



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Mayor Diane Wolfe Marlin and City Council Members

**FROM:** Lorrie Pearson, AICP, Community Development Services Director  
Katherine Trotter, Associate Planner

**DATE:** March 9, 2020

**SUBJECT:** An Ordinance Approving a Major Variance (305 South Race Street / ZBA-2020-MAJ-01)

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### **Introduction**

Celeste Choate, on behalf of the Urbana Free Library, requests a Major Variance to allow parking spaces that are not as long as the Zoning Ordinance requires at the library's parking lot at 305 South Race Street. The request would allow repaving of the parking lot in its current, non-conforming configuration. The parking lot has been a legal, non-conforming parking lot since before the library acquired it in 2013.

The current parking lot provides 29 parking spaces in a 90-degree angle configuration. When the parking angle is 90 degrees, the Zoning Ordinance requires a minimum space length of 18.5 feet. The Major Variance requested would allow parking spaces to be 16 feet in length, maintaining the current configuration.

At its February 19, 2020, meeting, the Zoning Board of Appeals (ZBA) held a public hearing on this case. No members of the public spoke regarding the case. The ZBA voted unanimously, with four ayes and zero nays, to recommend that City Council approve the variance, with the condition that the parking lot generally conforms to the site plan in Exhibit C.

### **Background**

In 2013, the Urbana Free Library ("the Library") acquired the parking lot and has used it for staff parking since then. The Library has made no improvements or alterations to the parking lot in that time. The parking lot is in very poor condition and needs to be repaved. The applicant requests a major variance to allow for the repaving and restriping of the existing parking lot in its current configuration, which has parking spaces that do not meet the minimum required length of 18.5 feet.

Without the variance, the Urbana Free Library could repave the existing parking lot, but meeting the requirements of the Zoning Ordinance would limit the number of usable parking spaces. The parking lot as it exists includes two rows of parking, with 29 parking spaces at a 90-degree angle. The parking spaces are each 10 feet wide and 16 feet long. The parking lot is 54 feet wide, with a two-way drive aisle that is 22 feet wide. Without the variance, the parking lot could not be repaved to include two rows of 90-degree parking and still meet the minimum requirements of the Zoning Ordinance. The optimal configuration of the parking lot that would meet the minimum requirements of the Zoning

Ordinance would yield 20 parking spaces at 18.5 feet long and at a 45-degree angle. This would result in the loss of nine parking spaces.

**Description of Site and Area**

The property at 305 South Race Street is approximately 0.27 acres, and is located on the west side of Race Street between Green Street and High Street. Nearby there is the Urbana Free Library, one- and two-family residences, religious institutions, and businesses on Race and Green Streets.

The following table identifies the current zoning and existing land uses of the subject property and surrounding properties (see Exhibits A and B).

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use
Subject Property	B-4, Central Business District	Parking Lot
North	B-4, Central Business District	Office & Retail
South	R-3, Single-Family and Two-Family Residential District	Two-Family Home, and Multiple-Family Residential Building
East	B-4, Central Business District	Church
West	R-3, Single-Family and Two-Family Residential District	Single-Family Homes

**Discussion**

**Site History**

Prior to 2013, the property at 305 South Race Street operated surface parking lot for various properties. In 2013, the Urbana Free Library Foundation donated the property at 305 South Race Street, as well as two other properties, to the Board of Library Trustees of the City of Urbana, Illinois. The parking lot has since been used by the Urbana Free Library as a staff parking lot.

Approval of the variance would allow the Urbana Free Library to repave and restripe the existing parking lot in the current configuration. Approval of the variance would also allow for removal of the dying tree on the north side of the parking lot. Planning staff spoke to Kevin Sanderson, City of Urbana Arborist, who acknowledged the tree is dying and should be removed.

**Variance Criteria**

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria.

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

The parking lot is used for staff parking, which is separate from the library's main parking lot at 210 West Green Street. The lot width is 66 feet, including a 12-foot wide alley, which makes establishing a conforming parking lot a practical difficulty. The lot cannot be repaved with two rows of parking at a 90-degree angle and still meet the minimum requirements of the Zoning Ordinance. Granting the variance would allow the Urbana Free Library staff to continue to use the lot for parking – which they have done without difficulty since 2013 – and allow for necessary repaving and restriping to take place. Granting the variance would also maximize the number of spaces available without increasing impervious surface.

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.

Parking lots are allowed in the B-4 zoning district. The width of the lot limits the allowable configuration of the parking spaces and width of the drive aisle, according to the minimum requirements of the Zoning Ordinance. The Urbana Free Library could repave and restripe the parking lot at 305 South Race Street without a variance, but it would result in the loss of nine parking spaces, roughly one-third of the 29 existing parking spaces. The proposed variance will not serve as a special privilege, because the variance is necessary due to the narrowness of the lot.

3. The variance request is not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.

The applicant did not deliberately create this situation. The parking lot at 305 South Race Street has operated as a legal, non-conforming parking lot for at least 25 years. The existing parking lot pavement has eroded and cracked over time, and needs to be replaced. Granting the variance would allow for necessary repaving and restriping.

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

The parking lot has existed on the lot for at least 25 years. Granting the variance will not allow for a new or additional use of the property. Repaving and restriping the existing parking lot will remain consistent with the essential character of the neighborhood.

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

The variance would allow the existing parking lot to be repaved and restriped as it exists now. Under its current configuration, the parking lot has not caused a nuisance to the adjacent properties. There is an existing fence on the west edge of the property that acts as screening. There is also an alley on the north edge of the property that acts as a buffer. Wheel stops are in place on the north and south edges of the parking lot, in accordance to Section VIII-3.G of the Urbana Zoning Ordinance. There would be no change or additional use on the subject property. The footprint and function of the existing parking lot will not change, so there will be no change to the site other than the condition of the parking lot.

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

The variance represents the minimum deviation from the Zoning Ordinance by requesting a reduction in the required parking space length. The variance will allow parking spaces to be striped at 16.5 feet, rather than the required 18.5 feet. The Zoning Ordinance allows “compact car spaces”

to be striped at 15.5 feet in length. The requested variance represents the minimum deviation from the Zoning Ordinance, and the proposed length is longer than that of a compact car space. A reduction in the required parking space length will allow the parking lot to be repaved and restriped as it exists now.

### **Zoning Board of Appeals**

On February 19, 2020, the Zoning Board of Appeals discussed the repaving and restring of the Library parking lot. After hearing no public input for or against the case, the Zoning Board of Appeals voted unanimously, with four ayes and zero nays, to forward this case to the Urbana City Council with recommendation to APPROVE the request, with the condition that the parking lot generally conforms to the site plan in Exhibit C.

### **Summary of Findings**

1. The property is zoned B-4, Central Business Zoning District.
2. Celeste Choate, on behalf of the Urbana Free Library, requests a Major Variance to allow a parking spaces that are less than the required length; and
3. The variance does not serve as a special privilege to the property owner; surface parking lots are allowed in B-4 districts, but the proposed configuration for this parking lot is a variation from the requirements of the Zoning Ordinance; and
4. The property owner did not deliberately create this situation, as the legal, non-conforming parking lot has operated as such prior to the Urbana Free Library's acquisition of the property; and
5. The variance will not alter the essential character of the neighborhood, as the requested variance is consistent with the property's current use; and
6. The variance will not create a nuisance, as it will allow the parking lot to be repaved and restriped as it exists now, under which no nuisances have been reported; and
7. The variance represent the minimum deviation necessary from the zoning ordinance, as the variance would allow parking spaces that are less than the required length.
8. At the February 19, 2020, meeting, the Urbana Zoning Board of Appeals held a public hearing and voted unanimously, with four ayes and zero nays, to forward the case to the City Council with a recommendation to approve, with the condition that the parking lot generally conforms to the site plan in Exhibit C.

### **Options**

The Urbana City Council has the following options:

1. **Approve** the Ordinance; or
2. **Approve the Ordinance with certain terms and conditions;** or
3. **Deny** the Ordinance.

## Recommendation

At the February 19, 2020 meeting, the ZBA voted with four ayes and zero nays to forward this case to the Urbana City Council with a recommendation to **APPROVE** the request, with the following condition:

That the parking lot generally conforms to the site plan in Ordinance Attachment A.

Staff concurs.

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Site Plan for Urbana Free Library Parking Lot  
Exhibit D: Application for a Major Variance

cc: The Urbana Free Library, Celeste Choate, Owner/Applicant  
Chad Osterberg, Fehr Graham, Consulting Engineer

**ORDINANCE NO. 2020-03-013**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

**(The Urbana Free Library Parking Lot at 305 S. Race St. / ZBA Case No. 2020-MAJ-01)**

**WHEREAS**, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Celeste Choate, on behalf of the Urbana Free Library, has submitted a petition for a major variance to allow parking spaces that are less than the required length; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on such petition at 7:00 p.m. on February 19, 2020, in ZBA Case No. 2020-MAJ-01; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted four (4) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance with two conditions; and

**WHEREAS**, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(d), of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. The property is zoned B-4, Central Business Zoning District.
2. Celeste Choate, on behalf of the Urbana Free Library, requests a Major Variance to allow a parking spaces that are less than the required length; and
3. The variance does not serve as a special privilege to the property owner; surface parking lots are allowed in B-4 districts, but the proposed configuration for this parking lot is a variation from the requirements of the Zoning Ordinance; and
4. The property owner did not deliberately create this situation, as the legal, non-conforming parking lot has operated as such prior to the Urbana Free Library's acquisition of the property; and
5. The variance will not alter the essential character of the neighborhood, as the requested variance is consistent with the property's current use; and
6. The variance will not create a nuisance, as it will allow the parking lot to be repaved and restriped as it exists now, under which no nuisances have been reported; and
7. The variance represent the minimum deviation necessary from the zoning ordinance, as the variance would allow parking spaces that are less than the required length.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

In ZBA Case No. 2020-MAJ-01, the major variance requested by Celeste Choate, on behalf of the Urbana Free Library, to allow parking spaces that are less than the required length at 305 South Race Street in the B-4, Central Business Zoning District, is hereby approved in the manner proposed in the application with the following conditions: that the parking lot generally conforms to the site plan in Attachment A. Such attachments are attached hereto and incorporated herein by reference.

The major variance described above shall only apply to the property located at 305 South Race Street, more particularly described as follows:

Lot 12 and the North 10 feet of Lot 13 of James T. Roe's Addition to the City of Urbana, as per Plat recorded in Plat Book "D" at Page 111, together with the East Half of that park of the vacated alley lying immediately West thereof, EXCEPT that part dedicated to the People of the City of Urbana as Document 702829 filed October 7, 1963 in Book 739 at Page 552, situated in the City of Urbana, Champaign County, Illinois.

Commonly known as 305 South Race Street  
P.I.N.: 92-21-17-211-005

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor



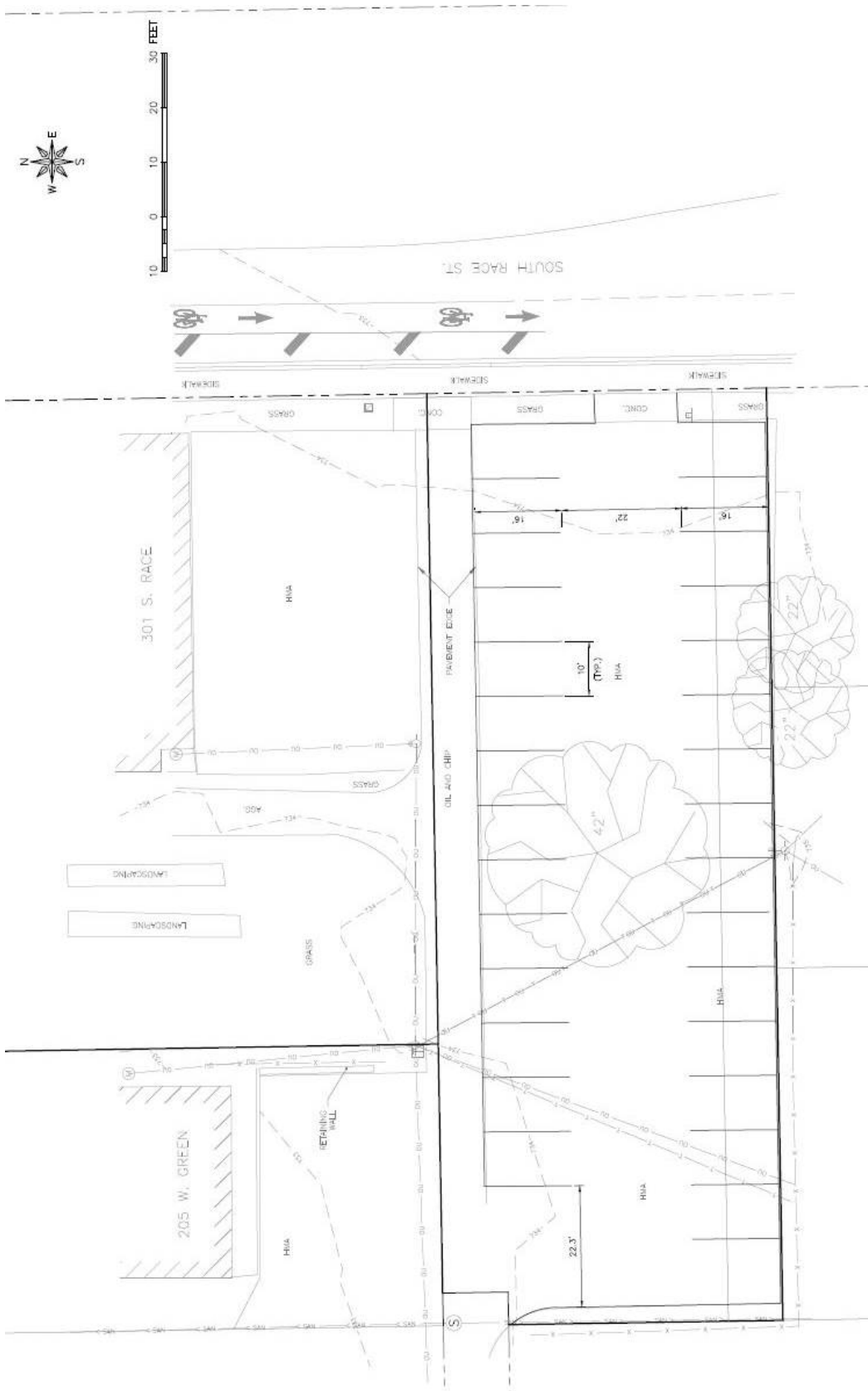
**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Charles A. Smyth, 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 \_\_\_\_\_, 2020, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled “An Ordinance Approving a Major Variance (The Urbana Free Library Parking Lot at 305 S. Race St. / ZBA-2020-MAJ-01)” 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 \_\_\_\_\_, 2020, 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.

DATED at Urbana, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

# ATTACHMENT A

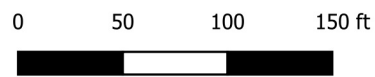
## Site Plan



# Exhibit A: Location Map



**Case No.** ZBA-2020-MAJ-01  
**Subject** Library Parking Lot  
**Location** 305 S. Race St.  
**Petitioner** The Urbana Free Library

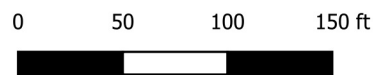


**Legend**  
[Hatched Box] 305 S Race St

# Exhibit B: Zoning Map

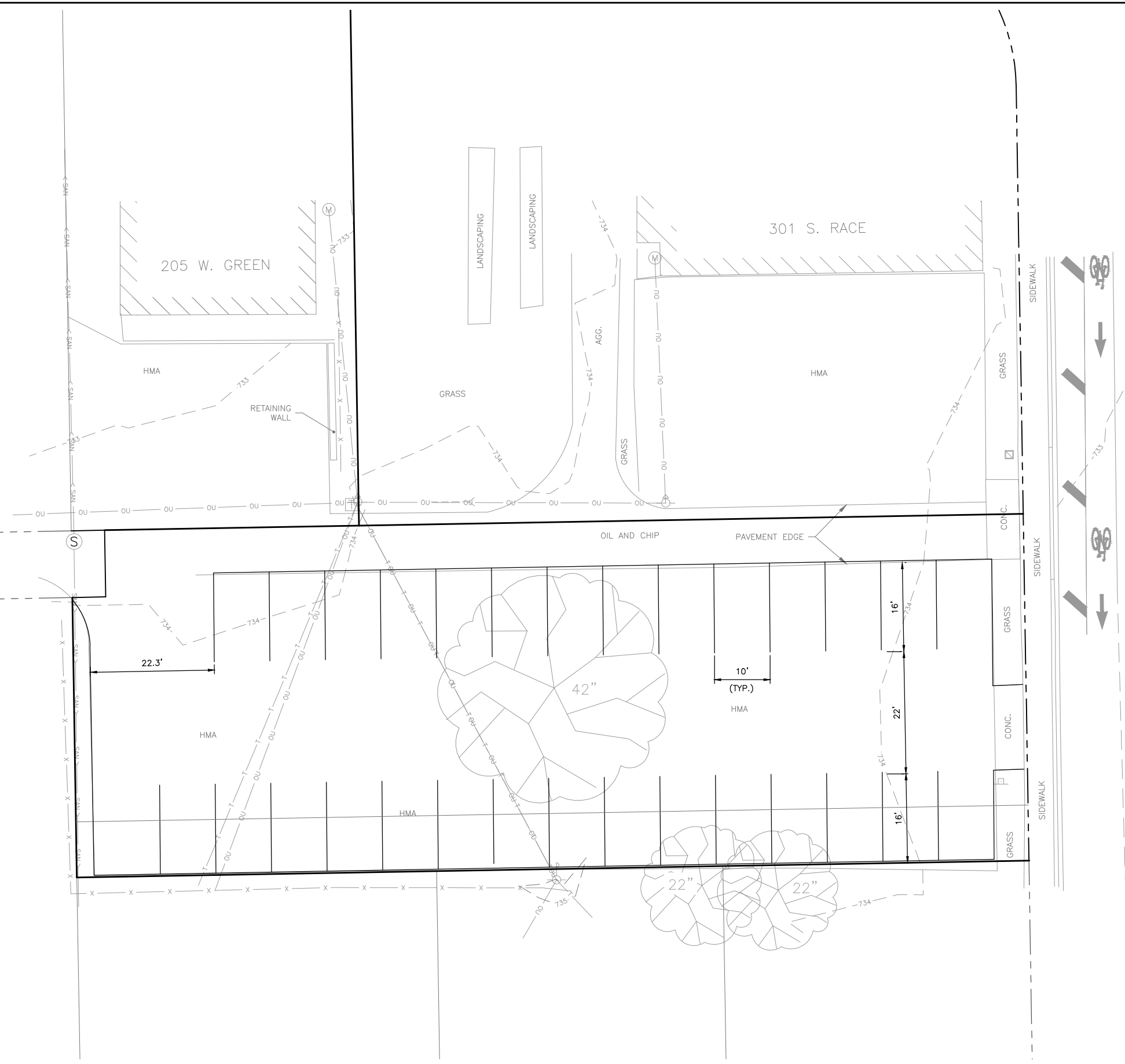
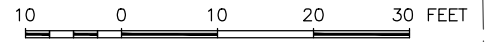


**Case No.** ZBA-2020-MAJ-01  
**Subject** Library Parking Lot  
**Location** 305 S. Race St.  
**Petitioner** The Urbana Free Library



## Legend

- Zoning
- B-3
  - B-4
  - MOR
  - R-2
  - R-3
  - R-6B



**FEHR GRAHAM**  
ENGINEERING & ENVIRONMENTAL  
ILLINOIS DESIGN FIRM NO. 184-003525

ILLINOIS  
IOWA  
WISCONSIN

OWNER/DEVELOPER:  
URBANA FREE LIBRARY  
210 W GREEN ST.  
URBANA IL, 61801

PROJECT AND LOCATION:  
STAFF PARKING LOT  
IMPROVEMENTS  
URBANA, IL

DRAWN BY: JCB  
APPROVED BY: CMO  
DATE: 10/22/19  
SCALE: AS NOTED

REVISIONS		
REV. NO.	DESCRIPTION	DATE

DRAWING:  
PARKING EXHIBIT

JOB NUMBER:  
19-783  
SHEET NUMBER:  
1 of 1



# Application for Variance

# ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. The Applicant is also responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 1/21/2020 ZBA Case No. ZBA-2020-MAJ-01  
Fee Paid - Check No. #2017 Amount \$200.00 Date 1/22/2020

### 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 the following variation (*Describe the extent of the Variation Requested*)

Allow for a 54 foot wide parking lot on the property described below, and in conformity with the plans described on this variance request.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Celeste B. Choate** Phone: **217-367-4058**  
Address (street/city/state/zip code): **210 W. Green Street, Urbana, IL 61801**  
Email Address: **cchoate@urbanafree.org**  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Executive Director of TUFL**

#### 2. OWNER INFORMATION

Name of Owner(s): **The Urbana Free Library (TUFL)** Phone: **217-367-4058**  
Address (street/city/state/zip code): **210 W. Green Street, Urbana, IL 61801**  
Email Address: **cchoate@urbanafree.org**

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: **305 S Race Street, Urbana, IL 61801**  
PIN # of Location: **92-21-17-211-005**  
Lot Size: **11,702 sq ft**

Current Zoning Designation: **B-4 Central Business District**

Current Land Use (*vacant, residence, grocery, factory, etc*): **TUFL staff parking lot**

Proposed Land Use: **TUFL staff parking lot**

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

**Please see attached.**

#### **4. CONSULTANT INFORMATION**

**Name of Architect(s):** Phone:

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

Email Address:

**Name of Engineers(s):** **Chad Osterberg - Fehr Graham** Phone: **217-352-7688**

Address (*street/city/state/zip code*): **1610 Broadmoor Drive, Champaign, Illinois 61821**

Email Address: **costerbur@fehr-graham.com**

**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):** Phone:

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

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.

**Currently, there are 29 parking spots in this lot for approximately 85 people on Library staff, which currently has 90 degree parking. This parking has not been a problem for staff. We are seeking to repave the parking lot but keep the current configuration. The practical difficulties would be the parking lot size does not accommodate a parking lot width/module width wide enough for two rows of parking.**

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.

The current parking lot has existed for many years. When the Library gained possession in 2013, lot had been striped and operated in its nonconforming fashion. There has been no period or gap in its use. Currently, the parking lot needs maintenance and the Library would like to repave the lot. See attached information from City Engineers provided to The Urbana Free Library Board 05-14-19. Current Zoning Ordinance requires a minimum access aisle width of 21.5 feet. If the Library were to move to the 45 degree parking, we would lose 9 parking spots for staff, which is just about one third of the parking spaces available to Library staff. In addition, moving from 90-degree parking to angled parking would require that the parking lot become one way traffic and/or require a turnaround. Also, staff parking in the spaces closest to the Race Street entrance would back out onto the Race Street sidewalk, which would be a new circumstance for pedestrians and staff alike.

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

**The Urbana Free Library Foundation purchased the lot and donated the lot to the Urbana Free Library for staff parking. The lot had been built and operated in this fashion for a long time before. We will be wanting to maximize the parking spaces in this lot without creating more impervious space. The tree removal is necessary because the tree is dying.**

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

**The parking lot is existing and the variance requested will not alter the essential character to the neighborhood.**

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

**This reduction in the parking lot width/module width will not be a nuisance because we are aware of no accidents or injuries due it it being too narrow.**

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

**All other zoning design requirements will be met for the parking lot repaving project.**

***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.

Celeste B. Choate

Applicant's Signature

2/11/2020

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