

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

DATE: March 15, 2006

APPROVED

TIME: 7:30 p.m.

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

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Nancy Uchtmann,
Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Joe Schoonover

STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner I; Teri
Andel, Recording Secretary

OTHERS PRESENT: Paul Smith, Howard Wakeland

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:32 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Corten moved that the Zoning Board of Appeals approve the minutes from the December 21, 2005 meeting as presented. Ms. Uchtmann seconded the motion. The Zoning Board of Appeals approved the minutes as presented by unanimous vote.

4. WRITTEN COMMUNICATIONS

There were none.

NOTE: Chair Merritt swore in members of the audience who planned to testify during the public hearing.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-06-MAJ-01: Request for a major variance by Howard Wakeland to encroach 8 feet into the required 15-foot front-yard setback at 1010, 1012, and 1012-1/2 West Main Street in the B-3U, General Business-University Zoning District.

Paul Lindahl, Planner I, presented the case to the Zoning Board of Appeals. He gave a brief background on the proposed development of the property located at 1010, 1012 and 1012-1/2 West Main Street. He identified factors both for and against the requested variance. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings and information provided in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, ZBA-06-C-01 is presented to the Urbana Zoning Board of Appeals for consideration without a specific recommendation from City staff. If the Board chooses to forward this case to the City Council with a recommendation of approval, then staff recommended that the following conditions be included:

- 1. That with respect to the front-yard building setbacks, development on the site must generally conform to the site plan submitted with the application.*
- 2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratio and parking module dimensions.*

Ms. Uchtmann inquired if there were any trees along the property that would be affected by the variance. Mr. Lindahl answered by saying that he did not believe there was any trees in the front yard. Ms. Uchtmann stated that her concern was that if there were any trees that would be removed or damaged, then she would like to see a promise from the petitioner that the trees would be replaced along the park way.

Mr. Corten asked if City staff was aware of any University of Illinois (U of I) interest in the area where the proposed property was located, especially since the campus had expanded close by. Mr. Lindahl replied that at this time the University's Master Plan for the area as well as an agreement that they have with the City of Urbana puts the boundary of their expansion area right at Harvey Street. The University's stated intent was not to expand east of Harvey Street.

Mr. Warmbrunn inquired if the variance was needed to get the required parking spots on the property. Mr. Lindahl responded by saying that in order to achieve the number of units that he

needs to build and because of the required parking, between six or eight parking spaces will be permitted by having the front-yard setbacks reduced along Harvey Street and along Main Street.

He added that there would be an additional six parking spaces that would be located in one of his adjoining properties. Mr. Myers pointed out that there was a strenuous amount of calculations going on as far as the parking and trying to get everything to work. The amount of parking required was based on a detailed analysis of bedroom size, the minimum requirements for parking spaces, and the number of bedrooms, etc.

Mr. Warmbrunn wondered if there was any reason why staff did not have a recommendation for or against the variance request. Mr. Lindahl stated that staff did not feel strong about the variance request. Staff had to look at this as three particular properties. It was not necessarily staff's job to evaluate the project as a whole. The project as a whole seems fine to City staff.

Mr. Warmbrunn stated that he was absent when the previous two variances were requested and approved for Phase 1 of the proposed development. He questioned why the City Council had an issue with these requests. Mr. Lindahl remarked that the current proposed request was not part of the two previous variance requests. Due to an oversight with the original application, the two previous variance setback requests were for the two western properties located at 1014 and 1016 West Main Street. The proposed variance setback should have gone through at the same time. He stated that he could not speak to the deliberations of the City Council. Some of the opposition had to do with the question of open space, and part of the opposition also had to do with a very strict interpretation of the letter of the Urbana Zoning Ordinance. Variance requests are there because every single case is special. Mr. Warmbrunn clarified that some of the City Council members in opposition changed their minds and voted in favor of approving the previous two variance requests. Mr. Lindahl replied that was correct.

Mr. Myers pointed out that throughout this entire process, there was a lot of good input and a lot of good information. Honestly, there were a lot of good arguments on both sides. City staff felt that it might be best for them to lay out all the arguments both for and against the proposed variance request and let the Zoning Board of Appeals and the City Council decide for themselves. If City staff had this to do all over again, they would have presented all three variance requests together.

Ms. Uchtmann asked if the City Council had approved or denied the previous variance requests. Mr. Lindahl explained that the City Council approved the two variances for the western properties. The proposed variance request for a reduction in the front-yard setback would complete the Main Street setback all the way down to the end of this property.

Mr. Corten wondered what difference in taxes the proposed development would make for the City of Urbana. Mr. Lindahl mentioned that there had been three very old houses on the proposed site which had been demolished. There was a small apartment building that had not yet been torn down. There were also still two very old houses located on 1012 and 1012-1/2 West Main Street. The City's tax base would be vastly improved by any new construction relative to the old houses.

Chair Merritt opened the public hearing up to hear public testimony.

Howard Wakeland, petitioner, answered some of the questions that the Zoning Board of Appeals had previously asked. He did not believe that there were any trees on the inside of the sidewalks. There were some trees in the parkway, which will be protected. It had been his policy in the past that anytime he has built an apartment building in the City of Urbana to work with the City Arborist.

Regarding taxes, Mr. Wakeland stated that the City will collect eight to nine times the amount of what he is currently paying for the proposed properties.

He handed out a copy of the Site Plan for the proposed development showing what the variance request is for. The red line indicates the area that the previous two variance requests, which were approved, were for.

He went on to say that he did not realize what he was up against when he asked for a variance request. He always intended on putting an apartment building on the proposed properties. He initiated the development process in February of 2005 thinking that they would have plenty of time to get approval on the development plans in order to begin building by August of 2005. He approached the City Building Inspector with preliminary plans in June of 2005. City staff talked to him about the possibility of rezoning the proposed properties to CCD, Campus Commercial Zoning District, which is more lenient regarding setbacks and parking requirements. The discussions held with City staff encouraged him to ask for variance requests for the reduction of the front-yard setbacks along Harvey and Main Streets.

The proposed development will likely cost about \$4,000,000. He would like to build the entire building with the same architectural style. If the proposed variance request is denied, then he will need to come up with a different architectural style. Chair Merritt commented that in the interest of time and without meaning to interrupt Mr. Wakeland, most of the Zoning Board of Appeals members were present during the review of the two major variance requests for Phase 1 of the proposed development. Since they were only dealing with the proposed variance request for Phase 2, then perhaps the best thing for Mr. Wakeland to do would be to answer any questions that the Zoning Board of Appeals may have for him. If it turned out that the Board was getting back down to the basics of the proposed development, then it might make sense to start from square one.

Mr. Corten noticed that his current buildings were air-conditioned by one air-conditioner in each unit. Mr. Wakeland mentioned that in the proposed new apartment building, he planned to have two air conditioners per unit ... one in the bedroom and one in the main room.

Mr. Corten asked about the center area of each building. Mr. Wakeland responded by saying that the center area of each building would be open, and the roof over each area would have an air exchange. Windows could be open on the inner area.

Paul Smith, of 604 West Stoughton, commented that he owned five old houses that were demolished and built a new apartment building on them. Now, he pays the City \$44,000 in taxes

each year. This apartment building is about the same type of project that Mr. Wakeland was planning on building.

He mentioned that he owns the lot at 1009 West Clark Street, which is located in the middle of some of Mr. Wakeland's properties. Mr. Smith also owns two properties across the street at 1010 and 1012 West Clark Street. Therefore, he figured that he would be affected by the proposed new development more so than anyone else. It would not affect his properties any. With the City wanting to have a greater density, approving variances for the reduction in setbacks is about the only way you can get it.

He commented that he went by the WILL Television Station. The station's building is 8-1/2 feet from the sidewalk. It looks alright. Therefore, he was in favor of the proposed variance request.

Mr. Corten inquired if Mr. Smith had 15-foot setbacks on his properties. Mr. Smith remarked that the City was not proposing greater density back then. Therefore, his properties have greater setbacks.

Chair Merritt closed the public portion of the hearing.

Ms. Uchtmann moved that the Zoning Board of Appeals forward a recommendation to the City Council for approval of the proposed variance request with the condition that the petitioner participate in a tree planting program, which includes consulting with the City Arborist to plant and nurture trees along the front of the proposed building along Harvey Street and Main Street to make it a more environmentally friendly and appealing setting and with the conditions recommended by City staff. Mr. Corten seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote.

Mr. Wakeland commented that he had the impression and truly believed that the University of Illinois has committed to not cross Harvey Street. He felt that the prime reason why the U of I will not expand to the east of Harvey Street is because the property value will get too high priced for them. Before the U of I could buy old houses at cheap prices, but that was not the case now. He believed that the University of Illinois was able to acquire a lot of their land because the City of Urbana refused to rezone the land.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Ms. Merritt noted that she would not be able to attend the April 19, 2006 meeting.

The meeting was adjourned at 8:15 p.m. by unanimous vote.

Respectfully submitted,

Robert Myers, Secretary
Urbana Zoning Board of Appeals