



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: March 30, 2006

SUBJECT: **ZBA Case # 2006-MAJ-01:** 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

Introduction

This case is a request by Howard Wakeland for a major variance to allow a front yard setback encroachment for properties he owns near the northeast corner of Harvey and Main Streets. The subject properties are zoned B-3U, General Business University, which requires a front yard setback of fifteen feet. The request is to encroach eight feet (53%) into the required setback at 1010, 1012, and 1012 ½ W. Main Street to allow construction of the second phase of a three story apartment building which will contain 57-units when finished.

Background

In 2005 Mr. Wakeland applied to the City and received approval for two Major Variances as part of the project to construct an apartment building on Harvey and Main Streets in Urbana. The original proposal called for a single apartment building to be built in two phases. For financial reasons the two phases were to be built in succeeding years. Each phase envisioned a three story structure connecting to the other phase along the south facing Main Street façade. These structures would essentially be mirror images of each other. Phase One is to be the construction of the west half of the project on 1016 and (roughly) the west half of 1014 W. Main Street. Phase Two is to be the construction of the east half of the project on 1010, 1012, and 1012 ½ W. Main Street. A variance for the second phase is what is being considered in this application.

Because of an oversight by the petitioner in filling out the application, the Major Variance requests presented in 2005 for encroachment into the front yard setbacks on Harvey and Main Streets were limited specifically to the properties at 1014 and 1016 West Main Street (phase one of the project). The Urbana City Council approved the front yard setback variances on Harvey and Main Streets for only those properties. Front yard setback variances were not granted for the properties where the second phase would be built: 1010, 1012, and 1012 ½ W. Main Street.

The applicant states that he cannot risk constructing the first phase without knowing whether or not his second phase can proceed with the same setback. The new Major Variance request in ZBA Case #2006-MAJ-01 would apply specifically to the properties at 1010, 1012, and 1012 ½ West Main Street. This new request is to allow for the same eight-foot encroachment into the required 15 foot front yard setback along Main Street granted for the adjoining property at 1014 and 1016 W. Main Street. If granted, the result will be that, when constructed, the building would have a continuous façade at the same setback on all the properties at 1010, 1012, 1012 ½, 1014, and 1016 W. Main Street.

On March 15, 2006 the Urbana Zoning Board of Appeals voted 6-0 to recommend approval of the Major Variance to the City Council. Mr. Paul Smith, a landowner for several adjacent and nearby apartment buildings stated he felt the changes to the area caused by the variance would affect his property more than any other and he was in favor of the project as proposed. The board voted to include an additional condition of the variance that would require street trees as recommended by the City Arborist. The condition is intended to offset any negative effects of reduced green space caused by a shallower front yard setback. Additional discussion touched upon the tax value of the subject property with houses prior to the project and what the value might be with the project completed.

Discussion

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 are 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 buildings 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 outcome 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 located nearby the subject property of this case.

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

The subject property has an Urbana Comprehensive Plan - Future Land Use designation of Campus Mixed-Use. The plan was adopted by City Council in April 2005 and created the 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”

The surrounding area has high density building coverage by 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 highest private land use demand for this area is multi-family apartments for students.

Petitioner’s Perspective

The petitioner states that the project cannot be constructed without the requested variance. The shallower setback will allow more space underneath the building which is needed to meet the parking requirements for the project. Most of the property in the area is zoned for higher densities as B-3U, General Business-University, or R-5, Medium High Density Multiple Family Residential. Parking requirements tend to be the limiting design factor for building multi-family housing in the Campus areas of Urbana. The petitioner says the proposed variance (combined with the previously granted variances) will allow for approximately 6-8 additional parking spaces. As noted above, the petitioner does not feel he can proceed with the first phase of the project without first obtaining the requested variance for the second phase. The petitioner does not want to construct a building with an uneven setback.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria as they pertain to this case and the criteria outlined in the ordinance:

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 includes one building constructed in two phases and fronting on two public streets. Variances for front yard setbacks have already been granted for the corner property at 1016 and 1014 W. Main Street. The applicant states that he had intended for the original 2005 variance application to apply to all the properties from 1010 to 1016 W. Main Street. However the addresses, parcel index numbers, legal descriptions, and accompanying map submitted with that application all pertained solely to the first phase properties of the project. The City’s comprehensive plan calls for this area to increase in density, in part to help keep multi-family development from encroaching on single-family residential neighborhoods close to the university campus. The comprehensive plan also suggests that buildings in this area may be located close to the street. The applicant states that the project cannot work without the same setback variance granted for the first phase and that his request conforms to the 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.

According to the petitioner, the special circumstances relating to the land is that the front yard building setback in Phase 2 of this project (this application) needs to conform to the setback in Phase 1 which was granted front yard setback variances for Harvey and Main Streets. Otherwise, the subject properties are standard rectangular lots with no inherent physical impediments for development.

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. The fact that the 2005 variance application did not specify the entire project area was unintended by the applicant.

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

The requested reduction of the front yard setbacks on this property would be consistent with the character of the neighborhood in some respects and inconsistent in other respects. The surrounding area includes urban high density development with large university buildings to the west, and apartment buildings constructed on multiple lots to the east. However, other nearby apartment buildings have been constructed with the required 15 foot setback. The green space provided by greater front yard setbacks provides some relief from the trend toward increasingly larger scale buildings in the area. The subject property could be seen as a transition between apartment buildings with required setbacks to the east and University buildings which tend to have higher densities and more paved area to the west. The proposed condition of the variance requiring street trees as recommended by the City Arborist is intended to offset any negative effects of reduced green space caused by a shallower front yard setback.

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

The variances will not cause a nuisance to adjacent properties. The first phase of the project will face a University parking lot across Harvey Street to the west, and both phases will face 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 states that he is requesting the minimum variance necessary to better meet his parking needs and make the project financially feasible. The requested variance of eight feet would match the front yard setback variance from Main Street granted for the first phase of this project.

Analysis

Aside from the specific variance criteria, staff has identified factors both for and against the requested variance. To summarize:

Pros

- The highest private land use demand for this area appears to be multi-family apartments for students. The variance would allow for a larger apartment building to be built on the site.
- The City of Urbana 2005 Comprehensive Plan encourages increased density in this area, including the potential for buildings to be set close to the street.
- The proposed apartment building would be generally consistent in character with other nearby apartment and University buildings.
- A larger apartment building permitted by the variance would have a higher taxable value than a smaller apartment building without the variance.
- The variance would allow for more parking in an area where parking is in demand.
- The variance would allow the petitioner to construct both phases of the project with a uniform reduced setback.
- The applicant has agreed to offset any negative effects of reduced green space caused by a shallower front yard setback by planting street trees.

Cons

- The property in question (1010, 1012, and 1012 ½ W. Main Street) is essentially one and one-half standard rectangular lots wide and one lot deep. (A total of 102 feet wide by 132 feet deep). Because of the standard rectangular configuration the property has no special distinction or characteristic relative to other parcels in the district.
- Other properties in the district have had buildings constructed on them in the past ten years which conform to the front yard setback requirement.
- While a variance has been granted for the Wakeland project on the adjoining lots to the west at 1014 and 1016 W. Main Street, that property (132 feet wide by 132 feet deep or two standard rectangular lots) is on the corner of two streets and would have otherwise had to accommodate *two* 15-foot front yard setbacks. The property in question at 1010, 1012, and 1012 ½ W. Main Street is not a corner lot.
- The green space provided by greater front yard setbacks provides some visual relief for multi-family and institutional buildings in the area. An area of possible green space / lawn would be lost to the building encroachment into the front yard. The loss would result in a more urban, and less residential environment for the residents.

Options

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 6-0 to forward the variance request in Case # 2006-MAJ-01 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 the front yard building setback, 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.**
3. **The developer shall participate in the City street tree planting program and shall plant trees in the City right-of-way on the Harvey Street and Main Street frontages of 1016, 1014, 1012 ½, 1012, and 1010 W. Main Street. The trees shall be selected from a list of species and sizes approved by the City Arborist.**

In addition to the conditions above, Staff further recommends the following:

4. **That the developer submits a landscape plan to show additional plantings and landscape materials to compensate for the loss of green space caused by a shallower setback. The landscape plan shall be subject to the review and approval of the City Arborist and Zoning Administrator.**

Attachments:

Draft Ordinance Approving a Major Variance Case # 2006-MAJ-01
Draft Minutes of March 15, 2006 Zoning Board of Appeals Hearing
Exhibit C: Aerial Photo with Existing Land Use
Exhibit D: Future Land Use Map
Exhibit E: Aerial Photo - Close Up
Exhibit F: Petition for Variance with Site Plan
Exhibit G: Diagram of setback variances requested and granted

Prepared by:

Paul Lindahl, Planner I

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

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ORDINANCE NO.2006-04-039

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 - 1010, 1012, and 1012 1/2 W. Main Street / Case No. ZBA-2006-MAJ-01)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider applications 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 1010, 1012, and 1012 1/2 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-2006-MAJ-01; 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 March 15, 2006 and voted 6 ayes and 0 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 includes one building constructed in two

phases and fronting on two public streets. Variances for front yard setbacks have already been granted for the corner property at 1016 and 1014 W. Main Street. The applicant states that he had intended for the first variance application to apply to all the properties from 1010 to 1016 W. Main Street. The City's comprehensive plan calls for this area to increase in density, in part to help keep multi-family development from encroaching on single-family residential neighborhoods close to the university campus. The comprehensive plan also suggests that buildings in this area may be located close to the street. The applicant states that the project cannot be constructed without the same setback variance granted for the first phase and that his request conforms to the comprehensive plan goals for this area.

2. According to the petitioner, the special circumstances relating to the land is that the front yard building setback in Phase 2 of this project (this application) needs to conform to the setback in Phase 1 which was granted front yard setback variances for Harvey and Main Streets. Otherwise, the subject properties are standard rectangular lots with no inherent physical impediments for development.

3. The petitioner has not created the situation or conditions making this variance necessary. The fact that the 2005 variance application did not specify the entire project area was unintended by the applicant.

4. The requested reduction of the front yard setbacks on this property would be consistent with the character of the neighborhood in some respects and inconsistent in other respects. The surrounding area includes urban high density development with large university buildings to the west, and apartment buildings constructed on multiple lots to the east. However, other nearby apartment buildings have been constructed with the required 15 foot setback. The green space provided by greater front yard setbacks provides some relief from the trend toward increasingly larger scale buildings in the area. The subject property could be seen as a transition between apartment buildings with required setbacks to the east and University buildings which tend to have higher densities and more paved area to the west. The proposed condition of the variance requiring street trees as recommended by the City Arborist is intended to offset any negative effects of reduced green space caused by a shallower front yard setback.

5. The variances will not cause a nuisance to adjacent properties. The first phase of the project will face a University parking lot across Harvey Street to the west, and both phases will face 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 states that he is requesting the minimum variance necessary to better meet his parking needs and make the project financially feasible. The requested variance of eight feet would match the front yard setback variance from Main Street granted for the first phase of this project.

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-2006-MAJ-01, is hereby approved to allow an 8 foot (53%) encroachment into the required 15-foot front yard setback at 1010, 1012, and 1012 1/2 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 the front yard setback, 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.
3. The developer shall participate in the City street tree planting program and shall plant trees in the City right-of-way on the Harvey Street and Main Street frontages of 1016, 1014, 1012 ½, 1012, and 1010 W. Main Street. The trees shall be selected from a list of species and sizes approved by the City arborist.
4. That the developer submits a landscape plan to show additional plantings and landscape materials to compensate for the loss of green space caused by a shallower setback. The landscape plan shall be subject to the review and approval of the City Arborist and Zoning Administrator.

The major variance described above shall only apply to the property located at 1010, 1012, and 1012 1/2 W. Main Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 9 and the Eastern most 36 feet of Lot 8 of Houser's Heirs Subdivision Addition to the City of Urbana in Champaign County, Illinois.

PERMANENT PARCEL #s: 91-21-07-481-010, -011, -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 _____, 2006.

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 _____, 2006, 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 - 1010, 1012, and 1012 1/2 W. Main Street / Case No. ZBA-2006-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 _____, 2006, 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.

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

DATE: March 15, 2006

DRAFT

TIME: 7:30 p.m.

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

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

MEMBERS ABSENT Joe Schoonover

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

OTHERS PRESENT: Paul Smith, Howard Wakeland

NEW PUBLIC HEARINGS

ZBA-06-C-01: Request for a major variance by Howard Wakeland to encroach 8 feet into the required 15-foot front-yard setback at 1010, 1012, and 1012-1/2 West Main Street in the B-3U, General Business-University Zoning District.

Paul Lindahl, Planner I, presented the case to the Zoning Board of Appeals. He gave a brief background on the proposed development of the property located at 1010, 1012 and 1012-1/2 West Main Street. He identified factors both for and against the requested variance. He read the options of the Zoning Board of Appeals and presented staff's recommendation, which was as follows:

Based on the findings and information provided in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, ZBA-06-C-01 is presented to the Urbana Zoning Board of Appeals for consideration without a specific recommendation from City staff. If the Board chooses to forward this case to the City Council with a recommendation of approval, then staff recommended that the following conditions be included:

1. *That with respect to the front-yard building setbacks, 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 Ratio and parking module dimensions.*

Ms. Uchtmann inquired if there were any trees along the property that would be affected by the variance. Mr. Lindahl answered by saying that he did not believe there was any trees in the front yard. Ms. Uchtmann stated that her concern was that if there were any trees that would be removed or damaged, then she would like to see a promise from the petitioner that the trees would be replaced along the park way.

Mr. Corten asked if City staff was aware of any University of Illinois (U of I) interest in the area where the proposed property was located, especially since the campus had expanded close by. Mr. Lindahl replied that at this time the University's Master Plan for the area as well as an agreement that they have with the City of Urbana puts the boundary of their expansion area right at Harvey Street. The University's stated intent was not to expand east of Harvey Street.

Mr. Warmbrunn inquired if the variance was needed to get the required parking spots on the property. Mr. Lindahl responded by saying that in order to achieve the number of units that he needs to build and because of the required parking, between six or eight parking spaces will be permitted by having the front-yard setbacks reduced along Harvey Street and along Main Street. He added that there would be an additional six parking spaces that would be located in one of his adjoining properties. Mr. Myers pointed out that there was a strenuous amount of calculations going on as far as the parking and trying to get everything to work. The amount of parking required was based on a detailed analysis of bedroom size, the minimum requirements for parking spaces, and the number of bedrooms, etc.

Mr. Warmbrunn wondered if there was any reason why staff did not have a recommendation for or against the variance request. Mr. Lindahl stated that staff did not feel strong about the variance request. Staff had to look at this as three particular properties. It was not necessarily staff's job to evaluate the project as a whole. The project as a whole seems fine to City staff.

Mr. Warmbrunn stated that he was absent when the previous two variances were requested and approved for Phase 1 of the proposed development. He questioned why the City Council had an issue with these requests. Mr. Lindahl remarked that the current proposed request was not part of the two previous variance requests. Due to an oversight with the original application, the two previous variance setback requests were for the two western properties located at 1014 and 1016 West Main Street. The proposed variance setback should have gone through at the same time. He stated that he could not speak to the deliberations of the City Council. Some of the opposition had to do with the question of open space, and part of the opposition also had to do with a very strict interpretation of the letter of the Urbana Zoning Ordinance. Variance requests are there because every single case is special. Mr. Warmbrunn clarified that some of the City Council members in opposition changed their minds and voted in favor of approving the previous two variance requests. Mr. Lindahl replied that was correct.

March 15, 2006

Mr. Myers pointed out that throughout this entire process, there was a lot of good input and a lot of good information. Honestly, there were a lot of good arguments on both sides. City staff felt that it might be best for them to lay out all the arguments both for and against the proposed variance request and let the Zoning Board of Appeals and the City Council decide for themselves. If City staff had this to do all over again, they would have presented all three variance requests together.

Ms. Uchtmann asked if the City Council had approved or denied the previous variance requests. Mr. Lindahl explained that the City Council approved the two variances for the western properties. The proposed variance request for a reduction in the front-yard setback would complete the Main Street setback all the way down to the end of this property.

Mr. Corten wondered what difference in taxes the proposed development would make for the City of Urbana. Mr. Lindahl mentioned that there had been three very old houses on the proposed site which had been demolished. There was a small apartment building that had not yet been torn down. There were also still two very old houses located on 1012 and 1012-1/2 West Main Street. The City's tax base would be vastly improved by any new construction relative to the old houses.

Chair Merritt opened the public hearing up to hear public testimony.

Howard Wakeland, petitioner, answered some of the questions that the Zoning Board of Appeals had previously asked. He did not believe that there were any trees on the inside of the sidewalks. There were some trees in the parkway, which will be protected. It had been his policy in the past that anytime he has built an apartment building in the City of Urbana to work with the City Arborist.

Regarding taxes, Mr. Wakeland stated that the City will collect eight to nine times the amount of what he is currently paying for the proposed properties.

He handed out a copy of the Site Plan for the proposed development showing what the variance request is for. The red line indicates the area that the previous two variance requests, which were approved, were for.

He went on to say that he did not realize what he was up against when he asked for a variance request. He always intended on putting an apartment building on the proposed properties. He initiated the development process in February of 2005 thinking that they would have plenty of time to get approval on the development plans in order to begin building by August of 2005. He approached the City Building Inspector with preliminary plans in June of 2005. City staff talked to him about the possibility of rezoning the proposed properties to CCD, Campus Commercial Zoning District, which is more lenient regarding setbacks and parking requirements. The discussions held with City staff encouraged him to ask for variance requests for the reduction of the front-yard setbacks along Harvey and Main Streets.

The proposed development will likely cost about \$4,000,000. He would like to build the entire building with the same architectural style. If the proposed variance request is denied, then he

will need to come up with a different architectural style. Chair Merritt commented that in the interest of time and without meaning to interrupt Mr. Wakeland, most of the Zoning Board of Appeals members were present during the review of the two major variance requests for Phase 1 of the proposed development. Since they were only dealing with the proposed variance request for Phase 2, then perhaps the best thing for Mr. Wakeland to do would be to answer any questions that the Zoning Board of Appeals may have for him. If it turned out that the Board was getting back down to the basics of the proposed development, then it might make sense to start from square one.

Mr. Corten noticed that his current buildings were air-conditioned by one air-conditioner in each unit. Mr. Wakeland mentioned that in the proposed new apartment building, he planned to have two air conditioners per unit ... one in the bedroom and one in the main room.

Mr. Corten asked about the center area of each building. Mr. Wakeland responded by saying that the center area of each building would be open, and the roof over each area would have an air exchange. Windows could be open on the inner area.

Paul Smith, of 604 West Stoughton, commented that he owned five old houses that were demolished and built a new apartment building on them. Now, he pays the City \$44,000 in taxes each year. This apartment building is about the same type of project that Mr. Wakeland was planning on building.

He mentioned that he owns the lot at 1009 West Clark Street, which is located in the middle of some of Mr. Wakeland's properties. Mr. Smith also owns two properties across the street at 1010 and 1012 West Clark Street. Therefore, he figured that he would be affected by the proposed new development more so than anyone else. It would not affect his properties any. With the City wanting to have a greater density, approving variances for the reduction in setbacks is about the only way you can get it.

He commented that he went by the WILL Television Station. The station's building is 8-1/2 feet from the sidewalk. It looks alright. Therefore, he was in favor of the proposed variance request.

Mr. Corten inquired if Mr. Smith had 15-foot setbacks on his properties. Mr. Smith remarked that the City was not proposing greater density back then. Therefore, his properties have greater setbacks.

Chair Merritt closed the public portion of the hearing.

Ms. Uchtmann moved that the Zoning Board of Appeals forward a recommendation to the City Council for approval of the proposed variance request with the condition that the petitioner participate in a tree planting program, which includes consulting with the City Arborist to plant and nurture trees along the front of the proposed building along Harvey Street and Main Street to make it a more environmentally friendly and appealing setting and with the conditions recommended by City staff. Mr. Corten seconded the motion. Roll call was as follows:

Mr. Corten - Yes Ms. Merritt - Yes



March 15, 2006

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

The motion was passed by unanimous vote.

Mr. Wakeland commented that he had the impression and truly believed that the University of Illinois has committed to not cross Harvey Street. He felt that the prime reason why the U of I will not expand to the east of Harvey Street is because the property value will get too high priced for them. Before the U of I could buy old houses at cheap prices, but that was not the case now. He believed that the University of Illinois was able to acquire a lot of their land because the City of Urbana refused to rezone the land.



-  Project Area Boundary
-  Subject Properties

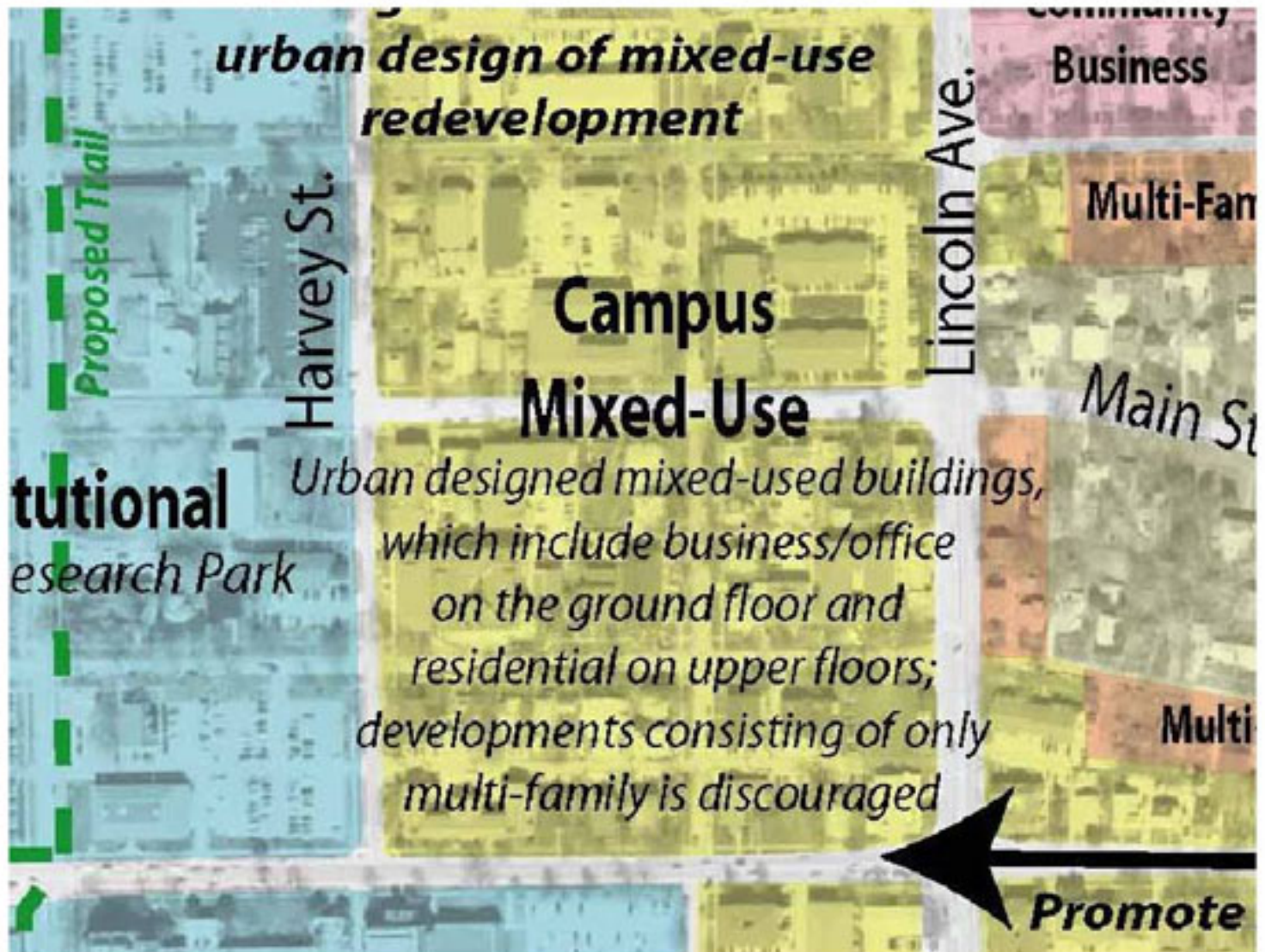


ZBA Case: 06-11 AJ-01
Petitioner: Howard Wakeland
Location: 1010-1012-1/2 W. Main Street
Zoning: B-3U - General Business - University
Description:
8 foot encroachment into 15 ft required front yard setback

Prepared 2/27/06 by Community Development Services - pal

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

Source: 2005 Comprehensive Plan Map #8 page 79.



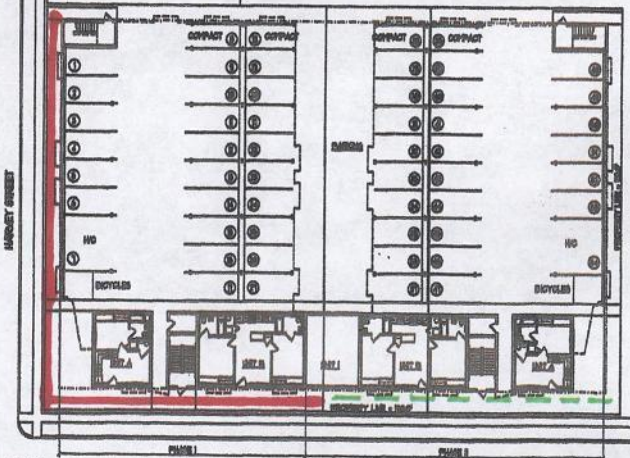
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A VARIANCE HAS ALREADY BEEN GRANTED FOR THE AREA SHOWN IN RED
 CONTINUATION OF THE VARIANCE IS REQUESTED (SHOWN IN GREEN) THUS
 ALLOWING A CONTINUOUS ARCHITECTURE



PROJECT #
 DATE: 200210
 10/10/02

ANDREW FELL
 ARCHITECTURE AND DESIGN

200 HARVEY STREET, SUITE 200
 CHICAGO, ILLINOIS 60606
 PHONE: 312-329-3300
 FAX: 312-329-3300

HARVEY STREET APARTMENTS

NEW CONSTRUCTION

HARVEY STREET
 URBANA, ILLINOIS 61801

4 SITE PLAN
 01 SCALE: 1" = 30'-0"

MAIN STREET