



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### memorandum

**TO:** The Urbana Zoning Board of Appeals

**FROM:** Rebecca Bird, Associate Planner *RAM for RB*

**DATE:** October 10, 2008

**SUBJECT:** ZBA Case # 2008-A-01: Appeal of Zoning Administrator Approval of Plans for the Adaptive Reuse of an Existing House at 601 W. Green Street in the MOR, Mixed Office Residential Zoning District.

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### Introduction

This case is an appeal to the Urbana Zoning Board of Appeals of administrative approval of redevelopment plans for the adaptive reuse of an existing house at 601 W. Green Street in the MOR, Mixed-Office Residential zoning district. Richard Cahill and Gail Taylor, of 307 South Orchard Street (adjacent to 601 W. Green Street), are appealing site plan approval and the granting of four administrative variances for redevelopment plans. Section V-8.B of the Urbana Zoning Ordinance gives the Zoning Administrator the authority to administratively review projects and to vary certain requirements of the Zoning Ordinance as an incentive for adaptive re-use projects in the MOR zoning district.

On January 28, 2008, Scott Kunkel of JSM Development Services applied for site plan approval for renovations to the existing residence at 601 W. Green Street. The Planning and Building Safety Divisions reviewed the plans and the Zoning Administrator determined that the proposal, a remodel that incorporates the adaptive re-use of an existing structure, would not result in a substantial change to the appearance and/or scale of the existing building. The Zoning Administrator based this decision on the following factors:

1. *Scale.* The project proposal would change the configuration of the existing four units, but the number of units would remain the same.
2. *Building footprint.* While the building footprint is slightly different in the proposal than the existing house, due to the removal of an addition on the southwest corner and the enclosing on an existing front porch, the differences in the building footprint were considered not to be significant.
3. *Overall exterior appearance.* The structure had already undergone significant alterations including enclosing a wrap-around porch, several additions, roofline changes, and the covering of its original siding. Due to these alterations, the structure retains little of its architectural integrity. The proposal will actually remove one of the additions and an out-of-character exterior staircase which provides access to the third floor. The removal

of these two additions will restore architectural integrity to the structure and would be compliant with the MOR Design Guidelines.

4. *Regulations.* Following analysis by the Departments of Community Development Services and Public Works, it was determined that the project complied with regulations as set forth in the Urbana Zoning Ordinance, Urbana City Code, and the MOR Design Guidelines.

The Urbana Zoning Administrator granted zoning approval for the renovation of an existing residence at 601 W. Green Street on February 28, 2008 with two administrative variances for the proposed renovations. On April 10, 2008, the Zoning Administrator granted two additional administrative variances (copies of approvals are attached to the application). Construction on the property was initiated in May, 2008 and has continued to date. On September 19, 2008, over four months following initiation of construction, and over five months following the granting of the approval, the petitioners filed an appeal of the site plan approval and the granting of the four administrative variances, in accordance with Section XI-3.D. of the Urbana Zoning Ordinance which states that any decision or determination made by the Zoning Administrator may be appealed to the Zoning Board of Appeals by any person aggrieved thereby.

## Background

### Description of the Site

The property is located in the West Urbana Neighborhood which is an established neighborhood developed in the early 20<sup>th</sup> century. The area is a desirable place to live in part because of its proximity to the University of Illinois campus. The subject property is zoned MOR, Mixed-Office Residential, and is surrounded by a neighborhood consisting of owner-occupied single-family homes, single-family homes converted for student residences, apartment buildings, and church buildings.

### Zoning and Land Use Table

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

Location	Zoning	Existing Land Use	2005 Comprehensive Plan Future Land Use
Subject Property	MOR, Mixed-Office Residential	Multi-Family (4 units)	Mixed Residential, Urban Pattern
North	MOR, Mixed-Office Residential	Religious	Mixed Residential, Urban Pattern
South	R-3, Single & Two Family Res.	Single-Family (Owner Occupied)	Residential, Urban Pattern
East	MOR, Mixed-Office Residential	Religious	Mixed Residential, Urban Pattern
West	MOR, Mixed-Office Residential	Apartment House (8 + units)	Mixed Residential, Urban Pattern

The 2005 Comprehensive Plan denotes the subject property as being Mixed Residential, defined as:

“Mixed-Residential areas contain a variety of residential land uses including single-family residences, duplexes, town homes, and multi-family development. Encourages a gradation of densities between single-family and multi-family uses in order to achieve compatible development. Also encourages design considerations among various land uses to help achieve compatibility. May also include supporting land uses such as civic, institutional, office, neighborhood business uses as well as parks. Mixed Residential areas will have different physical patterns of development depending on their location in the community. These areas should incorporate provisions for transit service and pedestrian access to nearby commercial and employment centers.”

The subject lot is rectangular in shape, as are most in the neighborhood. The lot is 60.54-feet wide by 121.5-feet long, with an area of 7,356 square feet.

In the MOR, Mixed-Office Residential zoning district, the maximum allowed Floor Area Ratio (FAR) is 0.70. The proposal calls for an FAR of 0.56, less than the maximum allowed. The minimum required Open Space Ratio (OSR) is 0.30. The proposal calls for an OSR of 0.36, greater than the minimum required.

#### **Relevant Regulations**

The Zoning Ordinance regulations pertaining to the Mixed Office Residential (MOR) District were amended in 2003 to promote adaptive reuse of existing structures in the District by allowing for administrative approval of site plans and granting of certain minor variances (Copy of Ordinance 2003-11-120 is attached). The administrative approval granted for the subject property was the first such approval granted since the regulations were amended. Zoning Ordinance regulations relevant to the administrative review of adaptive re-use projects in the MOR are contained within Section V-8, Additional Use Regulations in the MOR District. Relevant sections are set forth below:

Section V-8.B states:

*As an incentive to encourage the adaptive re-use of existing principal structures in the MOR District, any proposals for a change of use, building addition, or exterior remodeling that incorporates the adaptive re-use of an existing structure within the district shall not require review by the Design Review Board. Adaptive re-use proposals shall comply with the requirements of the Urbana Zoning Ordinance although the Zoning Administrator may authorize adjustments to existing codes and regulations as specified in Section V-8.D. Adaptive re-use proposals shall demonstrate consistency with the “M.O.R., Mixed-Office Residential Design Guidelines” specified in Section XI-12.J as determined by the Zoning Administrator. In cases where proposed addition(s) and/or remodeling efforts are so extensive as to result in substantial change to the appearance and/or scale of an existing building, the Zoning Administrator shall make this determination and shall then request Development Review Board review and approval of the project. The Development Review Board shall have the ability to make adjustments to*

*existing codes and regulations for adaptive re-use projects for such projects as set forth in Section V-8.D.*

Allowable adjustments to existing codes and regulations for adaptive re-use projects are contained within Section V-8.D:

*D. Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects*

*1. The Zoning Administrator or Development Review Board may authorize adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code for adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District. When changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing principal structures is proposed. This incentive shall not apply to new construction that does not incorporate the adaptive re-use of an existing structure. Adjustments or modifications to the Urbana Zoning Ordinance and Urbana City Code in the MOR District for adaptive re-use projects may be authorized:*

*a. Section VIII-3, Design and Specifications of Off-Street Parking;*

*b. Section VIII-4, Location of Parking Facilities;*

*c. Section VIII-5, Amount of Parking Required; except that no reduction in excess of 25% of the full parking requirements may be approved by the Zoning Administrator and no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-5;*

*d. Section VIII-6, Off-Street Loading Regulations;*

*e. Article VI, Development Regulations; except that the Zoning Administrator shall only approve the adjustments listed in Section XI-3-C.2.b (i.e., for minor variations) and no others; and*

*f. Chapter 7 of the City Code, Fences.*

The Zoning Administrator granted four administrative variances: 1) allowing a 3.75 foot encroachment into the required front yard; 2) a modified parking lot design; 3) a yard encroachment for parking; and 4) a yard encroachment for stairways.

***Variance #1: Allowance of a 3 foot – 9 inch encroachment into the front yard along Orchard Street to match existing encroachment.***

Under Section V-D.1.e, the Zoning Administrator has the authority to approve minor variances for projects in the MOR Zoning District. A 25% or smaller reduction of a required setback is classified as a minor variance (Section XI-3-C.2.b). The requested variance for a 3-foot, nine-inch encroachment into the front yard along Orchard Street qualifies as a minor variance, and the Zoning Administrator acted within her authority in granting it.

*Variance #2: Allowance of a modified parking lot design with no turn around area but with an expanded width for spaces 2 and 3 and with restrictions for use by compact vehicles only in these spaces.*

The Zoning Administrator has the authority under Section V-D.1.a to vary the design and specifications for off-street parking.

*Variance #3: Allowance of a yard encroachment for parking spaces 2, 8, and 9.*

Section V-D.1.b authorizes the Zoning Administrator to vary the location of parking facilities. The variance allows parking spaces 8 and 9 to be located within the required front yard setback along Orchard Street and space 2 to be located within the required side yard setback along the west property line.

*Variance #4: Allowance of a yard encroachment for stairways on the east and west sides of the building (pursuant to both Sections V-8.D and VI-5.3).*

Section VI-5.D.3 allows uncovered stairways and necessary landings to encroach in a required yard to a distance of not more than four feet, six inches provided that each stair and landing shall not extend above the entrance floor of the building, except for the railing, not to exceed three feet in height, when the main structure was built prior to November 6, 1950. Section V-8.D allows the Zoning Administrator to vary the development regulation found in Article VI-5.3.

## **Discussion**

The attached application specifies the petitioners' basis for their appeal. In summary, the petitioners believe that their rights were violated as they were not notified that the property owner had applied for approval of site plans and the granting of associated variances, and that City staff "made arbitrary decisions that favored the commercial interests of the development company over those of private citizens who also have a vested interest in the economic health and welfare of the city government."

### **Application Timeliness**

The Zoning Administrator approved the project's site plans and two related minor variances on February 28, 2008. On April 10, 2008, the Zoning Administrator granted two additional minor variances. The applicants filed an appeal on September 19, 2008. The appeal was filed well after the 45-day filing deadline specified by the Urbana Zoning Ordinance and State law. Thus, the petitioners have well exceeded the statutory time limit for an appeal.

Section XI-3.D of the Urbana Zoning Ordinance governs appeals of any decision or determination made by the Zoning Administrator and allows any "person aggrieved thereby" to appeal such a decision or determination. Any such appeal "shall be taken within 45 days as prescribed by the State Zoning Act (65 ILCS 5\11-13-12)." The state law to which the above refers states: "The appeal shall be taken within 45 days of the action complained of by filing, with the officer from whom the appeal is taken and with the board of appeals a notice of appeal, specifying the grounds thereof" (65 ILCX 5/11-13-12, from Ch. 24, par. 11-13-12).

In this case, the time limit on the appeal of site plan approval and the granting of the first two variances would have expired on **April 13, 2008**. The time limit on the appeal of the granting of the additional two variances would have expired on **May 25, 2008**.

As this project was reviewed and approval granted administratively, the petitioners may not have known about the approval of the project at the time the last action was taken. However, one of the petitioners, Richard Cahill, discussed the project on-site with the developer, Scott Kunkel of JSM Development, on or about May 12, 2008. Mr. Kunkel explained to City staff that he “reviewed the scope of the project [with Mr. Cahill] and also discussed opportunities for Rich to salvage some items from 601 W. Green as part of his involvement with PACA.” Additionally, Mr. Kunkel states that he is confident of the timing as Mr. Cahill was on-site during JSM’s initial demolition work, which has been confirmed by the demolition contractor, Mike Durst of Kodiak Services, as being from May 12, 2008 through May 23, 2008. If those dates are used instead of the earlier dates to calculate the statutory time limit for the applicants’ appeal, it would have expired between June 26, 2008 and **July 7, 2008**. The applicants filed their appeal on **September 19, 2008**, a total of 119 days after May 23, 2008 and 74 days after July 7, 2008. Under any of these calculations, the petitioners have well exceeded the 45-day statutory limit for an appeal.

From a legal standpoint, timeliness is of critical importance in such matters. The Zoning Administrator, acting under the explicit authority granted by Zoning Ordinance gave final zoning approval to the project on April 10, 2008. Having also obtained the proper building permits, the property owner proceeded to make improvements to the property and to expend labor and costs with the full expectation that they were in compliance with all relevant regulations. The petitioner had knowledge of the project by mid-May 2008 and yet waited an additional four months to appeal the project’s approval. In the interim, the property owner has expended a large sum of money and labor costs on the property, a fact which the petitioner had ample opportunity to witness (as they reside adjacent to the property). By waiting to file the appeal, the petitioner has created a situation whereby the property owner’s considerable expenditures are at risk since the zoning approval has been called into question. This creates a very large potential for damages to both the property owner, and by extension, the City of Urbana in granting the approvals. Legal staff note that Courts do not look kindly upon plaintive actions which are delayed for the purposes of increasing the defendant’s damages.

For these reasons, City legal staff has strongly recommend that the Zoning Board of Appeals deny the appeal on the basis that it has been filed after any reasonable interpretation of the statutory limit. Sustaining the appeal would result in very large damages to the property owner, from which it is likely the City would be held liable. The size of these potential damages are significant precisely due to the delay of the Petitioner’s appeal.

#### **Notice**

The petitioners believe their rights were violated as the City did not notify them of the variances that were requested and approved. This project, as an adaptive re-use of an existing structure in the MOR zoning district, does not require public notification under Section V-8.B of the Urbana Zoning Ordinance. The MOR district was created in 1990 as a result of the Downtown to Campus Plan. The Downtown to Campus Plan addressed the larger neighborhood located between downtown Urbana and the University of Illinois and addressed the goal of “achieving a desirable and compatible balance among the area’s diverse residential, commercial and institutional land uses in order to protect the historical, architectural, economic and

environmental character of the neighborhood.” Proposed zoning designations in the 1990 plan included the Mixed Residential/Office designation which was defined as:

“a mixture of residences, offices and small shops that are primarily located in older residential buildings. The reason for allowing the re-use of these buildings is to provide the owners with a greater economic return than can be gained from renting only to residential tenants. This will provide an incentive to retain these structures rather than raze then and build large apartment buildings. By allowing such mixed uses, the City hopes to preserve the character and appearance of these areas as well as strengthen the attraction between the campus and downtown Urbana by encouraging more activity along Green Street. This type of mixed development must be done very carefully with special care given to the scale of new buildings and the location of parking areas on these lots.”

In November of 2003, the Urbana City Council passed an ordinance amending various sections of the Urbana Zoning Ordinance as they pertain to the requirements of the MOR zoning district and the procedures of the Development Review Board (copy attached). A staff memorandum to the Urbana City Council regarding this text amendment, dated October 30, 2003, encourages adaptive reuse of existing buildings:

“The encouragement of adaptive reuse is a basic premise of the MOR district and the current ordinance offers regulatory incentives to help encourage adaptive reuse as opposed to new construction. For example, the Zoning Administrator would be able to administratively approve adaptive reuse projects in the MOR as long as relevant development standards, review criteria, and design guidelines are met. The Zoning Administrator would also be able to make minor variances to the requirements of the Zoning Ordinance in the case of adaptive reuse. By improving and streamlining the procedures pertaining to the District it is hoped that adaptive reuse can be more successfully encouraged, (page 12)”

Section V-8, Additional Use Regulations in the MOR District grants the Zoning Administrator the authority to make adjustments or modifications to the requirements of the Urbana Zoning Ordinance and the Urbana City Code for adaptive re-use of existing structures in the MOR district. This authority allows the Zoning Administrator to internally review and approve proposals. As a result of administrative review, the public are not notified of variances as they would be for non-adaptive re-use projects. The Urbana Zoning Ordinance explicitly gives the Zoning Administrator this authority, in the interest of retaining existing buildings in the MOR and preventing demolition and new construction. The petitioners claim that their rights were violated as they did not receive written notification from the City regarding the variances. According to Section V-8 of the Urbana Zoning Ordinance, the City had no obligation to notify the petitioners of the site plan approval or of the variances.

### **Density**

The petitioners raise several questions regarding City staff analysis of the site plan proposal for 601 W. Green, per the MOR Design Guidelines. The application questions the staff determination that “the proposed project should not create a negative impact.” The application states that there will be “a 56% increase in density where bedrooms are concerned,” from nine bedrooms to sixteen bedrooms. For clarification, according to records on file with the Urbana Division of Building Safety and floor plans of the existing building from JSM, the total number

of existing bedrooms is 11, rather than nine. The proposed 4-unit apartment building with 16 bedrooms complies with the MOR zoning district use requirements. The staff determination that the project would not have a negative impact was with respect to building scale. Density is regulated by the Urbana Zoning Ordinance, whereas scale is considered during the MOR Design Guidelines analysis. The purpose of the MOR Design Guidelines is to encourage compatible design within the MOR district. The staff analysis to which the applicants are referring is a review of the compatibility of the design of the project proposal.

### **Parking**

Parking is an issue the applicants raise several times. Prior to redevelopment plans, there were two parking spaces accessed off of Green Street. The spaces were in the front yard setback and were in front of the building façade. This is considered undesirable in the MOR zoning district, for both traffic safety and aesthetic reasons. The project proposal removes that parking pad and returns that area to landscaping and moves the parking to the rear of the building. The number of parking spaces increases in accordance with Article VIII of the Urbana Zoning Ordinance, which requires eight parking spaces for this building (two spaces per four bedroom dwelling unit). The MOR Design Guidelines encourage parking to be located to the rear of the building and particularly not located in the façade zone. The proposal has moved parking from the façade zone to the rear of the building and moved the green space into the façade zone. This is also preferable from a traffic safety standpoint in that traffic is moved off of the primary street and on to the local street, allowing for safer turning movements. Vehicles backing into Green Street from the driveway at this location constitute a safety and congestion concern.

The Zoning Administrator granted the second variance to allow a modified parking design, per Section V-D.1.A of the Zoning Ordinance. Parking spaces for compact cars are self-enforced for residential property. The Urbana Building Inspector and the Urbana Department of Public Works worked with JSM Development on the parking lot design and confirmed that the modified design has an adequate turn around. Each of the parking spaces will have concrete wheel stops, which will keep parking a minimum of 18 inches from the property line and will prevent cars from hitting the fence or the utility pole located near the southwest corner of the lot. Access to the parking lot has also been reviewed by the City Engineer and meets all pertinent regulations with respect to width and grade. The City Engineer does not anticipate any traffic or safety concerns resulting from the proposed parking lot.

### **Trees/Landscaping**

The petition protests the removal of three mulberry trees located along the south property line. City ordinances do not prohibit the removal of trees on private property. The City does actively encourage private property owners to retain and plant trees, but only has jurisdiction over trees in the public right-of-way and on City-owned land.

Parking lots must be screened from adjacent residential zoning districts and residential uses. Regardless of whether such screening is accomplished by landscaping, a wall, or fence, it must effectively function as a direct headlight screen (Section VIII-3.F of the Zoning Ordinance).

The proposed landscape plan meets the requirements of the Urbana Zoning Ordinance with respect to open space provision and screening. No additional landscaping along the south side is



required, because the property would be effectively screened from the adjoining property by a six-foot high fence.

### **Fence**

There is currently a wood fence on the southern property line. The application objects to the removal of this fence and the installation of a vinyl fence. City staff contacted Mr. Kunkel at JSM Development regarding this fence. JSM has agreed to either retain the existing fence or to replace it with a similar wood fence, per the wishes of the petitioners.

### **Trash Container**

The petition raises concerns about the location of the trash dumpster. However, the proposed location appears to be an improvement over the current situation. The proposal calls for a single trash dumpster to replace the current four roll-away dumpsters. The new dumpster will be located behind a fence, thereby screening it from the public right-of-way and preventing some of the current management issues the petition raises.

The petition questions whether the location of the trash dumpster will impact the “line of sight for drivers” entering and exiting the parking lot. The City Engineer has reviewed the site plan and does anticipate any difficulty with respect to visibility at this location.

### **Mechanicals**

According to JSM Development, the air conditioning units will be through-wall units, which do not require a separate compressor. There will therefore be no mechanicals located near any of the property lines which could impact adjacent property owners.

### **Walkway**

The petition raises concerns about the safety of private walkways leading from the public sidewalks to the building entrances. The walkways in question have been removed as part of the renovations and will be replaced with new private sidewalks.

### **Open Space Ratio**

The application raises the issue of whether the sidewalk along Orchard Street was used in the calculation for the open space ratio. The public sidewalk was not used in the calculation. The Urbana Zoning Ordinance allows private walkways, such as those from the public sidewalk to the building entrances, to be included in the open space ratio. The proposed project’s open space ratio -- 0.36 -- exceeds the minimum required 0.30.

### **Entryway**

Shortly after receiving the analysis of the project per the MOR Design Guidelines, JSM Development agreed to follow staff’s recommendation to enhance the entrance on the east façade. This accommodation has improved the project’s design, creating a focal point for the entry on the east façade.

### **Front Yards**

The petition states that the Orchard Street side of the property is a “side yard.” The Urbana Zoning Ordinance (Section VI-5.E.1) specifies that lots having frontage on two or more streets have a required front yard on each street frontage. Under this definition, both the Orchard and Green Street frontages are defined as front yards.

### **Zoning Districts**

City staff received a letter from Daniel and Victoria Corkery of 602 W. High Street on October 8, 2008. The letter compares the process of granting variances for the subject project of 601 W. Green Street with the process of granting variances for a project at 602 W. High Street. The property at 601 W. Green Street is in the MOR zoning district. 602 W. High Street is in the R-3, Single and Two-Family Residential Zoning District. These zoning regulations are different in each district. As a low density residential district, the R-3 District is much more restrictive than the Mixed Office Residential District, which allows a wide variety of uses at a greater density than the R-3 district. The MOR zoning district promotes the adaptive re-use of existing buildings and is the only zoning district with incentives for adaptive re-use. The R-3 zoning district does not require site plan review for compliance with design guidelines and is not eligible for the granting of administrative variances.

### **Construction Site**

Due to the concerns raised by the petitioners and other neighbors, City staff contacted JSM Development and arranged to have the construction site cleaned, including moving the dumpster off of the sidewalk and cleaning of the sidewalk.

### **Property Lines**

The Corkery letter questions the western property line but does not include any evidence to support the suggestion that the property owner’s site plan boundaries are incorrect. The property owner’s site plan is consistent with the Sidwell Map Atlas prepared by the County Assessor. The City of Urbana does not require that property surveys be prepared for platted lots and generally considers property line disputes to be a civil matter to be worked out between the adjoining property owners.

### **Summary of Findings**

1. On February 28, 2008, the Zoning Administrator granted site plan approval for the renovation of an existing residence at 601 W. Green St. with two administrative variances for the proposed renovations.
2. On April 10, 2008, the Zoning Administrator granted two additional variances for the renovation of an existing residence at 601 W. Green Street.
3. The 45-day deadline to appeal site plan approval and associated administrative variances was May 25, 2008.
4. On September 19, 2008, Richard Cahill and Gail Taylor submitted an appeal of site plan approval and the granting of variances.
5. Section V-8.B of the Urbana Zoning Ordinance grants the Zoning Administrator the authority to make adjustments to existing codes and regulations for projects in the MOR,

Mixed Office-Residential Zoning District, as specified in Section V-8.D, including granting administrative variances.

6. Section V-8.B of the Urbana Zoning Ordinance authorizes the Zoning Administrator to review and grant approval for projects in the MOR Zoning District incorporating adaptive re-use of an existing structure, where the project would not result in a substantial change to the appearance and/or scale of the existing building.
7. The Zoning Administrator did not exceed the authority granted by Section V-8 of the Urbana Zoning Ordinance.
8. The proposed development meets the development regulations of the Urbana Zoning Ordinance and complies with the Mixed-Office Residential Design Guidelines (Ordinance No. 2004-08-105).
9. The statutory limit for an appeal of the project has been well exceeded.
10. The property owner, and by extension the City of Urbana, could suffer undue damages due to the delayed appeal and the time and costs expended on the property to date.

## Options

The Zoning Board of Appeals has the following options in this case:

- a. The Zoning Board of Appeals may deny the appeal; or
- b. The Zoning Board of Appeals may uphold the appeal.

Should the Zoning Board deny the appeal, then the project will continue as planned.

Should the Zoning Board uphold the appeal, City staff will need to consult with Legal staff to determine what the proper course of action should be with respect to the project, given that the property owner has been working on this project since May on the understanding that all required permits had been duly granted, and has made significant progress in completing the project.

## Recommendation

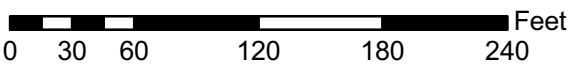
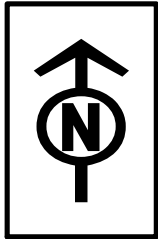
Staff recommends that the Zoning Board of Appeals **DENY** the appeal on the basis that 1) the appeal was not submitted within 45 days of the action complained of in the appeal; and 2) that the renovation plans for 601 W. Green Street comply with all procedural and development regulations of the Urbana Zoning Ordinance.

In reviewing the case the Zoning Board of Appeals may recommend specific clarifications or amendments to the Zoning Ordinance for further consideration by the City.

Attachments:     Exhibit A: Location Map                             Exhibit D: Site Photos  
                         Exhibit B: Zoning Map                             Exhibit E: Petition for Appeal  
                         Exhibit C: Future Land Use Map                             Exhibit F: JSM Development Application & Site Plan

cc:                     Richard Cahill & Gail Taylor                             Scott Kunkel  
                         307 S Orchard St     JSM Development  
                         Urbana, IL 61801     505 S Fifth Street  
                             Champaign, IL 61820

# Exhibit A: Location Map



ZBA Case # 2008-A-01: Appeal of Zoning Administrator approval of plans in MOR

Location: 601 W. Green Street

Zoning District: Mixed-Office Residential

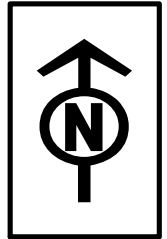
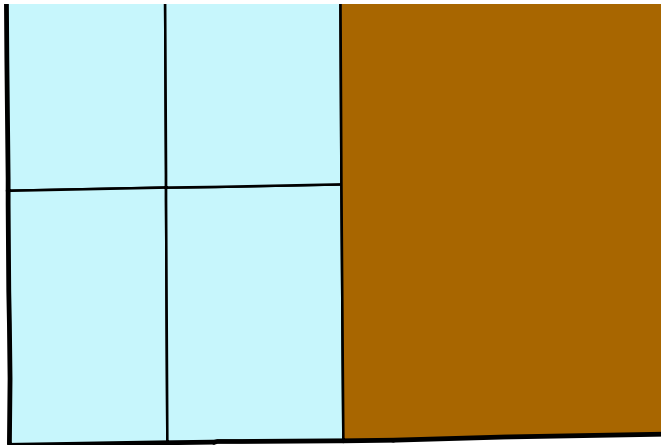
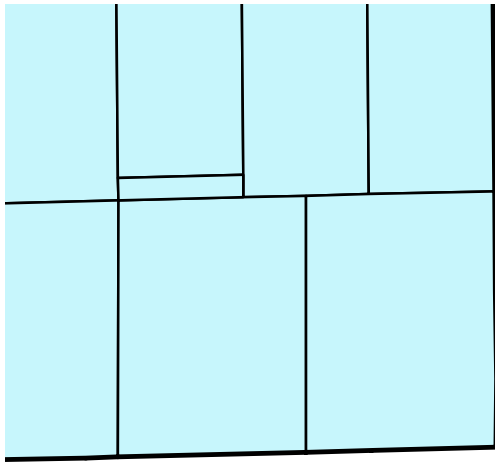
Petitioner: Richard Cahill & Gail Taylor

## Legend

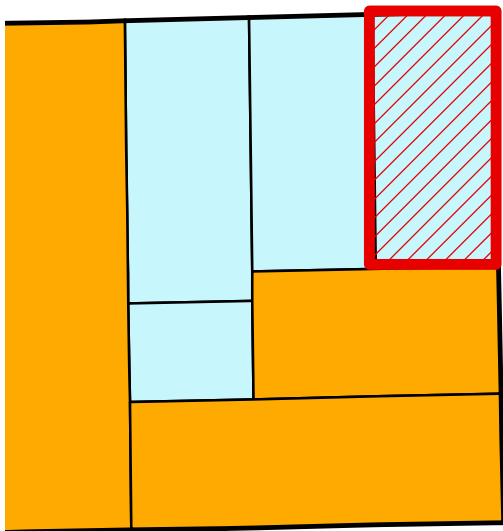


Subject Property

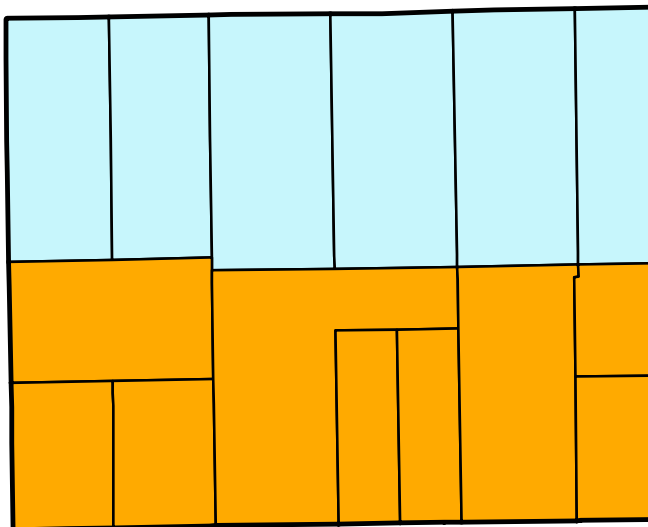
# Exhibit B: Zoning Map



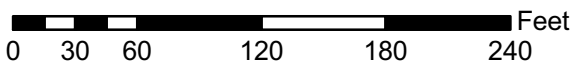
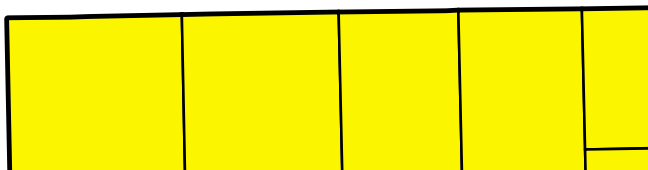
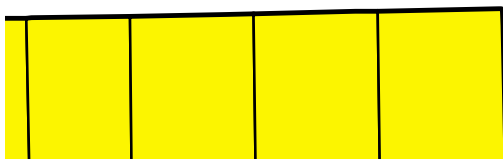
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Orchard Street



High Street








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Location: 601 W. Green Street

Zoning District: Mixed-Office Residential

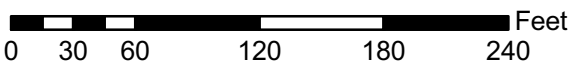
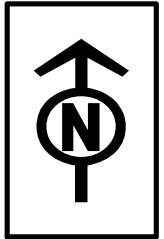
Petitioner: Richard Cahill & Gail Taylor

## Legend

-  MOR
-  R2
-  R3
-  R5
-  Subject Property

Prepared 9/30/2008 by Community Development Services - rlb

# Exhibit C: Future Land Use Map






ZBA Case # 2008-A-01: Appeal of Zoning Administrator approval of plans in MOR

Location: 601 W. Green Street

Zoning District: Mixed-Office Residential

Petitioner: Richard Cahill & Gail Taylor

## Legend

-  Subject Property
-  Residential
-  Mixed Residential

**Exhibit D. Site Photos**

**Green Street Façade (facing north)**



**Orchard Street Façade (facing east)**



**Rear Façade (facing south)**





55H



# Application for Zoning Appeal

# Zoning Board Of Appeals

APPLICATION FEE - \$125.00

RECEIVED

SEP 19 2008

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 \_\_\_\_\_ ZBA Case No. \_\_\_\_\_

Fee Paid - Check No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

APPEAL is taken from the enforcing officer's decision, a copy of which is attached, for a reversal or modification of said decision in conformity with the discretionary powers of the board to permit the \_\_\_\_\_  
(insert use/construction)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on the property described below, and in conformity with the plans on the application.

1. Location of Subject Site 601 West Green, URBANA

2. PIN # of Location \_\_\_\_\_

3. Name of Applicant/Petitioner(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

Property interest of Applicant(s) \_\_\_\_\_  
(owner, contract buyer, etc)

4. Name of Owner(s) \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(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) \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)

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

8. Name of Surveyor(s) \_\_\_\_\_ 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lot Size \_\_\_\_\_ feet x \_\_\_\_\_ feet = \_\_\_\_\_ square feet

Present Use \_\_\_\_\_  
(vacant, residence, grocery, factory, etc)

Zoning Designation \_\_\_\_\_

**SUMMARY OF PARTIES' POSITION IN THIS APPEAL:**

1. The specific decision appealed from is:

Attached

2. The decision appealed from was inconsistent with the following sections of the Zoning Ordinance of the City of Urbana, Illinois.

(Identify each section by number and quote the relevant language of each. If you need more room, insert additional pages between this sheet and the next.)

Attached

3. I believe the decision appealed from was inconsistent with the above described section(s) for the following specific reason(s): (Briefly state the specific facts and arguments in support of your position.)

Attached

WHEREFORE, petitioner prays that this petition be heard by the Zoning Board of Appeals and the decision of the Zoning Administrator of the Department of Community Development Services be reviewed on the basis of its merits.

Respectfully submitted this 19 day of September, year 2008, A.D.

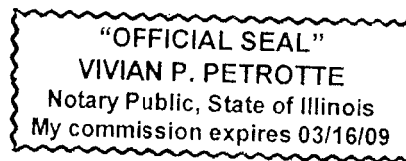
[Signature]  
Signature of Applicant

STATE OF ILLINOIS        )  
  )        SS  
CHAMPAIGN COUNTY        )

Richard Cabell, being first duly sworn, on his/her/their oath, deposes and says that he/she/they is/are the same person(s) 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 this 19<sup>th</sup> day of September, year 2008 A.D.

Vivian P. Petrotte  
Notary Public



SEAL

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

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

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

SEP 19 2008

Application for Zoning Appeal ---City of Urbana  
Proposed Development of 610 West Green, Urbana, IL.

Submitted by Richard Cahill and Gail Taylor, 307 South Orchard, Urbana, IL

**Attachment 1**

*Richard Cahill*  
9/19/2008

*Gail Taylor*  
9/19/2008

We question all of the conclusions of City staff members associated with the approval of plans for redevelopment of the 601 West Green property. As adjacent property owners to the south, we would like to call attention to the fact that there was no public review period for variances that were being requested and approved by City staff members on February 28, 2008 or April 10, 2008. We also did not receive written notification from the City that variances were being requested and also approved. We would like to encourage the City to reconsider the approved plans, due to violating our rights with to notification of these changes that were being made to the modified Mixed Office Residential Zoning Ordinance as approved in 2004. We also would like to encourage the City to halt the redevelopment of the property until such time there is a public hearing to afford an opportunity to adjacent property owners and other citizens of the City of Urbana to take their concerns before the appropriate governing bodies, from the various Commissions to the Mayor and City Council members. Our interpretation is also that City staff members made arbitrary decisions that favored the commercial interests of the development company over those of private citizens who also have a vested interest in the economic health and welfare of the city government.

Our first set of comments refers to the analysis of site plan proposal for 601 West Green dated 2/4/2008 from Rebecca Bird to Elizabeth Tyler.

**Compatibility with Surrounding Neighborhood (page 2)**

The staff report states "the proposed project should not create a negative impact." We question this decision. The existing structure that is being redeveloped had four units. Unit one had 3 bedrooms, unit two 2 bedrooms, unit three 3 bedrooms, and unit four 1 bedroom, for a total of 9 bedrooms. This information was acquired from Weiner Companies, Inc. who managed the property for the previous owners. The City has given the approval to increase the density of the existing structure. The redeveloped structure will have 4 units with 4 bedrooms each, for a total of 16 bedrooms. This is a 56% increase in density where the bedrooms are concerned. At full occupancy, the redeveloped structure could accommodate 16 plus or minus tenants, dependent on the practices of the developers who will also be leasing the units. There is also another density issue where proposed tenant parking is concerned. The existing structure had 2 on-site parking spaces that were located at the front of the existing structure adjacent to the Green Street entrance. The City approved plan is now allowing the parking area to be moved to the backyard of the existing structure, which was previously a green space for tenants. There were 0 parking spaces in the backyard. The approved plan allows for the parking of 8-9 tenant vehicles, a density increase of 100%. The parking lot is also flush with the shared property line that is on the north side of our property. These changes to

the existing property are not minor from our perspective as owner/occupants of a single family home that has been owner occupied since the purchase in 1989.

#### Screening and landscaping (page 3)

The City approved the removal of three Mulberry trees directly adjacent to the shared property line, on the north side of our property. This was another “surprise” action on the part of the City and discovered by ourselves one day on coming home from work and finding tree cutting crews were removing the trees. We were told by the crews that the trees were being removed to allow for the dropping of power lines as part of the reconstruction process. After receiving a copy of the City approved plans, it became apparent that the removal of the trees had more to do with preparing the land for the development of the tenant parking area. In looking over the plans, there are no other trees being planted at the back side of the property because the City is allowing the entire space to be paved and used by tenants as a parking area for their vehicles. We find this action surprising considering Urbana has a reputation of being “Tree City” and a reputation that the City promotes to others as a way to increase the value of the quality of life for citizens who choose live in this community.

The City approved plans also allows for the removal of a wood fence on the property of 307 South Orchard. The fence was erected in the 1990s. The City gave approval to the developers to replace the wooden fence with one that is vinyl. The wooden fence is sympathetic to the architecture that is found in the neighborhood adjacent to the 601 West Green Street property. The vinyl fence is what one might expect to find in a commercial area where there big box retail stores are located, as opposed to a mixed use residential area where quality of life issues of those living in the neighborhoods should be a concern for City staff members.

#### Design and Review (page 3)

We also have concerns about the approved placement of the trash dumpster. Management of the trash dumpsters has been an issue for us ever since JSM Development, Inc. acquired the property from the previous owner. The previous owner had several cans for tenant use that were located near the backdoor of the existing structure and later moved to the shared property line. These cans were replaced by 4 rollaway dumpsters in 2008 after JSM acquired the property. One of the rolling dumpsters was relocated to the front of the existing structure and 3 others were located along the shared property line, adjacent to the Orchard Street sidewalk. The removal of trash was not well-managed and dumpsters often over-flowed into the backyard and onto the sidewalk. Animals rummaged around in the trash. It was also blown about in the wind and made its way into Orchard Street, including glass bottles. The trash was a health and safety hazard for us, as adjacent property owners, and pedestrians walking by on the sidewalk and drivers of vehicles who dodged and/or ran over trash that made its way into the street. It was also a health and safety hazard for others who live in the neighborhood.

Numerous contacts have been made with JSM to alert them to the overflowing trash situation.

We also have concerns that the placement of the dumpster will greatly impact the line of sight for drivers of vehicles entering and leaving the parking lot. The entrance for the parking lot is also located on a street where there is a moderately high level of pedestrian and automobile traffic, in comparison to the Green Street side of the property. There is significant amount of pedestrian traffic on the sidewalk where the entrance to the new parking area, as well as where the trash cans will be located. During the academic school year, there are college students waking to and away from Green Street, which is a major MTD bus line. East and West bound buses pass through the intersection of Green and Orchard streets at 15-minute intervals during the University of Illinois academic school year, between the hours of 8 to 5, and at 30-minute intervals other times of a 24-hour period of time throughout the calendar year. There are also other families with young children walking on the Orchard Street sidewalk to go to the Community Day Center, located at the 1st Presbyterian Church at the corner of Green and Orchard Streets. The Korean Church also meets on Sunday afternoons, at the Presbyterian Church. Orchard Street, to the east of the property, and High Street, to the south is spillover parking for those who attend church services. Families with small children park their cars on these streets and walk to the church. This issue would have been discovered by making a site visit to the property as well as reviewing other land use records that are available to City staff members who made the decisions to approve the redevelopment plans.

#### MOR Design Guidelines and Findings (pages 4-5)

The copy of the approved plans that were shared with us by the City staff members does not show the placement of any mechanicals such as air conditioning compressors. Where will these compressors be physically located? How many? Will there be a sound barrier to lower the noise level for when these compressors are working at full capacity? Will this barrier be another fence or possibly bushes that could be planted to lower the noise level as well as make this equipment more visually appealing to the eye?

#### Building Orientation & Pattern (page 5)

The sidewalks adjacent to the proposed entrances for the redeveloped structure are uneven, with dips and rise, creating a health and safety hazard for tenants and others who use them. This is another issue that would have been uncovered by making a site visit prior to the approval of plans. We had another issue brought to our attention by a friend who works as a licensed architect in the Champaign-Urbana community. He mentioned that it appears that the width of the Orchard Street sidewalk appears to have been calculated into assessments that were made by City staff members with regard to outside space that might be available to tenants who will be occupying the property. This directly applies to the location and size of the paved parking lot that is being relocated from the front of the existing property to the backyard.

#### Massing and Scale (page 5-6)

We agree with the City staff decision that exterior cladding and variation do not add any interest to the design and should be improved to be more sympathetic to the other properties that are located, both to the west and south of the existing structure.

Landscaping (page 8)

We mentioned previously that the wood fence that is now on the property line has been approved for removal and replacement with a vinyl fence. There is no setback for the paved parking lot that has been approved for the property. The concrete ends where our property line begins. We encourage the City to revisit the drawings and make a better assessment of not only what landscaping was proposed for the Greet Street side of the property but the entire property, as a whole. We also mentioned previously the removal of Mulberry trees along the shared property line. There was no indication on the plans that these trees are going to be replaced with others, at different locations on the property.

The following discussion refers to a letter dated 2/28/2008 to Scott Kunkel of JSM Development, Inc. from the City of Urbana Zoning Administrator allowing two “administrative variances” for the proposed renovations.

Variance 1. Allowance of a 3 foot 9” encroachment on the Orchard Street. We would like to point out that this is the side yard of the property, bounded by Orchard Street, not the front yard which is bounded by Green Street.

Variance 2. Allowance of a modified parking design. We are concerned about the manner in which compact parking will be enforced and assume the tenants will be self-policing this issue. We question the decision to approve a parking lot plan that allows for the parking of compact cars, taking into consideration the amount of space that is needed to back out of an assigned space without hitting other vehicles. We question how cars will be able turnaround in the proposed lot, especially those that will be parked along the west property line.

The following discussion refers to a letter dated 4/10/2008 to Scott Kunkel of JSM from the City of Urbana allowing two “administrative variances” for the proposed renovations.

Variance 1. Allowance of a modified parking design. The same concerns expressed above apply to this consideration. The addition of a 9th parking space will compound the parking problem for tenants, and nuisance for us as neighbors who will need to be concerned with vehicles slamming through the proposed vinyl fence and/or hitting the power pole and toppling over a transformer that raises the risk of putting both lives and property in danger where parking is concerned.



Variance 2 Allowance of yard encroachment. The addition of side yard encroachments on the east and west sides will further lower the amount of open space available to tenants. It is not clear if the sidewalks to entrances are included in the open space calculations provided. This issue was previously raised in this petition.



The upper photo is of 307 South Orchard taken in 1988. The lower photo is of the completed fence in 1991. Note that 601 West Green had a fenced-in yard.

Sidewalk on Orchard St Side

Taken 9/14/2008

No attempt to clean  
mud off of sidewalk or  
street





# Site Plan Checklist for Applicant

## Development Review Board

Date of Application 1/28/08

Name of Development 601 W. GREEN

Location 601 W. GREEN URBANA, IL 61801  
 (Street Address) (City/State) (Zip)

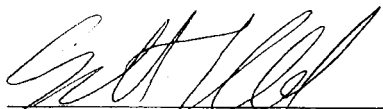
Please complete the following checklist by checking all appropriate spaces under the "Applicant" heading which indicates the requested information is shown on the attached Site Plan in compliance with the Urbana Zoning Ordinance. In some cases, all of the requested information may not need to be shown. Please check with the City Planner if you have questions about what should be shown. The City also recommends the use of two pages for the Site Plan, one to show the existing site and another to show the proposed site.

### Applicant Information Requested

- Completed application form with 7 copies of Site Plan.
- Indication of North arrow
- Indication of scale and bar scale (minimum 1" = 50')
- Indicate the location, exterior horizontal dimensions, and height of all existing and proposed principal and accessory buildings and additions to buildings with reference to public right-of-way and property lines.
- Indicate the location and dimensions of all setbacks
- Indicate the location and dimensions of all public and private easements (existing and proposed)
- Indicate the location and dimensions of all existing and proposed curb cuts and access drives showing direction of traffic flow where appropriate
- Indicate the location and dimensions of all existing and proposed sidewalks
- Indicate the location, construction, materials and dimensions of all existing and proposed fences and berms

- Indicate the location and dimensions of all existing and proposed signs
- Indicate the location and dimensions of all existing and proposed parking spaces, maneuvering areas, number of parking spaces provided including handicapped spaces, and the parking formula used to determine requirements.
- Indicate the location, size and type of all existing and proposed landscaping vegetation and materials including trees in the street right-of-way.
- Indicate the general use of adjacent properties.
- Indicate the location of any adjoining public streets, alleys, drainageways and flood hazard boundaries.
- Indicate the location, height, direction and wattage of all existing and proposed exterior lighting
- Indicate the location of all existing and proposed trash dumpsters including screening fences or walls
- Include a legend indicating appropriate information on the Site Plan including the address of the property; the existing and proposed use of all existing and proposed buildings; floor areas; number of dwelling units; number of bedrooms; lot size; floor area ratio; open space ratio; and the name, address and phone number of the applicant and the person who prepared the proposed Site Plan if different from the applicant.
- Include notes which describe any existing or proposed covenants or easements permitting the use of land by adjacent property owners or restricting the use of the subject property
- Include a space for the signature of the Chairman of the Development Review Board indicating approval of the proposed Site Plan.

I understand that the information shown on this proposed Site Plan as requested in this Checklist is correct to the best of my knowledge and that any incomplete or incorrect information may cause a delay in the review of this proposed Site Plan.

  
 \_\_\_\_\_  
 Applicant

1/28/08  
 \_\_\_\_\_  
 Date



**Community Development Services**

400 South Vine Street  
Urbana, IL 61801  
(217)384-2444  
FAX (217)384-0200

February 28, 2008

Mr. Scott Kunkel  
JSM Development Services, LLC  
505 S. Fifth Street  
Champaign, IL 61820

RE : Zoning Approval for Renovations to an Existing Residence in the MOR Zone, 601 West Green Street, City of Urbana, Illinois

Dear Scott:

This letter is to officially grant you zoning approval for your proposed renovation of an existing residence at 601 West Green Street, located in the Mixed Office Residential zone in Urbana.

I have reviewed the site plan and checklist submitted to my office on January 28, 2008 for conformity to the Urbana Zoning Ordinance and to the MOR Residential Design Guidelines adopted by the City in 2004. Under the provisions of Section V-8 of the Zoning Ordinance, which encourages adaptive reuse of structures in the MOR zone, I hereby grant the following administrative variances for the proposed renovations:

1. Allowance of a 3 foot – 9 inch encroachment into the front yard along Orchard Street to match existing encroachment.
2. Allowance of a modified parking lot design with no turn around area but with an expanded width for spaces 2 and 3 and with restrictions for use by compact vehicles only in these spaces (see attached drawing).

Our analysis of the project's conformity to the MOR Residential Design Guidelines is set forth in the attached memorandum from Rebecca Bird, dated February 4, 2008 and provided previously to you. This memorandum finds the project to be in compliance with the design guidelines, but offers the following two suggestions:

1. As the property is on a corner lot and has two façade zones, staff recommends enhancing the entrance on the east façade. The entrance should create a focal point on the east façade. This can be achieved through the use of such architectural details such as a door surround, door hood, pediment, stoop or porch, or transom or fanlights. In light of the loss of the two-story cut-away bay on this façade and the impact that will have on the scale of the structure, staff strongly recommends creating such a focal point.
2. The MOR Design Guidelines state that the exterior material should be chosen based on both durability and aesthetics and recommends such materials as brick and wood clapboard. Staff recommends using wood clapboard siding. This is the original siding material for the structure and would provide an enhanced visual aesthetic to the block.



It is my understanding that you will be adopting the first suggestion and will consider the second suggestion.

We appreciate your responsiveness to the City of Urbana's policies and regulations pertaining to the Mixed Office Residential zone and your creative approach to adaptive reuse and renovation to structures to this area, providing for reinvestment while maintaining the attractive residential character of this area.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



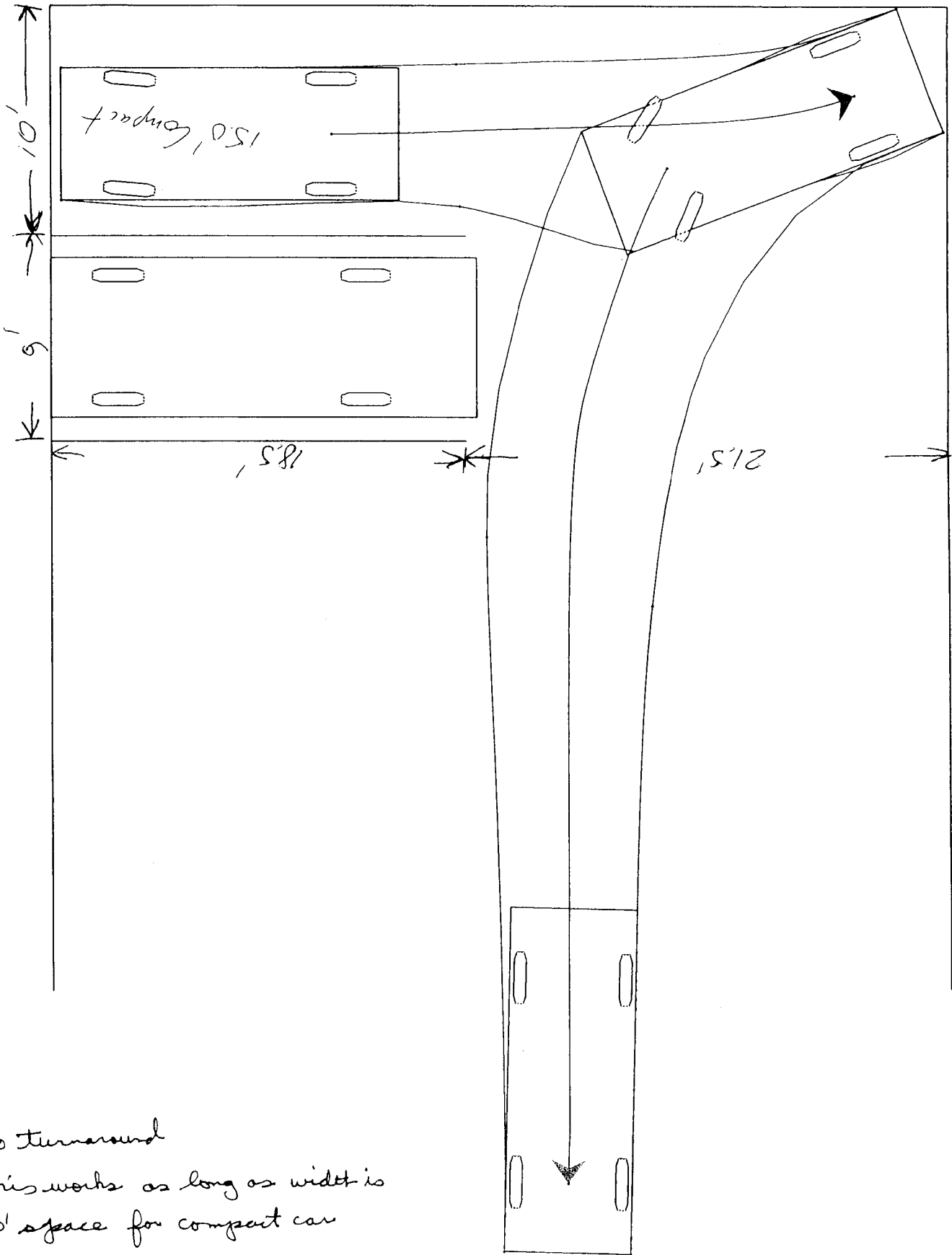
Elizabeth H. Tyler, Zoning Administrator

Attachments:

Parking Lot Turnaround Sketch

Memorandum from Rebecca Bird to Elizabeth Tyler, dated February 4, 2008

Cc: PM File  
Gordon Skinner, Building Safety Manager  
Steve Cochran, Building Inspector  
Robert Myers, Planning Manager  
Rebecca Bird, CD Associate  
William Gray, Public Works Director



No turnaround  
 This works as long as width is  
 10' space for compact car  
 per Joe S 2/5/08



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

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

**TO:** Elizabeth Tyler, Community Development Services Director

**FROM:** Rebecca Bird, CD Associate

**DATE:** February 4, 2008

**SUBJECT:** Analysis of site plan proposal for 601 W. Green Street, per the M.O.R. Design Guidelines

---

**Introduction**

JSM Development Services, LLC have submitted site plans for a renovation of the existing residence at 601 W. Green Street. Currently, the house is divided into four apartments. The proposal will change the configuration of the existing units, but the number will remain the same.

**Issues & Discussion**

***Mixed-Office Residential (M.O.R.) Zoning District***

The M.O.R. district was developed in the early 1990s with the idea of creating a mixture of small-scale residential, office, and commercial uses preferably in the existing structures. According to Article IV-2.H of the Urbana Zoning Ordinance, the intent of the Mixed-Office Residential Zoning District is:

“...to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the useful life of such structures. New construction shall be designed and constructed in a manner that is consistent with the character of the district. The land uses permitted and the development regulations required in the M.O.R. District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The M.O.R. District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected.”



Proposals in the MOR District for building additions and exterior remodels that incorporate the adaptive re-use of the existing principal structure must comply with the requirements of the Urbana Zoning Ordinance, but do not require review by the Development Review Board. Proposals must demonstrate consistency with the MOR Design Guidelines and may be approved by the Zoning Administrator. However, if the Zoning Administrator determines that the proposed addition and/or remodel would substantially change the appearance and/or scale of the existing building, the Zoning Administrator must forward the proposal to the Development Review Board for review.

The proposed renovation at 601 W. Green Street will not change the use of the structure, but it is an adaptive re-use of the historic single-family residence. The proposal will change the appearance of the existing building, due to changes in the building footprint, siding materials, and the window openings and window materials. However, the change in appearance will not be substantial. The proposal will not significantly change the scale of the existing building. The proposal, therefore, is consistent with the intent of the MOR Design Guidelines and may be approved by the Urbana Zoning Administrator.

***M.O.R., Mixed-Office Residential Design Guidelines***

**Site Plan Review Criteria**

Site plans (including elevations and floor plans) shall be reviewed and considered according to the criteria listed below:

**Compatibility with Surrounding Neighborhood**

Proposals shall demonstrate consistency with the intent of the MOR, Mixed-Office Residential Zoning District as stated in Section IV-2.H. In reviewing proposals, the effects of the proposed structure and uses on adjacent properties and the surrounding neighborhood shall be considered. Building location, orientation, setbacks, scale, bulk, massing, and architectural design shall be considered.

*Staff Analysis*

*The proposed addition should not create a negative impact to the surrounding properties on the block. There will be three areas of new construction outside the existing house footprint and one area of the existing house to be removed. The areas of new construction are no closer to Green or Orchard streets than the existing structure. Additionally, the area of the existing house to be removed is a later addition that is not compatible with the height and massing of the original structure. The existing structure is an older single-family house that has been adaptively re-used to create four multi-family dwelling units. The proposed renovations will not alter the number of dwelling units, and the structure will continue to have the building form of a single-family house.*

### **Parking and Access**

Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Zoning Ordinance and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic conflicts, noise and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of handicapped persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.

#### *Staff Analysis*

*The proposal includes eight new parking spaces, which meets the two spaces per dwelling unit required in Section VIII-7 of the Urbana Zoning Ordinance. Analysis of the parking is being done concurrently with this analysis by the Building Safety Division. The parking area will be screened with a six foot high opaque fence.*

### **Screening and Landscaping**

Proposals shall demonstrate the preservation of existing natural features where practical. The effect that the proposal may have on the vegetative characteristics of the area shall be considered and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and screening requirements identified in the Urbana Zoning Ordinance. Retention of street trees along the Green and Elm Street corridors shall be encouraged.

#### *Staff Analysis*

*The site plan includes existing shrubs along the front façade which are to remain. The site plan also indicates a row of existing trees in the front façade which will not remain. The trees are evergreen, about 20-25 feet high, and appear to be a type of Arborvitae. Arborvitaes are pyramidal evergreens that reach 15 to 25 feet high and six to twenty feet wide. Due to their narrow shape, these trees do not significantly contribute to the existing vegetative characteristics of the area and their loss will not need to be mitigated. The most significant existing vegetation is a tree located in the park way along the north side of the property. As the tree is on public property, it will not be affected by the proposed renovation. As mentioned in the previous section, the site plan does include a six foot high opaque fence on the south property line and the southern end of the west property line. This fence meets the screening requirements for the parking area. As the fence is not along a property line that fronts on a public right of way, it will not contribute to the character of the neighborhood.*

### **Design & Site Review**

Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The Zoning Administrator shall determine if the site details will negatively impact adjacent properties and the character of the neighborhood. An

important component of this review is the consideration of the architectural appearance relating to: Building Orientation, Openings, Outdoor Living Space, Building Materials, Parking areas, Landscaping, and Commercial Site Design as outlined in the MOR Design Guidelines. Proposals shall demonstrate conformance with the design guidelines and with the goals for the MOR, Mixed-Office Residential Zoning District as specified in the City of Urbana Zoning Ordinance.

The Urbana Zoning Ordinance includes additional design criteria that are mandatory and required as specified in Section XI-12.J. These requirements include that the front entrance must face the street, building walls facing the street must contain window openings, and that parking areas shall be located behind the principal structure and not in the façade zone.

*Staff Analysis*

*With the exception of the fence the proposal does not incorporate other site details such as dumpsters, lighting, storage areas, etc. Currently the trash dumpsters are located in the southeast corner of the property, which is part of the new parking area in the proposed site plan. More information is required to determine if the location of the exterior trash dumpsters will negatively impact adjacent properties and the character of the neighborhood. The front entrance is located on Green Street, the more major frontage. Both the Green Street façade and the Orchard Street façade contain window openings and are not blank. The new parking spaces are located behind the principal structure and are not located in the façade zone. The proposal does include one existing parking space which is in the Green Street façade zone, but it is an existing space. The proposal would satisfy the three mandatory design criteria listed above.*

**MOR Design Guidelines Review and Findings**

The M.O.R., Mixed-Office Residential Zoning District includes adopted Design Guidelines to be reviewed. The primary sections of the guidelines are listed below along with a staff analysis of compliance.

**Façade Zone:** The “façade zone” refers to the portion of the building that will face the primary street.

Strongly Encouraged:

- New building additions that complement the architectural style of the main structure.

Strongly Discouraged:

- The location of mechanical equipment (such as air compressors, mechanical pumps, water softeners, utility meters and the like) in the façade zone.

*Staff Analysis*

*The structure has undergone significant alterations including enclosing a wrap-around porch, several additions and roof line changes and has had its original siding material covered with aluminum siding. Due to these alterations, the structure retains little of its historical and architectural integrity. The proposed renovations will actually remove one of the additions and an exterior staircase at the back of the house which provides access to the third floor. As part of the renovation, the structure will be clad in vinyl lap siding, which is more similar in character to the original siding than the current wide-faced aluminum siding. The proposal calls for all of the windows to be replaced with vinyl double hung windows with vinyl shutters. The existing structure does not have shutters. The proposal does not include any mechanical equipment in the façade zone.*

**Building Orientation & Patterns:** (also addresses architectural appearance)

Strongly Encouraged:

- Building placement and general orientation on a site that is compatible with other structures on the block.

Encouraged

- New construction projects, including additions, that incorporate common patterns and architectural characteristics found throughout the district. (e.g. porches, roof type, openings, etc.)
- Use of architectural detailing and landscaping to help new construction "blend in" with the block.

*Staff Analysis*

*The proposed renovations do not greatly alter the building footprint and therefore will not significantly affect the character of the building placement on the block. The setbacks on both Green and Orchard streets will remain unchanged and are consistent with other structures on the block. The main entrance will remain on Green Street, with a small protruding covered stoop to create a focal point on the front façade. There will be a secondary entry on the Orchard Street façade. The proposal does not call for a covered stoop for this entry, although a focal point on this façade would be strongly encouraged.*

**Massing and Scale:**

Strongly Encouraged:

- The "height to width ratio" of a structure is compatible with that of other structures on the block face. For example, if existing structures on a block face have a height to width ratios of 2:1, then a height to width ratio of 1:3 for new construction may not be appropriate.

Encouraged:

- The use of various decorative details and exterior materials to add interest, scale, and dimension to a building.
- Height and rooflines on new construction that are compatible with other buildings found on the block face.
- A combination of rooflines with varying roof heights and pitches used to break up the mass of a structure.
- Roof pitch and shape on new construction compatible with other forms found in the district.

*Staff Analysis*

*The massing of the structure will only slightly change, as the additions will not add significantly to the building footprint. However, the additions will cover some architectural detail which may negatively impact the scale of the structure. Specifically, on the east façade, there is a two-story cut-away bay, which will be lost. On the north façade, there is currently a sense of depth due to changes in the wall plane on the first floor, with a slightly recessed front entry and a slightly protruding picture window with a transom above. These will also be lost with the proposed renovations. Nevertheless, the proposed renovations will continue to have planes broken up with protrusions and recessions and differing roof lines. Although the proposal does not include a variation in exterior cladding, this would add interest, scale, and dimension. There are two apartment buildings on the south side of the block, with a church as the largest contributor to the character of the north block face. The proposed renovations will not significantly affect the massing and scale of the structures on the block.*

**Openings:**

Strongly Encouraged

- An adequate amount of openings on a facade.
- Large wall expanses on a facade that are interrupted by windows.
- Openings that reflect the building's architectural style.

Encouraged

- Openings that are in proportion to others on the facade and are similar in size and scale.
- A consistent rhythm of openings on the facade.
- True divided-lite windows.

*Staff Analysis*

*The proposal includes an adequate amount of openings on both the north and east facades. The openings are in proportion to the structure, although many of the openings will be slightly different than the existing openings. Many of the existing windows are not original to the house, but were added during previous renovations/alterations. The number and placement of some of the openings are not ideal, particularly on the east*

*façade, but they do meet the requirements as outlined in the MOR design guidelines. The proposal calls for vinyl double-hung windows with simulated divided-lites.*

### **Outdoor living space:**

#### Strongly Encouraged

- Front porches and balconies with rooflines that are compatible with the main roof of the structure.
- Outdoor living spaces that use a variety of styles and materials in order to complement the overall composition of the building.

#### Encouraged

- Buildings on corner lots with porches and/or stoops located on both facades.
- Balconies on multi-family residence located above the first floor only.

#### Discouraged

- Terrace-like patios located in the façade zone.

#### Strongly Discouraged

- Balconies directly abutting single-family residences.

#### *Staff Analysis*

*The renovation will not incorporate any “outdoor living space.” Although outdoor living space is strongly encouraged, it is not required in the design guidelines. Ideally, the site plans would include a front porch on at least one of the facades. The site plan does not call for a patio in the façade zone or a balcony directly abutting a single-family residence.*

### **Materials:**

#### Strongly Encouraged

- Long-lasting and durable exterior materials such as brick and wood clapboard.
- Exterior treatment or siding that protects the integrity of the structure and provides an enhanced visual aesthetic to the block.
- Recognition of the diversity of materials used throughout the district and the importance of material quality.

#### Encouraged

- Roof materials that are compatible with those found within the district. In the case of new additions, roof materials that complement those found on the main structure.

*Staff Analysis*

*The site plans call for the entire structure to be clad in vinyl lap siding. The structure is currently clad in aluminum siding. The MOR design guidelines encourage long-lasting and durable exterior materials. It would be preferable for the structure to have wood lap siding, which is most likely the original siding material. However, as the structure has already lost its original siding material, the vinyl lap siding is acceptable.*

**Parking areas:**

*Staff Analysis*

*The Building Safety Division is evaluating the parking areas on the site plans.*

**Landscaping:**

Strongly Encouraged

- Retention of mature trees on private property and within the parkways and other City right-of-way areas. (Green and Elm Street corridors are particularly important)

Encouraged

- New tree plantings on private and public property to replenish the urban canopy.
- Protect mature trees from root damage during construction, both on the subject property and on any adjacent properties.
- Use of evergreens, dense deciduous shrubs, masonry walls and berms for screening.
- Design landscaping to ensure safe pedestrian and automobile traffic circulation on and off private property.

*Staff Analysis*

*As mentioned above, the site plans call for the removal of a line of Arborvitae in the front façade and will retain a line of shrubs in the front façade. There is a mature tree in the parkway, which will remain. The removal of the Arborvitae will not significantly alter the character of the landscape of the lot or of the block.*

**Commercial Site Design:**

*Staff Analysis*

*The subject property is not a commercial structure, therefore this section does not apply.*

**Recommendations:**

Based on the analysis presented in the discussion above, City staff recommends the following:

1. As the property is on a corner lot and has two façade zones, staff recommends enhancing the

entrance on the east façade. The entrance should create a focal point on the east façade. This can be achieved through the use of such architectural details such as a door surround, door hood, pediment, stoop or porch, or transom or fanlights. In light of the loss of the two-story cut-away bay on this façade and the impact that will have on the scale of the structure, staff strongly recommends creating such a focal point.

2. The MOR Design Guidelines state that the exterior material should be chosen based on both durability and aesthetics and recommends such materials as brick and wood clapboard. Staff recommends using wood clapboard siding. This is the original siding material for the structure and would provide an enhanced visual aesthetic to the block.





Community Development Services  
400 South Vine Street  
Urbana, IL 61801  
(217) 384-2444  
FAX (217) 384-0200

April 10, 2008

Mr. Scott Kunkel  
JSM Development Services, LLC  
505 S. Fifth Street  
Champaign, IL 61820

RE : Additional Zoning Approval for Renovations to an Existing Residence in the MOR Zone,  
601 West Green Street, City of Urbana, Illinois

Dear Scott:

Pursuant to our meeting last week and supplemental to my letter to you of February 28, 2008, this letter officially grants you the following additional zoning approvals for your proposed renovation of an existing residence at 601 West Green Street, located in the Mixed Office Residential zone in Urbana:

Under the provisions of Section V-8 of the Zoning Ordinance, which encourages adaptive reuse of structures in the MOR zone, I hereby grant the following additional administrative variances for the proposed renovations, as depicted on your revised site plan, dated April 4, 2008:

1. Allowance of yard encroachment for parking spaces 2, 8, and 9.
2. Allowance of yard encroachment for stairways on the east and west sides of the building (pursuant to both Sections V-8.D. and VI.5.3).

Again, we appreciate your responsiveness to the City of Urbana's policies and regulations pertaining to the Mixed Office Residential zone and your creative approach to adaptive reuse and renovation to structures to this area. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Elizabeth H. Tyler, Zoning Administrator

Attachment: Revised Site Plan

Cc: PM File  
DRB File  
Gordon Skinner, Building Safety Manager  
Steve Cochran, Building Inspector  
Robert Myers, Planning Manager  
Rebecca Bird, CD Associate  
William Gray, Public Works Director



ENGINE & STUDY  
PROFESSIONAL STAMPS  
30-11-17-11(12)-011  
307 S. OSWEGO

OWNER  
RICHARD A. COPEL  
307 S. OSWEGO  
URBANA, IL 61801

### 601 W. GREEN ZONING SUMMARY

Zoning Classification  
MOR - Mixed-Office Residential

Adjacencies:  
North - MOR across street  
East - MOR across street  
South - R3 contiguous  
West - MOR contiguous

Use Regulations  
Existing - Dwelling, Multi-Family(4 units)  
Proposed - Dwelling, Multi-Family(4 units) (Permitted)  
4 - 4 Bedroom units = 16 Bedrooms.

#### Development Regulations

Section VI-3: Minimum lot area = 6,000 sf  
Actual lot area = 7,356 sf (Okay)  
Section VI-3: Minimum average lot width = 60'  
Actual average lot width = 67.54' (Okay)  
Maximum Height Allowed = 35'  
Actual maximum height = 32'-10" to ridge (Okay)  
Maximum Floor Area Ratio = 0.70  
Total Building Area = 4,128 sf  
Site Area = 7,356 sf.  
4,128 sf / 7,356 sf = 0.56 < 0.70 (Okay)  
Minimum Open Space Ratio = 0.30  
Open Space #1 = 1,473 sf  
Total Available Open Space = 1,382 sf  
1,473 sf / 7,356 sf = .20 < 0.30 (Okay)

Setbacks  
West - Side: 7' (Okay)  
South - Rear: 10' (Okay)  
Parking permitted in rear yard  
per Section VIII-B-2  
North - Front Yard (Avg. of Existing,  
Not Less than 15' Not greater than 25')  
901 W. Green Street - 24'  
903 W. Green Street - 24'  
905 W. Green Street - 25'  
907 W. Green Street - 25'  
909 W. Green Street - 18'  
Average = 23'-0" (Okay)  
East - Front Yard: 15' (Portion of Existing house  
extends 7'-6" into setback)

Parking  
Section VIII-7: 2 spaces required per dwelling unit  
8 spaces required; 8 spaces provided (Okay)

CODE SUMMARY  
2003 INTERNATIONAL BUILDING CODE  
1997 ILLINOIS ACCESSIBILITY CODE  
1990 NATIONAL ELECTRIC CODE  
1990 BOCA NATIONAL MECHANICAL CODE  
1990 BOCA NATIONAL PLUMBING CODE  
1998 ILLINOIS STATE PLUMBING CODE  
1990 BOCA NATIONAL FIRE PROTECTION CODE  
2006 ILLINOIS ENERGY CONSERVATION CODE

#### DRAWING LIST

- A1.1 SITE PLAN
- A2.1 FOUNDATION/BASEMENT  
1ST FLR PLAN
- A2.2 2ND & 3RD FLOOR PLAN
- A3.1 ELEVATIONS
- A3.2 ELEVATIONS
- A4.1 SCHEDULES/DETAILS
- A5.1 FRAMING PLANS
- A5.2 FRAMING PLANS
- A5.3 FRAMING PLANS
- D1.1 EROSION/SITWORK PLAN
- D1.2 EROSION/SITWORK DETAILS

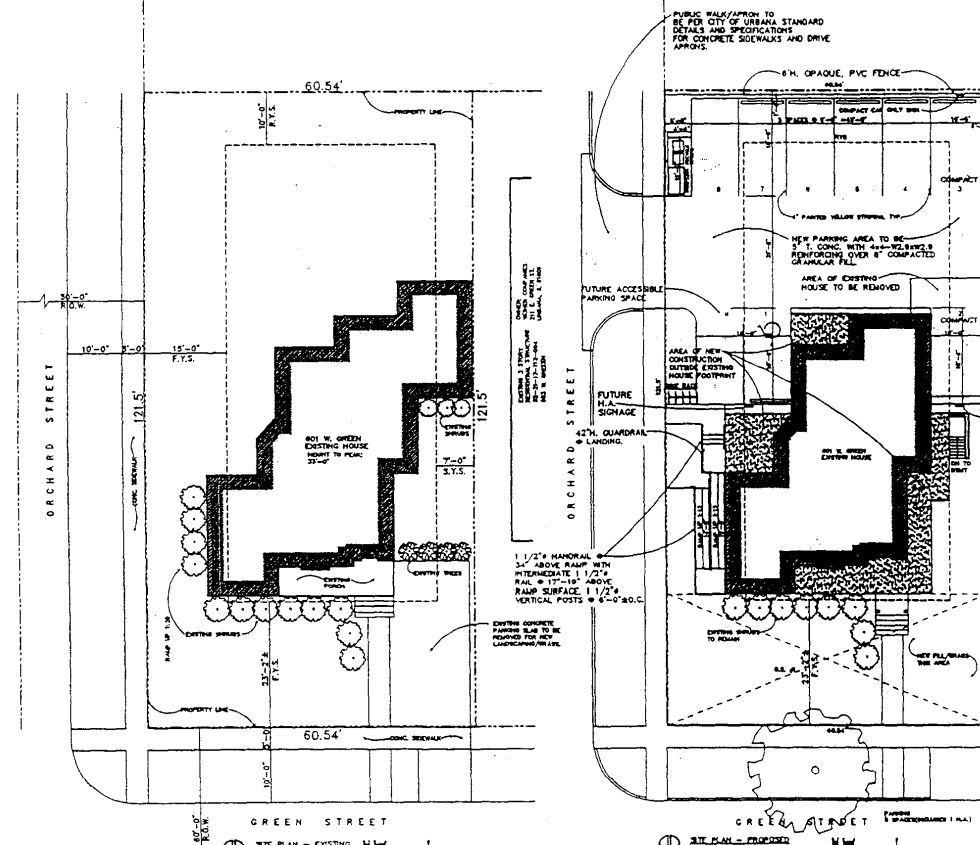
SITE PLAN APPROVED BY:  
COMMUNITY DEVELOPMENT DIRECTOR  
NAME \_\_\_\_\_ DATE \_\_\_\_\_

FLOOD PLAN		
SITE IS NOT IN FLOODPLAIN AS COMPARED BY EXAMINATION OF FLOOD INSURANCE RATE MAP PAGE # 170035 0010 B URBANA, ILLINOIS CHAMPAIGN COUNTY ZONE # FLOOD ELEVATION 712.3		
No.	Priority/Notes	Date

**JSM**  
Development Services, LLC  
204 S. 10TH STREET  
CHAMPAIGN, ILLINOIS 61820  
(317) 238-2323 (317) 238-2329 FAX

**601 W. GREEN**  
RENOVATIONS TO  
EXISTING RESIDENCE  
601 W. GREEN ST.  
URBANA, IL

07-30  
4/4/08  
**A1.1**



SITE PLAN - EXISTING  
SCALE 1/8" = 1'-0"

SITE PLAN - PROPOSED  
SCALE 1/8" = 1'-0"

COPY

ORDINANCE NO. 2003-11-120

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF URBANA, ILLINOIS**

(Revisions to Various Sections of the Urbana Zoning Ordinance  
As They Pertain to the Requirements of the M.O.R., Mixed-Office-Residential  
Zoning District and the Procedures of the Development Review Board,  
Plan Case No. 1865-T-03)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Article IV of the Urbana Zoning Ordinance, District and Boundaries Thereof, establishes the M.O.R., Mixed-Office Residential Zoning District, and other relevant Sections of the Urbana Zoning Ordinance regulate the development standards and procedures within the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, recent development proposals in the M.O.R., Mixed-Office Residential Zoning District called into question their compliance with the stated intent of the district; and

WHEREAS, on July 21, 2003 the Urbana City Council adopted a text amendment to the Urbana Zoning Ordinance under Ordinance No. 2003-07-073 creating an Interim Development Ordinance and establishing a 120-day moratorium on development in the district so city staff could study the district and propose changes to the requirements of the district and the procedures of the Development Review Board; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance to amend various sections of the Urbana Zoning Ordinance as they pertain to the requirements of the M.O.R., Mixed-

Office Residential Zoning District and the procedures of the Development Review Board; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1865-T-03; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission opened a public hearing to consider the proposed amendment on October 9, 2003 and continued the public hearing to the October 23, 2003 meeting; and

WHEREAS, the Urbana Plan Commission voted 5 ayes to 1 nay on October 23, 2003 to forward the proposed amendments set forth in Plan Case No. 1865-T-03 to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance.

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

Section 1. Section IV-2.I, Purpose of Districts, in the MOR District, of the Zoning Ordinance is hereby amended to read as follows:

The MOR, *Mixed-Office Residential District* is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the useful life of such structures. New construction shall be designed and constructed in a manner that is consistent with the character of the district. The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected.

Section 2. Section V-8, Additional Use Regulations in the MOR

District, of the Zoning Ordinance is hereby amended to read as follows:

- A. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.
- B. As an incentive to encourage the adaptive re-use of existing principle structures in the MOR District, any proposal for a change of use, a building addition, and/or exterior remodeling of an existing structure(s) shall not require review by the Development Review Board. Adaptive re-use proposals shall comply with the requirements of the Urbana Zoning Ordinance although the Zoning Administrator may authorize adjustments to existing codes and regulations as specified in Section V-8.D. Adaptive re-use proposals shall demonstrate consistency with the established MOR design guidelines specified in Section XI-12.J. In cases where proposed addition(s) and/or remodeling efforts are so extensive as to result in substantial change to the appearance and/or scale of an existing building, the Zoning Administrator shall make this determination and shall then request Development Review Board review and approval of the project. The Development Review Board shall have the ability to make adjustments to existing codes and regulations for adaptive re-use projects for such projects as set forth in Section V-8.D. below.
- C. New construction not incorporating the adaptive re-use of an existing structure in the MOR District must receive site plan approval from the Development Review Board in accordance with the provisions of the Board as specified in Section XI-12.
- D. *Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects*
  1. As an incentive to encourage the adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District, the Zoning Administrator may authorize adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code. The Zoning Administrator may authorize adjustments only when changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing principle structures is proposed. The purpose of this provision is to provide an incentive to re-use the existing structures in the District, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District. This incentive shall not apply to new construction that does not incorporate the adaptive re-use of an existing structure. The Zoning Administrator is hereby authorized to make minimum adjustments or modifications

to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District for adaptive re-use projects:

- a. Section VIII-2, Design and Specifications of Off-Street Parking;
- b. Section VIII-3, Location of Parking Facilities;
- c. Section VIII-4, Amount of Parking Required; except that no reduction in excess of 25% of the full parking requirements may be approved by the Zoning Administrator and no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
- d. Section VIII-5, Off-Street Loading Regulations;
- e. Article VI, Development Regulations; except that the Zoning Administrator is authorized to approve only the site plan adjustments listed in Section XI-3-C(2)(c) (i.e., for minor variations) and no others; and
- f. Chapter 7 of the City Code, Fences.

*Commentary: The intent of Section V-8.F is to allow some flexibility in existing codes and requirements for adaptive re-use projects. In some instances, the strict application of the development regulations can make an adaptive re-use project infeasible due to uncontrollable circumstances such as existing building placement on the lot, lot size, shape or location. The goal of this provision is to permit the Zoning Administrator to allow slight modifications when necessary to achieve the overall goal of adaptive re-use of existing structures.*

Section 3. Section XI-12, Development Review Board is hereby amended to read as follows:

A. *Creation and Purpose*

1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the site plan review procedures in the MOR, Mixed-Office Residential Zoning District in conformance with the requirements of this Section.
2. The Development Review Board is created for the purpose of reviewing and approving or disapproving all site

plans for new structures and land uses in the MOR District that do not incorporate the adaptive re-use of an existing structure as specified in Section V-8.B.

3. The Development Review Board has the following objectives for reviewing site plan proposals in the MOR, Mixed-Office Residential Zoning District:
  - a. Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area;
  - b. Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines;
  - c. Determine if proposed development plans meet the intent of the district as stated in Article IV.2.I;

B. *Powers and Duties.* The Development Review Board shall have the following powers:

1. The Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois.
2. To hold public hearings and to review applications for development within the MOR, Mixed-Office Residential Zoning District as specified in XI-12.A.2. The Development Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in XI-12.G.
3. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

C. *Membership*

1. The Development Review Board shall consist of seven members. A quorum of the Development Review Board shall be constituted by four members. The members of the Board shall be appointed by the Mayor and approved by City Council. The membership to the Board shall consist of multiple interests in order to offer a diverse perspective and expertise in reviewing proposals. These interests shall include:
  - a. A member of the Urbana Plan Commission;

- b. A member of the Urbana Historic Preservation Commission;
  - c. A licensed architect;
  - d. A resident of property in the MOR, Mixed-Office Residential Zoning District;
  - e. A citizen residing inside or within 250 feet of the MOR, Mixed-Office Residential Zoning; District;
  - f. A local developer;
  - g. An owner of a local small business with fewer than 40 employees.
2. Development Review Board members shall serve without compensation and shall serve terms of three years. Members may be reappointed at the conclusion of their term.
  3. The Mayor shall declare vacant the seat of any Development Review Board member who fails to attend three (3) consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. *Officers.*

1. There shall be a Chair and a Vice-Chair elected by the Development Review Board, who shall each serve a term of one (1) year and shall be eligible for re-election. Elections shall be held annually.
2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
3. Secretary. The Secretary of the Development Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:
  - a. Take minutes of each Development Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;
  - b. Provide administrative and technical assistance to the Development Review Board to assist it in making the decisions and findings as provided herein;



- c. Publish and distribute to the Development Review Board copies of the minutes, reports and decisions of the Development Review Board;
- d. Give notice as provided herein or by law for all public hearings conducted by the Development Review Board;
- e. Advise the Mayor of vacancies on the Development Review Board and expiring terms of Development Review Board members;
- f. Prepare and submit to the Urbana Zoning Board of Appeals and City Council a complete record of the proceedings before the Development Review Board on all appeals from decisions of the Development Review Board and on any other matters requiring Zoning Board of Appeals or City Council consideration; and
- g. Have no vote.

E. *Meetings.*

1. Meetings shall be held at regularly scheduled times in the evening to be established by resolution of the Development Review Board at the beginning of each calendar year. Meetings may also be held at any time upon the call of the Chair.
2. All meetings shall conform to the requirements of the Open Meetings Act. All meetings of the Development Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the Development Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. *Decisions.*

1. Every Board member present must vote "aye" or "nay" unless that Board member abstains due to an announced conflict of interest.
2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.
3. Approval of a site plan shall require a two-thirds majority vote and shall be calculated on the basis of those voting members present and not abstaining, however, in no instance shall fewer than four "aye" votes constitute a two-thirds majority.

G. *Application and Site Plan Submittal Requirements*

1. A request for site plan approval by the Development Review Board shall be made by the applicant in writing

on forms provided by the City, shall be accompanied by the required plans, and shall be filed with the Secretary of the Board. Each request shall be submitted with the required fee as provided in Section XI-8.

2. Site Plans must contain the following information:
  - a. Size and dimensions of the parcel to be developed drawn to scale;
  - b. Location and widths of adjacent rights-of-ways, sidewalks and street pavement;
  - c. Identification of neighboring property owners listed on the site plan;
  - d. Location of all existing structures on the parcel;
  - e. Location of adjacent parcels and structures;
  - f. Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;
  - g. Location and layout of any proposed access drives, parking area and walkways;
  - h. Elevation renderings of the proposed structure or addition indicating the proposed materials to be used in construction;
  - i. Elevations or perspectives of adjacent existing structures;
  - j. Floor plans indicating the interior layout of the proposed structure or addition;
  - k. Location of existing trees and shrubs and proposed landscaping;
  - l. Detail view drawings as necessary to show key design elements;
  - m. Relevant site details including lighting, dumpster locations, signage, and other features;
  - n. Site data, including lot area, building square footage, floor area ratio, open space ratio, height, number of parking spaces and number of apartment units (if multi-family).
3. Site Plans shall be submitted at a graphic scale of no less than one inch per ten feet.
4. The Development Review Board may require additional information necessary to consider applications.

#### *H. Development Review Board Review Procedures*

1. Within 45 working days but no earlier than 15 working days after a completed application, site plan, fee, and supporting documentation have been received, the Development Review Board shall convene a meeting to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than ten days prior to said meeting.

2. After reviewing the proposed site plan according to the criteria in Section XI-12-I, the Development Review Board shall vote on whether to approve the proposed site plan. If the proposed site plan conforms to the requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the requirements of this Ordinance, the Development Review Board shall disapprove the proposed site plan and make findings stating the inadequacies of the proposal. The applicant shall be notified in writing of the Board's decision within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board. Any site plan that is not approved by the Board shall cause the Secretary of the Board to appeal the request to the Board of Zoning Appeals in accord with Section XI-3.
3. Site plan approval is required prior to the issuance of a related building permit or Certificate of Occupancy in the MOR District.
4. When a proposed use is permitted in the MOR District as a Conditional or Special Use according to Table V-1, site plan approval by the Development Review Board is required in addition to the review procedures for conditional or special use permit requests as specified in Section VII-1. The Development Review Board shall make a recommendation to the appropriate reviewing body. The physical development and continued use of the property shall be in strict conformance with the approved site plan.
5. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Board of Zoning Appeals in accordance with the procedures of Section XI-3-C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Board of Zoning Appeals shall have the final authority to approve or disapprove a proposed site plan.
6. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.
7. The procedure for amending a site plan already approved by the Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.

8. Approval of a site plan pursuant to Section XI-12 shall become null and void unless an application is made for a building permit or Certificate of Occupancy within one year after the date on which the Board approves the site plan. A one-year extension may be granted by the Zoning Administrator when a written request is submitted prior to the expiration of the one-year term.
9. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

*I. Site Plan Review Criteria.*

Site plans for new construction not incorporating the adaptive re-use of existing structures must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance. In addition, site plans (including, elevations, and floor plans) shall be reviewed and considered by the Development Review Board according to the criteria listed below.

**1. Compatibility with Surrounding Neighborhood**

Proposals shall demonstrate consistency with the intent of the MOR, Mixed-Office Residential Zoning District as stated in Section IV-2-I. In reviewing proposals the Development Review Board shall consider the effects of the proposed structure(s) and uses on adjacent properties and the surrounding neighborhood. The Board shall consider building location, orientation, setbacks, scale, bulk, massing, and architectural design.

**2. Parking and Access**

Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Subdivision Ordinance and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic conflicts, noise and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of handicapped persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.

**3. Screening and Landscaping**

Proposals shall demonstrate the preservation of existing natural features where practical. The Development Review Board shall consider the effects that the proposal may have on the vegetative characteristics of the area and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and

screening requirements identified in the Urbana Zoning Ordinance. The Development Review Board shall consider landscape and screening plans and their ability to effectively screen adjacent properties from possible negative influences that may be created by the proposed use. Retention of street trees along the Green and Elm Street corridors shall be encouraged.

#### 4. Site Details

Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The Development Review Board shall determine if the site details are in conformance with the requirements of the Urbana Zoning Ordinance and if they are proposed in a manner that will not negatively impact adjacent properties and the character of the neighborhood.

#### 5. Design Guidelines

The Development Review Board shall consider the architectural appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in XI-12.J.

#### *J. Design Guidelines Review*

The Development Review Board shall evaluate the design of any proposed new development to determine compatibility with the residential character of the neighborhood. Any new structure shall:

1. Have a main entrance on the street side of the building. If the lot has more than one street frontage, then (the main entrance shall be) on the more major frontage.
2. Have windows facing each street frontage.
3. Have a pitched roof.
4. Have architecturally screened parking if parking is beneath the building, so that cars are not visible from the front, side or back yards, except in front of the entrance.
5. In addition, compatibility shall be determined by considering how many of the following design criteria are incorporated:
  - a) Asymmetrical design, a juxtaposition of masses and volumes or design elements so that they are not equal in importance.
  - b) Narrower façade faces the street
  - c) Building taller than wide when viewed from the street
  - d) 1-1/2 or 2-1/2 stories for buildings with a maximum height of 3 stories
  - e) Height consistent with the immediately adjacent buildings

- f) Few flat plane elevations
- g) Provide a foundation line (rusticated bases)
- h) First floor porches
- i) No porches or balconies on second floor or higher on sides abutting single-family residences
- j) A minimum of 25% and a maximum of 60% of wall face to be windows
- k) Bay windows are favored
- l) Windows taller than wide
- m) Street facing doors onto balconies, patios or porches to be French-style, paned and hinged (i.e., no sliding doors)
- n) Exterior doors of same style as front doors of single family homes
- o) Gable or multi-gables
- p) In designs without gables, use dormers or other features along the front façade to break-up the front plane or roof line of the structure
- q) Front-yard setback no less than the average of setbacks of adjacent properties
- r) Retention of trees
- s) "Green space" in front yard
- t) Use of wood, brick, or stucco versus vinyl siding

Section 4. 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 i-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 17th day of November,  
2003.

AYES: Chynoweth, Hayes, Huth, Patt, Wyman

NAYS: Otto, Whelan

ABSTAINS:

  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 25th day of November,  
2003.

  
Tod Satterthwaite, Mayor

RECEIVED  
10/14/08  
LK

Oct. 8, 2008

TO: Urbana Zoning Board of Appeals

FROM: Daniel and Victoria Corkery, 602 W. High St., Urbana

RE: ZBA Case #2008-A-01 (an appeal of zoning administrator approval of plans for adaptive reuse of 601 W. Green Street, in the MOR, Mixed-Office Residential, zoning district)

Members of the Urbana ZBA, thank you for your time and service to our city.

Unfortunately, we have prior commitments and cannot attend the public hearing on Oct. 15, 2008. We respectfully ask that you read our comments and use them to help govern your decision. And we also ask that you include our comments in the meeting's public record.

We find this entire issue on the redevelopment of 601 W. Green St. to be confusing and worrisome. Please bear with us as we explain our point of view.

Why confusing? Because we perceive an inconsistency in how the city has handled the variance for 601 W. Green St. and how the city handled the variance for our project at 602 W. High St.

In the summer of 2005, we and our architect were ready to take bids from local contractors to build a carriage house on our homestead. But we had a problem. Reading our architect's plans, city staff said our carriage house, an "accessory structure," was 20 inches too tall. Our choices were 1) redesign the carriage house so it conforms to city codes, or 2) file for a minor variance. At no time did anyone on city staff indicate that our plans could be approved administratively. It was either: Follow code, or take your chances with the ZBA.

We decided to seek a variance (ZBA 05-MIN-01) because we felt that our carriage house was an architecturally appropriate companion to our home and it presented no negatives to the neighborhood. In fact, we felt our project was a neighborhood positive. We jumped through the hoops – spending time and money – to bring our case before the ZBA. On Sept. 21, 2005, the ZBA took up our case. In about five minutes, city planner Matt Wempe laid out the facts in the case and we answered commissioners' questions. A vote was taken and it was unanimous: We had approval for our minor variance.

Here's why this small piece of history is relevant to this case: Our plans were in the open. Neighbors had the opportunity to evaluate our project and voice their objections. The entire issue was dealt with in the daylight – a very healthy process.

What's missing in this case? Openness. Why did the city staff approve the 601 W. Green St. project without considering neighbors' concerns? The proposed project doubles the number of bedrooms on the property. It creates a parking lot where there used to be green space. It adds a driveway where for decades there's been a sidewalk – in a pedestrian-intensive neighborhood. This is a significant change. And JSM has the green light – and we as neighbors are urgently asking you to put a red light on this project. This project should never have been started without community input.

The worrisome aspects of this case concern its execution:

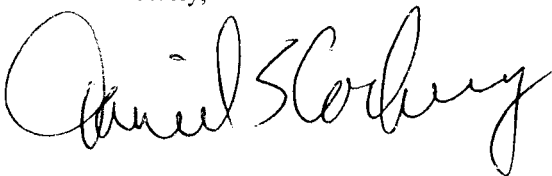
- 1) City planner Libby Tyler has displayed favoritism. As we've stated, she's shown favoritism to JSM that an ordinary citizen would not receive. Further, when Gail Taylor asked her about what's going on at 601 W. Green St. (she and Rich Cahill saw a roll-off Dumpster and workers on the site), she said something along the lines of "if I had known you lived next door, I would have told you sooner." As long as Ms. Tyler believed an ordinary citizen lived next door to 601 W. Green St., she didn't see the need to inform anyone. Once she realized that she has stepped on the toes of a member of the Historic Commission, she was apologetic. What happened to applying city codes without fear or favor?
- 2) The contractor and workers at 601 W. Green St. have been violating the city's right of way and normal standards of cleanliness and safety. The contractor's roll-off Dumpster encroached on the city sidewalk (see attached photos). The contractor and workers routinely leave the sidewalks along Orchard Street coated in dirt (mud, when it rains). They have cleaned out their concrete mixer next to the sidewalk and left a watery mess. They park their vehicles on the parkway and

they park in the backyard (see photos). There's no fencing around the work site, yet there are obvious hazards, such as trenches, a loose-dirt pile and an unsecured building (see photos). The dirt pile also represents an erosion problem. We know from experience that if our car is parked in our driveway but its bumper extends over the sidewalk, we get a ticket. When workers have been to our home, we're expected to provide them parking permits -- parking in the yard is not allowed. Why do homeowners like us have to follow one set of rules and JSM gets a different set?

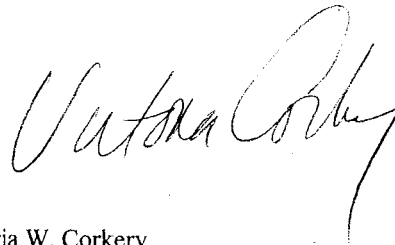
- 3) JSM's subcontractors have been bad visitors. When women have walked by the work site, they have been verbally assaulted by JSM's vulgar hirelings. Ms. Tyler, through her arbitrary decision, imposed a band of misogynists on the neighborhood.
- 4) JSM's plans call for a parking lot -- with headlights pointed directly at the Cahill-Taylor residence. Where's the required landscaping? This is a clear negative. Would any of you want a parking lot within 15 feet of your living room? Would you want the city signing off on such a plan without giving you an opportunity to comment or object?
- 5) When JSM's subcontractors came on the site, they cut down three mature trees. Where was the approval for that? Urbana is part of the Tree City USA program, for crying out loud! Further, as one of pictures indicates, the loss of trees removes a "green buffer" between 601 W. Green and the Cahill-Taylor-Corkery homesteads. Further, had not Ms. Taylor and Mr. Cahill been home, workers would have torn down the fence they built. This reflects ignorance and recklessness. Again, a situation that exists because Ms. Tyler has granted a leniency she would not grant to ordinary citizens.
- 6) We believe the curb cut and driveway apron are unsafe. The high volume of vehicle traffic into and out of this new parking lot will endanger the many bicyclists and pedestrians who use Orchard Street. And here's something all of you should realize: There's significant bicycle and pedestrian traffic on the weekends -- especially on Sundays. The First Presbyterian Church on West Green Street is heavily used on Sunday mornings and afternoons. We fear a potentially fatal combination of cars and people involving this parking plan. Were the city staff engaged with this neighborhood, they would know about the amount and nature of traffic on weekends.
- 7) The significant increase in people at 601 W. Green St. means our family has to live with a lot more noise. The previous apartment arrangement meant that most of the residents exited on the Green Street side. The new plan: lots of noisy cars and people directed toward us on the south -- especially on weekend nights. This means sitting on our back patio will be less pleasurable. And we doubt that JSM will compensate us for our diminished quality of life. And we're darn certain that Ms. Tyler gave zero consideration to how JSM's plans would affect us.
- 8) Does JSM know where its west-side property line is? We ask because there was considerable confusion about accurate property lines along the south side of Green Street when Steve and Karen Ross contested projects at 605 and 611 W. Green. St. If memory serves, there was a difference of 12 inches or more when different surveyors examined the south side of the block. Do the board and the city KNOW FOR A FACT that JSM's setback meets code?

We ask that you give our opinions and observations serious consideration.

Sincerely,



Daniel S. Corkery



Victoria W. Corkery









