

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

DATE: March 28, 2012
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

APPROVED

MEMBERS PRESENT	Paul Armstrong, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch
MEMBERS EXCUSED	Stacy Harwood
STAFF PRESENT	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT	Brian Conway, Russell Dankert, Howard Wakeland

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

Chair Armstrong called the meeting to order at 7:31 p.m. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the February 15, 2012 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Mr. Welch seconded the motion. The minutes were then approved by unanimous voice vote.

The minutes from the March 21, 2012 Zoning Board of Appeals regular meeting were presented for approval. Mr. Warmbrunn moved to approve the minutes as presented. Mr. Welch seconded the motion. The minutes were then approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

Chair Armstrong swore in members of the audience who indicated that they may give testimony during any of the public hearings this evening.

5. CONTINUED PUBLIC HEARINGS

Case No. ZBA-2012-MAJ-02: A request by Advantage Properties for a Major Variance to construct a building wall which encroaches up to three feet six inches into a required five-foot side yard setback at 1003 West Main Street in the B-3U, General Business – University Zoning District.

Case No. ZBA-2012-MAJ-03: A request by Advantage Properties for a Major Variance to install an accessory parking lot which encroaches up to three feet six inches into a required five-foot side yard setback at 1003 West Main Street in the B-3U, General Business – University Zoning District.

Robert Myers, Planning Manager, presented these two cases to the Urbana Zoning Board of Appeals. He gave a brief explanation for the proposed two variances. Because the proposed site is 66 feet in width, it cannot conform to both the minimum parking module width requirement of 58 feet 6 inches and the building setback requirement of five feet on each side of the property. He noted the zoning, existing land uses and future land use designations of the proposed site and of the surrounding properties. He talked about the B-3U, General Business – University, Zoning District. He explained that the applicant is required to provide a fire wall to contain any flames in the event of a fire from spreading to the neighboring properties.

He discussed some alternative options that the applicant has and stated why these options are not feasible. They are as follows:

1. Remove the parking on the west side and provide it off-site. The drawback would be the inconvenience to the tenant to carry groceries from off-site.
2. Provide parallel parking on one side of the lot. The problem with this alternative is that tenants would have to back out of the lot into the alley to exit.
3. Provide angle parking. Again they would have the same issue of the tenants having to back out of the lot into the alley to exit.

Mr. Myers pointed out that the applicant has begun construction of footings, etc. with the approval of City staff. He showed photos of the site indicating the distance between the proposed site and the properties to the east and west. He reviewed the variance criteria according to Section XI-3 of the Urbana Zoning Ordinance as they pertain to the proposed major variances. He presented City staff's recommendation of approval.

Questions were raised regarding the fire wall. How tall will the firewall be? Is a fire wall required for the east side as well as the west side? If so, wouldn't this 'box in' the parking area where a person could only enter through the vehicle entrance on the south side? Would the applicant be required to construct a fire wall if the parking area met the five-foot side-yard requirements? Mr. Myers answered that fire walls are required for both the east and west sides of

the property. They will be approximately nine feet in height. The only point of vehicular access will be on the south side of the property. He is not sure at what distance the firewall would not be required.

A question arose regarding the second and third floors encroaching into the setback as well. Mr. Myers referred this question to the petitioner and his architect.

Ms. Uchtmann commented that the applicant purchased the lot knowing it was only 66 feet in width. The applicant could have planned a development that accommodated for the width. Mr. Myers responded that the applicant has two alternatives, which are to 1) ask for a variance or 2) provide off-site parking. If the City does not grant the variance requests, the applicant will still be allowed to construct the apartment building. He will just have to provide some parking off-site to meet the parking requirements.

There were no further questions for City staff, so Chair Armstrong opened the hearing up for public input and/or questions.

Russ Dankert, architect for the project, and Howard Wakeland, applicant, approached the Zoning Board of Appeals to answer questions that were referred by City staff.

Mr. Dankert addressed the question regarding the second and third floor encroaching into the setback. He stated that they would not encroach and would meet the required setback.

He explained that they are only asking for the parking extension. If the variance requests are approved, the fire wall would be constructed at 3 feet, 6 inches into the required five-foot side-yard setback. They have not made a decision about whether they should leave the top of the parking area open or if they should enclose it to protect the vehicles better. The open design would allow a fire to escape without going across to the neighboring properties.

Chair Armstrong asked Mr. Dankert to illuminate some of the considerations of Plan B, which would be to relocate an aisle of the parking to another location. What implications would this have on the building design? Mr. Dankert pointed out that the applicant owns property around the proposed site that could be used for parking. The property directly to the east off Main Street could be demolished and turned into parking even though it is not favorable. The applicant has indicated that he would provide parking off-site if needed to move forward with the proposed development.

Brian Conway, of Advantage Properties (applicant), pointed out that in the block to the north and the block to the south, the owner owns approximately 272 parking spaces of which 69 are currently not rented. The trend now is less cars on campus.

With there being no further questions or comments from members of the public, Chair Armstrong closed the public input portion of the hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-02 to the City Council with a recommendation for approval as outlined in the written staff report. Mr. Welch seconded the motion. Roll call was as follows:

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

The motion was approved by unanimous vote.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-03 to the City Council with a recommendation for approval as recommended by City staff. Mr. Welch seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

Mr. Myers noted that these two cases would be forwarded to the Urbana City Council on Monday, April 2, 2012.

Mr. Wakeland commented that the original intent of the B-3U Zoning District was to try and get tax money coming into the City. He feels that the City made a wise choice by rezoning this area to B-3U and that the intent has been achieved.

6. NEW PUBLIC HEARINGS

There were none.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- ✓ **Open Meetings Act Training** - The State of Illinois requires all elected and appointed officials to complete online training on the Open Meetings Act. The training takes about an hour and must be completed by the end of the calendar year. At the end of the training, each board/ commission member will be able to print out a certificate of completion, which must be filed with the City Building. If a board/commission member does not have access to a computer, the City will be providing a session for that member to come to the City Building and complete the training.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Ms. Uchtmann moved to adjourn the meeting. Chair Armstrong adjourned the meeting at 8:25 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals