



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: Kevin Garcia, AICP, Planner II

DATE: June 12, 2015

SUBJECT: ZBA-2015-MAJ-07: A request by Geoffrey Merritt for a Major Variance to decrease the required number of automobile parking spaces from between five and seven to four spaces in the B-1, Neighborhood Business District at 303 W. Griggs Street.

Introduction & Background

The petitioner, Geoff Merritt, has submitted a request to reduce the number of required off-street parking spaces from between five and seven to four for his property at 303 W. Griggs Street in the B-1, Neighborhood Business District. The building at 303 W. Griggs Street is currently classified as a “Mail Order Business”. Approximately 40 percent of the building is used for mail order record sales, with a small area devoted to mail order bicycle-related sales. The rear 60 percent of the building is used as warehousing space for the mail order businesses. Mail order businesses require a Conditional Use Permit (CUP) to operate in the B-1, Neighborhood Business District. The petitioner obtained a CUP in 2001 in ZBA Case No. ZBA-01-C-01.

The property at 303 W. Griggs Street is approximately 8,150 square feet. There is a one-story building that covers between 85 and 90 percent of the lot and is roughly 7,100 square feet in area. The front façade and roof of the building are in very poor condition and the petitioner would like to renovate the building. There is a garage opening on the front façade, which the applicant would like to remove as part of the renovation and turn into a second storefront (see attached site plan in Exhibit D). In place of the garage, the applicant plans to lease approximately 900 square feet of space to a low-intensity retail use, such as a coffee roaster. There would be little to no on-site sales from the type of tenants the petitioner seeks.

According to the existing Conditional Use Permit, the garage space was to be used to provide off-street parking for the site. Removing the garage would remove the space designated for off-street parking, which the applicant proposes to offset by leasing four spaces in nearby parking lots. The garage has been used infrequently for parking and has mainly been used as a storage area for his record sales business. The applicant therefore feels that four spaces will be sufficient to meet the demand generated by the existing mail order business and future retail space and does not anticipate the need for additional parking spaces. Depending on the intensity of the future lessee of the retail space, the amount of off-

street parking required by the Zoning Ordinance would be between five and seven spaces. The applicant therefore requests a Major Variance to allow the number of off-street parking to be reduced from between five and seven spaces to four spaces, to be provided off-site. The applicant will also install up to eight bicycle parking spaces in front of the new storefront to help offset the required amount of off-street parking. In addition, the applicant will close the existing curb cut and driveway, which would add one on-street parking space to West Griggs Street for public use.

According to Section XI-3.C.2(d)(1) of the Urbana Zoning Ordinance, in order to approve the Major Variance request, the Zoning Board of Appeals requires a two-thirds favorable vote to recommend approval and forward the case to the Urbana City Council for final review and approval.

Note: At the time the application was submitted, the applicant had planned to move his existing video rental business to the site. This would have increased the amount of walk-in business and the amount of off-street parking required. The legal notice for this case included a higher parking requirement than the current proposal would need.

Existing Land Uses

The property is located on W. Griggs Street near Downtown Urbana, one block west of the Boneyard Creek Park. It is surrounded by residential uses of varying densities, as well as a small pottery business immediately to the west. The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

Direction	Zoning	Existing Land Use	Future Land Use
Site	B-1, Neighborhood Business	Mail Order Business	Residential
North	B-3, General Business	Apartments	Central Business
East	R-5, Medium High Density Multi-Family Residential	Single-Family Home	Residential
South	R-5, Medium High Density Multi-Family Residential	Apartments	Residential
West	B-1, Neighborhood Business	Pottery Business	Residential

Comprehensive Plan

In Urbana’s 2005 Comprehensive Plan, Future Land Use Map #8 identifies the southern portion of the 300 block of W. Griggs Street as an area appropriate for an urban pattern of residential use. The northern portion (across the street from 303 W. Griggs Street) is identified as “Central Business”. The Plan defines “Residential (Urban Pattern)”, as areas containing...

...primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.

The Plan defines “Central Business” in part as...

...Contain[ing] a dense, highly intensive land use pattern focusing on an urban style of development and architecture. Pedestrian, bicycle, and transit access are emphasized to ensure areas are walkable. Contain[ing] a mix of land uses ranging from commercial, high-density residential, office, and institutional.

The current and proposed uses of the building are compatible with the definition of Residential (Urban Pattern). The property is zoned B-1, Neighborhood Business, and is a low-intensity use, with many customers arriving by foot or by bike, which is compatible with the adjacent “Central Business” designation identified in the Comprehensive Plan.

Discussion

Prior to its current use as a mail order record and bicycle parts store, the building at 303 W. Griggs Street had been occupied by a laundry service, and before that, by a hardware store. It appears to have been built as a commercial building and has never had more off-street parking spaces than what could be accommodated in the garage.¹ However, according to the current Urbana Zoning Ordinance, any commercial use of the building that is more intense than a mail order business would require more off-street parking spaces than the site could currently accommodate. Reuse of the site would likely require a parking variance and/or measures to offset the off-street parking requirements.

The applicant has proposed several measures to help mitigate the effects of removing the garage and the off-street parking spaces within it. First, the Urbana Zoning Ordinance allows off-street parking to be provided on another site within 600 feet of a property; the applicant has indicated that they will provide four parking spaces in one of two lots within 250 feet of their property (see Exhibit D). This would essentially offset the parking spaces lost by removing the garage. Second, Section VIII-7.2(e) of the Urbana Zoning Ordinance allows the installation of bicycle parking to be credited toward meeting off-street parking requirements. The applicant proposes to install up to eight bicycle parking in the area where the approach to the garage is currently located (see Exhibit D). Third, the applicant proposes to close the existing curb cut and driveway, which would in effect create a new on-street parking space in front of the property.

Being mostly devoted to mail order business, the amount of walk-in customers will likely be minimal. The applicant expects that most of the customers who do visit the site will arrive by foot or by bike. Adding bike parking, renovating the façade, and closing the curb cut will make the site more pleasant to people walking or biking to the site.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

¹ The driveway in front of the garage is not long enough to provide any off-street parking.

1. *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 property was developed and the building was constructed long before current zoning regulations were put into place. There is no practical way to add off-street parking to the site; as a result, any change from the current use as a mail order business to a more intense commercial use would require a variance or mitigation measures to reduce the amount of parking required. These are special circumstances of this particular site which make a parking variance necessary.

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

The variance requested was not the result of a situation created by the petitioner as the site was developed prior to the petitioner purchasing the property.

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

The building will be renovated and the façade improved, and the existing curb cut will be removed, all of which will help to preserve and enhance the character of the neighborhood. Due to the nature of the businesses on the site, it is likely that of the walk-in customers who visit, many will walk or bike (e.g. few people drive to a bike store). Having more people walking and biking in the neighborhood will most likely enhance, rather than detract, from the character of the neighborhood.

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

The petitioner does not expect to have more than four employees, and the site will continue to be a neighborhood business with most customers arriving on foot or bicycle. Employees will be able to park in one of the four spaces that the applicant proposes to lease from neighboring property owners. Overall, the business should operate in a similar manner as it has for the past ten years, and it has not been a nuisance during that time.

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

The off-street parking requirements could potentially be provided by leasing five to seven spaces in a nearby parking lot. However, that seems unreasonable. Customers who arrive by car are likely to use street parking, and the petitioner will lease four parking spaces that could be used by employees who choose to drive to work. Given that the four current off-street parking spaces in the garage are not being used, and that has not caused a nuisance to adjacent property owners, it seems reasonable that the petitioner is offering to provide four usable off-street spaces nearby. In addition, closing the driveway will add another on-street space for use by customers or anyone else, and the addition of bicycle parking spaces at the front of the building will benefit people who choose to ride their bike to the site. The request to reduce the amount of off-street parking from between five and seven spaces to four is a reasonable and minimal deviation from the requirements of the Zoning Ordinance.

Summary of Findings

1. 303 W. Griggs Street is zoned B-1, Neighborhood Business.
2. The property is currently classified as a “Mail Order Business”, a use that was granted via Conditional Use Permit in Case No. ZBA-01-C-01.

3. The property is currently used for mail order record and bicycle-related sales.
4. The petitioner plans to renovate the existing building, remove the existing internal garage, and rebuild the front façade. The renovation plans would create a new space to be used for low-intensity retail where the garage is currently located. The new building would require between five and seven off-street parking spaces according to Table VIII-7 of the Urbana Zoning Ordinance.
5. The petitioner has applied for a Major Variance to decrease the required number of automobile parking spaces from between five and seven spaces to four spaces.
6. The petitioner proposes to mitigate the impacts of the requested variance by providing four off-street parking spaces in nearby lots, by installing bicycle parking on-site, and by removing the existing curb cut and driveway at the front of the property.
7. The variance request will not serve as a special privilege to the property owner.
8. The variance request was not the result of a situation knowingly created by the petitioner.
9. The variance request will not alter the essential character of the neighborhood, and may help to preserve and enhance the neighborhood's character.
10. The variance request will not cause a nuisance to adjacent property owners.
11. The variance request represents a reasonable deviation from the requirements of the Zoning Ordinance.
12. The proposal is generally consistent with the 2005 Urbana Comprehensive Plan.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2015-MAJ-01:

1. Forward the case to City Council with a recommendation to approve the variance as requested based on the findings outlined in this memo; or
2. Forward the case to City Council with a recommendation to approve the variance 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
3. Deny the variance request.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board

of Appeals **APPROVE** the request for a Major Variance in case ZBA-2015-MAJ-07 to the Urbana City Council with the following conditions:

1. The applicant will remove the existing driveway and curb cut, install a new curb, and fill in the right-of-way between the street and the sidewalk with grass or plants; and
2. The applicant will reach an agreement with a property owner or owners within 600 feet of 303 W. Griggs Street to secure four or more parking spaces for the use of the business at 303 W Griggs Street.

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application

cc: Geoff Merritt

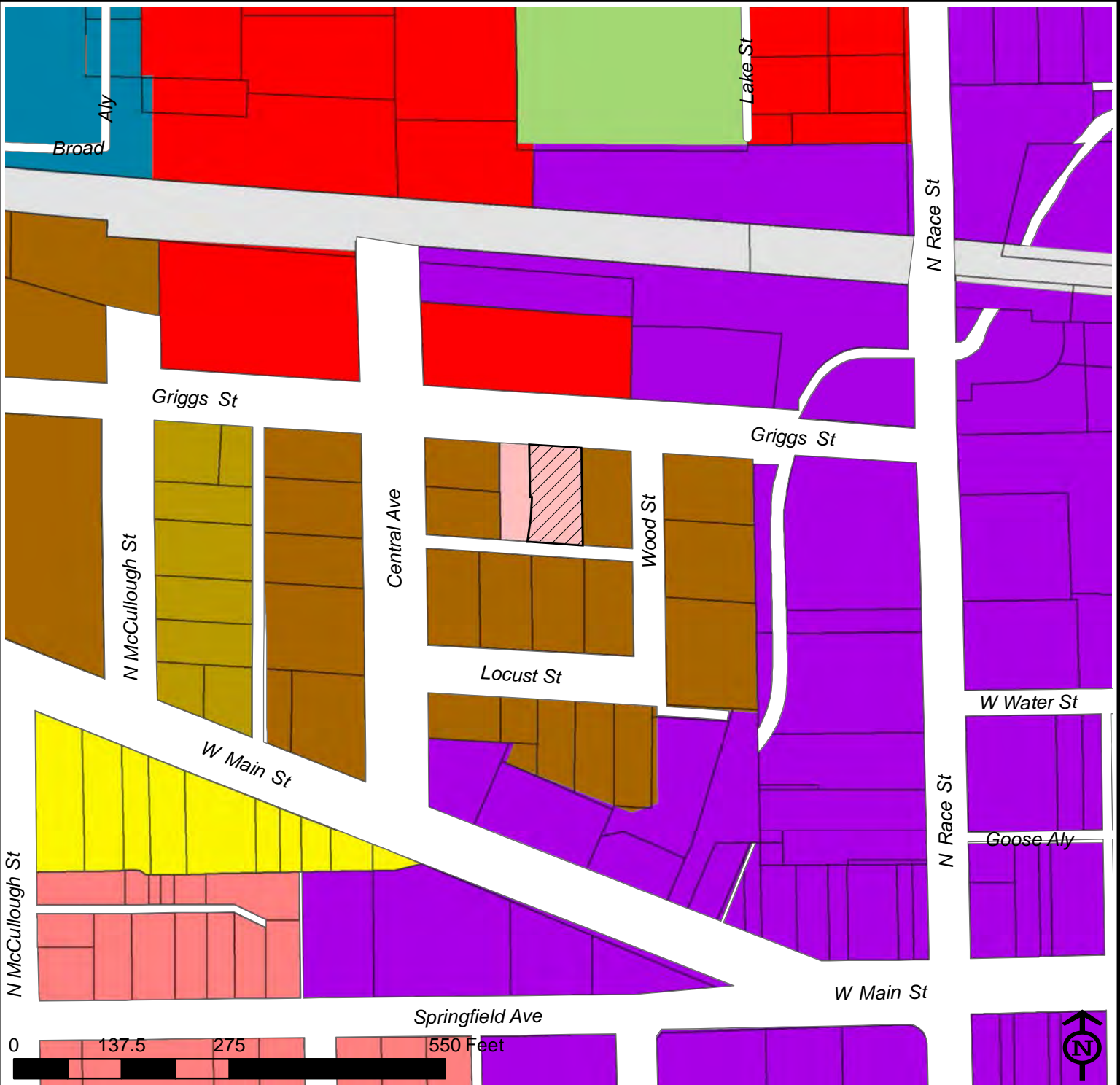
Exhibit A: Location & Existing Land Use Map



Case: ZBA-2015-MAJ-07
 Subject: Parking Variance
 Location: 303 W Griggs St
 Petitioners: Geoff Merritt

Subject Property

Exhibit B: Zoning Map



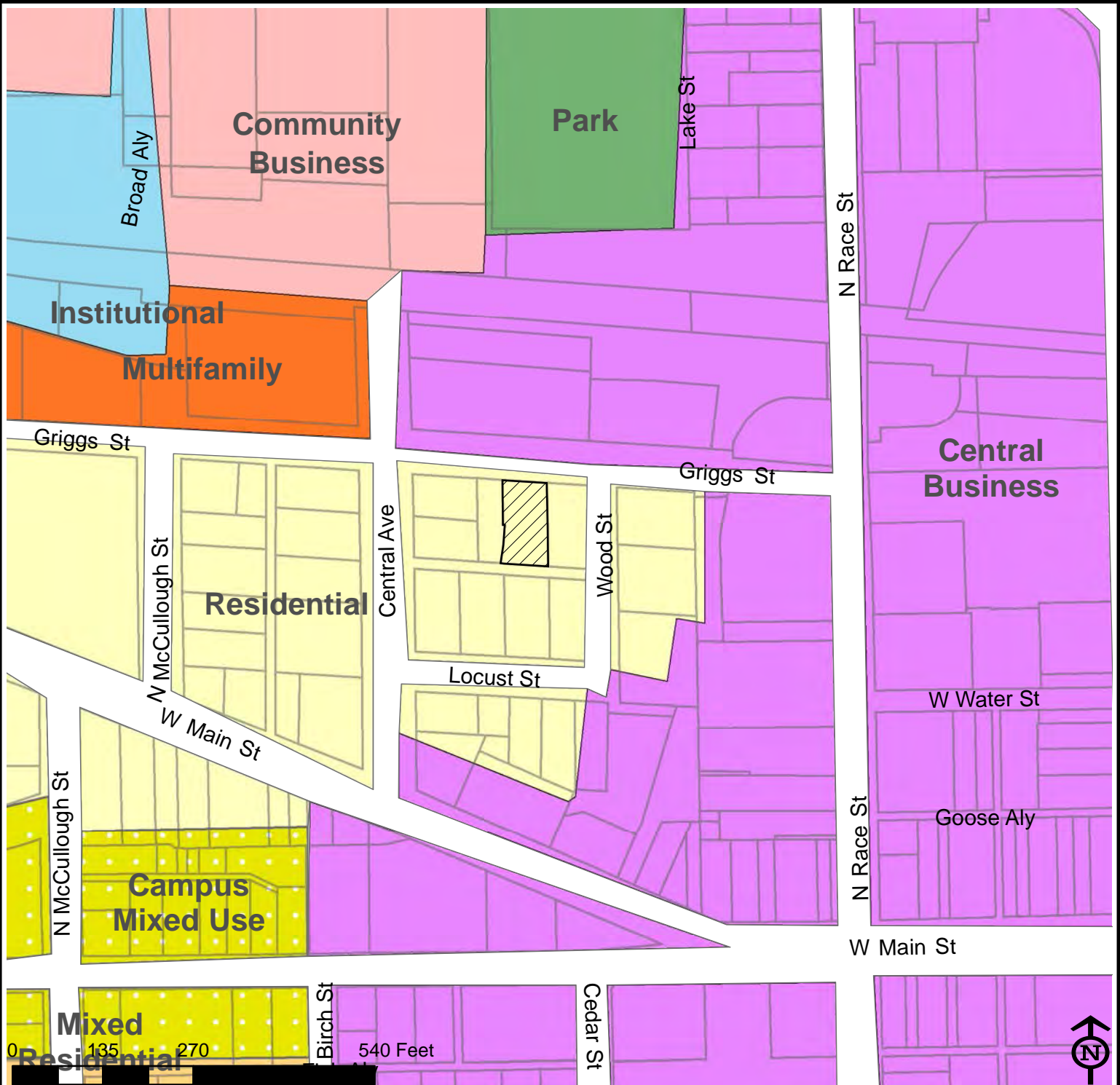
0 137.5 275 550 Feet



Case: ZBA-2015-MAJ-07
 Subject: Parking Variance
 Location: 303 W Griggs St
 Petitioners: Geoff Merritt

- | | | | |
|------------------|------|-----|----|
| B1 | B4 | MIC | R5 |
| B2 | CRE | R2 | |
| B3 | IN-1 | R4 | |
| Subject Property | | | |

Exhibit C: Future Land Use Map

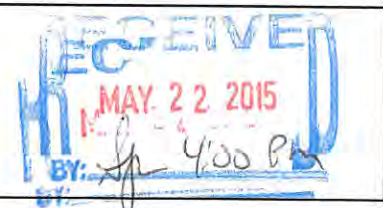


Case: ZBA-2015-MAJ-07
 Subject: Parking Variance
 Location: 303 W Griggs St
 Petitioners: Geoff Merritt

- | | |
|--|--|
|  Residential |  Community Business |
|  Mixed Residential |  Central Business |
|  Multi-Family Residential |  Institutional |
|  Campus Mixed Use |  Park |
|  Subject Property | |



Application for Variance



APPLICATION FEE – \$175.00 (Major) and \$150.00 (Minor)

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 05-22-2015 ZBA Case No. ZBA-2015-MAJ-07
Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit *(Insert Use/Construction Proposed and the Type and Extent of Variation Requested)* Parking Variance on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Geoffrey Merritt** Phone: **217-621-1289**
Address (street/city/state/zip code): **303 W Griggs Street, Urbana, IL 61801**
Email Address: **geoff@parasol.com**
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **co-owner**

2. OWNER INFORMATION

Name of Owner(s): **Christopher & Geoffrey Merritt** Phone: **217-621-1289**
Address (street/city/state/zip code): **905 S Lynn Street, Urbana, IL 61801**
Email Address: **geoff@parasol.com**

Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: **303 W Griggs Street, Urbana, IL 61801**
PIN # of Location: **91 21 08 383 004**
Lot Size: 8,168ft²

Current Zoning Designation: **B1**

Current Land Use (*vacant, residence, grocery, factory, etc*): **retail/warehouse**

Proposed Land Use: **retail/warehouse**

Legal Description: Parts of Lots 11 (as Plat Record recorded in Deed Record 19 at Page 285)
and 12 (as Plat Record recorded in Deed Record 19 at Page 285) in S.T. Busey's Addition to
Urbana, in Champaign County, Illinois

4. CONSULTANT INFORMATION

Name of Architect(s): Rodney D. Reid AIA

Phone: **217-390-7403**

Address (*street/city/state/zip code*): **1904 Byrnebruk Drive, Champaign, Illinois 61822**

Email Address: **rod.reid@comcast.net**

Name of Engineers(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Professional Site Planner(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s): Webber & Thies

Phone: **217-367-1126**

Address (*street/city/state/zip code*): **202 Lincoln Square, Urbana, IL 61801**

Email Address:

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

We intend to renovate and restore the facade of the building in order to preserve it's
character and place in the neighborhood as well as being able to continue and increase it's
use. The building is essentially land-locked not allowing space for parking spaces on the lot.
In order to comply we will need to rent spaces from either the city (lot to the north) or
another nearby business (church to the south, apartments to the north or retail to the east)

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

With the development just east of us (208 W Griggs) and the various projects on Race Street (between University and Water), the nature of the neighborhood (and Griggs Street in particular) is changing considerably – more foot-traffic and businesses. There are no other B1 businesses in this area but the building 100 feet to the North-East (204 E Griggs St) is in the B4 district with more relaxed parking requirements.

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

The building has had its current footprint for considerably longer than we've owned it but it had never been used for retail until recently – which we got a special variance for. With the current remodeling plans we are hoping for another variance.

Explain why the variance will not alter the essential character of the neighborhood.

We currently have two employees – one drives/walks to work, the other commutes by bicycle. We do not foresee ever having more than four employees. Between readily available street parking, on-site bicycle parking, and permission to use nearby parking lots for personal vehicles, we do not foresee any change to the character of the neighborhood. We plan to install bicycle parking in the front of the building and, by removing the driveway in front of the property, we will be adding one parking space to Griggs Street. Overall, the neighborhood will look considerably better once the restoration of our building is done.

Explain why the variance will not cause a nuisance to adjacent property.

The nature of our business will not change very much – we will continue being a neighborhood business with primarily foot and bike traffic. We do not anticipate every needing more than a few parking spaces for employees and there is always ample street parking in the area.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

We are respectfully requesting for the maximum deviation – to reduce the required parking from twelve spaces to, at most, six with an additional offset for installing six bicycle parking spaces. This would indicate a variance request for a net of (4) four automobile parking spaces

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Applicant's Signature

Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

303 West Griggs
Parking Variance Request Narrative
May 25, 2015

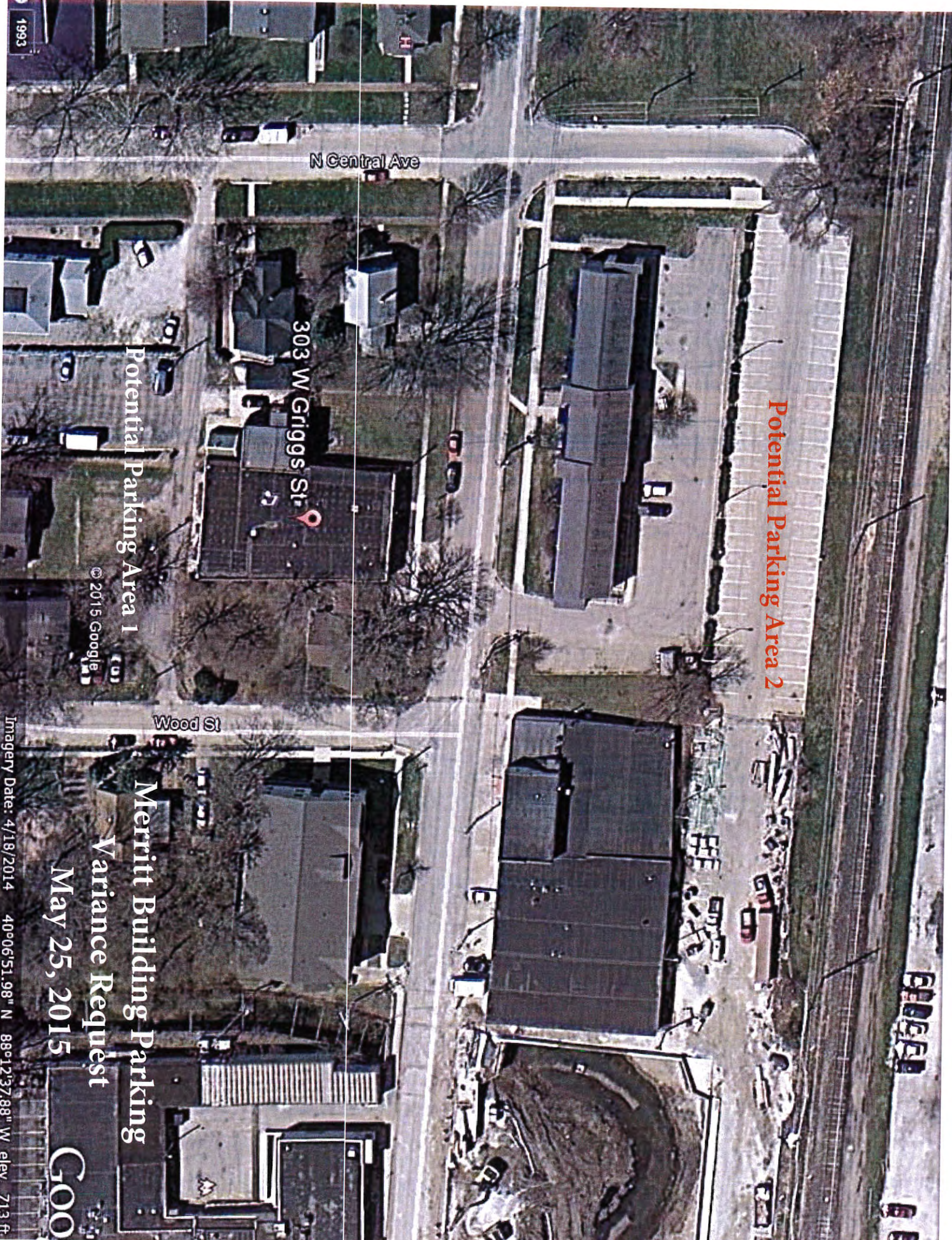
With the development to the East at 208 West Griggs Street and the various new projects on Race Street between University and Water, the nature of the neighborhood, particularly Griggs Street, is beginning to experience substantial change. Primarily, there is more business, accessed by pedestrian, bicyclist and vehicular methods. Our building, zoned B-1, is the only one within the immediate vicinity with the next building, zoned B-4, being approximately 100 feet to the Northeast at 204 East Griggs Street (now home to The Best of Africa's Food Store and future home to a micro-brewery).

The intent of this project is to renovate and restore the North and West facades of the building in order to preserve the buildings character and place in the neighborhood as well as being able to continue and increase its use. It is the intent to maintain a functioning business within the neighborhood as has been its history. As part of the restoration, we propose to replace the garage door on the North façade with another entry door and window to better use the space within. With the current plan, we would have approximately 2,500 square feet available for retail/mail-order with the rest of the building being used as warehouse.

For the foreseeable future, we intend to use the space within the building in much the same way as it has been used for the past 10 years with the possibility of expanding a few of the offerings with respect to music/video goods and bicycle parts/service. Our current business is primarily mail-order but we anticipate splitting mail order and walk-in about 50/50 with most of our walk-in clientele arriving via bicycle or foot. To respect the nature of the neighborhood, we intend to operate under normal business hours, and do not intend to be open for business in the evenings or on Sunday.

The existing building has been constructed and sited from property line to property line with no ability to provide off-street parking. In order to comply with the City's Parking Ordinance it is understood we must provide a number of parking spaces of one type or another. We respectfully request a major variance to reduce the number of required vehicular parking spaces. This would be achieved by logically providing equivalent bicycle parking spaces and reduce the number of required vehicle spaces to (4) four, to be acquired in one of two parking lots within 250 feet of our location.

Attached are two exhibits for use in our presentation. They include a site plan showing the revised building on the site with approximated property lines and also an aerial map that indicates our building with the two optional potential parking areas identified as 1 and 2.



Potential Parking Area 2

Potential Parking Area 1

303 W Griggs St.

N Central Ave

Wood St

© 2015 Google

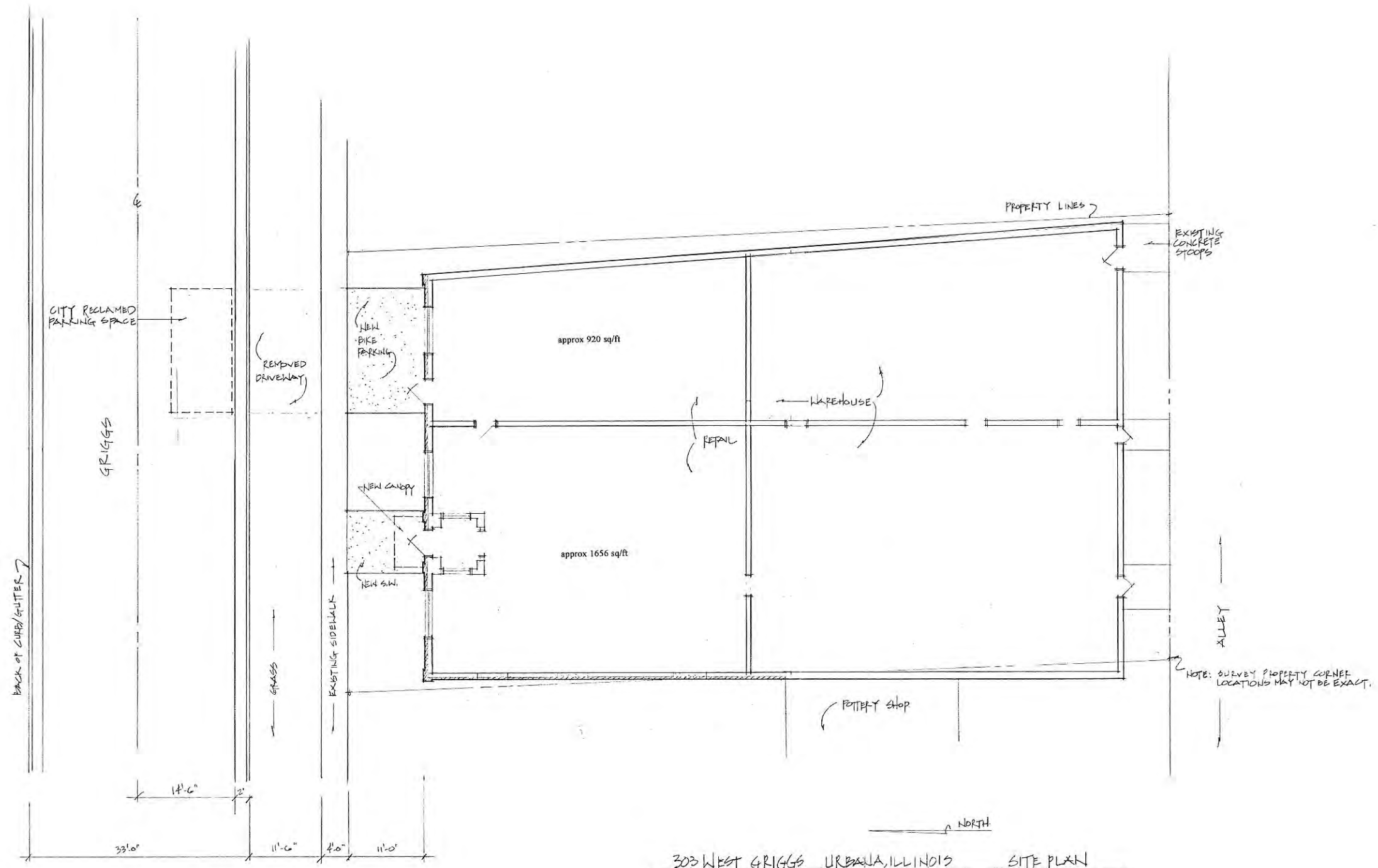
Merritt Building Parking
Variance Request

May 25, 2015

GOO

Imagery Date: 4/18/2014 40°06'51.98" N 88°12'37.88" W elev 713 ft

1993



303 WEST GRIGGS URBANA, ILLINOIS SITE PLAN
 1/8" = 1'-0"

REVISIONS	BY

Merritt Building Masonry Restoration

Renovation
 303 West Griggs
 Urbana, Illinois 62580

RSA Real. Stud. Architecture LLC
 1504 Bryn Mawr Drive, Champaign, Illinois 61822
 217-239-7403
 info@rsaarch.com

DRAWN TOK
CHECKED
DATE 5.25.15
SCALE 1/8" = 1'-0"
JOB NO. 1403
SHEET C-1
OF 1 SHEETS