



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

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

**FROM:** Robert Myers, AICP, Planning Manager

**DATE:** March 16, 2012

**SUBJECT:** **ZBA Case Nos. 2012-MAJ-02 and 2012-MAJ-03:** Request by Advantage Properties for Major Variances to construct a building wall and install an accessory parking lot which encroach up to three feet six inches into a required five-foot side yard in the B-3U, General Business – University District at 1003 W Main Street.

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### Introduction & Background

Advantage Properties is constructing an apartment building at 1003 W. Main Street. The property is zoned B-3U, General Business – University District which requires a minimum 5-foot side yard setback for both buildings and accessory parking lots. Given the lot width (66 feet 4½ inches wide) as well as the minimum parking module width required by Table VIII-2 of the Zoning Ordinance (58 feet 6 inches) the development cannot conform to both the minimum parking geometric requirements and building setback requirements. Consequently, Advantage Properties has submitted an application to construct a building wall and install an accessory parking lot which would encroach up to three feet six inches into a required five-foot side yard. The subject wall is required under the International Building Code for fire protection purposes.

Since the requested variances exceed 25% of the required setback, the Zoning Ordinance classifies these as major variances. Consequently, in order to vary the setback the Zoning Board of Appeals must recommend approval by a two-thirds vote and then forward the application to City Council for final approval.

The Zoning Board of Appeals has reviewed the following similar requests, all essentially concerning meeting parking geometric requirements in the B-3U zoning district:

- **ZBA 2005-MAJ-05:** A request for a major variance to allow a 100% encroachment for parking into the required 5 foot side yard setback at 903 W. Nevada, in Urbana's B-3U, General Business – University zoning district. (David Barr, applicant)
- **ZBA 2005-MAJ-06:** A Major Variance to encroach 8 feet into the required 15 foot front yard setback on Main Street at 1014-1016 W. Main St. in the B-3U, General Business-University zoning district. (Howard Wakeland, applicant)

- **ZBA 2005-MAJ-07:** A Major Variance to encroach 10 feet into the required 15 foot front yard setback on Harvey Street at 1014-1016 W. Main St. in the B-3U, General Business-University zoning district. (Howard Wakeland, applicant)
- **ZBA Case 2006-MAJ-01:** A Major Variance to encroach 8 feet into the required 15 foot front yard setback at 1010, 1012 and 1012½ W. Main Street in the B-3U, General Business-University zoning district. (Howard Wakeland, applicant)
- **ZBA-2008-MAJ-05:** Major Variance Request to reduce the required side yard setbacks to allow for the construction of an off-site accessory parking lot at 908 W. Clark Street in the B-3U, General Business – University zoning district. (Vermilion Development, applicant)
- **ZBA 2009-MAJ-03:** Request for a Major Variance to encroach 10 feet into the required 15 foot front yard setback on Harvey Street at 1011 W Clark Street in the B-3U, General Business-University zoning district. (Howard Wakeland, applicant)

### **Urbana Comprehensive Plan**

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

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

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

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

The building to be constructed on this lot is a three-story apartment building in a context built in a walkable area at a human scale, with parking underneath the building and behind the front face of the building. However, the building will consist only of multi-family units.

### **Engineering Campus neighborhood character**

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

acquired many properties in the area and either converted them to University uses or replaced them with new University structures.

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

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

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

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

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

### **Site Description**

The subject site is generally located west of Lincoln Avenue and south of University Avenue in an area within walking distance of the University of Illinois' Engineering Campus. The property is located mid-block in the 1000 block W. Main Street between Harvey and Gregory Streets. This and adjoining blocks are zoned B-3U, General Business – University District.

The property in question is under construction as a three-story apartment building with parking underneath the building and behind the front face of the building. The applicant will not construct the masonry fire wall proposed to be constructed 1 foot six inches from the west property line without approval variance approval. Should the variance not be granted, a row of parking would be relocated from 1003 W. Main Street to a nearby lot also owned by the applicant.

The predominant platting pattern in this area is for lots approximately 60-65 feet wide. The subject property is 66 feet 4½ inches wide which is an important consideration in this case.

**Zoning and Land Use Table**

The property is now surrounded on three sides by apartment buildings – to the north, west, and south – and is adjoined on the east by two single-family residences on “half lots”. Please refer to Exhibit A for an aerial photograph showing adjoining and nearby uses.

The following table summarizes surrounding zoning and land uses for the subject site:

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
<b>Subject Property</b>	B-3U, General Business - University	(construction site for apartment building)	Campus Mixed Use
<b>North</b>	B-3U, General Business - University	Apartment Building	Campus Mixed Use
<b>South</b>	B-3U, General Business - University	Apartment Building	Campus Mixed Use
<b>East</b>	B-3U, General Business - University	Single-Family Residence	Campus Mixed Use
<b>West</b>	B-3U, General Business - University	Apartment Building	Campus Mixed Use

**Discussion**

The attached application contains a final design for proposed ground-level parking of the proposed building. The bottom level would contain a parking lot taking access only from the rear alley. Parking spaces will be 90 degree angle (perpendicular). Above the parking level will be two floors of apartments.

Parking requirements tend to be the limiting design factor for building multi-family housing on single lots. In this case, to meet the Urbana Zoning Ordinance’s minimum width requirements for parking lot modules, two rows of parking with a center aisle must be a minimum of 58 feet 6 inches wide. (Table VIII-2 of the Urbana Zoning Ordinance.) At the same time, Table VI-3 (Development Regulations by District) requires minimum side yard setbacks for building walls of five feet. Section VIII-4.F prohibits parking in a required side yard, and in this case the property does not qualify for any of the exceptions listed for such parking. The project cannot meet both the minimum parking module width requirement and side yard setback requirements – 68 feet 6 inches in this case – when the lot is only 66 feet 4½ inches wide. Rather than narrowing the parking lot drive aisle, the applicant proposes to extend the first floor masonry fire wall out an additional 3 feet 6 inches toward the west. The concrete block walls on each side of the ground-level parking lot would be 7 5/8 inches thick and approximately 9 feet tall.

To the west is another apartment building also owned by the applicant. Expanding on the west side avoids encroaching on two single-family homes toward the east which are on small “half lots” and built quite close to the common property line. The site plan shows the masonry wall on the east side of the lot conforming to the minimum 5 foot side yard setback requirement.

Should either variance be denied, the petitioner has indicated that he will relocate a row of parking at an off-site property within 600 feet, as allowed by Section VIII-4.L of the Zoning Ordinance.

## Variance Criteria

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

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

The existing lot width of 66 feet 4½ inches is a limiting factor as the minimum parking module width and minimum side yard requirements essentially mandate a minimum of 68 feet 6 inches. The parking module could be narrowed if angled parking were used, but that would mean exiting the building on Main Street and removing the first floor front of the building, creating a building “on stilts”. Constructing buildings “on stilts” is considered counter to the Campus Mixed use design character.

Not constructing a wall along the west property line and simply allowing parking to encroach into the west side yard is not an option because the International Building Code adopted by the City of Urbana requires a fire-rated wall – in this case a masonry wall approximately 9 feet tall -- to protect the neighboring building in case a fire ever occurred in the parking garage underneath the subject apartment building.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The special circumstances relating to the land in this instance is the existing lot width of 66 feet 4½ inches in relation to the 68 feet 6 inches essentially mandated by the parking and development regulations in Table VI-3, Table VIII-2, and Section VIII-4.F of the Urbana Zoning Ordinance.

Not constructing a wall along the west property line and simply allowing parking to encroach into the west side yard is not an option because the International Building Code adopted by the City of Urbana requires a masonry fire wall to protect the neighboring building in case a fire ever occurred in the parking garage underneath the new apartment building at 1003 W. Main Street.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The variance application is based on the existing lot width of 66 feet 4½ inches when a greater width is necessary in this case to meet the Zoning Ordinance and International Building Code.

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

The variance will not appreciably alter the essential character of the neighborhood. This block already includes similarly constructed apartment buildings.

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

Rather than on the east side of the lot, potentially adjoining two single-family residences on small “half lots”, the application is to construct the fire wall and accessory parking lot towards the west property line. The adjoining property to the west is an existing apartment building also owned by the applicant. And for most of the common west boundary, the immediately adjoining use will be two immediately adjoining parking lots. Only a few proposed parking spaces at 1003 W. Main would technically abut the neighboring building, but installation of a masonry fire wall between the two building on the first floor will effectively separate any potential for conflicts between parking and other uses.

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

The proposed 18 inch masonry wall setback from the west property line would leave no more than a half an inch to spare for the remainder of the project to comply with other zoning and building code requirements.

## **Summary of Staff Findings**

1. Advantage Properties is applying for two variances to allow a fire-rated masonry wall and accessory parking lot to encroach up to 3 feet 6 inches into a required minimum 5-foot side yard at 1003 W Main Street.
2. The property is zoned B-3U, General Business -University District.
3. The property is located in the north campus area and within walking distance of the University of Illinois’ engineering campus. The Urbana Comprehensive Plan identifies the future land use as “Campus Mixed-Use”.
4. Table VIII-2 of the Urbana Zoning Ordinance requires a minimum parking module width of 58 feet 6 inches when installing 90 degree parking, Table VI-3 requires a minimum five-foot side yard setback for building walls, and Section VIII-4.F of the Urbana Zoning Ordinance prohibits parking in required yards in B-3U zoning districts.
5. The proposed variance from Table VI-3 of the Urbana Zoning Ordinance, to allow a wall to encroach 3 feet 6 inches into a required 5-foot side yard setback, is necessary to comply with the parking lot width requirements of Table VIII-2 of the Urbana Zoning

Ordinance, as well as an International Building Code requirement to construct a fire-rated wall to separate parking underneath a building and adjoining buildings.

6. The proposed variance from Section VIII-4.F of the Urbana Zoning Ordinance is to allow an accessory parking lot to encroach up to 3 feet 6 inches into a side yard setback, as required by Table VI-3 of the Urbana Zoning Ordinance.
7. The width of the lot is a practical difficulty in carrying out the strict application of the zoning ordinance.
8. The proposed variances are necessary due to special circumstances of the property being the lot width in relation to the minimum development requirements for zoning and building codes.
9. The need for the proposed variances were not created by the petitioner.
10. The proposed variance will not alter the character of the neighborhood, nor cause a nuisance to adjacent properties.
11. The proposed variance represents the minimum possible from Zoning Ordinance requirements.

## **Options**

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

- a. Recommend approval to the Urbana City Council based on the findings outlined in this memo; or
- b. Recommend approval of the variance to the Urbana City Council along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or
- c. Deny the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

## **Staff Recommendation**

Staff recommends that the Urbana Zoning Board of Appeals recommend **APPROVAL** of Case No. ZBA-2012-MAJ-02 and Case No. ZBA 2012-MAJ-03 with the following condition.

1. That construction closely conform to the attached site plan.

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

cc:                 Howard Wakeland  
                         Advantage Properties  
                         406 N Lincoln Ave., Suite 2  
                         Urbana, IL 61801

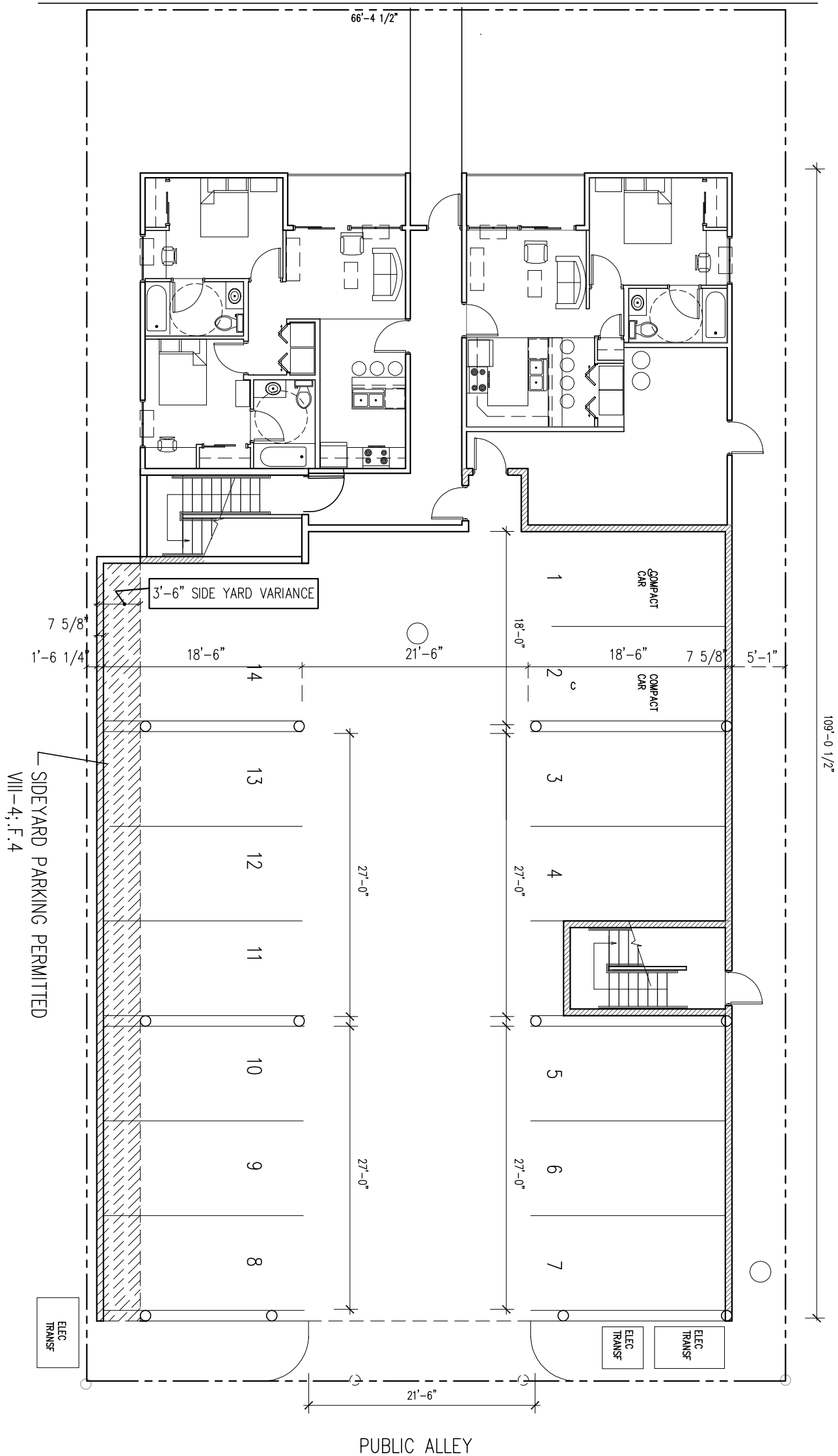
Judy Checker  
205 N Gregory St  
Urbana, IL 61801



WEST MAIN STREET

EXISTING CONC SIDEWALK

FIRST FLOOR PLAN - SHOWING PARKING & SIDEYARD USAGE  
SCALE 3/16" = 1'-0"



PUBLIC ALLEY

**WAKELAND APARTMENTS**  
**NEW CONSTRUCTION**  
1003 W MAIN STREET  
URBANA, IL

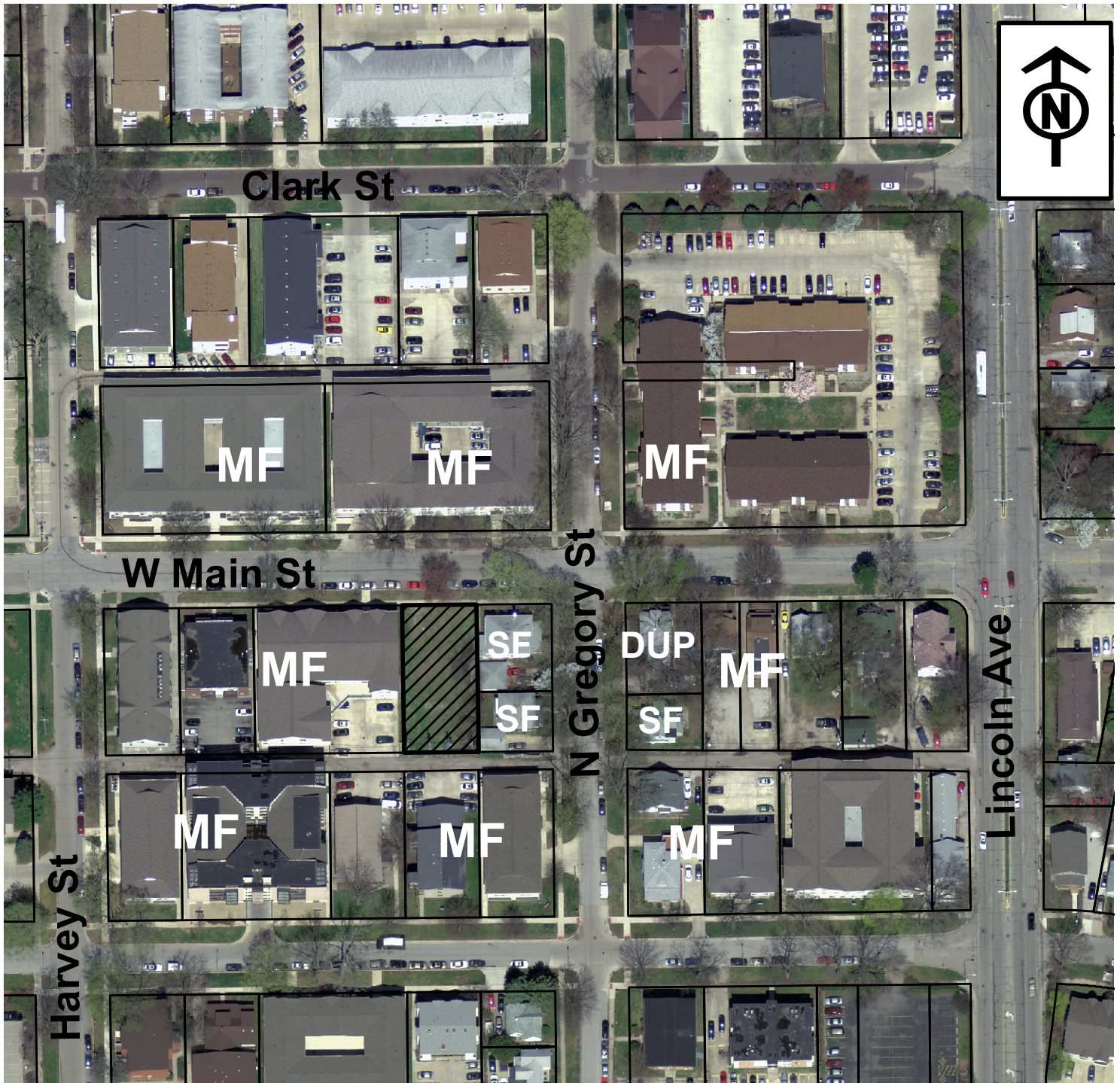
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No.	Date:	Revisions:
1	2.10.12	CITY REVIEW COMMENTS
2	2.17.12	CITY REVIEW COMMENTS
3	2.24.12	ZONING VARIANCE SUBMISSION

Drawn:	
Reviewed:	
Date:	01.30.12
Proj. No.:	13892000
Sheet:	PK.1.1

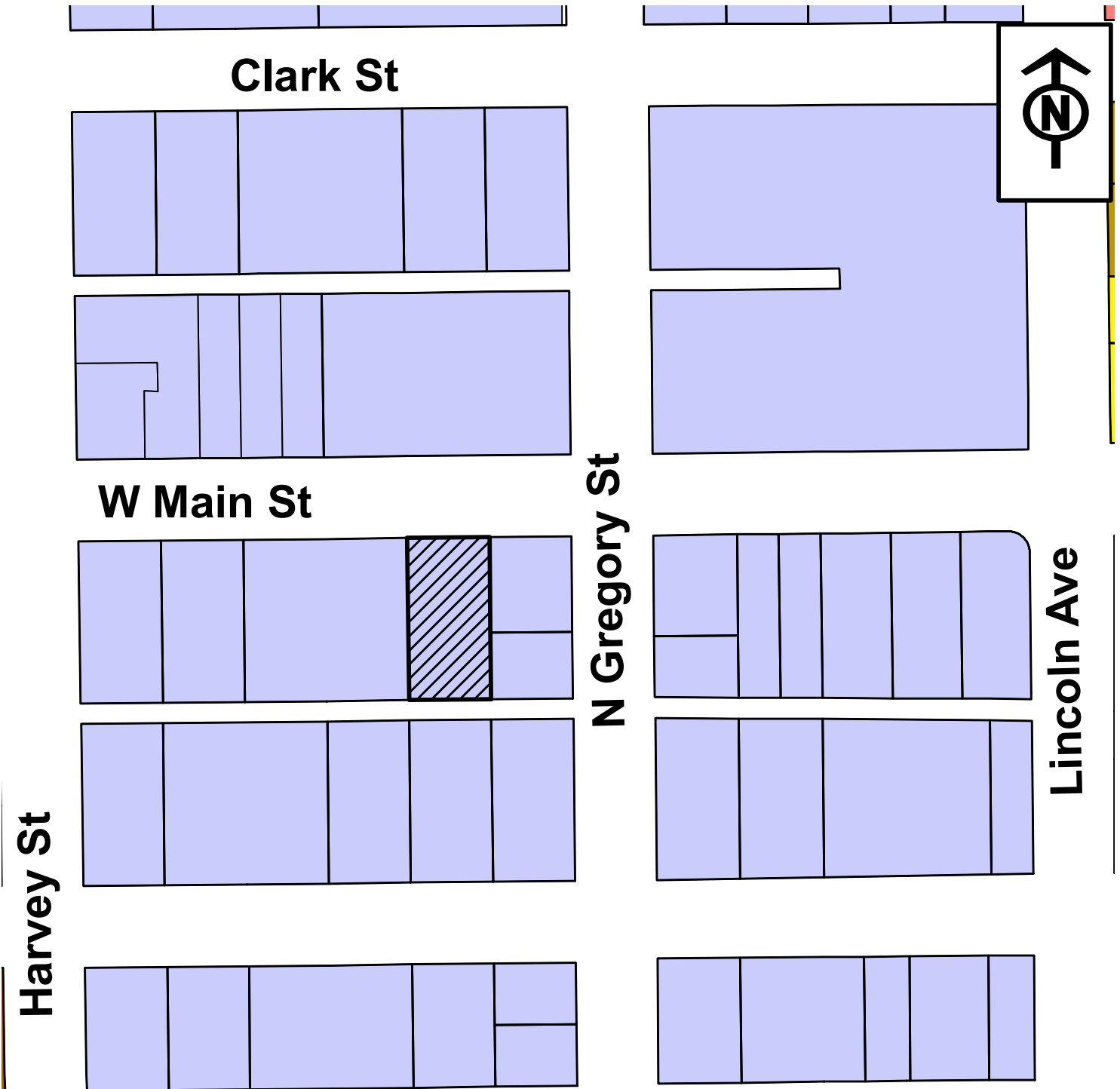
# EXHIBIT A: Location & Existing Land Use Map





Case: ZBA-2012-MAJ-02 & 03  
Subject: Request for Major Variance  
for Parking & Wall in Required Yard  
Location: 1003 W Main St, Urbana  
Petitioner: Advantage Properties

 Subject Property

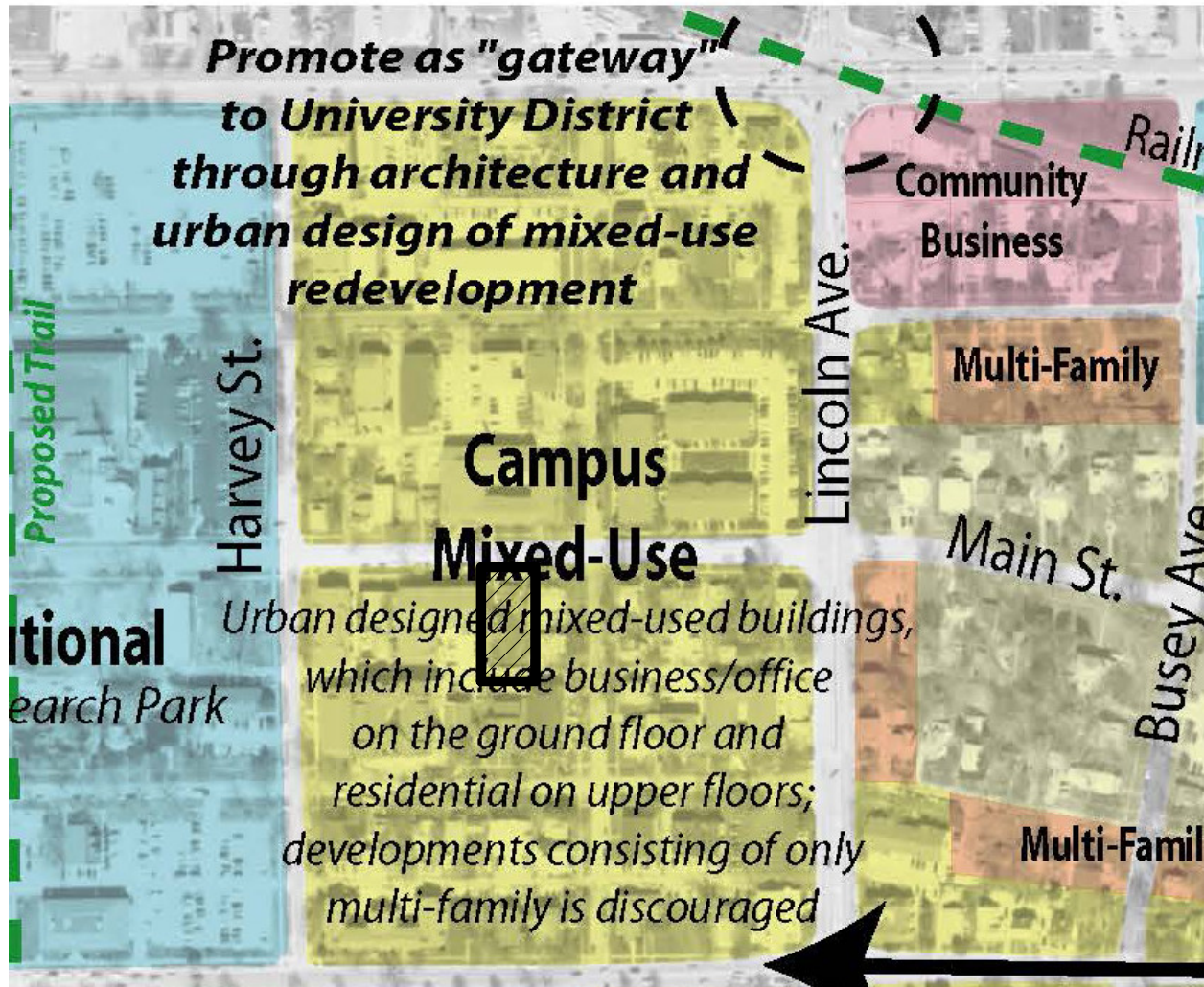
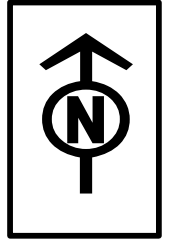
# EXHIBIT B: Zoning Map



Case: ZBA-2012-MAJ-02 & 03  
Subject: Request for Major Variance  
for Parking & Wall in Required Yard  
Location: 1003 W Main St, Urbana  
Petitioner: Advantage Properties

 Subject Property  
 B3U

# Exhibit C: Future Land Use Map



Case: ZBA-2012-MAJ-02 & 03  
Subject: Request for Major Variance for Parking & Wall in Required Yard  
Location: 1003 W Main St, Urbana  
Petitioner: Advantage Properties

 Subject Property