



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: December 1, 2005

SUBJECT:

ZBA 05-MAJ-06: A Major Variance to encroach 8 feet into the required 15 foot front yard setback on Main Street in the B-3U, General Business-University zoning district

ZBA 05-MAJ-07: A Major Variance to encroach 10 feet into the required 15 foot front yard setback on Harvey Street in the B-3U, General Business-University zoning district.

Introduction

The case is a request for two major variances filed by Howard Wakeland. The requested variances are to allow front yard setback encroachments on properties owned by Mr. Wakeland at the north east corner of Harvey and Main Streets. The subject properties are located in the B-3U General Business University zoning district which has a front yard setback requirement of fifteen feet. Because the property is on a corner, there are two front yards, each with the same fifteen foot front yard requirement. The first request is to encroach 8 feet (53%) into the required setback on Main Street frontage and the second is to encroach 10 feet (66%) into the required setback on Harvey Street.

Mr. Wakeland proposes to construct two new identical apartment building on his properties at 1010, 1012, 1014 and 1016 West Main Street in two phases over the next two years. The requested variances are only for the first building to be built in Phase One on 1016 and (roughly) the west half of 1014. The second building would be built in the second phase on the remainder of 1014 and 1010 W. Main Street. For the second building to be identical to the first, another 8 foot (53%) front yard setback variance would be necessary at a later date for 1010 and 1012 West Main.

On November 16, 2005 the Urbana Zoning Board of Appeals voted 3-1 to recommend approval of the Major Variances to the City Council.

Description of the Site

The site is located on the northeast corner of the intersection of Harvey and Main Streets. (see attached maps). The site is in the University of Illinois Engineering Campus neighborhood. The area has a mix of uses but other than those directly affiliated with the University the area is dominated by student occupied apartment buildings and rooming houses.

Discussion

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 multi-family 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. The combination of these trends has also threatened single-family residential neighborhoods to the east of Lincoln Avenue.

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 alleviate 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.

Urbana Comprehensive Plan - Future Land Use Classification – Campus Mixed-Use

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”

Petitioner Perspective

The petitioner believes that in order to maximize investment in this area of high priced land it is necessary to maximize the number of living units provided. Most of the property in the area is zoned for higher densities as B-3U, General Business-University, and R-5 Medium High Density Multiple Family Residential. However parking requirements are the limiting design factor for building multifamily housing in Urbana. The petitioners states that the variance is necessary to make to most efficient use of all available space on each lot. The petitioners say the proposed variance will allow for approximately 6-8 additional parking spaces.

At this time the design of the project is incomplete. For that reason some zoning issues are not fully resolved. The project will have to meet the parking and the open space ratio (OSR) requirements. These aspects of the project will need to be further refined by the architect.

Staff Perspective

Staff sees a logical justification for the requested variances. The surrounding area has high density building coverage either in large University structures or apartment buildings. Both the subject site and many surrounding it are highly valued for their proximity to the university engineering campus. The single most obvious land use for this area is multifamily apartments for students. If the City is to achieve it’s goals of higher density in the area, and provide student housing to alleviate some of the pressure for higher density development east of Lincoln Avenue than the development proposed is logically appropriate and not unreasonable. The developer wishes to construct a building at the scale and setbacks envisioned by the comprehensive plan and necessitated by the economics of parking and open space requirements.

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 November 16, 2005 meeting the ZBA voted to recommend approval based upon the following findings of fact for each variance decision criteria:

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

This project will include one building constructed in two phases and fronting on two public streets. The City’s comprehensive plan calls for allowing allow this area to increase in density, in part to help protect multi-family encroachment on single-family residential neighborhoods. The comprehensive plan also calls for buildings in this area to be located close to the street. The applicant states that the project

cannot work while meeting the setback requirements on two street frontages, and what he is requesting conforms to our comprehensive plan goals for this area.

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 that the corner lot has the usable land reduced by the requirement for two 15 foot front yard setbacks.

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

The petitioner has not created the situation or conditions making this variance necessary.

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

The requested decrease of the front yard setbacks will not detract from the essential character of the neighborhood. The neighborhood is one of urban high density development with large buildings constructed on multiple lots.

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

The variances will not cause a nuisance to adjacent properties. The property faces a parking lot across Harvey Street to the west and apartment buildings across Main Street to the south. The building would back onto a public alley to the north with apartments on the other side.

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 variance necessary to achieve the goal of high density in the area as called for in the Comprehensive Plan.

**Options for #ZBA-05-MAJ-6
(Main Street Front Yard Setback Encroachment of 8 feet = 34%)**

The City Council has the following options in 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 presented herein, they should articulate these additional 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 this denial.

Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 3-1 to forward the variance request in Case # 05-MAJ-06 to the Urbana City Council with a **recommendation for approval** to allow a 8 foot encroachment into the required 15 foot front yard setback on Main Street in the B-3U, General Business-University zoning district with the following conditions:

1. **That with respect to front yard setback the development on the site must generally conform to the site plan submitted with the application.**
2. **The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking requirements.**

Options for #ZBA-05-MAJ-7

(Harvey Street Front Yard Setback Encroachment of 10 feet = 67%)

The City Council has the following options in 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 presented herein, they should articulate these additional 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 this denial.

Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 3-1 to forward the variance request in Case # 05-MAJ-07 to the Urbana City Council with a **recommendation for approval** to allow a 10 foot encroachment into the required 15 foot front yard setback on Harvey Street in the B-3U, General Business-University zoning district with the following conditions:

1. **That with respect to front yard setback the development on the site must generally conform to the site plan submitted with the application.**
2. **The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking requirements.**

Attachments:

Draft Ordinance Approving a Major Variance Case # 05-MAJ-06
Draft Ordinance Approving a Major Variance Case # 05-MAJ-07
Draft Minutes of November 16, 2005 Zoning Board of Appeals Hearing
Exhibit C: Aerial Photo With Existing Land use Map
Exhibit D: Future Land Use Map
Exhibit F: Site Plans
Exhibit G: Petition for Variance

Prepared by:

Paul Lindahl, Planner I

cc: Howard Wakeland
 1811A Amber Lane
 Urbana, IL 61802

H:\Planning Division\001-ALL CASES(and archive in progress)\03 - ZBA Cases\2005\ZBA-05-MAJ-06, and -07, 1014-1016 W Main, Wakeland\05-MAJ-06 -07 Main Wakeland CC memo vFINAL.doc

ORDINANCE NO. 2005-12-174

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow an 8 foot (53%) Encroachment into the Required 15 Foot Front Yard Setback, in the B-3U, General Business - University Zoning District - 1016 and 1014 W. Main Street / Case No. ZBA-05-MAJ-6)

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, Howard Wakeland, has submitted a petition requesting a major variance to allow an 8 foot (53%) encroachment into the required 15' foot front yard setback at 1016 and 1014 W. Main Street in the B-3U, General Business - University Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-05-MAJ-6; 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 November 16, 2005 and voted 3 ayes and 1 nays to recommend to the City Council approval of the requested variance with the conditions 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 has considered the variance criteria established in the Urbana Zoning Ordinance and has determined the following findings:

1. The special circumstances in carrying out the strict application of the ordinance is that this project will include one building constructed in two phases and fronting on two public streets. The City's comprehensive plan calls for allowing this area to increase in density, in part to help protect multi-family encroachment on single-family residential neighborhoods. The comprehensive plan also calls for buildings in this area to be located close to the street. The applicant states that the project cannot work while meeting the setback requirements on two street frontages, and what he is requesting conforms to our comprehensive plan goals for this area.

2. The proposed variance will not serve as a special privilege because the special circumstances relating to the land in this instance is that the corner lot has the usable land reduced by the requirement for two 15 foot front yard setbacks.

3. The petitioner has not created the situation or conditions making the variance necessary.

4. The requested decrease of the front yard setbacks will not detract from the essential character of the neighborhood. The neighborhood is one of urban high density development with large buildings constructed on multiple lots.

5. The variances will not cause a nuisance to adjacent properties. The property faces a parking lot across Harvey Street to the west and apartment buildings across Main Street to the south. The building would back onto a public alley to the north with apartments on the other side.

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 variance necessary to achieve the goal of high density in the area as called for in the Comprehensive Plan.

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

The major variance request by Howard Wakeland, in Case #ZBA-05-MAJ-6, is hereby approved to allow an 8 foot (53%) encroachment into the required 15' foot front yard setback at 1016 and 1014 W. Main Street in the B-3U, General Business - University Zoning District, in the manner proposed in the application, with the following conditions:

1. That with respect to front yard setback the development on the site must generally conform to the site plan submitted with the application.
2. The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking requirements.

The major variance described above shall only apply to the property located at 1016 and 1014 W. Main Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 7 and the western 30 feet of Lot 8 of Houser's Heirs Subdivision Addition to the City of Urbana in Champaign County, Illinois.

PERMANENT PARCEL #s: 91-21-07-481-007, -008, -009

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 _____, 2005.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt - Prussing, 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 _____, 2005, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled:

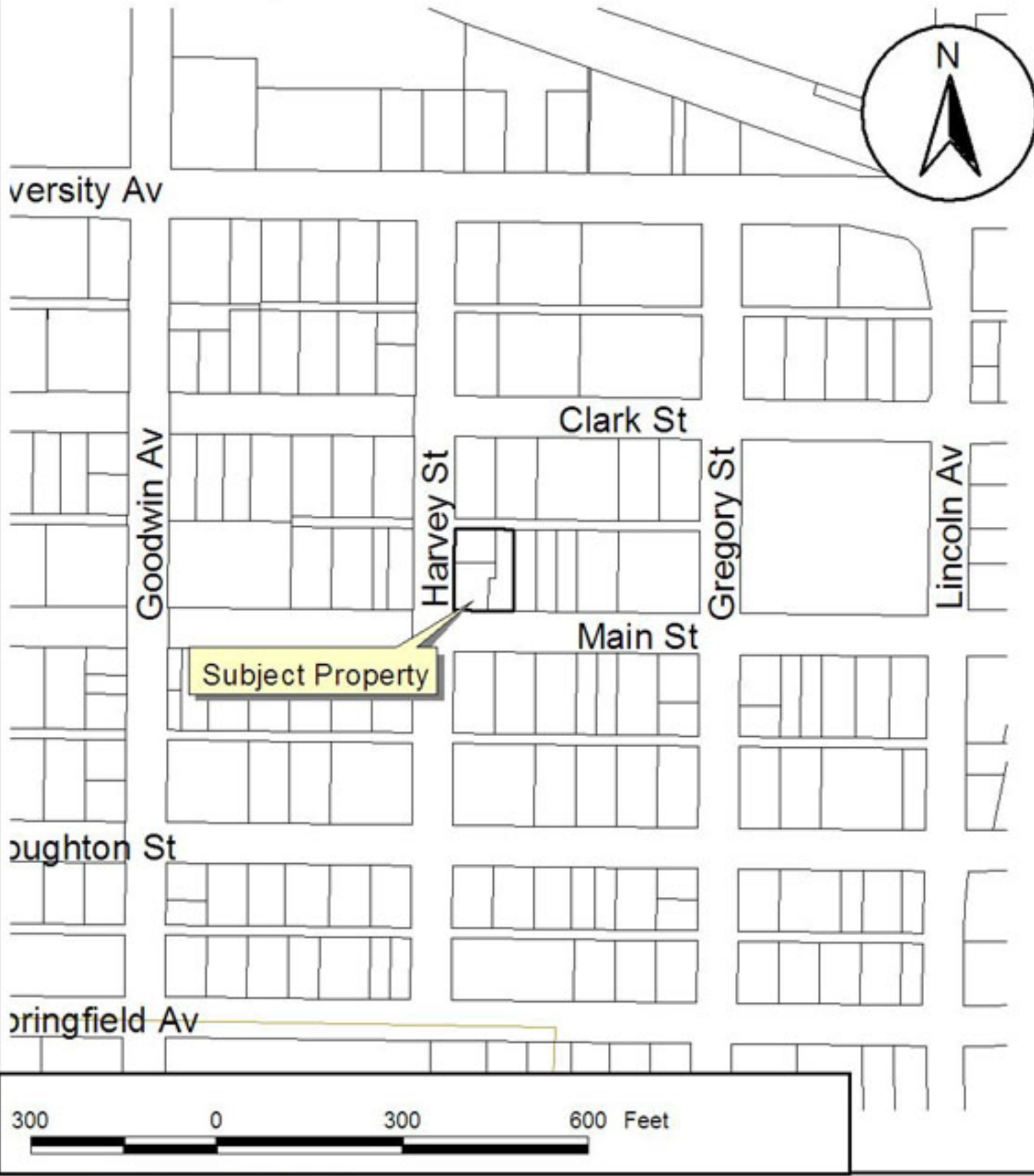
AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow an 8 foot (53%) Encroachment into the Required 15 Foot Front Yard Setback, in the B-3U, General Business - University Zoning District - 1016 and 1014 W. Main Street / Case No. ZBA-05-MAJ-6)

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 _____, 2005, 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.

Location Map

Exhibit "A"



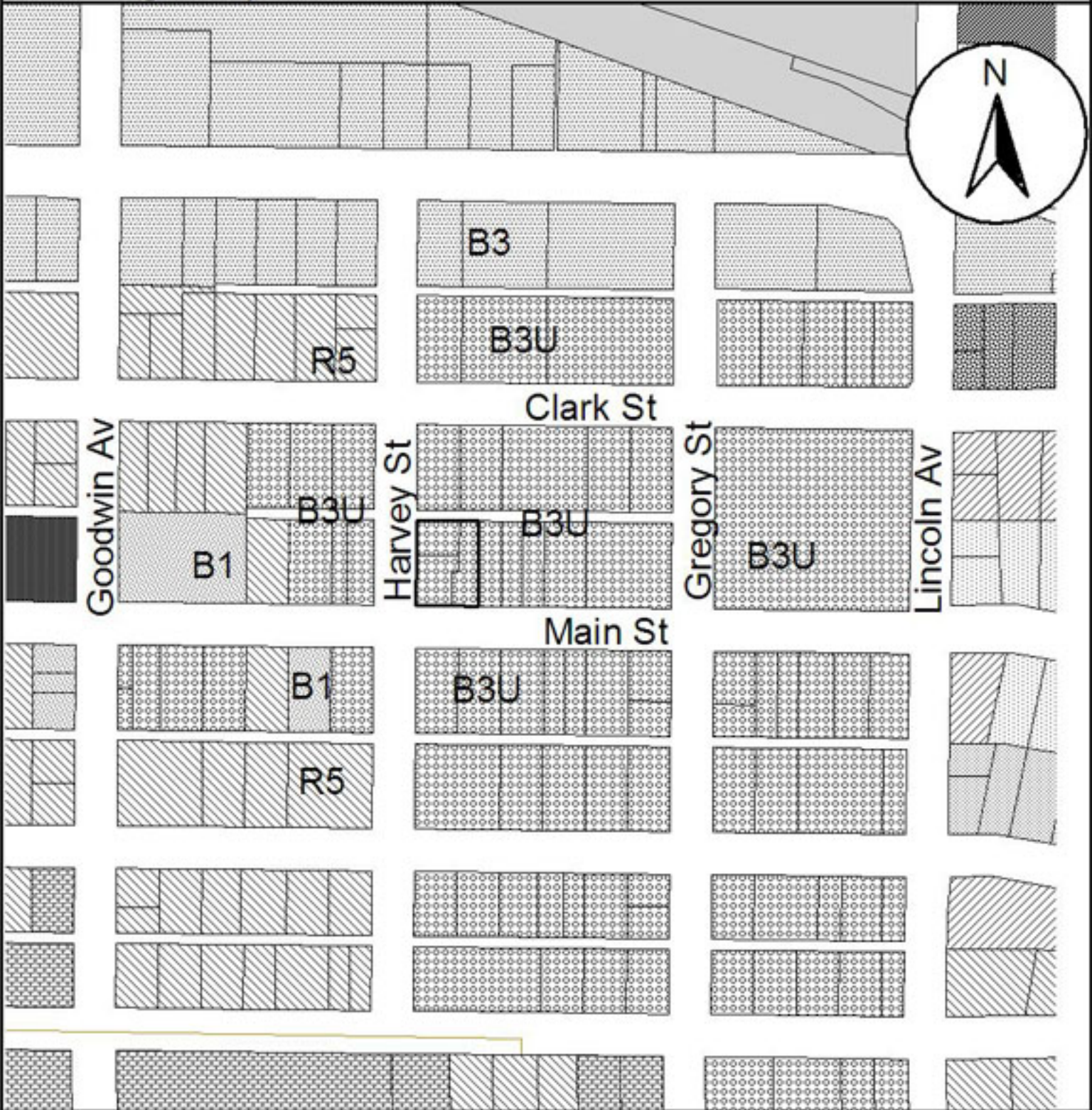
ZBA Case: 05-MAJ-06, and -07
Petitioner: Howard Wakeland
Location: 1014-1016 W. Main Street
Zoning: B-3U - General Business - University

Description:
ZBA-05-MAJ-06: 8 foot encroachment into 15 ft required front yard on Main Street
ZBA-05-MAJ-07: 10 foot encroachment into 15 ft required front yard on Harvey Street

Prepared 11/1/05 by Community Development Services - pal

Zoning Map

Exhibit "B"



0 200 400 600 800 Feet



ZBA Case: 05-MAJ-06, and -07
 Petitioner: Howard Wakeland
 Location: 1014-1016 W. Main Street
 Zoning: B-3U - General Business - University

Description:
 ZBA-05-MAJ-06: 8 foot encroachment into 15 ft required front yard on Main Street
 ZBA-05-MAJ-07: 10 foot encroachment into 15 ft required front yard on Harvey Street

Prepared 11/1/05 by Community Development Services - pal

B3 - General Business
 B3U - General Business - University
 B1 - Neighborhood Business
 R1 - Single Family
 R2 - Single Family

R5 - Medium High Density Multiple-Family



ZBA Case: 05-MAJ-06, and -07
Petitioner: Howard Wakeland
Location: 1014-1016 W. Main Street
Zoning: B-3U - General Business - University

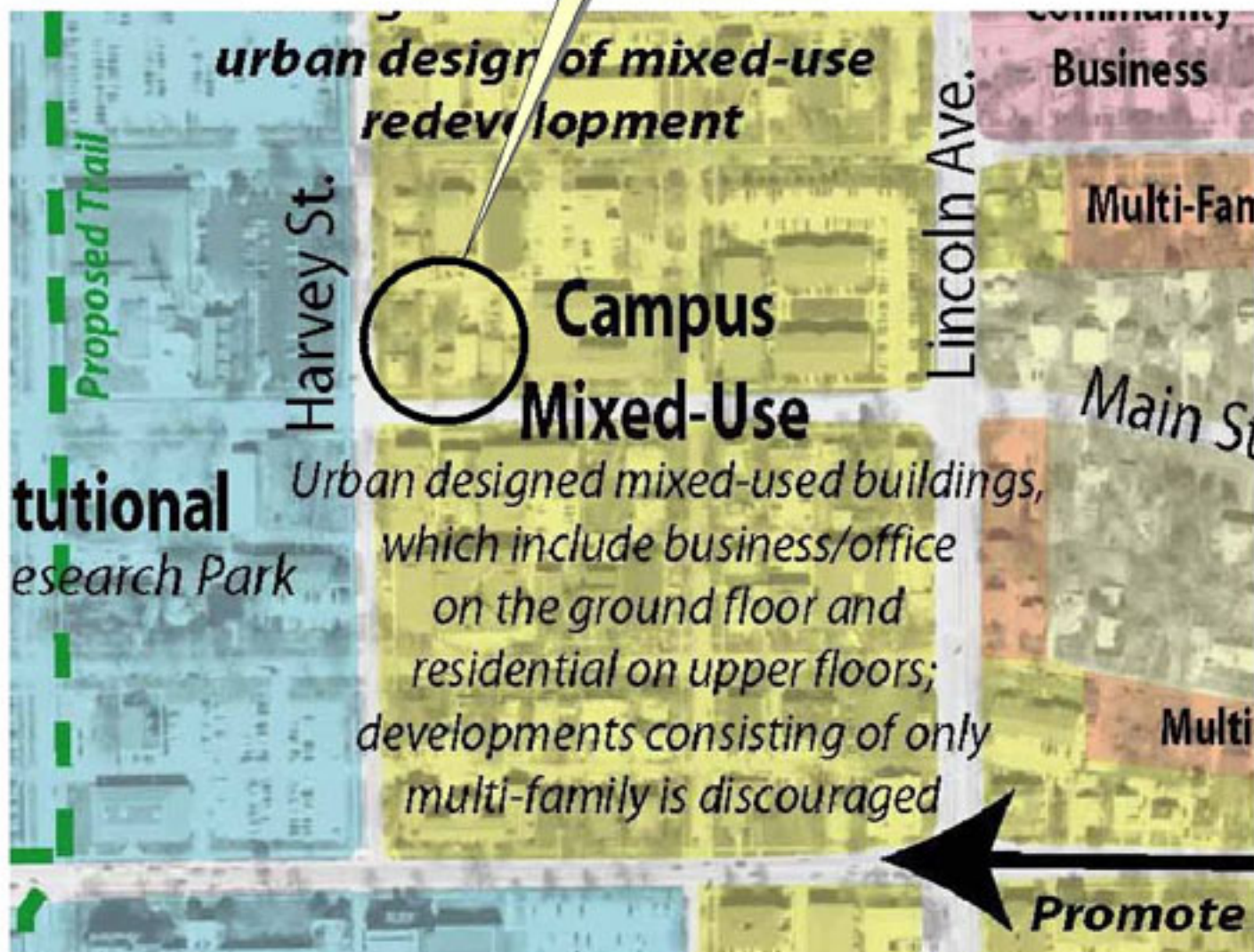
Description:
ZBA-05-MAJ-06: 8 foot encroachment into 15 ft required front yard on Main Street
ZBA-05-MAJ-07: 10 foot encroachment into 15 ft required front yard on Harvey Street

Prepared 11/1/05 by Community Development Services - pal

APT - Apartment
COM - Commercial
INST-Institutional
PKG - Parking



Subject Site



ZBA Case: 05-MAJ-06, and -07
 Petitioner: Howard Wakeland
 Location: 1014-1016 W. Main Street
 Zoning: B-3U - General Business - University

Description:
 ZBA-05-MAJ-06: 8 foot encroachment into 15 ft required front yard on Main Street
 ZBA-05-MAJ-07: 10 foot encroachment into 15 ft required front yard on Harvey Street

Prepared 11/1/05 by Community Development Services - pal

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

DATE: November 16, 2005
TIME: 7:30 p.m.
PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

DRAFT

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Nancy Uchtmann

MEMBERS ABSENT Anna Merritt, Charles Warmbrunn, Harvey Welch

STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner I; Matt Wempe, Planner I; Teri Andel, Secretary

OTHERS PRESENT: Tom Harrington, Bruce Krueger, Howard Wakeland

ZBA 05-MAJ-06 – A Major Variance to encroach 8 feet into the required 15-foot front-yard setback on Main Street in the B-3U, General Business-University Zoning District.

ZBA 05-MAJ-07 – A Major Variance to encroach 10 feet into the required 15-foot front-yard setback on Harvey Street in the B-3U, General Business-University Zoning District.

Paul Lindahl, Planner I, presented these two cases together to the Zoning Board of Appeals. He began by explaining the purpose for the two requested major variances. He described the proposed site and the properties in the surrounding area. He talked about the B-3U, General Business—University Zoning District and the Urbana Comprehensive Plan’s Future Land Use classification of Campus Mixed-Use. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to the two cases. He read the options of the Zoning Board of Appeals in both cases. He presented staff’s recommendations for each variance request, which were as follows:

ZBA-05-MAJ-06:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the variance to the Urbana City Council for Case #ZBA-05-MAJ-6 with the following conditions:

1. *That with respect to front yard setback the development on the site must generally conform to the site plan submitted with the application.*
2. *The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.*

ZBA-05-MAJ-07:

Based on the findings outlined in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Urbana Zoning Board of Appeals recommend approval of the variance to the Urbana City Council for Case #ZBA-05-MAJ-7 with the following conditions:

1. *That with respect to front yard setback the development on the site must generally conform to the site plan submitted with the application.*
2. *The project shall conform to all other applicable Zoning and Building Code regulations including Open Space Ratios and parking module dimensions.*

Ms. Uchtmann asked what the setback of the apartment building directly to the south along the Harvey Street side and along the West Main Street side. Mr. Lindahl answered by saying that the setback appeared to be 15 feet along both streets.

Ms. Uchtmann inquired as to what the setback was for the apartment building at the corner of Main Street and Gregory Street. Mr. Lindahl explained that staff did not actually measure the setbacks of these other apartment buildings. However, staff believes that the apartment buildings were constructed at the required setback of 15 feet.

Mr. Corten inquired about the design on Exhibit F. Mr. Lindahl explained that Exhibit F shows the ground level. Most of the area is taken up with parking. However, there would be two apartment units built on the ground level as well. These two apartments would conform to the American Disabilities Act requirements for handicap accessibility.

Mr. Corten asked what Unit 1 would be. Another apartment? Storage? Mr. Lindahl stated that the petitioner would have to answer this question. He was not sure whether this space would be empty or not.

Mr. Corten questioned if the rest of the building would be on top of the ground level. It would all be apartments? Mr. Lindahl said that was correct. Mr. Myers pointed out that the dotted line going around the parking area and the two proposed units indicated the envelope of the building above the parking level.

Howard Wakeland, petitioner, addressed the Zoning Board of Appeals to answer any questions that they may have.

Mr. Corten asked if Mr. Wakeland intended to use Unit 1 as a storage area. Mr. Wakeland stated that the area labelled "Unit 1" on Exhibit F had not been designated as anything yet. It could be

used as a storage space or as an additional apartment unit. It will not be built in the first phase. He pointed out that the mechanical room would be located in the basement under the first/ground level apartments.

Mr. Schoonover assumed the reason for not moving the proposed building back further from Harvey Street in Phase 1 towards the proposed building in Phase II was due to the amount of space it would take to maneuver a vehicle in the proposed parking lot. Since Unit 1 was not planned to be anything, why not move the proposed building back further away from the street? Mr. Wakeland said that the controlling measurement was parking. The parking figuration requires them to need a variance for the setback along Harvey Street.

Mr. Myers asked Mr. Wakeland to explain to the Zoning Board of Appeals why he was requesting a major variance to build one-bedroom apartments. Mr. Wakeland believed that a person who builds a unit of one-bedroom apartments is at a disadvantage when it comes to considering the parking requirements. Regardless of whether you build a one-bedroom apartment complex or a two-bedroom apartment complex, the City requires only one parking space for either. If he wanted to maximize his profits and the City's tax base, then he would be smart to build two-bedroom units. However, there were some things that he did not like about two-bedroom apartments, and there was a very good market for one bedroom apartments. Maintenance in one-bedroom apartment complex is much lower. There is less partying and alcohol, etc. Mr. Myers mentioned that the Planning Division was working on changing the zoning standard for the parking, so it would no longer be based on the size of the bedroom. It soon will be based on the number of bedrooms in a unit.

Mr. Corten inquired if the units would be rentals. Mr. Wakeland replied yes. Mr. Corten questioned how much the rent would be. Mr. Wakeland noted that his company operates a little differently than other rental companies. They believe that every apartment should have its own laundry area. Wakeland Rentals has their own computer network among all of their buildings. They also provide cable television and fully furnished apartments. With these amenities, two bedroom apartments rent for \$1,000 per month, and one-bedroom apartments rent for \$690 to \$760 per month. He noted that they have been fully rented since 1968.

Mr. Corten asked if the tenants pay their own utilities. Mr. Wakeland replied yes. The cost of the utilities depends on the tenant and how often they use electricity and water, etc.

Mr. Wakeland went on to explain that there were six houses from the corner to where Phase II would end. Only one of the six houses was worth keeping. The other five needed to be demolished. Three of the six houses are still there and will be demolished next year.

He mentioned that the company is family owned and run. His son is a master builder. They do not want the company to get too large. This is the reason why they are planning to build this in two phases.

Mr. Corten asked if the demand was great for one-bedroom apartment units. Mr. Wakeland said yes. He noted that they keep security under control. Someone is in their apartment buildings everyday. The location of the proposed new apartment building is ideal. It is close to campus.

If they were not right across the street from campus, he would not be planning to build the proposed apartment building. He also pointed out that the proposed new apartment building would increase the taxes about ten-fold from what the City had been getting on these lots.

Mr. Corten asked staff if Mr. Wakeland would have to come back to the Zoning Board of Appeals with a design that is more complete. Mr. Wakeland mentioned that he had submitted final plans and was in the process of working with the City's Engineering Division and with the Building Inspector. Mr. Lindahl added that the final plans would be reviewed for all the different zoning compliance factors, building safety factors, and engineering factors.

Mr. Corten asked what the Zoning Board of Appeals was to be considering at this meeting. Mr. Lindahl said that the Zoning Board of Appeals was to decide whether or not the proposed apartment building should be allowed to encroach into the front-yard setbacks on Harvey Street and Main Street at 1014 and 1016. These two major variances were not for any part of the building that would encroach into the front-yard setback in Phase II. Mr. Wakeland would need to get another setback variance for that.

Ms. Uchtmann inquired if there would be any underground parking. Mr. Wakeland said no, because the cost is too expensive.

Ms. Uchtmann asked if Mr. Wakeland planned to have the building encroach into the front-yard setback in Phase II as well. Mr. Wakeland replied yes. He should have requested the variance request for the setback encroachment for Phase II be included in with the proposed setback variance request, but he did not think to do so.

Ms. Uchtmann questioned what Mr. Wakeland would propose to build if he did not get approval of the major variance requests. Mr. Wakeland responded by saying that was a good question. He almost had a University of Illinois (U of I) commitment to lease a building on the proposed site, but the U of I backed out at the last minute. Therefore, he would probably consider building up higher, which would add a great expense. Ms. Uchtmann remarked that in order to get the same number of apartments, Mr. Wakeland would only need to build one additional story.

Mr. Wakeland went on to say that the limiting criterion was parking. That was what they were talking about earlier.

Mr. Armstrong inquired if the parking along Harvey Street would be partially screened from view. Mr. Wakeland said that they would be using the same technique as they did at 204 Harvey and 203 Gregory. The City of Urbana has always seemed to be pleased with it. It will look nice.

Ms. Uchtmann asked for clarification on how it would be considered a penalty to require a parking space for each one bedroom apartment. Mr. Lindahl explained that the City's parking requirements were currently based upon the size of the bedroom(s). Bedrooms that are 120 square feet in area or less require ½ of a parking space for each bedroom. Therefore, an apartment with two small bedrooms would require one parking space. For a one bedroom apartment, there was basically a minimum of one parking space per dwelling unit. Two bedroom apartments lease for more money. As a result, many investors do not want to invest in the cost

of a single parking space of a one bedroom unit, when they could get 40% more money for a two bedroom apartment with the same parking requirement.

Mr. Corten questioned whether an amendment to the parking requirement would affect Mr. Wakeland during Phase II. Mr. Wempe mentioned that he was working on the Zoning Ordinance update. An amendment would not necessarily change, because it would assume the ratio of ½ parking space per bedroom. Single bedroom and efficiency apartment buildings would still be required to provide one bedroom per unit. It would affect the developers and property owners of two-bedroom apartments by freeing them to provide larger sized bedrooms without the penalty of having to provide more parking spaces.

Bruce Krueger, of 806 West California Avenue, stated that he owns a rental apartment building on the south side of Main Street, just east of Harvey Street. His property is zoned B-1, Neighborhood Business Zoning District. The proposed site owned by Mr. Wakeland is zoned as B-3U, General Business—University Zoning District. Development consisting of only multi-family housing is discouraged in the B-3U. He mentioned that the development on Gregory Street, between Oregon and Nevada Streets that had been approved for a variance to their setback was a multi-use building. It has businesses on the first floor and residential use above. Everything else on the block has 15 feet setbacks.

Mr. Krueger believed that the only reason for Mr. Wakeland's variance request is to be able to increase his profits and provide more taxes for the City of Urbana. He did not believe that it had anything to do with meeting the parking requirements. He felt that if Mr. Wakeland would offer to have businesses on the first floor, then it would be okay to approve the variance request.

Mr. Corten asked if Mr. Krueger was in opposition of the proposed variance request. Mr. Krueger answered by saying that he basically objected the whole proposal; however, he did have some ambivalence towards it. It seems special treatment to get a free pass on the variance when there was no benefit other than enhance taxes for the City of Urbana and profit for Mr. Wakeland.

Mr. Corten commented that in one sense it appeared to be a win-win case except that the variances are now different, and other property owners did not get these when developing previous properties in the area. Mr. Krueger said that was correct. If this is the case, then why are the ordinances in place? Why not change them for everyone? Mr. Schoonover stated that most property owners and developers probably did not realize that there was an ordinance. They might have been able to develop bigger had they chosen to ask for variances. However, some variances are denied because of the location, reason, etc. Not all variances are approved.

Mr. Armstrong pointed out that the Zoning Board of Appeals could not address issues of the past. They could only discuss and vote on whether or not to approve the proposed variance request. So, to clarify, he understood that Mr. Krueger's objection to the proposed variance request was based upon principal. It was not that this development would pose an encumbrance on him or his property. Mr. Krueger stated that this was true. It also might set a precedent as well for other property owners and developers to ask for variances to the setback requirements.

Ms. Uchtmann felt that approving this case would set a precedent for the area. When you look at an area that has a smaller setback, it has a completely different feel and a different appearance. She believes that it is a less desirable appearance and makes the whole campus a little less desirable looking. A five-foot, seven-foot or eight-foot setback is very small from the sidewalk. It really pushes the building so close to the sidewalk that there is very little green space, and people would be essentially living on the sidewalk. Mr. Corten commented that the University of Illinois is buying up these properties at a considerable rate. The U of I will construct buildings right out to the sidewalk. Mr. Krueger noted that his understanding was that the U of I only intended to buy up to Harvey Street.

Mr. Armstrong stated that they could not speculate on the U of I's intentions. He went on to say that regarding the issue of setbacks in this particular district, he believed that this district was undergoing a great deal of urbanization. He believed the setbacks would be under greater scrutiny in the future. We can already see it happen with other properties that are adjacent to the campus, such as the old Stratford Court area. The new development there has been built right directly against the street. He thought this kind of strategy was more urban in a conscious way. The strategy was to push the building close to the street edge to define the street edge.

Mr. Corten commented that setback is very important in a residential neighborhood area, but he saw this as being different.

Mr. Myers reiterated the criteria that the Zoning Board of Appeals must use to make a decision.

Mr. Schoonover moved that the Zoning Board of Appeals forward a recommendation for approval to the City Council on ZBA Case No. 05-MAJ-06. Mr. Corten seconded the motion. Roll call was as follows:

Mr. Schoonover	-	Yes	Ms. Uchtmann	-	Nay
Mr. Armstrong	-	Yes	Mr. Corten	-	Yes

The motion to approve ZBA Case No. 05-MAJ-06 was approved by a 3-1 vote.

Mr. Corten moved to that the Zoning Board of Appeals forward a recommendation for approval to the City Council on ZBA Case No. 05-MAJ-07. Mr. Schoonover seconded the motion. Roll call was as follows:

Ms. Uchtmann	-	Nay	Mr. Armstrong	-	Yes
Mr. Corten	-	Yes	Mr. Schoonover	-	Yes

The motion to approve ZBA Case No. 05-MAJ-07 was approved by a 3-1 vote.