

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

DATE: April 15, 2009

APPROVED

TIME: 7:30 p.m.

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

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

MEMBERS EXCUSED There were none.

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

OTHERS PRESENT Sarah Scott, Janet Torres, Howard Wakeland

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

The meeting was called to order at 7:30 p.m. Roll call was taken, and a quorum was declared with all members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Robert Myers, Planning Manager, handed out a revised copy of the minutes. The revised minutes includes the conditions that Mr. Myers modified during the public hearing at the last meeting.

Other necessary corrections noted included the following:

- ◆ Page 8 – Second Paragraph – Last Sentence: Remove “I” and capitalize the “t” in “that” so the sentence reads as such: *“That way Board members could vote on the exact wording in writing.”*
- ◆ Page 5 – Fourth Paragraph – Second Sentence to the Last: “original” should be “originally”

Mr. Corten moved that the Zoning Board of Appeals approve the minutes as amended. Ms. Uchtmann seconded the motion. The minutes were then approved by unanimous voice vote as amended.

4. WRITTEN COMMUNICATIONS

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

Chair Merritt asked that anyone who might want to testify to please stand and raise their right hand. She then swore in those members of the audience.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

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

Jeff Engstrom, Planner I, presented this case to the Zoning Board of Appeals. He explained the reason for the proposed variance request. He gave a brief description of the proposed site as well as for the adjacent properties noting their current zoning, existing land uses, and future land use designations. He discussed the character of the engineering campus area and the B-3U, General Business Zoning District. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

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

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

1. *That the petitioner submit a landscape plan in compliance with the guidelines for landscape buffer yards for reduced setback area in Section VI-6.A of the Zoning Ordinance, subject to review and approval by the Zoning Administrator and City Arborist.*

2. *The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.*

Robert Myers, Planning Manger, distributed a copy of Figure VIII-1 (Parking Modules with Flexible Aisle Widths) of the Urbana Zoning Ordinance. He pointed out that what the petitioner is proposing is shown on the bottom of the handout. The ordinance shows that the minimum module width for this particular angle of parking stalls is 55 feet, six inches. What it comes down to is whether the Zoning Board of Appeals wants the parking to be totally underneath the building or a building on stilts with parked cars extending out from underneath the building. (Parked cars can encroach in the setback but buildings cannot.) A few other options exist. Mr. Wakeland could provide some off-site parking or cut the number of dwelling units in half to lower the number of required parking spaces.

Mr. Armstrong noticed a discrepancy between the 14-foot, 5 inch aisle width in the parking plan provided in the packet versus the 14-foot, 6 inch aisle width shown in tonight's handout. He also expressed concern about the back up distance for vehicles. Mr. Engstrom explained that the plans they are reviewing are sketches for illustration purposes. When the petitioner's architect or engineer draws up plans for building permit approval, City staff will insure that the parking conforms to the City's requirements.

Chair Merritt asked if the 55-foot, 6 inch module width can be accommodated on the proposed site. Mr. Myers said yes if the proposed variance is approved. Or if a variance isn't approved, it could be accommodated if parked cars could extend out from underneath the building.

Mr. Engstrom noted that in terms of the actual module width it might have to be less than 60 degrees. If the parking angle is 57 degrees, then it probably would meet the 55 feet, 6 inch minimum module width requirement.

Mr. Warmbrunn inquired as to whether any of the proposed 18 parking spaces would be designed for handicap parking. Mr. Engstrom replied that two of the parking spaces would need to be designated for accessible parking. This leaves 16 spaces on site. The petitioner can also provide parking spaces off-site as well.

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

Mr. Corten commented that the lot is very long and narrow. By allowing new buildings to be constructed now, the City would be cementing the design for the lots for the next 40 to 50 years. He wondered if the Plan Commission had reviewed this issue. Is there any thinking about widening these lots by making two lots out of three? Mr. Myers answered that there is a couple of possible solutions. The first would be to consolidate lots. In this case, a higher-density building exists next door. Consolidation would be quite costly to purchase and tear down to expand the property in question. The other possibility is for the Zoning Board of Appeals to ask

the Plan Commission to reconsider setbacks in the B-3U Zoning District. This building setback question has cropped up several times.

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

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

He explained the handout with the photos of other properties. He mentioned that his business has grown to be a fairly sizable housing operation. They have 12 apartment buildings with approximately 400 students. They try to make the apartments something that people would really like to live in. His philosophy about what their attitude is with regards to constructing apartment buildings is as follows:

- Never try to build an apartment building on a lot that is not zoned for apartments;
- Build only one- and two-bedroom units, because they feel they can control and manage them much better than three and four bedroom units;
- Buy no properties east of Lincoln Avenue, due to the politics;
- Provide a bathroom for every bedroom;
- Only construct interior staircases, to keep them cleaner – no leaves or mud;
- Provide basic needs – laundry stall, microwave, refrigerator, furniture, and phone and internet access;
- Build bedrooms with a desk/office area;
- Provide security outside and inside;
- Provide parking;
- Provide bicycle storage in the newer buildings; and
- Provide convenient waste removal.

Mr. Wakeland stated that the bottom line is that he would like to know the extent of the building footprint for the new building. The footprint will depend upon what they do with the parking. He asked the Zoning Board of Appeals to not get hung up on the width of the parking aisle, because it is all a matter of mathematics and working it out. He wants to use more space on the lot. The proposed schematic is just that. He did not want to prepare detailed drawings and then ask for a variance. Instead he wanted to get approval of a variance first. He explained that about three years ago, he had a complicated case where he lost about \$100,000 between losing a season of building and blueprints and architects, etc. He does not want to go through that experience again.

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

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

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

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

Mr. Schoonover asked if providing off-site parking for the proposed development would take away from the required parking spaces for the other properties. Mr. Wakeland said no.

Mr. Myers clarified that the building just south of the proposed site received a setback variance due to parking underneath the building. He questioned whether the unused spaces are really available. Even if they are actually empty, these parking spaces are still included in the minimum number of required parking spaces for that property and cannot be used as off-site parking spaces for the proposed development.

Mr. Wakeland remarked that whenever a property owner allows off-site parking on another property to justify a project, the property owner of the off-site parking lot has to sign those parking spaces over to the use on the other lot in the deed. In other words, for the extra parking spaces to be used, they will be real spaces legally bound for use at the other location.

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

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

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

Mr. Welch reminded the Zoning Board of Appeals that whatever the petitioner builds will have to comply with all the other ordinances. In a way, it seems that the Board is trying to micromanage the proposed development. Mr. Wakeland just simply needs the Board to let him know what the dimensions can be for the proposed new building, and he will come up with plans for the parking that will comply with the City's requirements. As mentioned when Mr. Wakeland previously tried to get a variance after creating final plans, his ideas were denied and it cost him money for drawings. This time, if he knows what the boundaries are for the proposed site then he can work within those boundaries and meet City Code. Mr. Wakeland is right in that the Zoning Board of Appeals does not need to be concerned with the number of parking spaces at this hearing other than to say that if the variance is granted, he must comply with building safety codes, traffic flow, etc., which he would have to do anyway. Therefore, he felt that the Board should either take questions and/or comments from other members of the audience or vote on the case. Many developers are trying to get more and more people into smaller spaces. The University of Illinois is knocking down dormitories. Mr. Wakeland is committing himself to staying on the west side of Lincoln Avenue. If the setback goes a little beyond what is required, then it would not alter a neighborhood where people live for a long period of time. He feels that the Board members can be a little bit trusting in this particular area because some of the concerns that exist in other neighborhoods are not the same here. The residents are not the same over a long period of time, because they are all transient, and no one will notice if the building sticks out a little further. Mr. Welch felt that it is a reasonable request to merely let the petitioner know what his boundaries are. Mr. Wakeland commented that Mr. Welch's summary was well done. If the proposed variance request is approved, then the next step would be to hire an architect.

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

Mr. Myers clarified that Mr. Wakeland could change the angle of the parking some to make the module width somewhat narrower, but he could not lop off ten feet by changing the angle of the parking. That's why just changing the angle of the parking spaces won't resolve the setback issue. Chair Merritt pointed out that this is something Mr. Wakeland would have to work out after the variance has been approved or denied.

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

Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

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

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Robert Myers said that the City Council approved the new conditions for the Pines at Stone Creek sign variances, as recommended by the Zoning Board of Appeals.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals