

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

**DATE:** April 16, 2008

**APPROVED**

**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, Joe Schoonover, Nancy Uchtmann,  
Charles Warmbrunn, Harvey Welch

**MEMBERS EXCUSED:** Anna Merritt

**STAFF PRESENT:** Robert Myers, Planning Manager; Lisa Karcher, Planner II; Teri Andel,  
Planning Secretary

**OTHERS PRESENT:** Chris Dillion

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

The meeting was called to order at 7:37 p.m. Roll call was taken, and a quorum was declared present.

NOTE: Mr. Warmbrunn moved that Paul Armstrong serve as Acting Chairperson in the absence of Chair Anna Merritt. Mr. Welch seconded the motion. The Zoning Board of Appeals member approved the motion by unanimous voice vote.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Mr. Warmbrunn recommended changing Paragraph 3 on Page 4 to read as such, "Mr. Warmbrunn mentioned that the digital billboards that IDOT allows to change every ten seconds are ~~not~~ much larger than the proposed sign." Mr. Corten moved to that the Zoning Board of Appeals approve the minutes as amended. Mr. Warmbrunn seconded the motion. The minutes of the March 12, 2008 Zoning Board of Appeals meeting were approved by unanimous voice vote.

#### 4. WRITTEN COMMUNICATIONS

- ◆ Site Layout Plan for Case No. ZBA-2008-MAJ-05

**NOTE:** Acting Chairperson Armstrong swore in members of the audience who indicated they might want to speak during the public input portion of the hearing.

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW PUBLIC HEARINGS

**Case No. ZBA-2008-MAJ-05: A request by Vermilion Development Corporation for a major variance to reduce the side-yard setbacks from 5 feet to 3.25 feet for a parking lot at 908 West Clark Street in the City's B-3U, General Business – University Zoning District.**

Lisa Karcher, Planner II, presented the case to the Zoning Board of Appeals. She stated the purpose for the proposed major variance request, which is to allow an accessory parking lot use of 908 West Clark Street. She described the proposed site noting its current land use and zoning designation as well as that of the adjacent properties. She discussed the parking requirements and the problems with developing 902 West Clark Street.

She referred to the handout, which is the Site Layout Plan. The Plan shows the three properties to be operated by Vermilion Development. She stated that there was essentially a miscalculation in the dimensions of the proposed lot, so it did not include a foot of what would be a curb. So the actual lot width is 66 rather than 65 feet. This means that the major variance that the petitioner originally requested is actually for 1.25 feet along each side yard lot line rather than 1.75 feet. This means that the request is now defined as a minor variance, and it will be decided upon by the Zoning Board of Appeals. This case will not be forwarded to the City Council.

She discussed access to the proposed site and parking lot layout and configuration. She explained that the petitioner would need 90 degree parking spaces in order to meet the required number of parking spaces they need. They would lose about 8 parking spaces if they used 45 degree parking spaces. She also discussed landscaping. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to this case. She clarified the options of the Zoning Board of Appeals for the proposed minor variance, and she presented staff's recommendation, which was as follows:

*Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Zoning Board of Appeals approve this case as a minor variance with the following conditions:*

1. *The parking lot shall be constructed in general conformance to the site plan layout submitted as part of the application and attached to the written staff report.*
2. *A landscape buffer shall be provided along the east and west property lines to screen the proposed parking from adjacent properties. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.*

Ms. Uchtmann stated that she could not tell on the site plan where the sidewalk is located. How much space is there between the proposed parking lot and the sidewalk? Ms. Karcher explained that the bottom black line on the site plan represents the property line. When looking at Exhibit A, Location and Existing Land Use Map, you can see that the sidewalk is pretty close to the property line. Sidewalks are typically constructed about a foot outside the property line. In the B-3U Zoning District, a property owner is allowed to have a 5-foot front yard setback provided they have a 5-foot landscape buffer. The petitioner has provided 5 feet so the parking lot will be a little more than 5 feet of the sidewalk.

Ms. Uchtmann pointed out that the proposed parking lot will come almost to Clark Street. Won't this change the character of the neighborhood? What about the large tree in the City's right-of-way, which can be seen better in Exhibit D, Site Photos? She expressed concern about the petitioner removing a large tree along Clark Street. Does the City staff realize what this does long-term to the character of the area? We are talking about very large trees that if removed will diminish the beauty of the area. As people drive down Lincoln Avenue, it will be very barren. Ms. Karcher responded that the City does require one shade tree per nine parking spaces. So the petitioner would be required to provide for shade trees on the proposed lot.

Ms. Uchtmann inquired as to what the definition is for a landscape buffer that the petitioner has proposed. Ms. Karcher explained that the petitioner has not yet submitted a landscape plan. However, City staff has recommended that a second condition be placed on the approval of the proposed Special Use Permit requiring the petitioner to submit a landscape buffer to be reviewed and approved by the City Administrator and the City Arborist, so they could insure that the landscape buffer is appropriate to screen particularly the headlights of cars from adjacent properties.

Mr. Corten commented that it seems to him that the nature of this portion of the neighborhood is changing from purely residential to retail/business. He agrees that the lack of trees is undesirable, but he did not feel that there is much that the Zoning Board of Appeals can do about it with the size of the buildings that are being constructed in this area.

Mr. Warmbrunn asked for City staff to explain why the case went from a major variance request to a minor variance request. What would the number of the minor variance be? Ms. Karcher replied that the parking lot would have a side-yard setback of 3.75 feet rather than a minimum of 5 feet as required by the Zoning Ordinance. The Zoning Ordinance states that to be considered a minor variance it cannot exceed 25% of the required side-yard setback. Therefore the proposal now meets the standard of a minor variance. It is difference in percentage of required setback.

Mr. Warmbrunn pointed out that in application, the petitioner states that the City prefers a center parking lot versus an alternate format, whereby the parking area would be shifted from one side to gain compliance on the opposite side. Is this true? Is this staff's position? Ms. Karcher stated that when the City staff reviewed the case as a major variance request, it was a consensus that it would be better to provide for the same amount of screening on both sides.

Mr. Warmbrunn mentioned that on the west side of the property there is another parking lot with a fence. His main concern would be with the apartment building on the east side, and if we could give them five feet for a landscape buffer. Ms. Karcher stated that if the Zoning Board of Appeals wanted to shift the parking lot, then it could place this condition on its approval, but it would bring the case back to a major variance request. City staff would need to change their recommendation depending on what they wanted to do. Mr. Warmbrunn stated that he would just leave it as is presented.

Mr. Warmbrunn asked about the case number which refers to this as being a major variance. Robert Myers, Planning Manager, replied that City staff would just make the notation in the file. Mr. Corten requested that City staff figure out the number before they make a motion. Mr. Welch commented that in court if someone is charged with a felony and it is reduced to a misdemeanor, then the court does not renumber the case. Mr. Myers stated that the petitioner did not make an application for a major or minor variance. This is something that City staff assigns, so he recommended that the Zoning Board of Appeals either approve the application, approve the application with changes, or deny the application. City staff will work out the numbering on the case.

Mr. Warmbrunn wondered if a truck or semi could get through the parking lot. Ms. Karcher responded that they had the Public Works Department review the Site Plan. They determined that the petitioner could change the radius of the entrance into the parking lot, even on angled parking, to provide for trucks to turn on this radius. So, this will not be an issue for garbage trucks or delivery trucks that might be 21 feet in length.

Mr. Warmbrunn questioned how many parking spaces would be required for the entire project. How can the Zoning Board of Appeals approve this knowing that there are only going to be 75 parking spaces? Ms. Karcher explained that the petitioner would need a Certificate of Occupancy for the building. Parking would be reviewed and checked prior to City staff issuing a Certificate of Occupancy. The petitioner would then be required to show they have sufficient parking. This will likely include a memorandum of understanding with the University of Illinois providing for shared parking.

Mr. Warmbrunn mentioned that the Zoning Board of Appeals, if they vote to approve the proposed variance request, would be granting the variance request prior to the Plan Commission granting the Special Use Permit. He felt the variance request should come after the approval of the Special Use Permit. Ms. Karcher believes that it is a timing issue. The petitioner is under some time constraints in working with the University of Illinois and other different contracts that the developer has. Since they missed the first scheduled meeting in April for the Plan Commission, the original goal was to have the Zoning Board of Appeals review and make a recommendation on the major variance application and have the Plan Commission review and

make a recommendation on the Special Use Permit, and to take both to the City Council at the same time. Since the Zoning Board of Appeals meeting came first, it is why they are reviewing the variance request before the Plan Commission reviews the Special Use Permit.

Mr. Welch commented that the various levels of approval are in place to catch the other issues as the project moves toward completion. As he understands it, if they only end up with a certain amount of space left to rent out in the future complex, then they may not be able to rent to two or three restaurants because there would not be enough parking spaces to allow it. He feels that sometimes the Zoning Board of Appeals has to approve the big picture. If there is only a certain amount of parking spaces, then that will somewhat limit what can be done with the space once construction is done and they start having tenants.

Acting Chairperson Armstrong stated that this is why he would like City staff to speak more about the criteria for the difference in the three different options for parking configurations. Each option obviously has an impact on the number of cars, but also on the setback requirements. The questions have primarily centered on the issue of the setbacks and the opportunity to create the landscaping buffers in the setback zones. Presumably the 45 degree angle parking would permit the greatest percentage of setback area and the largest zone in which to introduce plantings. The 90 degree parking would allow the smallest setback areas and is the triggering mechanism for either a minor or major variance. Of course, the petitioner is trying to anticipate how many parking spaces are going to be needed down the line. If the Zoning Board of Appeals approves the 90 degree parking configuration, is it possible that the number of parking spaces would still be inadequate to meet the needs of the businesses that plan to be located in the future complex? Or is it as Mr. Welch pointed out that the number of parking spaces would be the ultimate constraining factor as to how many businesses or employees can occupy the complex?

Ms. Karcher believed that it is the intention of the developer to provide the proposed accessory parking lot for employees in overflow parking in case the lot at 901 West University Avenue would be full. The petitioner is working with the University of Illinois and with Carle to provide parking within that area. The second and third floor of the future complex is set to be office uses, so the goal is to provide further off-site parking for employees. The proposed lot would be designated for this and would be controlled. The office uses that will go in there will obviously make sure that they have enough parking off-site for their employees, so that there is not a detriment. The goal is to provide adequate parking for the customers and to not have the employees park close to the building, so she felt that adequate parking would be provided through the Memorandum of Understanding with the University or Carle.

Acting Chairperson Armstrong stated that the issue is whether the City wants the parking to essentially occupy the majority of the proposed site or do they want to maintain the buffer zone. The Zoning Board of Appeals has the opportunity to maximize the buffer zone between the parking lot to the west and the proposed lot and between the apartment complex to the east and the proposed lot by selecting or choosing an alternate parking plan. It would obviously encumber the owner in various ways, but it is an option. Ms. Karcher said that this is correct. The Zoning Board of Appeals could increase the buffer by changing the layout. It would essentially decrease the amount of parking that is available.

She went on to say that the Board needs to consider that when there is angle parking it is one way. There are some logistics to consider. As people drive down Clark Street and pull into the proposed angled parking lot, they would need to keep in mind that these drivers will need to exit the parking lot into the alley. Part of the reasoning for allowing the 90 degree parking is to provide easier access to and from the proposed site. Another reason is that by providing more employee parking on the proposed site, it frees up more customer parking spaces in the lot at 901 West University Avenue, which prevents customers from having to park along Clark Street.

The petitioner will still be able to meet the requirements for landscaping with 90 degree parking. They can still protect the adjacent properties from the headlights. She pointed out that if the proposed use would be an apartment complex rather than an off-street accessory parking lot, the City would not require landscaping screening. By approving the 90 degree parking layout, she feels that the Zoning Board of Appeals would be allowing for screening, allowing the petitioner to maximize the number of parking spaces, helping with traffic flow and helping with parking in the area in general.

Ms. Uchtmann believes that the petitioner is creating his own problem by closing off the alley. Were the alley to be kept open onto Lincoln Avenue, people could go into the parking lot from the north and exist onto Lincoln Avenue or Clark Street.

She noticed that there is a 10-foot island on the north side of the proposed lot. Ms. Karcher explained that it is really not an island. It is really the radius of the entrance into the proposed parking lot. It is where the curb will go as you enter into the parking lot. Ms. Uchtmann suggested that rather than having the parking area closer to the street, which will detract from the appearance of the apartment buildings to the east and west, the petitioner should allow the 10-foot area to be on the street side. This would also allow the petitioner to do a little more with the landscaping.

Mr. Warmbrunn wondered if there was a telephone pole in the way of allowing this reversal. Mr. Welch thought the idea of closing the alley was to pull the traffic away from exiting onto Lincoln Avenue due to the high-traffic flow along Lincoln Avenue. Ms. Karcher pointed out that the petitioner will in essence be creating an alley/exit onto Clark Street to make up for what they are taking off of Lincoln Avenue.

Acting Chairperson Armstrong mentioned that on each parking lot configuration it shows the turning radius of a large vehicle and the differences of the width of the drive and how it impacts a larger vehicle. So, presumably the major criteria is the width of the drive and the radius that a large trucks needs to turn. This seems to be determining some of this. In addition to this could presumably be other easements for utility poles, etc.

Mr. Welch wondered if the larger vehicles would be for the other businesses. The bigger turning radius and width of the drive would be to give the larger vehicles access to Clark Street. Ms. Karcher said yes. A delivery truck going to Dairy Queen or a garbage truck would have the ability to come through the proposed parking lot or go to the access for 901 West University Avenue.

Mr. Warmbrunn did not see why they would want to encourage anyone to enter through the south access of the proposed parking lot and turn left onto the alley. There is the Dairy Queen drive-thru and the trash container for the apartment complex located there. They are going to turn the alley into a street, and he did not feel that was the intention of the alley to begin with. Larger vehicles can go down to the end of the alley and make the turn and exit onto Clark Street out of 901 West University, since many of the deliveries will probably be to the new development anyway.

He suspected that many of the people who are employed at the new development will get off work at 4:30 p.m., jump in their cars, drive down Mulberry Alley past the Dairy Queen, and turn right to get to University Avenue. On the other hand, if the Zoning Board of Appeals were to do nothing with this case, the Plan Commission can still give the petitioner permission to use the lot as a parking lot. The only difference is that they would probably use the angle parking configuration and have less spaces, correct? Ms. Karcher said that was correct. They would have 18 parking spaces instead of 26 parking spaces.

Mr. Warmbrunn wondered how 8 parking spaces would make that much difference because the petitioner still needs to come up with 52 more parking spaces even with the approval of the proposed variance request. Without approval of the proposed variance request, the petitioner would need to come up with 60 more parking spaces. So, the real issue is how much intensity these 8 parking spaces will add to this particular block.

Chris Dillion, with the Vermilion Development Corporation, stated that they would not be opposed to flipping the front and rear parking lot setbacks so that the setback on Clark Street is 10 feet. This will increase the amount of landscape buffer. He felt this would be a fine solution.

Regarding the project taken as a whole, it is grossly under parked. The purpose of the project has always been to create an institutional gateway presence at the corner of Lincoln and University Avenues, which means a mixed use project. Obviously, parking has to be part of the discussion from day one. Unfortunately, they were not able to bring this component of the larger project forward at the previous Zoning Board of Appeals meeting because they did not have this specific parcel, 908 West Clark Street, under contract at that point in time. They have worked very hard with the City staff to turn this case into a minor variance. They are certainly willing to continue to work with the Zoning Board of Appeals.

City staff's figure of 127 parking spaces for this project is merely an estimate. Mr. Welch is correct in that when they are looking at the space in the building, they look at the number of parking spaces which they have allocated for the site. This helps them make determinations based on what types of uses they can put into the building.

Frankly, the difference right now is that if they are not able to provide additional parking, then it really makes retail not viable at this location. In the leasing process that they have had thus far, parking is always the primary concern of any retailer.

According to what they are currently looking at, as far as their projections go and based on demand from a leasing perspective, they have interest from a specific restaurant that would take roughly 3,000 to 3,800 square feet on the first floor. This is significantly larger than what the City staff had designated as the retail space. City staff had approximated at 2,365 square feet. This is also part of the impetus for requesting the 90 degree parking, because it will get them up to the 135 approximate spaces that they will be required.

The truck turning radius diagrams are merely for presentation only. They do not anticipate that there will be any deliveries or anything that would be going down the alleyway. However, they cannot control who will be driving down the alleyway. One of their concerns is that should the delivery drivers or garbage truck drivers go down the corridor through the middle of 908 West Clark, if it is one way, there will be an issue, and it will spill over onto the landscape buffer.

The parking lot, itself, will predominantly be used during the daytime. They are looking at the proposed lot as almost permit type parking for specific employees related to the uses of both Carle Development Foundation and the University of Illinois in the future building. Therefore, the use of the proposed parking lot would be primarily during the daytime. Very rarely would there be cars parked in this parking lot at night. It is really just an employee lot associated with the larger development itself.

Mr. Warmbrunn stated that the restaurant will be open say from 11:00 a.m. to 11:00 p.m. He asked whether the 49 spaces near the building would provide enough parking for the restaurant. Mr. Dillion replied by saying that if the restaurant does take up 3,300 square feet on the first floor, then it would necessitate 33 parking spaces. So, the 49 parking spaces in the lot near the future building would be sufficient.

He reiterated that the proposed parking lot would be used as a permit type lot, where there would be assigned spaces to designated employees of Carle Development Foundation and the University of Illinois. In essence, those parking spaces would be rented 24 hours a day/7 days a week.

Mr. Warmbrunn wondered if they would be putting up lights. Mr. Dillion said no.

Mr. Warmbrunn inquired as to whether they have a way to enforce 24 hour permit parking. Mr. Dillion responded said they could either have a contract with a local towing company and/or it would largely be enforced by the individuals who hold the permits.

Mr. Warmbrunn commented that it defeats the purpose of overflow parking then. Mr. Dillion stated that it defeats the purpose of overflow parking at night. They simply need more parking. There will still be employees parking in the 49 spaces near the building; therefore, he feels that parking will be problematic as it is currently designed. Frankly, it is absolutely essential that they find a parking solution in order to make this project viable and to put it in a position to move forward. The proposed site is really the only viable site without crossing Lincoln or University Avenues.



Mr. Warmbrunn asked if the proposed parking lot would solve their parking problems. Mr. Dillion replied yes. If you look at the numbers specifically, the 90 degree parking would provide 26 spaces, which would get them to 135 parking spaces when combined with the Memorandum of Understanding with the University of Illinois. This would cover the worst case scenario with the large restaurant that they are currently in negotiations with.

Ms. Uchtmann asked their plan with the University of Illinois. Mr. Dillion answered by saying that the University of Illinois is really one of their flagship tenants. They are locating one of their units in the future development at 901 West University Avenue, and they are taking roughly 16,000 square feet, which has been approved by the University's Board of Trustees. Vermilion Development Corporation is also purchasing the property from the University of Illinois.

Ms. Uchtmann wondered how many parking spaces the University of Illinois would need for the use of this development. Mr. Dillion responded by saying that the University of Illinois would actually be providing all of their employee parking off-site, which is roughly 60 parking spaces.

Mr. Schoonover expressed confusion over what the parking lot at 901 West University Avenue would actually be used for. Mr. Dillion stated that this specific lot will primarily be utilized by the retail or restaurant component. There will obviously be additional parking for visitors to both the other office tenants. However, when you combine all the various uses, they simply do not have enough parking. Therefore, to ease this situation they are requesting a Special Use Permit from the City to allow them to use the lot at 908 West Clark Street as an accessory parking lot, which would be used for employee type parking.

Mr. Corten wondered if there was another lot where they could use as an accessory parking lot. Mr. Dillion explained that they have looked at other viable options, but everything is cost prohibitive, including the proposed lot. However, they need a parking solution. So, this is the only viable solution that they were able to find.

Mr. Warmbrunn questioned whether they would resurface the alley. Mr. Dillion stated that the City has already given them approval to vacate the alley from Lincoln Avenue to the west property line of 902 West Clark Street. They are providing an access easement for delivery and garbage vehicles. They do not have intentions of doing any further improvements to the remainder of the Mulberry Alley.

With no further questions or comments from the public, Acting Chairperson Armstrong closed the public input portion of the hearing. He, then, opened it up for the Zoning Board of Appeals discussion and/or motion.

Mr. Warmbrunn asked if there were any requirements for lighting for the proposed parking lot. Ms. Karcher replied that the City does not currently require any lighting under our existing Zoning Ordinance.

Mr. Warmbrunn wondered if the City had any plans to resurface the remainder of the alley. Mr. Myers pointed out that some of these concerns will be addressed with the review of the Special Use Permit by the Plan Commission. The issue before the Zoning Board of Appeals is whether a

variance for 1 foot, 3 inch narrower landscape strip on each side of the parking lot is appropriate or not.

Mr. Warmbrunn questioned whether the Zoning Board of Appeals should assume that the Special Use Permit has been granted, and they are looking at the proposed site as an accessory parking lot. They should go from there and decide whether there should be 18 or 26 parking spaces. Mr. Myers answered that in order to do the project as they have planned, the petitioner needs to get approval of both the variance and the Special Use Permit. The Zoning Board of Appeals should look at the proposed variance in terms of if the parking lot would otherwise be approved through a Special Use Permit, what would be appropriate in terms of the side-yard setbacks? Does the evidence presented at this meeting and in the staff report justify a variance for 1 foot, inches?

Mr. Welch feels that a parking lot is needed. Powers greater than the Zoning Board of Appeals have already set this development in motion. The petitioner is saying that if the development is to happen, then the proposed parking lot is needed. Now, the Zoning Board of Appeals has to decide the aesthetics and other issues associated with the proposed parking lot. Mr. Myers explained that the City does run into the same situation where any one project requires multiple approvals. Any one board could say that they are not going to make a decision until the other board does, but then you get into a stalemate. One board has to move first.

Mr. Warmbrunn asked if the Plan Commission will be informed of the Zoning Board of Appeals' decision. Will this decision influence their decision? Mr. Myers stated that City staff would inform the Plan Commission of the decision made. They could say that "If the Plan Commission approves the Special Use Permit, then the Zoning Board of Appeals has authorized the parking lot to be in this configuration with a 1 foot, 3 inch reduction in the side-yard setback." Or if the Zoning Board of Appeals denies the proposed variance request, then City staff might say, "The minor variance was denied so the petitioner has had to redesign their parking lot layout in order to accommodate that, but this also means that they have 30% less parking spaces than a 90 degree angle would have allowed."

Mr. Schoonover feels that the tenants of the future development at 901 West University Avenue would be the people who use the alley and access onto Clark Street more than anyone else. Mr. Dillion replied that the most significant users of the alleyway would be people who are going to and from Dairy Queen. Once the alley is vacated exiting onto Lincoln Avenue, he believes that it might be up for discussion as to who will use the alleyway the most.

Mr. Corten moved that the Zoning Board of Appeals approve Case No. 2008-MAJ-05 along with the conditions recommended by the City staff, which are as follows:

- 1. The parking lot shall be constructed in general conformance to the site plan layout submitted as part of the application and attached to the written staff report.*
- 2. A landscape buffer shall be provided along the east and west property lines to screen the proposed parking from adjacent properties. The landscape buffer*

*shall be reviewed and approved by the Zoning Administrator and the City Arborist.*

Mr. Myers asked for clarification about the reversing the layout of the proposed parking lot front-to-back. Ms. Uchtmann asked if Mr. Corten would amend his motion to include that the layout be flipped so that the 10-foot setback would be along Clark Street rather than along the alley. Mr. Corten said he would accept this as an addition to the motion.

Ms. Uchtmann seconded the motion.

Mr. Warmbrunn wondered what would happen if there is a telephone pole in the way and the layout cannot be flipped. Acting Chairperson Armstrong wondered the same thing. He was curious as to why the 10-foot dimension was adhered to in the plan. Mr. Warmbrunn stated that the pictures do not show what is behind the existing garage. Mr. Dillion stated that he is not familiar with why this determination was made. Obviously, they would flip the layout around and provide more of a setback along Clark Street if it is practical given utilities and any other variables.

Acting Chairperson commented that without the City Engineer or the City Planner in attendance at this meeting, they do not know what the considerations are for the turning radius or for the setback utility requirements are. However, the Zoning Board of Appeals could add some language to the motion that would ask them to look into these alternatives.

Ms. Uchtmann moved to amend the motion that the setback be discussed with the City Engineer, the City Planner, and City Arborist. If possible the greater setback should be along Clark Street and the lesser setback should be along the alley on the north side of the proposed property. Mr. Warmbrunn seconded the motion to amend.

Acting Chairperson asked for the motion to be read back to the Zoning Board of Appeals, including the amendment. It is as follows:

*The Zoning Board of Appeals approve Case No. ZBA-2008-MAJ-05 along with the conditions recommended by City staff, which are as follows:*

- 1. The parking lot shall be constructed in general conformance to the site plan layout submitted as part of the application and attached to the written staff report.*
- 2. A landscape buffer shall be provided along the east and west property lines to screen the proposed parking from adjacent properties. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.*

*Along with the amendment that the setback should be discussed with the City Engineer, the City Planner and the City Arborist, and if possible, the greater setback should be along Clark Street and the lesser setback should be along the alley on the north side of the proposed property.*

Roll call on the motion, including the amendment, was as follows:

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

The motion was approved by unanimous vote.

## **7. OLD BUSINESS**

There was none.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Mr. Myers reported on the following topics:

- ◆ The Special Use Permit to allow an accessory parking lot at 908 West Clark Street will be reviewed by the Plan Commission on April 24, 2008. The case will then be forwarded to the City Council with a recommendation from the Plan Commission on May 5, 2008.
- ◆ LED Sign Variance for The Pines was approved by the City Council.
- ◆ The Vermilion Development Corporation Variance Requests for 901 West University Avenue were approved with conditions by the City Council as recommended by the Zoning Board of Appeals.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:08 p.m.

Respectfully submitted,

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April 16, 2008

Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals