



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Paul Lindahl, Planner I

DATE: September 14, 2006

SUBJECT:

ZBA Case 2006-C-05 is a request by Fuad Handal for a Conditional Use Permit to allow the establishment of two principal use buildings on a single parcel of land in the IN, Industrial zoning district located at 1211 E. University Avenue.

Introduction

This case is a request by Fuad Handal for a Conditional Use Permit to allow the establishment of two principal uses on a single parcel of land he owns located at 1211 E. University Avenue. Urbana Zoning Ordinance Section V-3.C permits the Zoning Board of Appeals to allow the establishment of more than one principal use structure or building on a single parcel of land in any zoning district under Conditional Use Permit review procedures.

The parcel is approximately 236 feet wide by 298 feet deep and contains 1.6 acres. There are two existing structures located on the lot. The larger principal structure is located at the front of the lot and is rented to an auto collision repair shop. The second smaller auxiliary structure is located at the rear of the lot and is used for storage by Mr. Handal. The City has considered the smaller building to be an accessory storage building.

Mr. Handel proposes to upgrade the small building by installing water and sewer connections so that it can have a bathroom. He intends to continue to use it for his own storage and office purposes. In addition, with the upgrades the building will have increased potential as a rentable commercial property, and could potentially be subdivided into its own lot. This is therefore an opportune time to recognize the small building as a principal use structure requiring a certificate of occupancy.

Background

Surrounding Properties

The subject property is located on the University Avenue commercial corridor in east downtown Urbana. To the north are factory offices. To the east is the Illini FS gas station and garden store. To the south is the railway right-of-way and then vacant property fronting on east Main Street. To the west is a construction yard.

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

Direction	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	IN, Industrial	Commercial	Industrial
North	IN, Industrial	Industrial - offices	Industrial
East	IN, Industrial	Gas station / Garden Center	Community Business
South	IN, Industrial	Rail Right-of-way and Vacant	Light Industrial / Office
West	IN, Industrial	Construction yard	Industrial

Discussion

It is common to have more than one principal use in a single building such as a health club, a store, and a restaurant in a strip mall. No conditional use permit is required for that scenario. In addition, no conditional use permit would be necessary for strip mall stores to have their own storage building on the lot because the storage buildings would be subordinate to the stores. It is also common for there to be more than one building on a single lot (apartment complexes are an example). The question in this case is whether it is appropriate to have more than one principal use structure on this particular lot.

In the case of Mr. Handal’s property the smaller building that had been considered an accessory storage building is being improved to the degree that it should be considered a principal structure, separate in status from the larger building. The proposal will provide for a second principal use structure on the subject property that can house uses permitted in the IN, Industrial zoning district. The storage and office uses Mr. Handal proposes are permitted by right in the IN district.

City of Urbana 2005 Comprehensive Plan - Future Land Use designation

The Urbana Comprehensive Plan Future Land Use designation of the subject property and surrounding area is “Industrial”. Multiple structures on a single lot are typical in an industrial setting. The proposed use conforms to the Comprehensive Plan.

Zoning Ordinance - Development Regulations

FAR and OSR

According to Urbana Zoning Ordinance Table VI-3, the maximum Floor Area Ratio (FAR) for the IN district is 1.0, and there is no minimum Open Space Ratio (OSR). The property falls within these parameters.

Access

The subject lot has one access drive on University Avenue that can only be used by traffic headed east using a right-in-right out turning movement. There is also a parking lot cross connection between the

subject property and the Illini FS gas station to the east. There are no changes to access proposed. The City engineer has stated that a second access drive to the subject lot will not be allowed.

Sidewalk Connections

There is no pedestrian sidewalk on the south side of University Avenue in the vicinity. In the event the lot is ever subdivided the City engineering department will require that sidewalks be installed when their department determines it is necessary.

Required Yard Setbacks

In the IN zoning district the required front yard setback is twenty-five feet. Parking in the IN zoning district is permitted to encroach 10 feet into the front yard so long as a landscape buffer is maintained. The edge of the gravel parking area encroaches into the front yard about five feet. The remaining 20 feet of grass in the front yard serves the landscape buffer purpose. The large main building is set back about 60 feet front the front lot line. In the IN zoning district there are no required side and rear yard setbacks.

Screening and Landscape Buffers

The existing and proposed uses are generally compatible with the adjacent land uses. There is no requirement for screening.

Parking

The subject property has a very large gravel parking area that is not striped to delineate spaces. Urbana Zoning Ordinance Table VIII-7 states that for all industrial uses off-street parking must be provided at a rate of one space per 1,000 sq. ft. of building floor area. For most commercial land uses the most stringent parking requirement is one space per 250 sq. ft. of building floor area. The floor area of the larger structure is approximately 6,000 sq. ft. and the smaller is approximately 2,500 sq. ft. The gravel area available is ample for all foreseeable parking needs. The Zoning Administrator has determined that the installation of water and sewer at the smaller building and its change to second principal structure status would not trigger a need to pave the parking area.

Requirements for a Conditional Use Permit

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit shall demonstrate the following criteria:

- 1. That the proposed use is conducive to the public convenience at that location.*

The subject property is a relatively underutilized 1.6 acre site located on the important University Avenue corridor. The proposal will provide for a second principal use structure in a convenient location that can house uses permitted in the IN, Industrial zoning district.

- 2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The site is located in an industrial zoned area of large lots that are far from residential uses. Multiple structures on a single lot are typical in an industrial setting. The storage and office structure Mr. Handal proposes to upgrade already exists on the site and is compatible with the surrounding property uses. The proposed use will have no detrimental impact on the district or public welfare

- 3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-6.*

The storage and office uses Mr. Handal proposes for the building are permitted by right in the IN district. The second principal use building is compatible with the character of the area and other uses in the vicinity. Traffic access into and out of the property will remain unchanged. The site layout conforms to the requirements of the zoning district.

Consideration

According to Section XII-2, the Board of Zoning Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permits, and whether the proposed uses will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Board of Zoning Appeals may also impose such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require the screening of such use by means of fences walls or vegetation;
3. Stipulate a required minimum lot size;
4. Regulate vehicular access and volume;
5. Require conformance to health, safety, and sanitation requirements as necessary;
6. Increase the required yards;
7. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

Summary of Findings

1. The proposal will provide for a second principal use structure on the subject property to house uses permitted in the IN, Industrial zoning district.
2. The applicant will improve the existing structure and use it for storage and office space.
3. The City Engineer and Fire Department have reviewed and approved the site access provisions.
4. The development will meet all of the applicable requirements of the Urbana Zoning Ordinance. The buildings meet the required setbacks, and there is more than the required amount of parking provided.

5. The proposed development is generally consistent with the Urbana Comprehensive Plan which shows the site as “Industrial”.
6. The proposal would not pose a detriment to the IN, Industrial zoning district.
7. The subject property is located on the important University Avenue corridor. The proposed use will be conducive to the public convenience by providing for a second principal use structure in a convenient location that can house uses permitted in the IN, Industrial zoning district.
8. The proposal preserves the essential character of the district because the proposed use is compatible with other commercial and industrial uses in the near vicinity.

Options

The Zoning Board of Appeals has the following options in both cases:

1. Grant the requested conditional use without any special conditions; or
2. Grant the requested conditional use along with any additional conditions and requirements as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
3. Deny the requested conditional use.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the proposed conditional use to allow the establishment of more than one principal use on a single parcel of land for the reasons articulated above and along with the following conditions:

1. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.

Attachments:

Ex. A: Location Map	Ex. F: Application for Conditional Use
Ex. B: Zoning Map	Ex. G: IN Zoning District Description Sheet
Ex. C: Existing Land Use with Aerial Map	
Ex. D: Future Land Use Map	
Ex. E: Site Close Up Aerial	

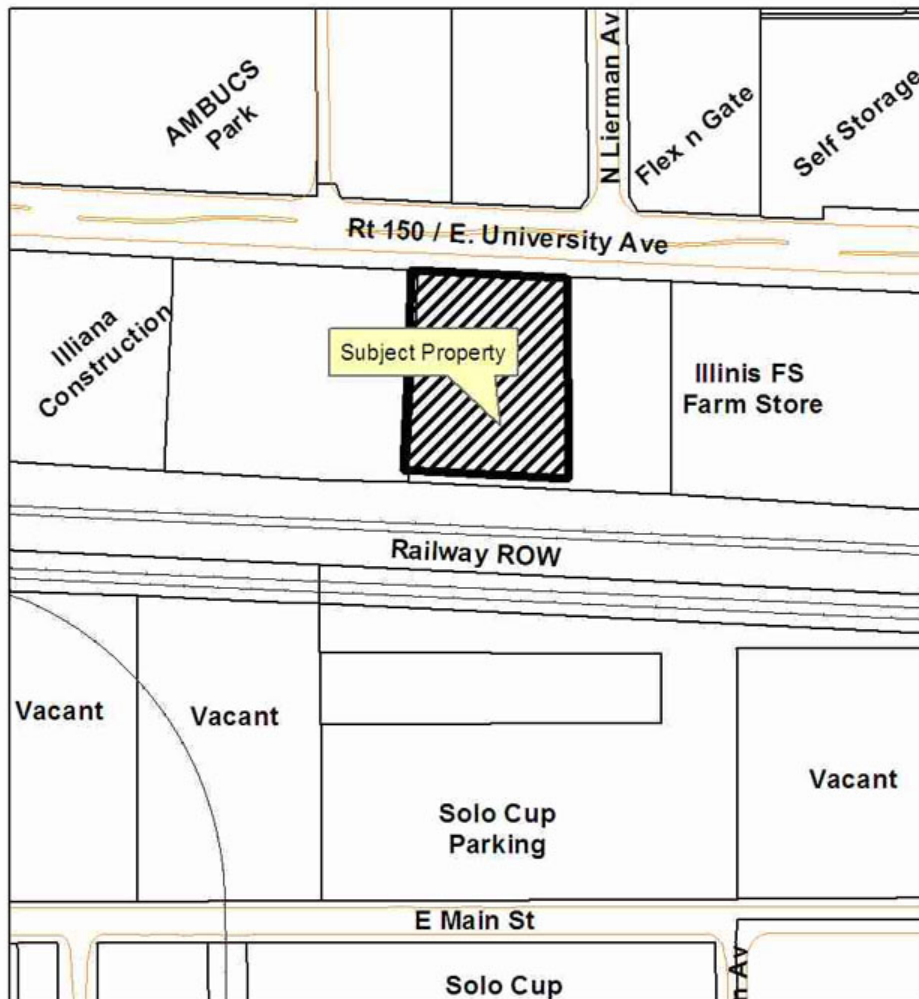
Cc:

Fuad Handal
1807 Ridge Park Drive
Urbana, IL 61802

Rex A. Bradfield
Zamco, Inc.
1602 E. University Ave.
Unit D-14
Urbana, IL 61801

Location Map

EXHIBIT "A"



ZBA Case: 2006-C-05

Subject: Conditional Use Permit to allow the establishment of two principal uses on a single parcel of land located at 1211 E. University Avenue.

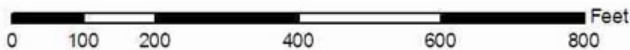
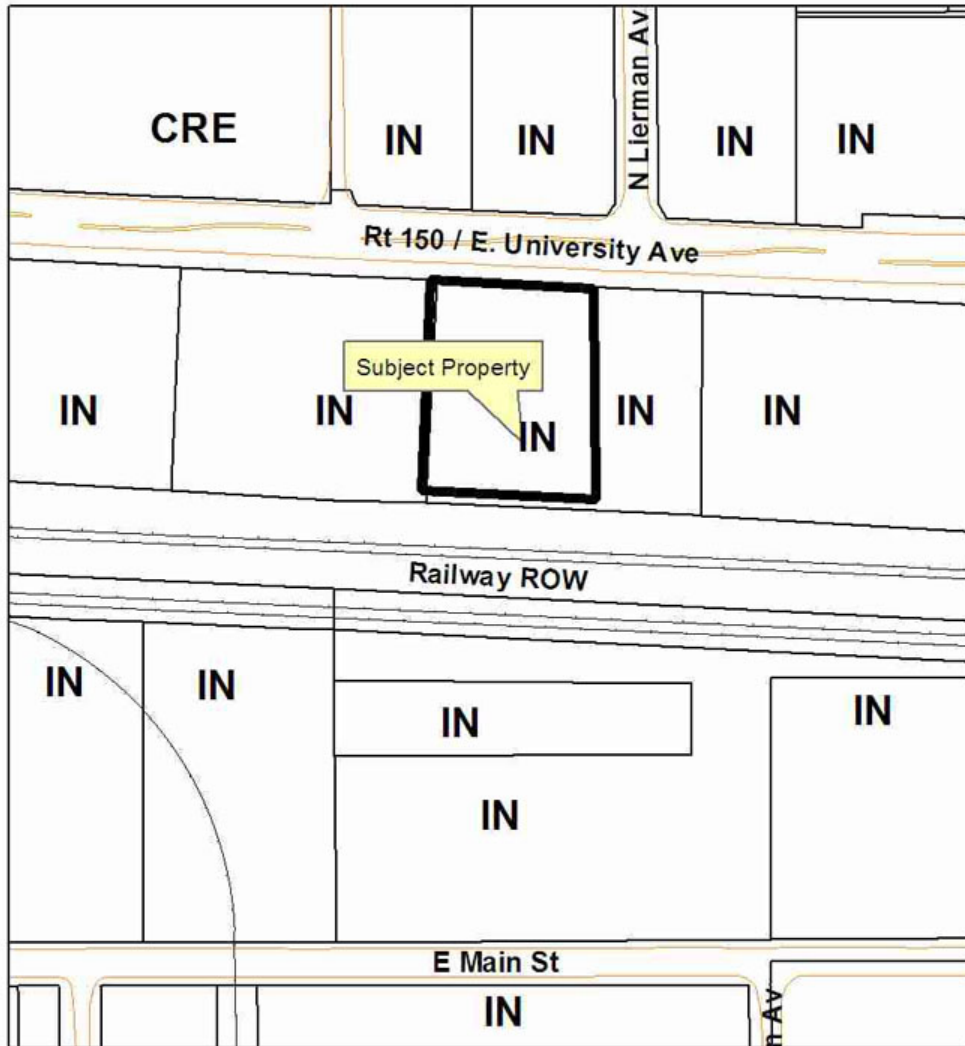
Petitioner: Fuad Handal

Location: 1211 E University Avenue

Prepared 9/8/06 by Community Development Services - pal

Zoning Map

EXHIBIT "B"



ZBA Case: 2006-C-05
Subject: Conditional Use Permit to allow the establishment of two principal uses on a single parcel of land located at 1211 E. University Avenue.

Petitioner: Fuad Handal
Location: 1211 E University Avenue

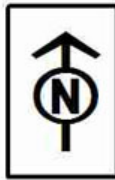
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IN - Industrial

CRE - Conservation-Recreation-Education

Existing Land Use w Aerial Photo

EXHIBIT "C"



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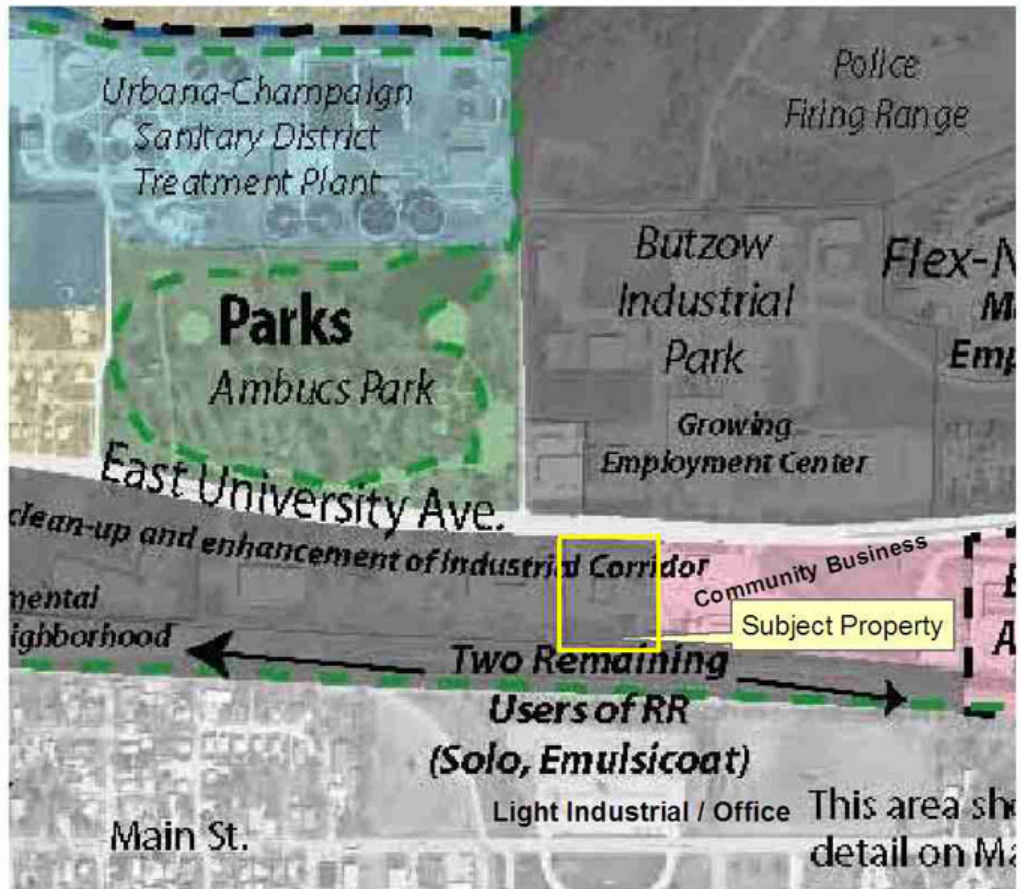
Location: 1211 E University Avenue

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Future Land Use Map

EXHIBIT "D"

Source: Comprehensive Plan Future Land Use
Map # 5, p. 76 - Detailed Section



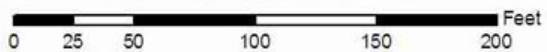
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