



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth Tyler, Ph.D, AICP, Director/City Planner

DATE: April 30, 2003

SUBJECT: ZBA-03-MAJ-2: A request for a major variance by Peter Baksa for a nine-foot reduction in the required 15-foot front yard along Central Avenue at 401 West Park Street in Urbana's R-5, Medium High Density Residential Zoning District.

Introduction and Background

Peter Baksa of CLR Lofts has requested a major variance for a 60% reduction in the required front yard along Central Avenue at 401 West Park Street. The petitioner wishes to establish a two-story, eight-unit apartment building on the subject property and has requested a major variance to accommodate the required parking spaces in the eastern front yard. The property is located in the R-5, Medium High Density Residential Zoning District. Pursuant to the Urbana Zoning Ordinance, in order to construct the multifamily dwelling and associated parking with the proposed setback reduction, the Zoning Board of Appeals and City Council must approve the major variance.

The subject property is located at the southwest corner of the intersection of Central Avenue and Park Street. The parcel is 8,712 square-feet in area and currently contains a single-family dwelling unit. The property is adjacent to multifamily dwellings to the west and across Central Avenue to the east. Crystal Lake Park is located to the north, and the vacant commercial property where Hardee's was formerly located lies to the south. Access to the property would be from the east-west alley located south of the subject property. On April 16, 2003, the Zoning Board of Appeals voted 5-2 to recommend approval of the subject variance, with the condition that a landscaping buffer be established and maintained as part of the development of the site. For more information regarding this case, please refer to the April 8, 2003 memorandum to the Zoning Board of Appeals.

Discussion

The requested variance comes as a result of a desire by the petitioner to establish a two-story multifamily dwelling on a lot which does not allow all of the required parking spaces to be constructed outside of the required setbacks. Each apartment unit is designed to be approximately 710 square feet in area, containing one bedroom of 150 square feet. The parking requirement for a multifamily dwelling unit with bedrooms of 150 square feet is 1.0 parking space per unit. Therefore the parking requirement for the proposed structure is eight spaces.

Parking is allowed in the required side and rear yards, so long as it is located behind the rear face of the building. As the regulations apply in this case, parking is allowed behind the south wall of the proposed structure; however, parking is prohibited in the required 15-foot front yard along Central Avenue and 18-foot front yard along Park Street. The petitioner proposes to park in nine feet of the Central Avenue front yard, and to establish a landscaping buffer in the remaining six feet. It appears that most of the existing trees on the lot will be cleared as part of the construction, however the trees in the public parkway will be maintained. No other variances would be necessary for setback, Floor Area Ratio, Open Space Ratio, or maximum height.

At the April 16, 2003 Zoning Board meeting, staff were asked whether the second-floor units were required to be handicapped accessible. According to the Urbana Building Inspector, the Fair Housing Act and subsequent Amendments require that the first-floor units of an eight-unit structure must be made adaptable, but this requirement does not apply to the units on the second story.

Variance Criteria

In order to review a potential variance, Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals and City Council to make findings based on variance criteria. At the April 15, 2003 meeting, the ZBA cited the following findings for their recommendation for approval of the requested variance:

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

In this case, there is a special circumstance due to the fact that the property is located on a corner lot. To provide the required eight parking spaces, a variance is needed for the encroachment into the eastern front yard. An apartment building with this layout and design could be established on a similarly sized lot that did not have two front yards without requiring a variance. In fact, two apartment buildings to the west have a similar layout, but did not require variances for setback since parking is allowed in the rear yards.

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 requested variance could be considered a special privilege because other structures could be established on the property that would not require as many parking spaces. The second story of the building effectively doubles the parking requirement, and therefore does not allow parking to be contained outside of the required setbacks on this corner lot.

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

The need for the variance has not yet been created. The petitioner is aware of the requirements of the Zoning Ordinance and has applied for a variance prior to beginning construction.

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

The variance should not significantly alter the essential character of the neighborhood. Although the reduction in front yard will reduce the open space on the property and will partially impede the view of Crystal Lake Park from certain locations to the south of the property, the petitioner has proposed a six-foot landscaping buffer that should soften the impact of parking in the required front yard. In addition, the existing trees in the parkway, which is public right-of-way, will be preserved, which should provide an additional buffering effect.

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

The variance should not cause a nuisance to adjacent properties. The properties to the east are separated by Central Avenue and should be further protected by the proposed landscaping buffer and the trees in the parkway, which is public right-of-way. Staff does not foresee any potential nuisances to the commercial property across the alley to the south, the residential property to the west, or the park to the north.

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

The petitioner is only requesting the amount of variance needed to construct the eight-unit multifamily dwelling on the subject property with the proposed site plan.

Options

The City Council has the following options this case:

- a. The Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Council may grant the variance subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those articulated herein, they should articulate its findings in support of the approval and any conditions imposed; or
- c. The Council may deny the variance request. If the Council elects to do so, they should articulate findings supporting its denial.

Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 5-2 to forward the variance request to the City Council with a recommendation for approval, with the **CONDITION** that the landscaping buffer shown on Exhibit A, Site Plan, be established and maintained as part of the development of the site in accordance with Section VI-5.G. of the Urbana Zoning Ordinance. Staff concurs with the ZBA and recommends that City Council **GRANT** the variance as requested.

Attachments: Proposed Ordinance
 Site Plan showing landscaping plan
 Draft Minutes of April 16, 2003 ZBA Public Hearing

Prepared by:

Tim Ross, AICP, Senior Planner

c: Peter Baksa

ORDINANCE NO. 2003-05-048

AN ORDINANCE APPROVING A MAJOR VARIANCE

(to allow a nine-foot reduction in the required 15-foot front yard setback along Central Avenue in the R-5, Medium High Density Residential Zoning District - 401 West Park Street Case No. ZBA-03-MAJ-2)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Peter Baksa, has submitted a petition requesting a major variance to allow a nine-foot encroachment into the required 15-foot front yard setback along Central Avenue at 401 West Park Street in the R-5, Medium High Density Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-03-MAJ-2; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on April 16, 2003 and the ZBA voted 5 ayes and 2 nays to recommend to the City Council approval of the requested variance with the condition listed below; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance:

1. In this case, there is a special circumstance due to the fact that the property is located on a corner lot. To provide the required eight parking spaces, a variance is needed for the encroachment into the eastern front yard. An apartment building with this layout and design could be established on a similarly sized lot that did not have two front yards without requiring a variance. In fact, two apartment buildings to the west have a similar layout, but did not require variances for setback since parking is allowed in the rear yards.

2. The requested variance could be considered a special privilege because other structures could be established on the property that would not require as many parking spaces. The second story of the building effectively doubles the parking requirement, and therefore does not allow parking to be contained outside of the required setbacks on this corner lot.

3. The need for the variance has not yet been created. The petitioner is aware of the requirements of the Zoning Ordinance and has applied for a variance prior to beginning construction.

4. The variance should not significantly alter the essential character of the neighborhood. Although the reduction in front yard will reduce the open space on the property and will partially impede the view of Crystal Lake Park from certain locations to the south of the property, the petitioner has proposed a six-foot landscaping buffer that should soften the impact of parking in the required front yard. In addition, the existing trees in the parkway, which is public right-of-way, will be preserved. This should provide an additional buffering effect of the parking area.

5. The variance should not cause a nuisance to adjacent properties. The properties to the east are separated by Central Avenue and should be further protected by the proposed landscaping buffer and the trees in the parkway. Staff does not foresee any potential nuisances to the commercial property

across the alley to the south, the residential property to the west, or the park to the north.

6. The petitioner is only requesting the amount of variance needed to construct the eight-unit multifamily dwelling on the subject property with the proposed site plan

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

The major variance request by Peter Baksa, in Case #ZBA-03-MAJ-2, is hereby approved to allow a nine-foot encroachment into the required 15-foot front yard setback along Central Avenue at 401 West Park Street in the R-5, Medium High Density Residential Zoning District, in the manner proposed in the application, with the condition that the landscaping buffer shown on Exhibit A, Site Plan, be established and maintained as part of the development of the site in accordance with Section VI-5.G. of the Urbana Zoning Ordinance.

The major variance described above shall only apply to the property located at 401 West Park Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lots 1, 2, 3, and 4 in Block One and Lots 1, 2, and 3 in Block 2 of Simeon H. Busey's 2nd Addition, Champaign County, Illinois

PERMANENT PARCEL #: 92-21-17-263-012

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

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the ____ day of _____, 2003.

PASSED by the City Council this ____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2003, the corporate authorities of the City of Urbana passed and approved Ordinance No.

_____, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (to allow a nine-foot reduction in the required 15-foot front yard setback along Central Avenue in the R-5, Medium High Density Residential Zoning District - 401 West Park Street Case No. ZBA-03-MAJ-2) which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2003, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

NEW 8 UNIT APARTMENT BUILDING for: ILLINOIS PROPERTIES, INC.

401 WEST PARK STREET URBANA, ILLINOIS

ARCHITECT:

RUSSELL A. DANKERT & ASSOCIATES
303 W. SPRINGFIELD AVE.
CHAMPAIGN, ILLINOIS 61820
(217) 352-4544

LIST OF DRAWINGS

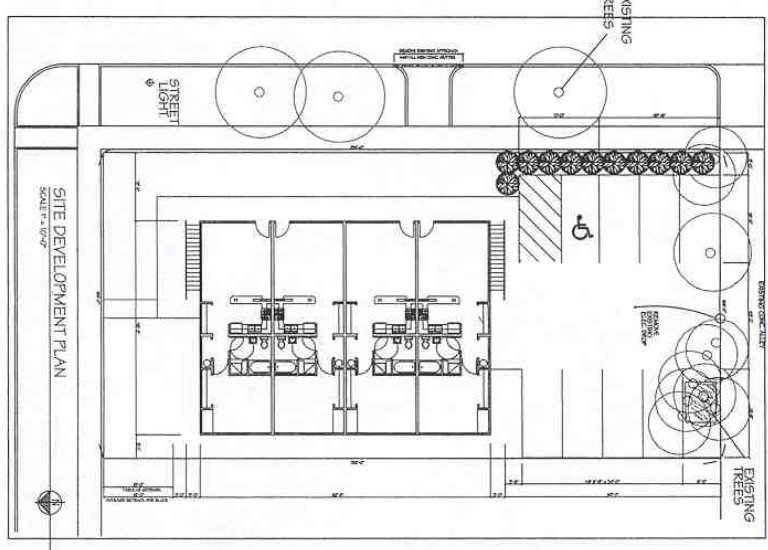
- 1 TITLE
- A1 FOUNDATION PLAN
- A2 FIRST FLOOR PLAN
- A3 SECOND FLOOR PLAN
- A4 UNIT PLANS
- A5 ROOF PLAN
- A6 ELEVATIONS
- A7 ELEVATIONS
- A8 SECOND FLOOR FRAMING PLAN
- A9 ROOF FRAMING PLAN
- A10 BUILDING WALL SECTIONS
- A11 STAIRS & BALCONY DETAILS
- A12 INTERIOR ELEVATIONS & DETAILS
- E1 ELECTRICAL PLANS & SCHEDULES
- P1 PLUMBING PLAN & ISOMETRIC

ZONING DATA:

ZONING CLASSIFICATION: R5
USE GROUP: R2, MULTI-FAMILY
FTL: 35 FT. MIN. ACTUAL, 18'-0" (AVERAGE IN BLOCK 18')
SFL: 5 FT. REGD. ACTUAL, 15'-6" EAST, 5' WEST
RFL: 5 FT. REGD. ACTUAL, 4'-7"
TOTAL BUILDING AREA: 5,680 SQ. FT.
FAR: .95 < .90 O.K.
OPEN SPACE:
(66x10) 118 SQ. FT. (62.42 X 18.5) 1967 = 2,195 SQ. FT.
05K .379 > .30 O.K.
TOTAL NO. BR. =
0 - 1BR UNITS = 0 BR
= 0 BR ALL @ 180 SQ. FT.
PARKING:
REQD: 8 BR @ 1 BR = 8 SPACES
ACTUAL: = 8 SPACES (1 H.C.)

CODE DATA:

SITE AREA:
TOTAL: 8,712 SQ. FT.
FLOOR AREA:
1st FLOOR: 2,240 SQ. FT.
2nd FLOOR: 2,240 SQ. FT.
FLOOR AREA ALLOWABLE: BOCA 502:
TABULAR (5B): 4,800 SQ. FT. > 2,240 O.K.



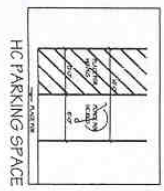
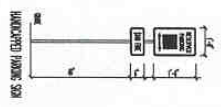
CERTIFICATION OF COMPLIANCE

I, Russell A. Dankert, the designer of record hereby certify that it is designed in accordance with the requirements of Title VIII of the Civil Rights Act of 1968 (commonly known as the Fair Housing Act), as amended by the Fair Housing Amendments Act of 1988.

I further certify that I have included construction details which illustrate the specific means to provide a continuous load path through the structure to comply with the minimum wind load requirements of the City of Urbana Building Code.

(Signature)

(Date)



APPLICABLE CODES:

- BOCA NATIONAL BUILDING CODE, 1990
- ILLINOIS PLUMBING CODE, 1993
- NFPA LATEST EDITIONS, INCLUDING NFPA 70, NATIONAL ELECTRICAL CODE, 1996
- ILLINOIS ACCESSIBILITY CODE, 1997
- CITY OF URBANA ZONING ORDINANCE

STRUCTURAL DESIGN CRITERIA

- FLOOR SYSTEMS
- 40 PSF LL LIVING SPACES
- 10 PSF DL
- STAIRS & BALCONY LL, 100' PSF
- ROOF TRUSSES LL 20' PSF
- WIND PRESSURE HORIZONTAL 80 MPH
- EXPOSURE B 10' PSF
- SOIL PRESSURE FOOTINGS 2500 PSF
- CONCRETE MASONRY ASTM C90
- MASONRY MORTAR TYPE S
- FLOOR JOIST #1 S.P. 4 = 1750 PSF

SHEET T	NEW 8 UNIT APARTMENT BLDG 401 WEST PARK STREET URBANA, ILLINOIS	SIGNATURE _____ DATE _____ EXPIRATION DATE _____	DRAWN _____ CHECK _____ DATE _____ JOB NO. _____ REV. _____	REVISIONS _____ _____ _____ _____ _____	RUSSELL A. DANKERT & ASSOCIATES ARCHITECTS/PLANNERS A.I.A. 303 WEST SPRINGFIELD AVE. CHAMPAIGN, ILLINOIS 61820 PHONE: (217) 352-4544 FAX: (217) 352-3734
	SCALE: 1/8" = 1'-0"				

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: April 16, 2003

DRAFT

TIME: 7:30 p.m.

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

ZBA-03-MAJ-02: A request for a major variance by Peter Baksa for a nine-foot reduction in the required 15-foot front yard along Central Avenue at 401 West Park Street in Urbana's R-5, Medium High Density Residential Zoning District.

Tim Ross, Senior Planner, presented this case to the Zoning Board of Appeals. He introduced the case by describing the zoning and land uses of the subject site and of the surrounding properties. He noted that the petitioner, Peter Baksa, intended to establish a two-story, eight-unit apartment building on the subject property and requested the major variance to accommodate the required parking spaces in the eastern front yard. He reviewed the variance criteria that pertained to this case according to Section XI-3 of the Urbana Zoning Ordinance and read the options of the Urbana Zoning Board of Appeals. The staff recommendation was as follows:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Zoning Board of Appeals recommend approval of this case as requested to the Urbana City Council with the condition that the landscaping buffer, shown in the Site Plan, be established and maintained as part of the development of the site in accordance with Section VI-5.G. of the Urbana Zoning Ordinance.

Mr. Corten inquired if there would be any access to the second floor for wheelchairs? Mr. Ross replied that there did not appear to be any. The parking requirement shows one handicap parking space, which was shown on the Site Plan. He added that Mr. Baksa might be able to answer that question better. Ms. Merritt noted that another division of the City would handle accessibility of the apartments. Mr. Ross stated that accessibility was handled by the Building Safety Division.

Mr. Fields had a concern regarding variance criteria #2 of Section XI-3 of the Urbana Zoning Ordinance. He stated that he sees this request as a special privilege. He did not see any significance that would warrant approving this. Since the developer would be starting from scratch, then he should be able to design a building to fit the perimeters set in the Zoning Ordinance. There needs to be a basis for the zoning regulations. Other than trying to maximize

their profit with a second story, he did not see the basis for altering or giving any special consideration to that. Mr. Ross mentioned that staff was presenting this case as being likely a special privilege. The only thing that staff wanted to point out, that related to variance criteria #1 as well, was that it was a corner lot. It does tend to constrain the uses on that property more than other lots, which are not corner lots. He understood Mr. Field's point, and it is true that other uses could be accommodated on the lot. However, this was what the petitioner had requested and what staff's analysis had shown. Mr. Fields noted that this comes up often with corner lots. This had always been a corner lot, and the developer knew that it was a corner lot, which had certain constraints. He did not see why the developer could not construct a building that conforms to the Urbana Zoning Ordinance.

Mr. Schoonover noted that there would be eight apartment units with only nine parking spaces. Where would visitors park? Mr. Corten corrected him by noting that there would only be eight parking spaces. Mr. Ross answered by saying that the parking requirement was one parking space per unit. Any other parking would have to be accommodated by visitors parking on the street. There are some on-street parking available in the neighborhood.

Russ Dankert, architect of the proposed apartment complex, noted that these would all be one-bedroom apartments. He believed that one car per bedroom was a reasonable parking demand, which was also what the Urbana Zoning Ordinance required. Visitors would be expected to park on the street.

Mr. Dankert noted that they were aware that there would be two sides on the corner lot, both of which would have front yard line dimensions. He would expect the central would be secondary to Park Street as far as primary usage. They were requesting to be allowed to use part of the central setback. He stated that it did not seem extraordinary of a request, but it was up to the Zoning Board of Appeals.

Mr. Corten mentioned that this could be a six apartment complex as opposed to eight. He inquired if they were pushing it to eight in order to maximize the income from it? Mr. Dankert replied that was the owner's request to make it an eight-apartment complex. Mr. Corten stated that was what leads to the requested variance. He asked why did they not design the proposed building to meet the allowable requirements to begin with? Mr. Dankert responded that the program that was given to him for this lot was to attempt to put eight units on it. The City required enough parking, and because of the City requiring eight parking spaces, this variance request was made.

Peter Baksa, owner of the proposed property, mentioned that he had acquired six lots across from Crystal Lake Park last fall and had been trying to figure out a way to develop the area. He used to run in the 5K races that Carle Foundation Hospital use to sponsor. At the end of the race, he would look at the old houses on these lots that were in shambles. He never understood why such a beautiful park was surrounded by such awful real estate. When the lots went on the market, no one wanted to buy them, because the neighborhood was a questionable area. Crystal Lake Park is a treasure and an amazing asset to have this beautiful lake with a boathouse and lovely trees, but people do not want to go to the park, because they are afraid of the neighborhood across the street.

Mr. Baksa mentioned that the proposed apartment complex was one of three phases that he would like to undertake. He wants to develop all seven lots, clean them up, use landscape architectural techniques and lighting to make the area feel safer. The proposed building is similar to the buildings next to it, but only in appearance. It would be a substantially higher quality property. There would be cathedral ceilings on the first floor and would be very attractive units that hopefully he would be able to reach to a different demographic and bring them into the neighborhood. If that occurs with the proposed building, then he would like to bring the entire quality up on other things. This first building was an experiment to see if he can reach that different demographic. If he is successful, then he was hoping to move the whole neighborhood in that direction, because he believed that he had a very strong position.

Mr. Baksa noted that the buildings next to the proposed building have eight units each. He planned to landscape, use flags and signage along with other things to encapsulate the seven lots to make them feel like they were "isolated" in a sense and hopefully move in a direction where the rest of the neighborhood follows. He was asking to be able to push the parking into the setback a couple of feet. He intended to landscape around the proposal. He had discussed with staff putting an arch over the alley to give it a sense of entrance.

People do not feel that this is an area to be respected, and he wants to change that. He intends to work with the City of Urbana and with the neighbors. Mr. Baksa noted that he would probably not build a six-unit apartment building, because it does not really make any sense due to the cost of the lots. He would like to build an attractive building and develop the corner with signage and landscape.

Mr. Corten understood that Mr. Baksa was planning to build similar buildings on the other six lots, and therefore, the same problem would be raised. Mr. Baksa replied that there would be a similar problem on the other side, except on the other corner there would not be this problem. The size of this lot is a little shorter.

Mr. Corten inquired if this was across Central Avenue? Mr. Baksa stated that when you exit the park and look to the right would be the other building and when you look to the left there is a stone apartment building. To the left of the stone apartment building are two old houses that are not habitable. Those are two lots that would be Phase II. If he is successful at getting this to work and reach to another demographic, then he would like to entertain the possibility of building a larger building or a different sort of building across the street depending on what the City would allow or would work with him on. He was limited by the zoning. All the zoning allows him to build are buildings similar to what is already there. He does not find them attractive either. He noted that it was a balancing act of keeping within the context and the scale of the block. So, what they have done was taken what was already there and use similar lines. It would be a beautiful building when finished.

Mr. Warmbrunn commented that other apartments on corner lots in that area like on Broadway and University are nonconforming, because they park in front on the street. From staff's point of view, the problem is because the lot is on a corner lot? Mr. Ross responded that in so far as a similar design on a similar size lot, that was not a corner lot, would not have any need for a

variance. What is now a second front yard would be a side yard, and there is more accommodation for parking behind buildings with side yard than a front yard.

Mr. Schoonover moved that the Zoning Board of Appeals deny the requested variance based on the fact that if the proposed apartment complex would be cut down to a smaller building, then there would be more room and the variance would not be needed. He felt the proposed eight-unit apartment complex would be too much for this particular property. Mr. Fields seconded the motion based on his opinion that the request was a special privilege.

Mr. Warmbrunn stated that he was in favor of the variance, because the setback looks like it would be maintained all the way up to the building. It is only a specific parking problem. He would be against the motion.

The roll call was as follows:

Mr. Corten	-	No	Mr. Fields	-	Yes
Ms. Merritt	-	No	Mr. Schoonover	-	Yes
Mr. Warmbrunn	-	No	Mr. Welch	-	No
Mr. Armstrong	-	No			

The motion failed due to a 2-5 vote.

Mr. Corten moved that the Zoning Board of Appeals forward the case to the Urbana City Council with the recommendation for approval with the condition that the landscaping buffer be maintained. Mr. Welch seconded the motion. The roll call was as follows:

Mr. Fields	-	No	Ms. Merritt	-	Yes
Mr. Schoonover	-	No	Mr. Warmbrunn	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes			

The motion was passed by a 5-2 vote. Mr. Ross commented that the case would go to the City Council on May 5, 2003.