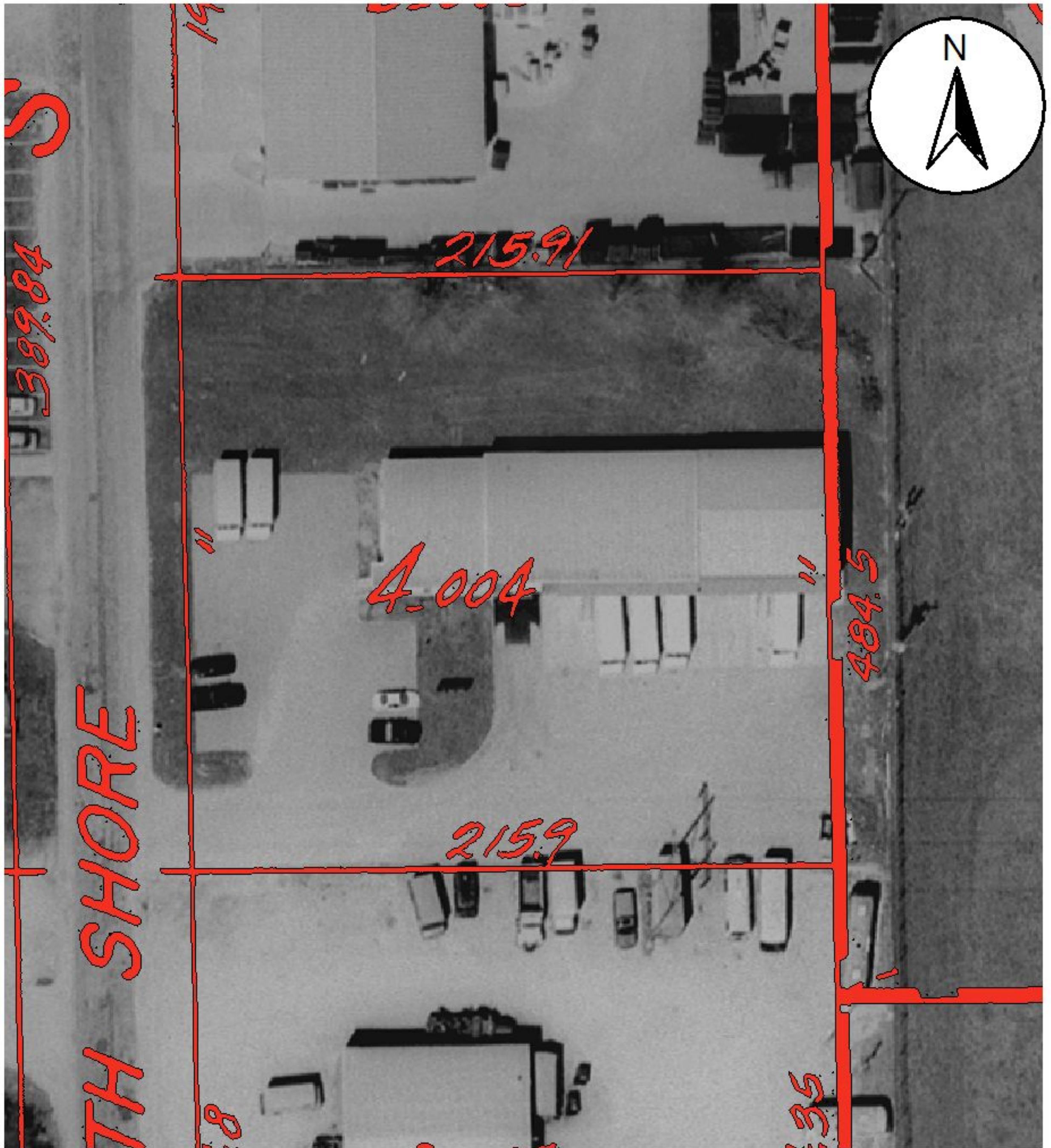
Laurel Prussing, Mayor

Exhibit "A": Location Map



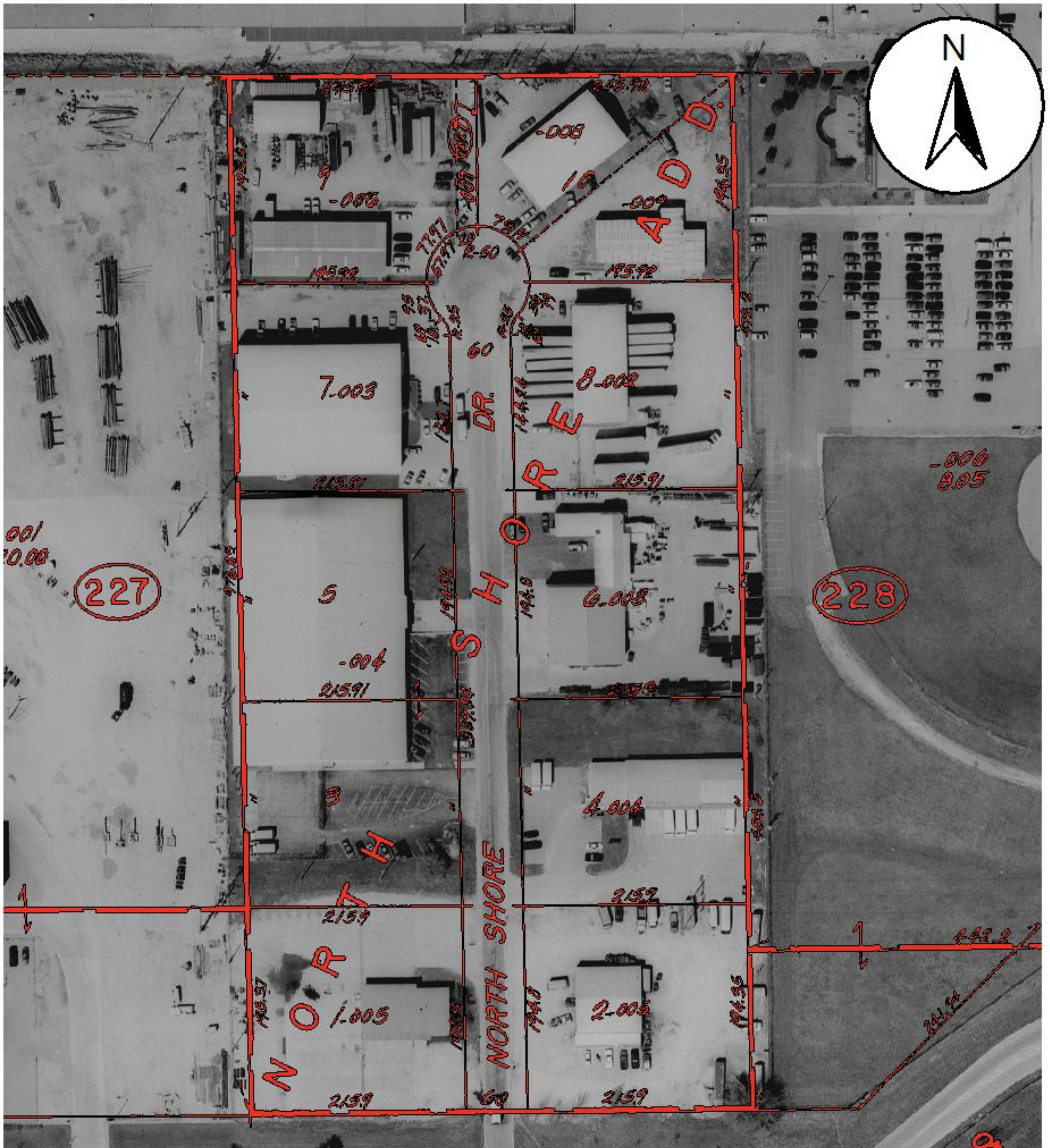
ZBA Case: ZBA-05-MAJ-3
A major variance to allow the encroachment
of a parking lot into the required 25 foot
Front Yard Setback
Petitioner: Aramark Uniform Services
Location: 2404 North Shore Drive
IN, Industrial Zoning District
Prepared 5/03/05 by Community Development Services

Exhibit "E" : Aerial Photo - Close Up



ZBA Case: ZBA-05-MAJ-3
A major variance to allow the encroachment
of a parking lot into the required 25 foot
Front Yard Setback
Petitioner: Aramark Uniform Services
Location: 2404 North Shore Drive
IN, Industrial Zoning District
Prepared 5/03/05 by Community Development Services

Exhibit "F" : Aerial Photo - Surrounding Area



ZBA Case: ZBA-05-MAJ-3
A major variance to allow the encroachment
of a parking lot into the required 25 foot
Front Yard Setback
Petitioner: Aramark Uniform Services
Location: 2404 North Shore Drive
IN, Industrial Zoning District
Prepared 5/03/05 by Community Development Services

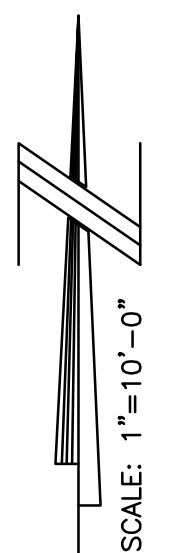
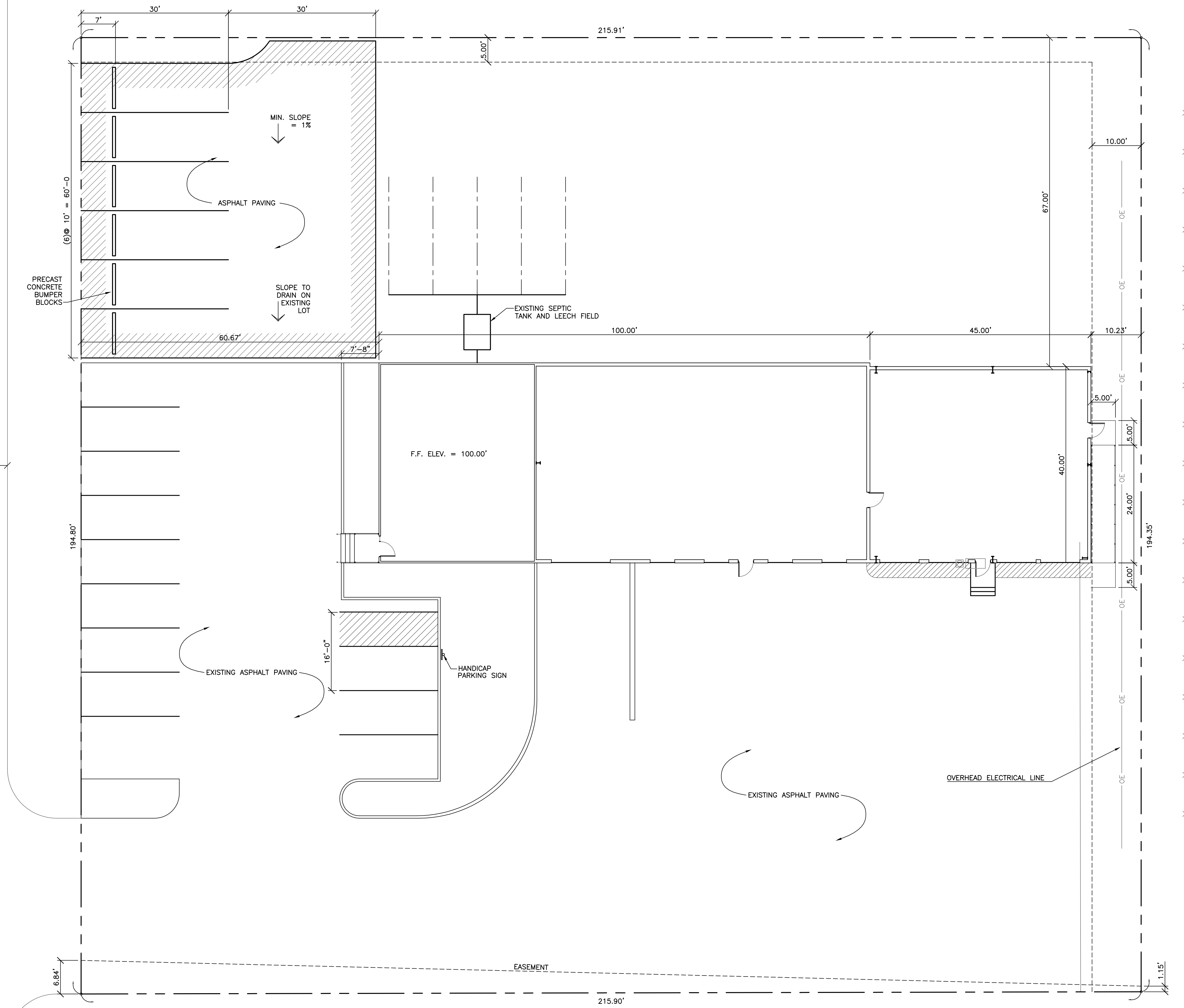
LEGAL DESCRIPTION

LOT # 4 OF THE NORTH SHORE SUBDIVISION AS RECORDED IN RECORDER'S OFFICE CHAMPAIGN COUNTY, ILLINOIS

GENERAL NOTES

CONTRACTOR SHALL VERIFY EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES BEFORE STARTING EXCAVATION WORK.
CALL - J.U.L.I.E. 800-892-0123

1. ZONING = M1 - LIGHT INDUSTRIAL
2. CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING ALL BOUNDARY LINES.
3. ALL TOPSOIL SHALL BE STRIPPED FROM THE AREAS OF PAVING AND STOCKPILED ON SITE FOR LANDSCAPING USE.
4. ALL PARKING SPACES SHALL BE 10 FT. WIDE BY 30 FT. LONG.



SITE PLAN

ARAMARK
2404 NORTH SHORE DRIVE
URBANA, IL

ALLEN ENGINEERING CORPORATION
3848 EAST FULTON AVENUE
(217) 428-0566
DECATUR, ILLINOIS 62521
FAX (217) 428-9844

6	REVISION	05-13-05	3	REVISION	10-9-98
5	REVISION	11-24-98	2	REVISION	10-5-98
4	REVISION	11-2-98	1	REVISION	9-28-98

Romano company
CONTRACTOR / DEVELOPER
792 E. WOOD ST.
DECATUR, IL
PH: (217) 424-2426
FAX (217) 425-4908

DRWG BY: NWS	CHK'D BY:	PROJ. NO: 1054	DRWG NO.:
CAD REF: 1054C1R6	DATE: 9-1-98	C1	

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: May 18, 2005

DRAFT

TIME: 7:30 p.m.

PLACE: Urbana City Building
Executive Conference Rooms A & B,
Second Floor
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Herb Corten, Anna Merritt, Joe Schoonover, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Paul Armstrong, Nancy Uchtmann

STAFF PRESENT: Paul Lindahl, Planner I; Teri Andel, Secretary

OTHERS PRESENT: Dan Allen, Paul Hilton

NEW PUBLIC HEARINGS

ZBA-05-MAJ-03: A request for a major variance to allow a parking lot expansion to be constructed with a 100% encroachment into the required 25-foot front-yard setback in Urbana's IN, Industrial Zoning District.

Paul Lindahl, Planner I, presented this case to the Zoning Board of Appeals. He gave a brief history of the existing building and parking lot on the proposed site that is being occupied by Aramark Uniform Services. He described the proposed site and noted the land uses of the surrounding properties. He explained the reason for the major variance was so the petitioner could expand the existing parking lot into an unused portion of their property. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to this case. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Zoning Board of Appeals forward the proposed case to the Urbana City Council with a recommendation of approval with the following conditions:

1. *The development on the site must generally conform to the site plan submitted with the application.*
2. *No part of parked trucks or cars may encroach or overhang into the North Shore Drive public right-of-way.*

Mr. Welch inquired if the Champaign County Zoning Ordinance was the same as before or if the County had made changes to get their Zoning Ordinance into conformance with the City of Urbana's Zoning Ordinance. Mr. Lindahl responded by saying that he would need to check into this. Many times, the City of Urbana tries to work with Champaign County on trying to have a more systematic approach, so that the County has the same regulations as the City of Urbana and the City of Champaign do for both zoning and subdivisions.

Mr. Corten wondered what could be put or built over a septic system. Mr. Lindahl understood that septic systems were supposed to be left open, so that the rainwater would percolate down through them.

Mr. Warmbrunn questioned whether the City of Urbana had any plans to add the proposed site to the sanitary sewer system in the future. Mr. Lindahl replied that the sanitary sewer mains were located at the north end of North Shore Drive. The City of Urbana currently did not have any plans to extend it down to the proposed property. Mr. Warmbrunn asked if then none of the businesses along North Shore Drive were hooked up to the sanitary sewer system at this time and were instead using septic tanks. Mr. Lindahl said that was correct.

Mr. Warmbrunn suggested that the Zoning Board of Appeals might want to add a condition stating that trucks would not be allowed to abut over the north property line. Mr. Lindahl noted that although it was hard to see on the aerial photo, there was a fence along the north side that would prevent this from happening.

Mr. Warmbrunn asked if it would be alright with the City of Urbana for truck drivers to park or stack the trucks along the south property line as well. Mr. Lindahl replied that the City would not have a problem with that.

Dan Allen, of Allen Engineering Corporation, and Paul Hilton, Assistant General Manager for Aramark, approached the Zoning Board of Appeals to answer any questions they may have.

Mr. Allen explained that over the years, Aramark's operations had expanded. The proposed lot is very small, and as Aramark added more trucks, they became more cramped for space to park the trucks without parking on the street or going off-site for parking. It seemed like the natural thing to do would be to expand the parking lot to the north. As a result, they needed a major variance.

Mr. Hilton stated that the trucks used to be 16 feet in length versus now they are up to 22 feet in length. Regarding vehicles parking on the south side of the property, for safety reasons Aramark does not allow parking in this area. He explained that there was a dock on the south side of the building which houses a 53-foot semi-trailer. The semi transports merchandise back-and-forth from the Springfield facility. In order for the driver of the semi to make the turn back into the dock, the entire area on the south side needed to be clear.

Mr. Warmbrunn wondered if parking was a problem mostly at night. Mr. Hilton said that was correct. He went on to say that years ago Aramark had a service agreement with the Grider Corporation to perform maintenance on Aramark's vehicles and allow Aramark to store their vehicles on Grider's property. The agreement no longer exists, so therefore, Aramark has to house their vehicles on their own property, which created the existing parking problem.

Mr. Corten inquired if the variance would take care of the parking problem for the next 20 years or for the next two years. Mr. Hilton stated that Aramark did not expect to see any massive amounts of growth in business. The expanded parking lot would allow them enough room to park all of their existing vehicles in addition to one or two more.

Ms. Merritt commented that she was surprised to see a big business such as Aramark operate out of such a small lot. Mr. Hilton explained that Aramark does all of their processing out of Springfield, Illinois. They have two shuttles that run back-and-forth each night delivering clean merchandise and picking up the soiled merchandise. The proposed site was strictly a depot.

Mr. Corten moved that the Zoning Board of Appeals forward this case to the City Council with a recommendation for approval along with the conditions recommended by staff. Mr. Schoonover seconded the motion. Roll call was as follows:

Mr. Corten	-	Yes	Ms. Merritt	-	Yes
Mr. Schoonover	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion was passed by unanimous vote.