



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Mayor Laurel Lunt Prussing

**FROM:** Elizabeth H. Tyler, FAICP, Director

**DATE:** April 30, 2009

**SUBJECT: ZBA 2009-MAJ-03:** Request for a Major Variance to encroach 10 feet into the required 15 foot front yard setback on Harvey Street in the B-3U, General Business-University zoning district.

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**Introduction & Background**

Howard Wakeland has filed a request to allow a front yard setback encroachment on a property at the southeast corner of Harvey and Clark Streets. The subject property is located in the B-3U General Business University zoning district which has a front yard setback requirement of fifteen feet. Because the property is on a corner, there are two front yards, each with the same fifteen foot front yard requirement. Mr. Wakeland proposes to build an apartment building that encroaches 10 feet (66%) into the required setback on Harvey Street. Since the variance request is larger than 25 percent, this is a major variance, which must be approved by the Urbana City Council.

The petitioner proposes to demolish the two houses currently on the lot in order to construct an apartment building. The attached application contains initial designs for the parking and dwelling levels of the proposed building. The first level would contain a parking lot, consisting of a one-way drive. Parking would be angled to ensure traffic could only flow in one direction. The submitted parking plan will be revised to allow for accessible parking spaces, a small storage room, and an elevator, consistent with local and state regulations. The second and third floors would contain 14 to 18 apartments in total, and would have a floor plan layout as generally shown in the attached application.

The apartment building directly south of the subject property received similar variances in 2005. Case number 2005-MAJ-06 was a request to allow the building at 1010 West Main Street to encroach 8 feet into the required fifteen-foot front yard along Main Street. Case number 2005-MAJ-07 was a request to encroach ten feet into the required fifteen-foot front yard along Harvey Street. Both of these requests were approved in January of 2006. The proposed variance would allow the construction of an apartment building in line with the building at 1010 West Main Street along the Harvey Street frontage.

The Urbana Zoning Board of Appeals held a public hearing regarding this case on April 15, 2009. At that meeting the Board heard testimony from the petitioner and voted seven ayes to zero nays to forward the case to City Council with a recommendation for approval, subject to the two conditions recommended by staff.

### **Description of the Site**

The site is located on the southeast corner of the intersection of Harvey and Main Streets (see attached maps). The subject property is 66.25 feet wide along Clark Street and 132 feet deep along Harvey Street. The site is near the University of Illinois Engineering Campus. The area contains several multi-family properties, as well as University-related facilities and parking lots. The site currently contains two houses that are joined to a common garage. The two houses contain three dwelling units. One of the existing houses encroaches nine feet into the required fifteen-foot front yard along Harvey Street.

### **Zoning and Land Use Table**

The following is a summary of surrounding zoning and land uses for the subject site:

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
<b>Subject Property</b>	B-3U, General Business - University	Apartment Houses	Campus Mixed Use
<b>North</b>	B-3U, General Business - University	Apartment Building	Campus Mixed Use
<b>South</b>	B-3U, General Business - University	Apartment Building	Campus Mixed Use
<b>East</b>	B-3U, General Business - University	Apartment Building	Campus Mixed Use
<b>West</b>	B-3U, General Business - University	Parking	Institutional

The properties surrounding the site are all apartment buildings to the east of Harvey Street, and University of Illinois parking lots to the west. The surrounding apartment buildings are two to three stories high with large footprints that take up most of their sites. The apartment building to the south is built across three 66-foot wide lots. There are other buildings in the immediate area that have been built up on multiple lots. The other buildings on this block of Clark Street are set back 15 feet from the front property line. Those on interior lots are generally set back five to ten feet from the side property lines. Along Harvey Street, the only other property on this block is 1010 West Main, which encroaches ten feet into the required fifteen-foot setback.

## **Urbana Comprehensive Plan**

The Urbana Comprehensive Plan adopted by City Council in April 2005 created a new Future Land Use designation of “Campus Mixed Use.” According to Chapter V of the plan:

*“The Campus Mixed-Use classification is intended for limited areas that are close to campus. These areas promote urban-style private development with a mix of uses that commonly include commercial, office and residential. Design Guidelines shall ensure that developments contain a strong urban design that emphasizes a pedestrian scale with buildings close to the street, wide sidewalks, and parking under and behind structures. The design and density of development should capitalize on existing and future transit routes in the area. Large-scale developments containing only single uses are discouraged within this classification.”*

The Comprehensive Plan Future Land Use Map #8 annotations call for Campus Mixed Use areas to be:

*“Urban designed mixed-use buildings which include business/office on the ground floor and residential on upper floors; developments consisting of only multi-family is discouraged”*

The proposed variance will allow for an urban design that emphasizes the pedestrian scale; the building will be closer to the street (to match the building to the south) and there will be parking underneath the structure. However, the building will consist only of multi-family units and will not involve a mix of uses.

## **Discussion**

### **Engineering Campus neighborhood character**

The subject site is located in an area adjacent to the University of Illinois that has a long history of land uses which serve the University populations. In the post World War II period the demand for new housing in proximity to the University expanded and many more houses were converted from single family to multi-family apartments and rooming houses. In later years where land owners could acquire contiguous lots they demolished older houses to construct larger apartment buildings, again to serve the University population. At the same time the University also acquired many properties in the area and either converted them to University uses or replaced them with new University structures.

In recent years, the City has become concerned about the erosion of its tax base through acquisition of properties by the University of Illinois. These acquisitions in the engineering campus areas have resulted in City-University efforts to delimit potential acquisition areas and to promote tax-generating redevelopment efforts. The proposed project can contribute to the stabilization of the area via investment in tax-revenue generating property that also serves to alleviate some of the high demand for student housing.

### **B-3U, General Business – University zoning district definition**

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3U Zoning District is as follows:

*"The B-3U General Business-University District is intended to provide areas in proximity to the University of Illinois for a range of business and office uses to meet the needs of persons and businesses associated with the University. This district is also intended to provide areas for high-density residential uses to insure an adequate supply of housing for persons who desire to reside near the campus. These businesses and residential uses may occur as mixed uses in the same structure. The development regulations in this district are intended to allow building which are compatible with the size and scale of the University's buildings."*

The B-3U zoning district designation was created in 1990 as an outcome of the Downtown to Campus Plan. It was intended in part to address the lack of services offered in areas adjacent to the University, with a primary focus on the engineering campus surrounding the subject property of this case.

The petitioner believes that in order to maximize investment in this area of relatively high priced land in close proximity to the University of Illinois, it is necessary to maximize the number of living units provided. Most of the property in the area is zoned for medium to high densities, such as B-3U, General Business-University, and R-5 Medium High Density Multiple Family Residential. However, parking requirements and the geometrics of fitting the required spaces tend to be the limiting design factor for building multifamily housing on single lots. The petitioner states that the variance is necessary to make the most efficient use of all available space on each lot and will allow for an adequate number of parking spaces.

Section VIII-4.F.6 of the Zoning Ordinance allows for parking in the B-3U zoning district to encroach ten feet into the required fifteen-foot setback, if it is properly screened. The petitioner could achieve the desired amount of parking without a variance. However, this solution would require the parking to “stick out” from underneath the apartment building and for the building to be at least one floor taller in order to achieve the same number of units. The petitioner would prefer to have the parking completely contained below the footprint of the apartment building, and to match the reduced setback of the existing building to the south. Urbana residents have expressed concern about the aesthetics of at-grade parking in multi-family structures that is not well screened, especially in areas such as the MOR District. The proposed variance would help the developer to better screen parking for the property. The petitioner has also discussed the possibility of having additional parking to be located at an off-site property within 600 feet, as allowed by Section VIII-4.L of the Zoning Ordinance.

At this time the design of the project is incomplete. The petitioner is hesitant to fully design the building until the requested variance is granted. A zoning analysis of the project will be completed as part of the building review process once complete building and site plans are submitted.

## Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria as they pertain to this case and the criteria outlined in the ordinance:

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 size of the lot is a limiting factor, as most new student apartments are constructed on more than one lot. Given a 60-foot wide lot, the required parking cannot fit underneath the building. Removing a row of parking is not an option because that would necessitate reducing the number of units by half, which is financially infeasible in an area where land costs are high.

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 relating to the land in this instance is that the corner lot has the usable land reduced by the requirement for two 15 foot front yard setbacks instead of just one.

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 variance is due to the petitioner's desire to match the reduced setback along Harvey Street and to keep parking underneath the building. The reduced setback to the south was granted to the petitioner as part of a previous case. Other factors include housing market conditions near the University of Illinois campus and the fact that the property is a corner lot.

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

The requested decrease of the front yard setbacks should not detract from the essential character of the neighborhood. The neighborhood is one of urban high density development with large buildings constructed on multiple lots. One of the structures that is currently on the lot encroaches nine feet into the required fifteen-foot setback along Harvey Street, and the apartments to the south also encroach ten feet. In order to build without the variance, vehicles would need to extend out from underneath the building. This would be more out of character than a shallow front yard setback along Harvey Street.

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

The variance should not cause a nuisance to adjacent properties. The property faces a University of Illinois parking lot across Harvey Street to the west and apartment buildings to the east and across Clark Street to the north. The building would back onto a public alley to the south with apartments on the other side.

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

The petitioner is requesting the level of variance necessary to match the building immediately south of the subject property.

## **Summary of Findings**

1. Howard Wakeland is applying for a variance to encroach ten feet into the required fifteen-foot front yard along Harvey Street at 1011 West Clark Street.
2. The petitioner plans on demolishing the existing structures and building a 14 to 18-unit apartment building on the site.
3. The site is located in the north campus area and is zoned B-3U, General Business - University District.
4. The Urbana Comprehensive Plan identifies the area as Campus Mixed-Use.
5. The proposed variance is not necessary to achieve the desired amount of parking.
6. The size of the lot is a practical difficulty in carrying out the strict application of the zoning ordinance.
7. The proposed variance is desired due to special circumstances of the property being a corner lot with two required front yards.
8. The proposed variance is due to the petitioner's desire to match the existing ten-foot encroachment immediately south of the subject property, and to allow for parking to be contained entirely underneath the building footprint.
9. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.
10. The proposed variance represents the minimum possible from Zoning Ordinance requirements to match the existing ten-foot encroachment immediately south of the subject property.

## **Options**

City Council has options in Case Number ZBA-2009-MAJ-03:

- a. Approve the variance as requested;
- b. Approve the variance along with certain terms and conditions; or

- c. Deny the variance request.

## **Recommendation**

At their April 15, 2009 meeting, the Urbana Zoning Board of Appeals voted seven ayes to zero nays to forward the proposed variance to City Council with a recommendation for **APPROVAL**, subject to the following conditions:

1. That the petitioner submit a landscape plan in compliance with the guidelines for landscape buffer yards for the reduced setback area in Section VI-6.A of the Zoning Ordinance, subject to review and approval by the Zoning Administrator and City Arborist.
2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.

Staff concurs with the Zoning Board of Appeals recommendation.

Attachments:      Exhibit A:      Location & Existing Land Use Map  
                         Exhibit B:      Zoning Map  
                         Exhibit C:      Future Land Use Map  
                         Exhibit D:      Petition for Variance with Site Plan  
                         Exhibit E:      Site Context Photos

cc:                    Howard Wakeland  
                         1811A Amber Lane  
                         Urbana, IL 61802

ORDINANCE NO. 2009-05-044

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(Reduction of the Front Yard Setback in the City's B-3U, General Business - University District, from 15 ft. to 10 ft. at 1011 West Clark Street / Case No. ZBA-2009-MAJ-03)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or the structure; and

WHEREAS, Howard Wakeland has submitted a petition for a major variance to allow for the construction of an apartment building encroaching ten feet into the required fifteen-foot required front yard along Harvey Street at 1011 West Clark Street in the B-3U, General Business - University Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2009-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 held a public hearing on the proposed major variance on April 15, 2009 and voted 7 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:



1. Howard Wakeland is applying for a variance to encroach ten feet into the required fifteen-foot front yard along Harvey Street at 1011 West Clark Street.
2. The petitioner plans on demolishing the existing structures and building a 14 to 18-unit apartment building on the site.
3. The site is located in the north campus area and is zoned B-3U, General Business -University District.
4. The Urbana Comprehensive Plan identifies the area as Campus Mixed-Use.
5. The proposed variance is not necessary to achieve the desired amount of parking.
6. The size of the lot is a practical difficulty in carrying out the strict application of the zoning ordinance.
7. The proposed variance is desired due to special circumstances of the property being a corner lot with two required front yards.
8. The proposed variance is due to the petitioner's desire to match the existing ten-foot encroachment immediately south of the subject property, and to allow for parking to be contained entirely underneath the building footprint.
9. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.
10. The proposed variance represents the minimum possible from Zoning Ordinance requirements to match the existing ten-foot encroachment immediately south of the subject property.

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

Section 1. The major variance request by Howard Wakeland, in Case No. ZBA-2009-MAJ-03, is hereby approved to allow for the construction of an apartment building encroaching ten feet into the required fifteen-foot required front yard along Harvey Street at 1011 West Clark Street in the B-3U, General Business - University Zoning District, subject to the following conditions:

1. That the petitioner submit a landscape plan in compliance with the guidelines for landscape buffer yards for reduced setback area in Section VI-6.A of the Zoning Ordinance, subject to review and approval by the Zoning Administrator and City Arborist.
2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.

The major variance described above shall only apply to the property located at 1011 West Clark Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 26 of Jonathan N. Houser's Heirs Subdivision of Lot 24 and the East 251 feet of Lot 25 in M.W. Busey's Heirs Addition to Urbana, and Lots 1, 2, and 3 of Block 44 and Lot 6 in Block 45 of Seminary Addition, as per plat recorded in Plat Book "A" at Page 340, situated in Champaign County, Illinois.

PIN #: 91-21-07-481-001

Section 2. 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 Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the \_\_\_\_ day of \_\_\_\_\_, 2009.

PASSED by the Corporate Authorities this \_\_\_\_ day of \_\_\_\_\_,  
2009.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.

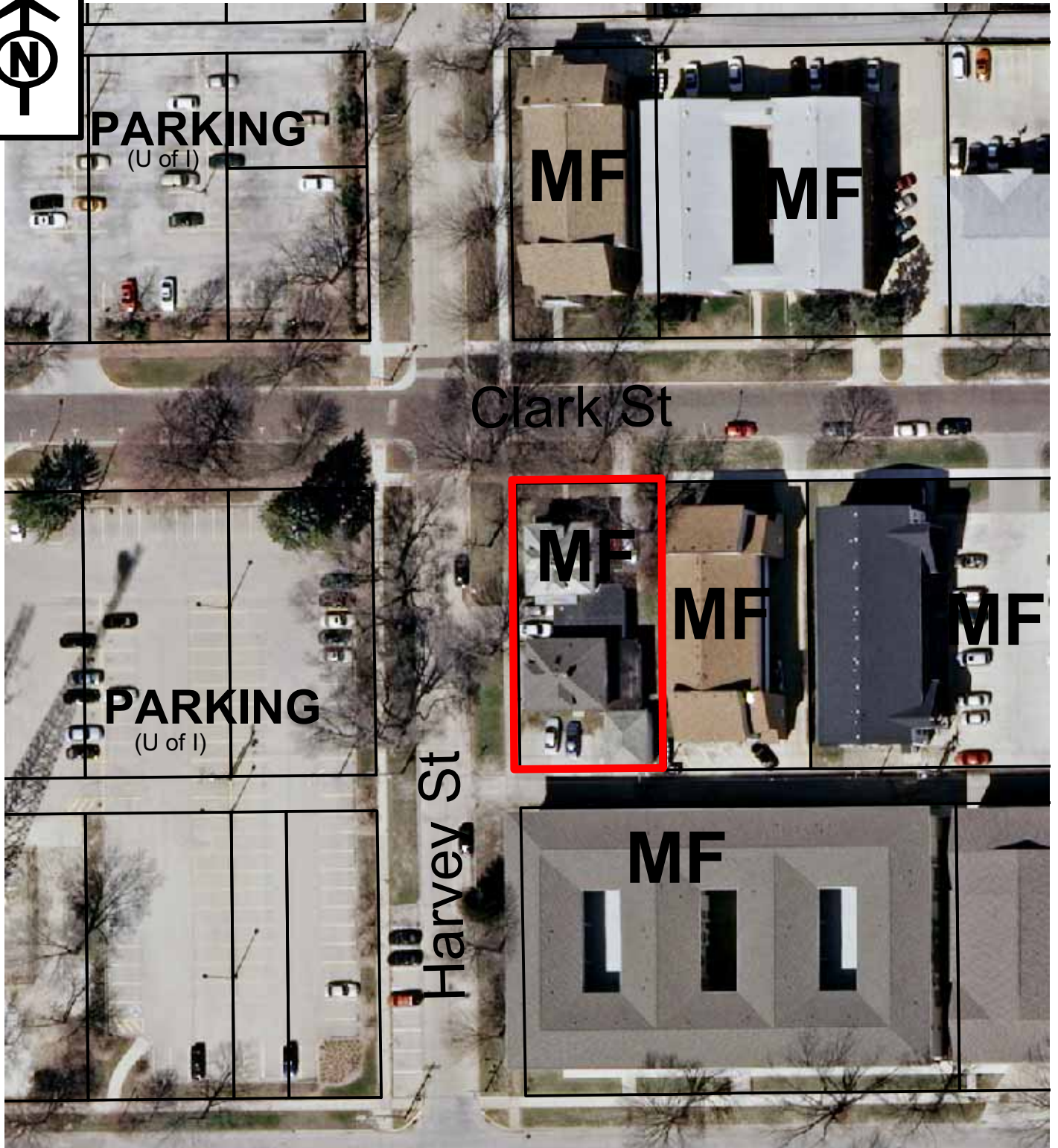
\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_\_ day of \_\_\_\_\_, 2009, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (To Allow a Ten-Foot Encroachment into the Required Fifteen-foot Front Yard - 1011 West Clark Street / ZBA Case No. ZBA-2009-MAJ-03)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_ day of \_\_\_\_\_, 2009, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_ day of \_\_\_\_\_,  
2009

# EXHIBIT A: Location & Existing Land Use Map



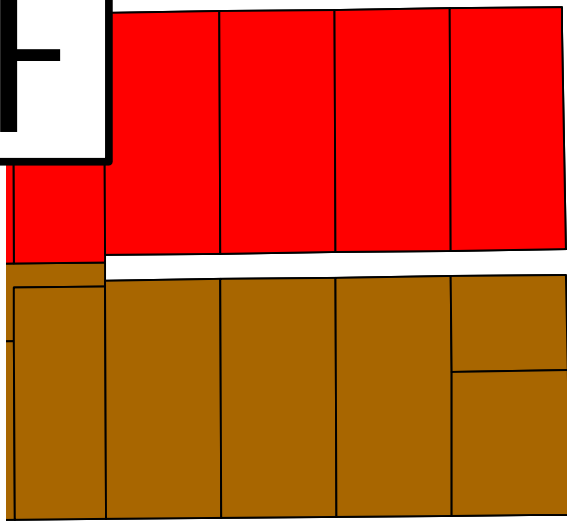
**Plan Case:** 2009-MAJ-03  
**Petitioner:** Howard Wakeland  
**Location:** 1011 West Clark Street  
**Description:** Request for a Major Variance to encroach 10 feet into the required 15-foot front yard along Harvey Street

*Prepared 03/09 by Community Development Services - jme*

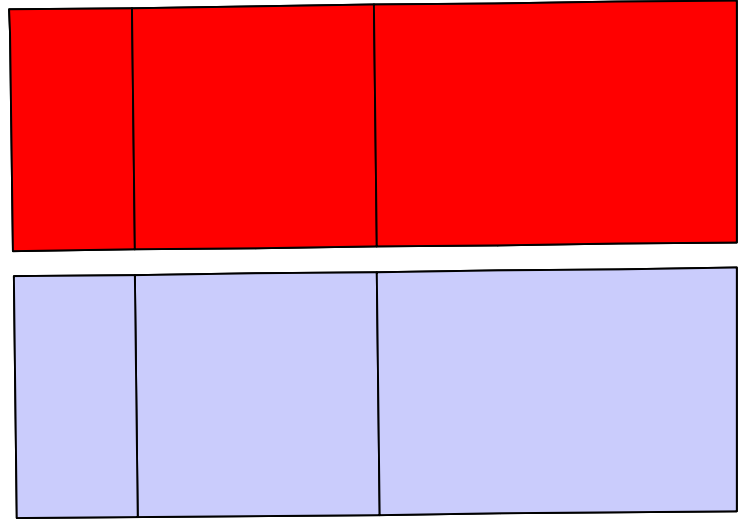
 Subject Property

# EXHIBIT B: Existing Zoning Map

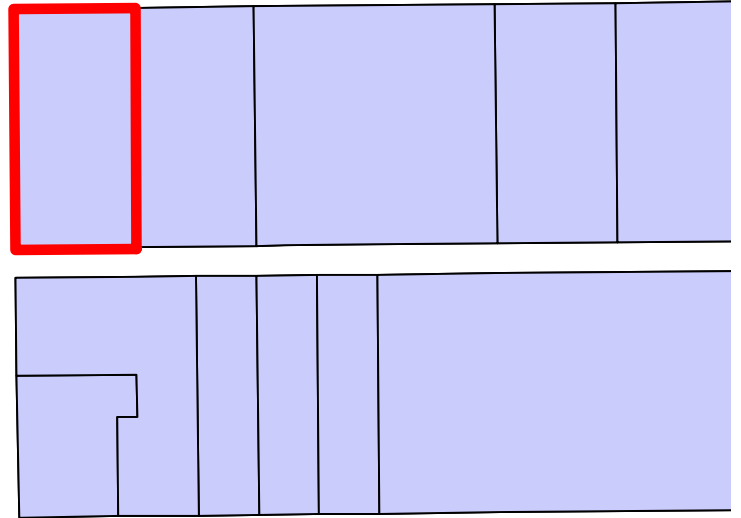
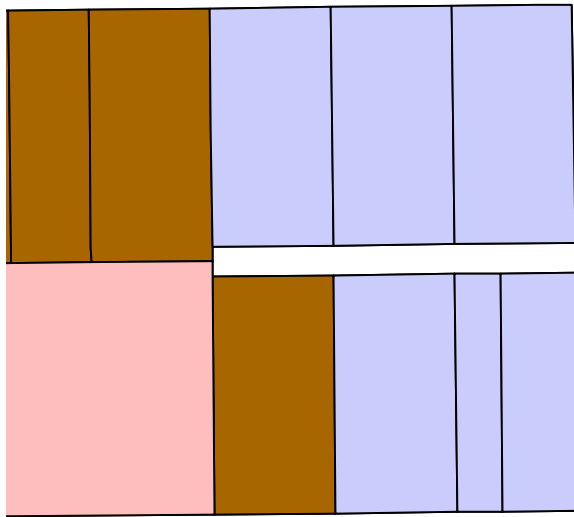
**F**



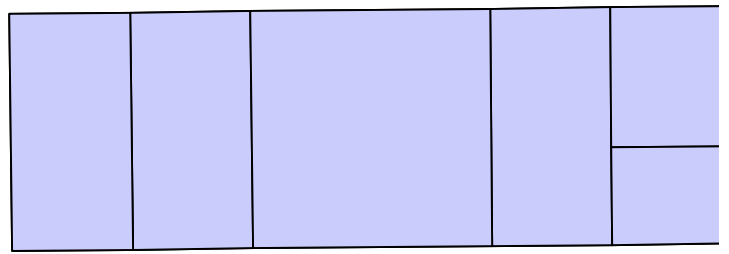
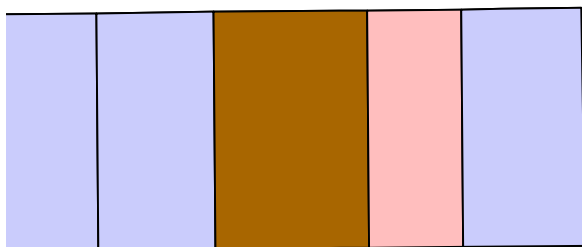
Harvey St



Clark St



W Main St

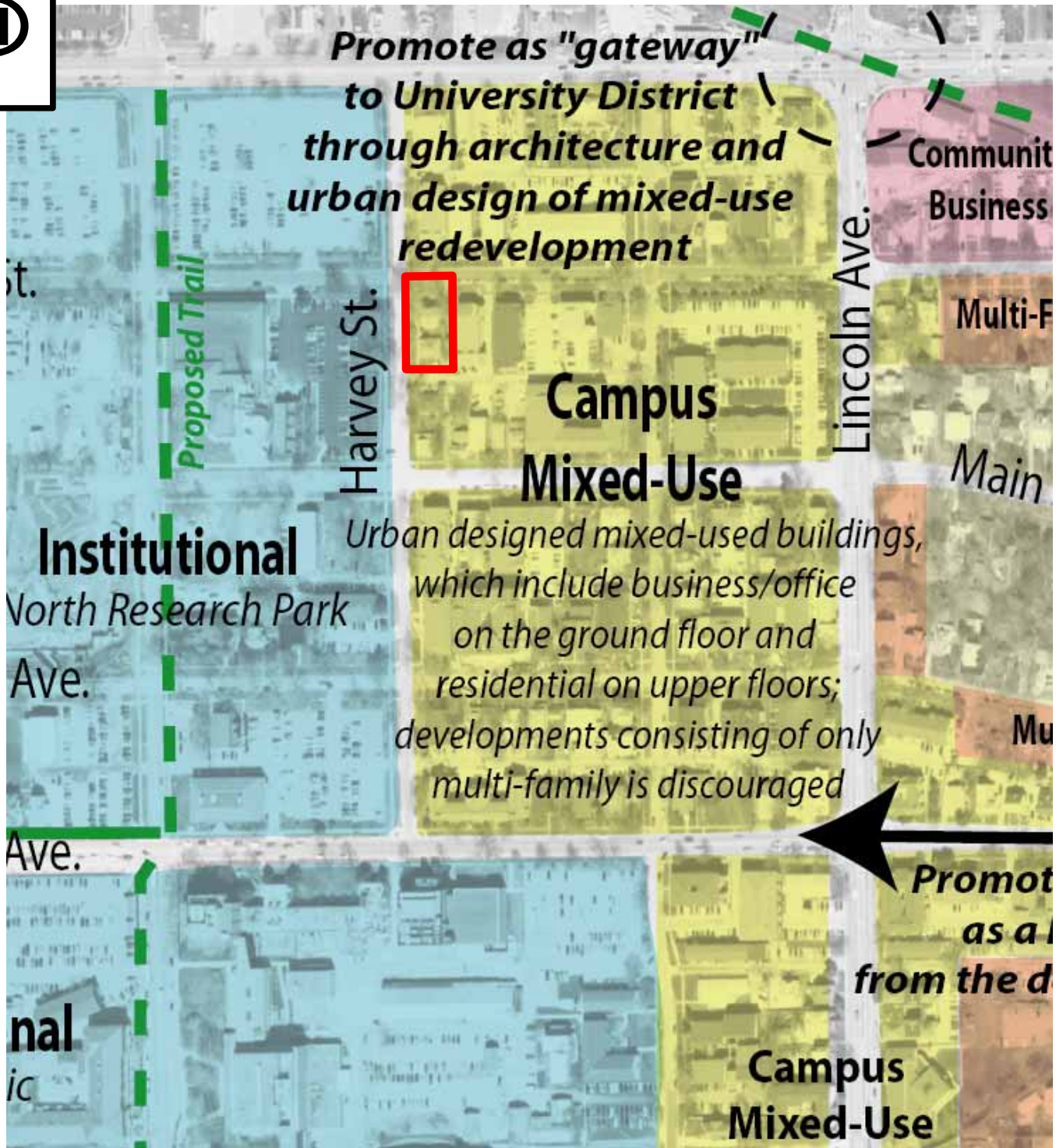
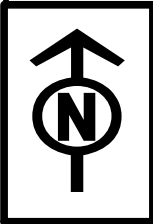


**Plan Case:** 2009-MAJ-03  
**Petitioner:** Howard Wakeland  
**Location:** 1011 West Clark Street  
**Description:** Request for a Major Variance to encroach 10 feet into the required 15-foot front yard along Harvey Street

Prepared 03/09 by Community Development Services - jme

-  B1
-  B3
-  B3U
-  R5

# EXHIBIT C: Future Land Use Map



**Plan Case:** 2009-MAJ-03  
**Petitioner:** Howard Wakeland  
**Location:** 1011 West Clark Street  
**Description:** Request for a Major Variance to encroach 10 feet into the required 15-foot front yard along Harvey Street

*Prepared 03/09 by Community Development Services - jme*

 Subject Property



# Request for Variance

# Zoning Board Of Appeals

APPLICATION FEE – \$150.00 (Major) and \$125.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 03/19/09 ZBA Case No. ZBA 2009-MAY-03  
 Type of Variance (Circle One)  Major  Minor  
 Fee Paid - Check No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit (insert use or construction proposed and the type and extent of variation requested) \_\_\_\_\_

We are requesting a 5 foot setback from the west edge of the property which will allow us to place on that site a 56 foot wide by 112 foot long apartment building. The setback for the north side of the property (Clark Street) is to remain 15 foot.

on the property described below, and in conformity with the plans described on this variance request.

1. Location of Subject Site Lot 26, Block 48, Howsers Heir' Subdivision
2. PIN # of Location 91-21-07-481-001
3. Name of Applicant/Petitioner(s) Howard Wakeland Phone 367-8606  
 Address 1811 A Amber, Urbana, Il. 61802  
 (street/city) \_\_\_\_\_ (zip) \_\_\_\_\_  
 Property interest of Applicant(s) Owner  
 (owner, contract buyer, etc)



4. Name of Owner(s) Howard Wakeland Phone 217-367-8606  
Address 1811 A Amber, Urbana, Il. 61802  
(street/city) (state) (zip)

If there are additional owners, please attach extra pages to the application.

5. Name of Professional Site Planner(s) \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)

6. Name of Architect(s) Rus Dankert Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)

7. Name of Engineers(s) Howard Wakeland Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)

8. Name of Surveyor(s) Tom Bernis Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)

If there are additional consultants, please attach extra pages to application.

**DESCRIPTION, USE, AND ZONING OF PROPERTY: Attach an additional sheet if necessary**

Legal Description Presently zoned B3U

Lot # 1 in Block 481 of Howser's Heir's Addition to the City of Urbana, Champaign County, Illinois

Lot Size 132 feet x 66.25 8745 sf square feet

Present Use Two houses – presently student rentals  
(vacant, residence, grocery, factory, etc)

Zoning Designation B3U

## REASONS FOR REQUEST FOR VARIATION:

Note: The following questions must be answered completely. If additional space is needed, please attach additional sheets.

1. Identify and explain any special circumstances or practical difficulties in carrying out the

1 The basic problem is the size of the lot which limits construction style and size. The prime change has been caused by business practices and market changes which have occurred in the campus areas? New campus units now feature a bathroom for each occupant. Larger units now require larger land area. B3U makes no allowance for single lots in the changing times.

2. Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

2 As indicated in 1 the prime change has been in the change of the campus market. The vast majority of new campus rental units involve more than a single property (132 x 66). To compete we need to place more units on an individual property.

3. Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

3. We are competing in the overall campus market for renters. Urbana already has several disadvantages for owners in the student apartment sector. As the market changes we must change as best we can. One would be to use a larger percentage of lot area for a building.

4. Explain why the variance will not alter the essential character of the neighborhood.

4 This portion of Urbana is heavily committed to student rental apartments. Another attractive rental unit would only strengthen the character and uniform nature of the neighborhood. It would further alleviate parking pressures in this area. We do not envision any negative acceptance.

5. Explain why the variance will not cause a nuisance to adjacent property.

5. A nuisance suggests unsightly, unkept, uncoordinated or vastly different building style. The planned building will augment present styles and practices presently in the area. It should be a healthy addition. Further this lot is across street from the UIUC campus providing more open space presently and more likely in the future.

6. Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

6. We believe it seeks the minimum variation necessary.

## Discussion

The area is zoned B3U which we believe the city inaugurated to increase occupancy in this area.

As stated previously the campus student housing market has changed in recent years.

Land cost are now in the \$1.5 million and higher per acre and demand greater unit incomes. This property of 8745 sf cost us \$300,000 nearly 10 years ago. That is approximately \$1.5 million per acre.

Our experience shows that new buildings in this area return 8 times as much real estate tax per square foot as compared with the current undeveloped rate.

Virtually all new campus rental units are built on two or more city properties (132 x 66).

The vast number of new units provide a bath room for each student occupant.

Present Urbana lot sizes are not best suited for such competition – especially corner lots which require 15 foot set backs and two sides limiting parking and building area.  
 $(15 \times \{132 + 51\}) = 2745 \text{ sf}$ ,  $2745/8745 = 31\%$  of lot space required for normal setbacks.

Further there is no additional space available for purchase at this location and if we build we must build on one lot.

The limiting factor on this lot is the number of parking spaces we can make available. With the variance requested we could park 18 to 20 cars in a lower unit space.. This would be possible if we can build an building 56 foot wide by 112 foot long. A variance must be allowed to allow the 56 foot width.

Though the drawings show 24 parking spaces we are aware that addition of an elevator will eliminate 2 spaces, paraplegic parking will require 2 spaces and a small utility room will require a single space leaving 19 for autos

The building to the south of this lot was allowed a 5 foot variance and if continued to this lot on the north, would provide a consistent set back for this block on Harvey.

The attached preliminary sketches illustrate the present planning.

RESPONSE TO QUESTIONS ABOUT PARKING ARRANGEMENTS FOR THE  
PROPOSED BUILDING ON 1011 W. CLARK, URBANA

In seeking the variance for the yard on the Harvey Street side of 1011 W Clark we have tried to maintain as much freedom as possible in seeking the variance to allow the architect as many variations as possible.

We do not see the parking arrangement under the building as a problem as there are several alternatives we could pursue. We will need a stairway to the basement – preferably inside the building and this will take at least one space away. There may be other requirements that could further reduce the number of spaces available for parking. We expect to meet paraplegic requirements.

Alternatives include parking additions outside the building on other lots we own. We own this entire block except for two property exceptions and have a surplus of parking within 600 feet.

There is an allowance for small cars which we have not tried to use.

There may be other parking allowances of which we are not aware.

However we desire to maximize parking on the lot.

Submitted by Howard Wakelalnd

WHEREFORE, petitioner prays that this petition be heard by the Zoning Board of Appeals and the variations to the regulations of the Zoning Ordinance be changed as herein requested.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, year, \_\_\_\_\_ A.D.

Howard W. Schellert  
Signature of Applicant

STATE OF ILLINOIS        )  
  )        SS  
CHAMPAIGN COUNTY     )

\_\_\_\_\_, being first duly sworn on his/her/their oath, deposes and says, that he/she/they is/are the same person named in and who subscribed the above and foregoing petition, that he/she/they has/have read the same and knows the contents thereof, and that the matters and things therein set forth are true in substance and in fact as therein set forth.

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_ A.D.

\_\_\_\_\_  
Notary Public

SEAL

Petitioner's Attorney: \_\_\_\_\_  
(if applicable)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(telephone number )

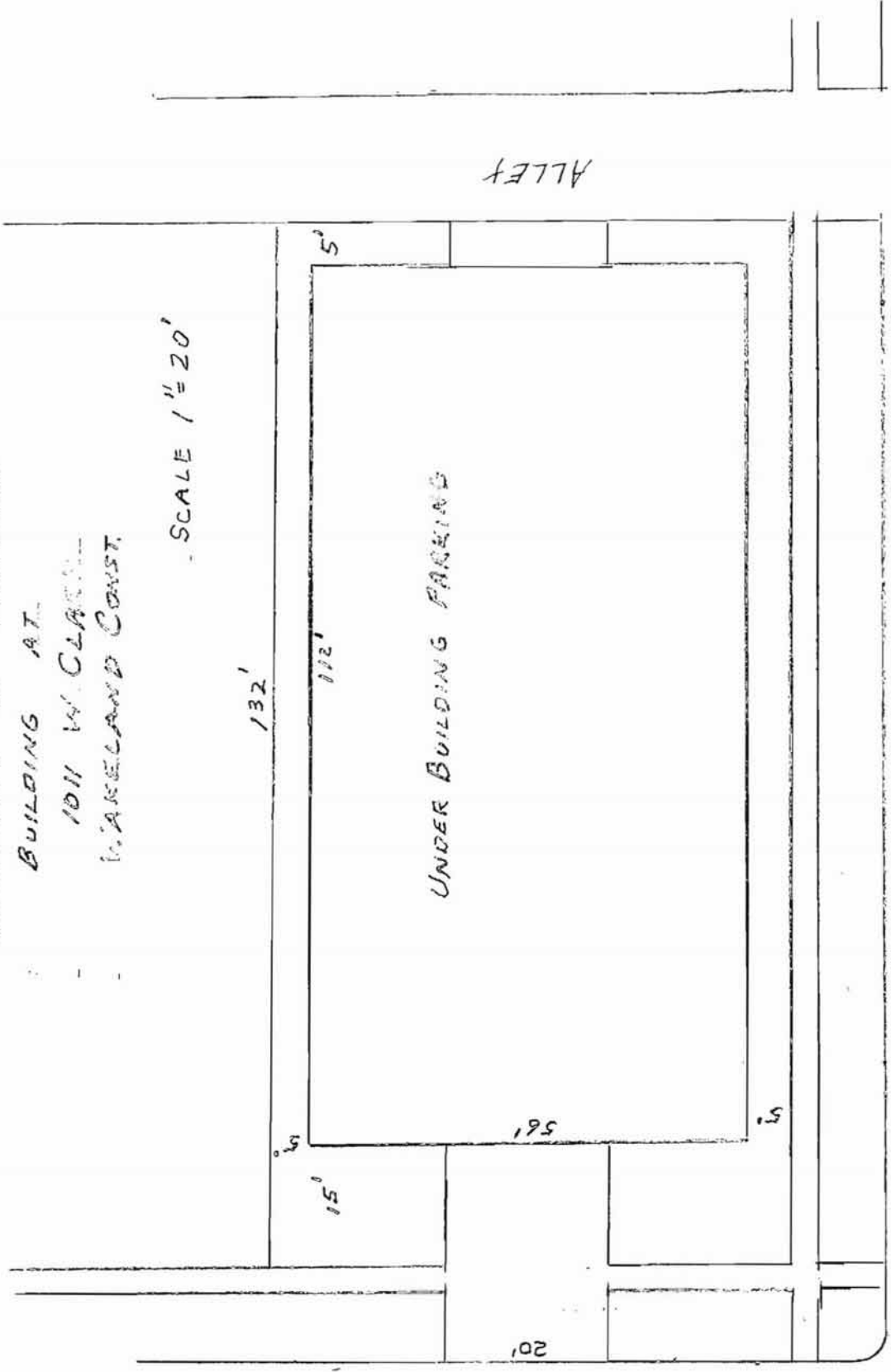
FOOTPRINT OF PROPOSED

BUILDING AT

1011 W. CLARK

W. WARELAND CONST.

SCALE 1" = 20'



CLARK

HARVEY

ALLEY



Exhibit E: Site Context Photos



Figure 1. Looking south along Harvey Street



Figure 2. Looking east along Clark Street



Figure 3. View of 1010 West Main, looking north along Harvey Street



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

**DATE:** April 15, 2009

**DRAFT**

**TIME:** 7:30 p.m.

**PLACE:** Urbana City Building  
City Council Chambers  
400 S. Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT** Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

**MEMBERS EXCUSED** There were none.

**STAFF PRESENT** Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary

**OTHERS PRESENT** Sarah Scott, Janet Torres, Howard Wakeland

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**WRITTEN COMMUNICATIONS**

- ◆ Handout submitted by Howard Wakeland of photos of other properties he owns
- ◆ Brochure of rentals properties submitted by Howard Wakeland that he owns
- ◆ Figure VIII-1. Parking Modules with Flexible Aisle Widths of the Urbana Zoning Ordinance submitted by City staff

NOTE: Chair Merritt asked that anyone who might want to testify to please stand and raise their right hands. She then swore in members of the audience who wished to speak during the public hearing.

**NEW PUBLIC HEARINGS**

**Case No. ZBA-2009-MAJ-03: A request by Howard Wakeland for a major variance to encroach 10 feet into the required 15 foot front-yard setback along Harvey Street in the B-3U, General Business-University Zoning District.**

Jeff Engstrom, Planner I, presented this case to the Zoning Board of Appeals. He explained the reason for the proposed variance request. He gave a brief description of the proposed site as well as for the adjacent properties noting their current zoning, existing land uses and future land use designations. He discussed the character of the Engineering Campus neighborhood and the B-

3U, General Business Zoning District. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

*Staff recommends that the Urbana Zoning Board of Appeals review and consider the findings presented in the written staff report and any additional evidence provided at the public hearing, along with any additional information that may be required in order to make a final decision on Case Number ZBA-2009-MAJ-03.*

*Should the Zoning Board of Appeals decide to forward the case to the Urbana City Council with a recommendation for approval, staff recommends the approval be subject to the following conditions:*

- 1. That the petitioner submit a landscape plan in compliance with the guidelines for landscape buffer yards for reduced setback area in Section VI-6.A of the Zoning Ordinance, subject to review and approval by the Zoning Administrator and City Arborist.*
- 2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.*

Robert Myers, Planning Manger, handed out a copy of Figure VIII-1. Parking Modules with Flexible Aisle Widths from the Urbana Zoning Ordinance. He pointed out that what the petitioner is proposing is shown on the bottom of the handout. The module shows that the minimum width is 55 feet, 6 inches wide. So, what it comes down to is whether the Zoning Board of Appeals wants the parking to be underneath the building or on stilts sticking out from underneath the building. There are a couple of other options, which are to provide some off-site parking instead or cut the number of units by half to lower the number of required parking spaces.

Mr. Armstrong noticed that the plan for parking submitted by the petitioner shows the aisle width to be 14 feet, 5 inches and the handout shows the minimum aisle width to be 14 feet, 6 inches. He expressed concern for the back up distance for vehicles. Mr. Engstrom explained that the proposed parking plan submitted is a preliminary plan. When the petitioner draws up the final plans, the parking area will conform to the City's requirements as stated in the Urbana Zoning Ordinance and in the City's Building Codes.

Chair Merritt asked if the 55 feet, 6 inches can be accommodated on the proposed site. Mr. Myers said yes if the proposed variance is approved. It could be accommodated without a variance; however, the parking would stick out from underneath the building. Mr. Engstrom noted that in terms of the actual width it might have to be less than 60 degrees. If the parking angle is 57 degrees, then it will meet the 55 feet, 6 inch minimum requirement.

Mr. Warmbrunn inquired as to whether any of the proposed 18 parking spaces would be designed for handicap parking. Mr. Engstrom replied that two of the parking spaces would need

to be designated for accessible parking. This leaves 16 spaces on site. The petitioner can also provide parking spaces off-site as well.

Mr. Warmbrunn wondered if the Zoning Board of Appeals was to concern themselves with off-site parking. Mr. Engstrom said that the petitioner does own several properties in the area, and the petitioner has indicated that there are some free spaces in the parking lots associated with those properties.

Mr. Corten commented that the lots are very long and narrow. By allowing new buildings to be constructed at this time, the City would be cementing the design for the lots for the next 40 to 50 years. He wondered if the Plan Commission had reviewed this issue. Is there any thinking about widening these lots by making two lots out of three? Mr. Myers answered by saying that there are a couple of things that could be done. The first is to consolidate lots. In the proposed case, there is another higher density building next door. So, it would be quite costly to purchase it and tear it down to expand the existing lot. The other possibility is for the Zoning Board of Appeals to ask the Plan Commission to consider setbacks in the B-3U Zoning District. This situation has cropped up several times.

With no further questions from the Zoning Board of Appeals for City staff, Chair Merritt opened the public hearing up for comments and questions from the audience.

Howard Wakeland, petitioner, mentioned that he wants to keep himself busy now that his children have taken over most of the business. He addressed the parking issue. He stated that the submitted parking plan is a concept, not the finalized plan. Parking must be accurate and meet the City's standards. He can have the parking be whatever angle he wants to accommodate what they need. If they do not get enough parking spaces on the proposed site, then they have over 150 other parking spaces on the same block that there are extra parking spaces available in to provide off-site parking. Parking is not something that they should be worrying about at this meeting. He will work this issue out with the Building Safety Division should the Zoning Board of Appeals grant approval of the proposed variance.

He explained the handout with the photos of other properties. He mentioned that his business has grown to be a fairly sizable housing operation. They have 12 apartments with approximately 400 students. They try to make the apartments something that people would really like to live in. His philosophy about what their attitude is with regards to constructing apartment buildings is as follows: 1) Never try to build an apartment building on a lot that is not zoned for apartments, 2) Build only one and two bedroom units, because they feel they can control and manage them much better than three and four bedroom units, 3) Buy no properties east of Lincoln Avenue due to the politics, 4) Provide a bathroom for every bedroom, 5) Construct interior staircases only to keep them cleaner – no leaves or mud, 6) Provide basic needs – laundry stall, microwave, refrigerator, furniture, and phone and internet access, 7) Build bedrooms with a desk/office area, 8) Provide security outside and inside, 9) Provide parking, 10) Provide bicycle storage in the newer buildings, and 11) Provide convenient waste removal.

Mr. Wakeland stated that the bottom line is that he would like to get a footprint for the new building. The footprint will depend upon what they do with the parking. He asked the Zoning

Board of Appeals to not get hung up on the width of the parking aisle, because it is all a matter of mathematics and working it out. He wants to use more space on the lot. The proposed schematic is just that. He did not want to prepare working drawings and then ask for a variance. Instead he wanted to get approval of a variance first. He explained that about three years ago, he had a confusing case, where he lost about \$100,000 between losing a season of building and blueprints and architects, etc. He does not want to go through that experience again.

The B-3U Zoning District is a very good zoning district. The City created the B-3U zoning district to increase occupancy on the University of Illinois campus. In addition, the demolition of an “animal house” and construction of an apartment building in its place generally increases the amount of real estate taxes by eight times. Campus housing has changed a lot over the years. Apartment buildings with small bedrooms, no study areas and units that do not have a bathroom per bedroom are not as desirable and are harder to rent. These amenities raise the price of apartments.

If the Zoning Board of Appeals grants the proposed variance, then everyone wins. The City gets more tax revenue and the students/tenants will get more usable living space. He provides good management. There are no police calls at all and they have not received one student complaint in 15 years.

Mr. Corten asked if he has ever had a student fall off a balcony. Mr. Wakeland said no, because they prefer their apartment buildings to not have balconies. The reasons being because people can fall off the balconies, balconies weather very badly no matter how well they are built, and people always tend to store bicycles, wood, chairs, etc. on balconies.

Mr. Schoonover inquired about the off-site parking that Mr. Wakeland has available. Are they vacant lots or do they already have buildings on them? Mr. Wakeland responded by saying that they have three other properties on the block that have parking underneath the buildings. There are a few extra parking spaces available on these lots. They also have an additional property off-site where there are extra parking spaces available. Across the street, they own a property with even more extra parking spaces. So, within 600 feet they could probably accommodate another eight or ten vehicles if needed.

Mr. Schoonover asked if providing off-site parking for the proposed development would take away from the required parking spaces for the other properties. Mr. Wakeland said no. Mr. Myers recalled that the building just south of the proposed site got a variance to allow for the minimum number of required parking spaces underneath the building. He wondered if the spare spaces are available because not as many tenants have cars. These parking spaces are still included in the minimum number of required parking spaces for that property and cannot be used as off-site parking spaces for the proposed development. Mr. Wakeland remarked that whenever a property owner allows off-site parking on another property to justify a project, such as this, the property owner of the off-site parking lot has to sign those parking spaces over to the use on the other lot in the deed. In other words, for the extra parking spaces to be used, they will be real spaces promised for use at the other location.

Mr. Corten wondered if any of the properties mentioned were just parking lots or do they all have buildings on them. Mr. Wakeland replied that all of the parking lots he mentioned are connected to existing apartment buildings. However, if they need six or eight more parking spaces, then he will be able to find them.

Mr. Warmbrunn asked for clarification about what Mr. Wakeland is seeking a variance for. Is the extra five feet for the footprint of the apartment structure? The parking goes hand in hand with the variance? Mr. Wakeland responded by saying that once they decide exactly what they want, then they will justify the parking by the number of spaces that they can put underneath the proposed building. If they need additional parking spaces, then they will go to their other lots where extra parking spaces are available and assign them to the proposed building. The variance will be for the footprint of the building, not the parking.

Mr. Corten questioned whether the laundry room shown on the Preliminary Line Drawing would be accessible from the hallway. Mr. Wakeland answered by saying that each apartment unit would have a separate laundry room inside the unit.

Mr. Welch reminded the Zoning Board of Appeals that whatever the petitioner builds will have to comply with all the other ordinances. In a way, it seems that the Board is trying to micromanage the proposed development.

Mr. Wakeland just simply needs the Board to let him know what the dimensions can be for the proposed new building, and he will come up with plans for the parking that will comply with the City's requirements. As mentioned when Mr. Wakeland previously tried to get a variance after creating final plans, his ideas were denied, and it cost him money. This time, if he knows what the boundaries are with the proposed site, then he has to work within those boundaries and meet City Code.

Mr. Wakeland is right in that the Zoning Board of Appeals does not need to be concerned with the number of parking spaces at this hearing other than to say that if the variance is granted, he must comply with building safety codes, traffic flow, etc., which he would have to do anyway. Therefore, he felt that the Board should either take questions and/or comments from other members of the audience or vote on the case.

Many of the developers are trying to get more and more people into smaller spaces. The University of Illinois is knocking down dormitories. Mr. Wakeland is committing himself to staying on the west side of Lincoln Avenue. If the setback goes a little beyond what is required, then it would not alter a neighborhood where people live for a long period of time. He feels that the Board members can be a little bit trusting in this particular area because some of the concerns that exist in other neighborhoods are not the same here. The residents are not the same over a long period of time, because they are all transient, and no one will notice if the building sticks out a little further.

Mr. Welch felt that it is a reasonable request to merely let the petitioner know what his boundaries are. Mr. Wakeland commented that Mr. Welch's summary was well done. If the proposed variance request is approved, then the next step would be to hire an architect.

With no further comments or questions from members of the audience, Chair Merritt closed the public input portion of the hearing. She then opened the hearing up for the Board's discussion and/or motion(s).

Mr. Myers stated that Mr. Wakeland could change the angle of the parking some to make the width a little narrower, but he could not lop off ten feet by changing the angle of the parking. Chair Merritt pointed out that this is something Mr. Wakeland would have to work out after the variance has been approved or denied.

Mr. Schoonover moved that the Zoning Board of Appeals forward Case No. ZBA-2009-MAJ-03 to the City Council with a recommendation for approval along with the two conditions as recommended by City staff. Mr. Corten seconded the motion.

Roll call on the motion was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Chair Merritt	-	Yes	Mr. Schoonover	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes			

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before the City Council on May 4, 2009.