



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Urbana Zoning Board of Appeals

**FROM:** Lisa Karcher, Planner II

**DATE:** April 10, 2008

**SUBJECT: ZBA-2008-MAJ-05:** Major Variance Request to reduce the required side yard setbacks to allow for the construction of an off-site accessory parking lot.

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**Introduction and Background**

Vermilion Development Corporation, contract purchaser for the subject property, requests a major variance to reduce the required side yard setbacks to allow for the construction of an off-site accessory parking lot at 908 W. Clark Street. The proposed parking lot is to serve a three-story mixed-use retail/office building that is proposed at the southwest corner of University and Lincoln Avenues. The subject property is zoned B-3U, General Business-University and is occupied by a single-family residence. The property is surrounded by commercial uses to the north and multi-family uses to the east, west and south.

Table VI-3 of the Urbana Zoning Ordinance requires a minimum side yard setback of five feet in the B-3U Zoning District. In order to accommodate the minimum parking lot module width required for 90 degree parking, the petitioner is proposing to provide an approximately 3.25 foot side yard setback on both the east and west side property lines, thereby encroaching into the side yard setback by 1.75 feet in both side yards. Pursuant to the Urbana Zoning Ordinance, in order for a major variance to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

Section VIII-4.L of the Urbana Zoning Ordinance allows for accessory off-street parking to be located on a separate zoning lot within 600 feet of the principal use, but if located within 600 feet of property zoned R-1, R-2 or R-3, a Special Use Permit is required. The site is approximately 320 feet from property zoned R-2 and located on the east side of Lincoln Avenue and north of W. Main Street. The Urbana Plan Commission will review the petitioners Special Use Permit at their regularly scheduled meeting on April 24, 2008.

## Description of the Site

The subject property is located on the north side of Clark Street and approximately 66 feet east of Gregory Street. The property is commonly known as 908 W. Clark Street. There is currently a single-family home and a garage situated on the property. According to the site plan submitted by the petitioner, the lot measures approximately 65 feet by 132, which is 8,580 square feet in area.

## Adjacent Land Uses and Zoning Designations

The surrounding area to the north of the subject property is commercial in nature and is zoned B-3, General Business. Businesses such as the Dairy Queen, Taco Bell and Niro's Gyros are located north of the site. The area to the east, west and south is zoned B-3U, General Business- University. The area consists of apartment buildings and associated parking lots.

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	Comprehensive Plan - Future Land Use
Site	B-3U, General Business - University	Single Family Residence	Campus Mixed-Use
North	B-3, General Business	Dairy Queen	Campus Mixed-Use
East	B-3U, General Business - University	Apartment Building	Campus Mixed-Use
South	B-3U, General Business- University	Apartment Buildings	Campus Mixed-Use
West	B-3U, General Business - University	Apartment Building	Campus Mixed-Use

## Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as "Campus - Mixed Use". The plan defines Campus Mixed-Use as:

*"The Campus Mixed-Use classification is intended for limited areas that are close to campus. These areas promote urban-style 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."*

## Discussion

The requested variance comes as a result of a desire by the petitioner to provide for employee and overflow parking for the proposed mixed use development at the southwest corner of University and Lincoln Avenues, herein referred to as 901 W. University Avenue. The site at 901 W. University

Avenue is too small to provide sufficient parking to serve the proposed mixed use development. The Urbana Zoning Ordinance allows for off-site parking to be provided within 600 feet of the development it is to serve. Since both Lincoln and University Avenues are major four lane thoroughfares, it is not as opportune to provide parking to the north or east. In looking at the area to the southwest of 901 W. University and within 600 feet, the majority of the property is developed mainly for either multi-family or University uses. In addition the lots are also too narrow to comply with both the minimum module width and required side yard setbacks.

The exact amount of parking required for the development cannot be determined at this time because the occupants of the building are not yet known. For discussion purposes, staff has estimated that 127 spaces would be required for the project. This is assuming that the second floor (12,445 SF), third floor (12,445 SF) and a portion of first floor (6,060 SF) will be used for office uses that require one parking space for every 300 square feet of floor area. In addition it is assumed that the remainder of the first floor (2,365 SF) will be used as a restaurant or similar use that requires one parking space for every 100 square feet. Any changes in the proposed use would impact the amount of parking required. The petitioner is currently working with both the University of Illinois and Carle for additional off-site parking.

There are approximately 49 parking spaces provided on-site at the development at 901 W. University Avenue. The petitioner is under contract to purchase the property at 908 W. Clark Street with the intent to develop the property for additional parking. As proposed, the site would yield 26 additional parking spaces. Providing for as much parking on-site or near the site as possible is a priority for the petitioner. The petitioner has indicated that without additional parking, the project at 901 W. University would not be viable. The remaining required parking spaces will be provided on the University of Illinois campus via a Memorandum of Understanding between the petitioner and the University. In addition, the petitioner is working with Carle to provide additional off-site parking.

The petitioner is proposing a parking lot with 26 parking spaces that are at a 90 degree angle to the access aisle. Access will be a single two-way aisle onto Clark Street and the abutting alley with parking spaces on either side facing to the east and west. The Zoning Ordinance requires a parking module width of 58.5 feet for parking spaces that are 90 degrees to the access aisle. In addition, the B3-U zoning district requires a five foot side yard setback. The Zoning Ordinance does not allow parking to encroach in the side yard setback in the B-3 zoning district. Therefore, to develop the subject site with 90 degree parking, the lot would need to be a minimum of 68.5 feet. The subject property is only 65 feet wide. The petitioner is proposing to construct the parking lot to the required standards and locate the parking in the center of the property to provide for a 3.25 foot side yard setback on the east and the west property lines.

Table VIII-2 of the Zoning Ordinance provides standards to allow for parking lot designs that vary by the angle of parking spaces and ultimately the module width of the parking spaces and access aisle. The petitioner has explored the option of providing parking at varying angles. (See Exhibit D) However, if parking is provided at an angle of 60 degrees to the access aisle, only 22 spaces can be created. Layout of the parking at a 60 degree angle would also require a minor variance to allow encroachment into both of the required side yards or a major variance to allow for the encroachment into one of the side yards. To meet the Zoning Ordinance, parking would have to be designed at a 45

degree angle to the access aisle. Only 18 spaces could then be created, which is eight fewer than is proposed in the 90 degree parking. Not only does providing parking at an angle decrease the number of parking spaces that are created, it also limits traffic flow in the area. First, development of the lot for angled parking only allows for one-way traffic flow. Second, layout of the angled parking does not allow for delivery and waste disposal trucks to complete the turn from the parking lot into the alley. These factors have caused the petitioner to request the proposed variance. The following table summarizes the above discussion.

	<b>90 Degree</b>	<b>60 Degree</b>	<b>45 Degree</b>
Required Module Width	58.5 feet	56.5 feet	52.2 feet
Number of Parking Spaces Created	26	22	18
Traffic Flow	two-way	one-way	one-way
Resulting Side Yard Setback*	3.25 feet	4.25 feet	6.4 feet

\* Assumes both side yards are equal.

The properties to the immediate east and west of the subject property are apartment buildings. The Urbana Zoning Ordinance is sensitive to the location of parking adjacent to residential uses by requiring an adequate screen fence or screen planting per Section VIII-3.F. If screening is proposed by means of a shrub planting hedge, a three feet wide planting area is required. The proposed 3.25 foot side yard setback would be adequate to provide the required screening whether via a fence or landscape buffer.

It is also important to note that Section VIII-4.F.5 of the Zoning Ordinance permits parking to locate in a required side yard setback when the subject property is zoned B-3U if the adjacent property is also used for parking and is zoned B-2, B-3 or B3-U. Although the neighboring property is an apartment building rather than a parking lot, the ground floor of the building is dedicated for parking. (See Exhibit E) The west bay of the proposed parking at the subject site will effectively be facing parking for the adjacent apartment building to the west.

## **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 outlined in the ordinance, followed by staff analysis for this case:

1. *Based on evidence presented, determine whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.*

The practical difficulty is that the lot is only 65 feet wide and the side yard setback requirements limit the possible geometric layout for the proposed parking. The parking lot has been designed to meet the required parking lot standards of the Urbana Zoning Ordinance while maximizing the number of parking spaces and ease of traffic flow for users. To comply with the required five foot side yard setback, a loss of 30% or eight parking spaces would result. In order to comply with both the parking module width and the required side yard setback, layout of the parking would have to be angled. Development of the site for angled parking only allows for one-way traffic, which could

cause traffic flow issues with Clark Street to the south of the site and an alley to the north of the site. In addition, any large delivery or garbage vehicle that attempts to make a turn from the parking lot into the alley would likely run over the curb under the angled parking geometric.

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 circumstance is that the subject lot was platted many years ago as 65 feet wide, which is narrow for development in the B-3U Zoning District. The proposed parking is being provided for a mixed-use development at 901 W. University Avenue. In looking at the area to the southwest of 901 W. University and within 600 feet, the majority of the property is developed mainly for either multi-family or University uses. In addition the lots are also too narrow to comply with both the minimum module width and required side yard setbacks. The petitioner has stated that the additional parking is needed for the viability of the project at 901 W. University Avenue and that purchase of 908 W. Clark Street is the most economical purchase option in the vicinity. According to the petitioner, the cost to purchase the property is at least 25% over fair market value. The cost prohibitive purchase of the subject site demands higher utility, meaning that using angled parking to achieve compliance is not a viable option as they would lose 30% of the parking spaces that could be achieved with a 90 degree parking layout.

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

The subject lot was platted 65 feet wide many years ago and has not been created by the petitioner. Providing parking for the development of 901 W. University is integral to the viability of the development. Creating an infill development is often challenging with the restrictions that available sites pose. With the surrounding property being mostly developed, sites near the proposed development at 901 W. University Avenue to be used for additional parking are limited. As noted by the petitioner, the cost to acquire the subject parcel is considerably above market rate. The petitioner has stated that given the proposed income generated from the proposed parking lot, the petitioner must maximize the utility of the subject parking spaces. The petitioner has therefore selected to develop 90 degree parking to maximize the number of parking spaces on the site and to provide optimal traffic flow for users.

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

The proposal is to reduce the required side yard setback by 1.75 feet on both the west and east property lines. The reduction of the required side yard by 1.75 feet still allows for the installation of screening as required by the Urbana Zoning Ordinance. The reduction of the side yard setback will not alter the essential character of the neighborhood.

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

The proposed variance will not cause a nuisance to the adjacent property owners. The proposal is to reduce the required side yard setback by 1.75 feet on both the west and east property lines. The reduction of the required side yard by 1.75 feet still allows for the installation of screening as required by the Urbana Zoning Ordinance. The petitioner has indicated that it is their intent to comply with all regulations associated with creating an adequate landscape buffer. Parking on the ground floor is provided for the apartment building to the west of the subject property. The west bay of the proposed parking will face the parking for the apartment building and therefore will not impact residential units.

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

The petitioner is proposing to develop the parking lot to the required parking lot standards for 90 degree parking with two-way traffic flow. To allow this, the petitioner is requesting the minimum deviation from the required side yard setback. To develop a parking lot on the subject site to meet the Zoning Ordinance would require parking spaces at a 45 degree angle to the access aisle with one-way traffic flow. The result is a loss of 8 eight parking spaces or 30% of the parking spaces achievable with 90 degree parking and restraints on traffic flow.

## **Summary of Findings**

1. The petitioner is proposing an off-site accessory parking lot to serve the proposed mixed-use office/retail development at 901 W. University. Additional parking is needed both to meet the minimum required parking under the Zoning Ordinance and for the viability of the development.
2. The proposed parking meets the parking standards of the Urbana Zoning Ordinance.
3. The width of the lot is a practical difficulty in developing the lot for parking. The lot is only 65 feet wide. A total of 68.5 feet is needed to develop a parking lot with 90 degree parking. A variance for a reduced side yard setback of 3.75 feet is necessary.
4. The reduced side yard setback will not cause a nuisance to adjacent properties. The reduction of the required side yard by 1.75 feet still allows for the installation of screening as required by the Urbana Zoning Ordinance.
5. The proposed parking layout will optimize traffic flow by allowing two-way traffic as opposed to one-way traffic.

## **Options**

The Zoning Board of Appeals has the following options in major variance case ZBA-2008-MAJ-05:

- a. Recommend approval of the variance as requested based on the findings outlined in this memo;

- b. Recommend approval of the variance as requested along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
- c. Recommend denial of the variance request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its recommendation of denial.

**Staff Recommendation**

Based on the analysis and findings 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 forward major variance Case ZBA-2008-MAJ-05 to the Urbana City Council with a recommendation for **APPROVAL** with the following conditions:

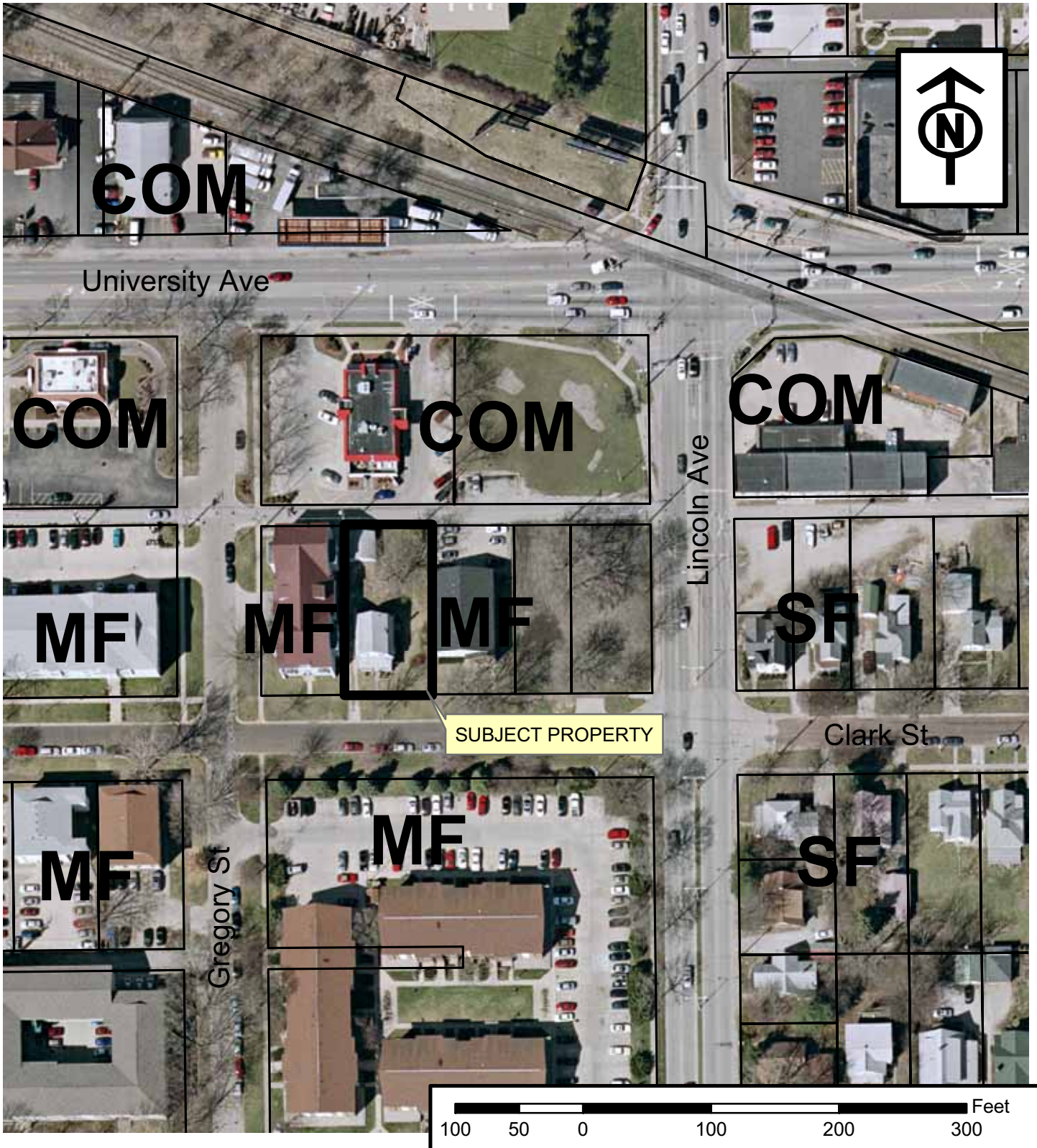
- 1. The parking lot shall be constructed in general conformance to the site plan layout submitted as part of the application and attached hereto.
- 2. A landscape buffer shall be provided along the east and west property line to screen the proposed parking from adjacent properties. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.

Attachments:      Exhibit A: Location and Existing Land Use Map  
                          Exhibit B: Existing Zoning Map  
                          Exhibit C: Future Land Use Map  
                          Exhibit D: Site Photos  
                          Exhibit E: Site Layout Plan for 90°, 60° and 45° Parking  
                          Exhibit F: Application

cc: Vermilion Development Corporation Attn: Christopher Dillion 3295 E. Main Street Danville, IL 61834	Farnsworth Group Attn.: Tim Pellegrini 1819 S. Neil Street, Suite F Champaign, IL 61820
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Mark Corbins  
 c/o Balbach & Fehr, P.C.  
 908 W. Clark Street  
 Urbana, IL 61801

# Exhibit A: Location and Existing Land Use Map



**ZBA Case:** ZBA-2008-MAJ-05

**Description:** Major Variance to allow parking to encroach in the required side yard setback.

**Petitioner:** Vermilion Development Corporation

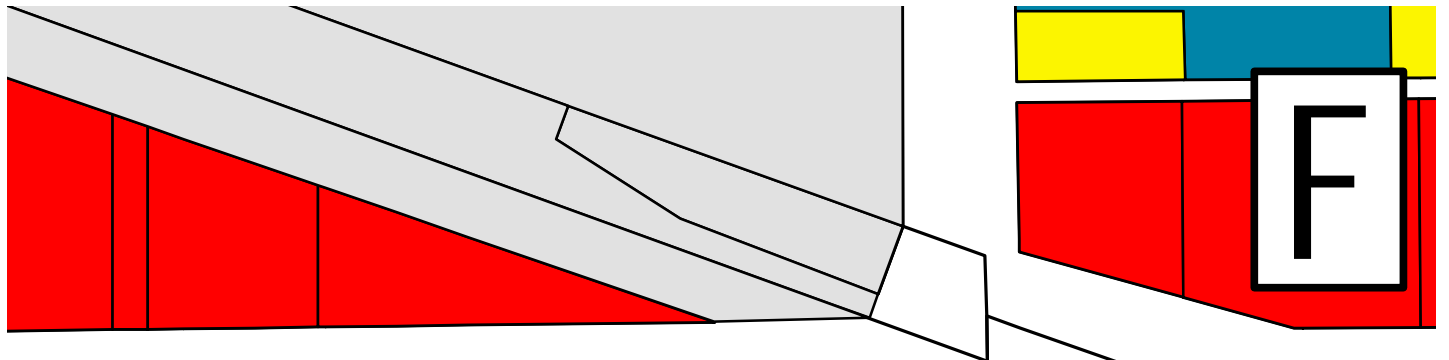
**Location:** 908 W. Clark St.

**Zoning:** B-3U: General Business-University

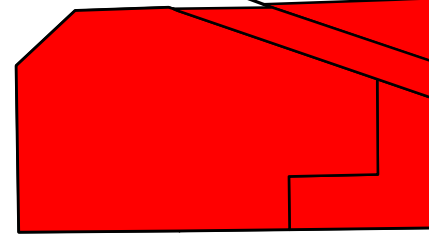
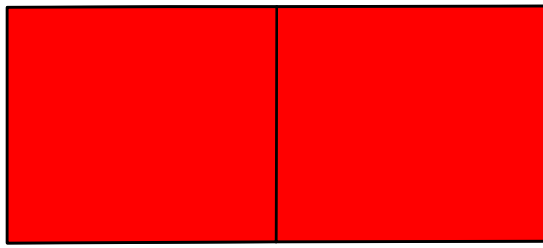
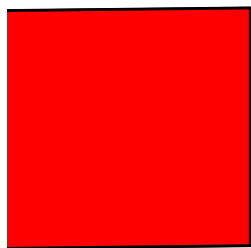
*Prepared 4/08 by Community Development Services - lkk*



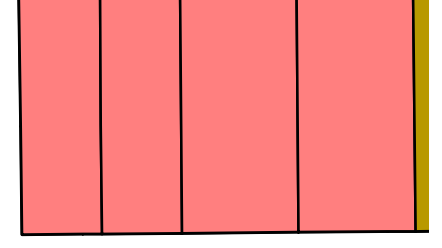
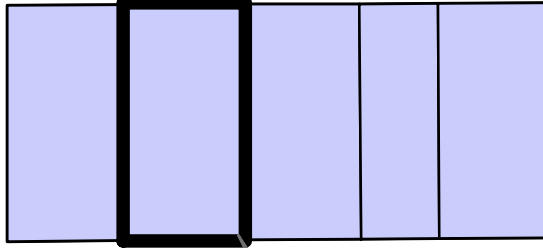
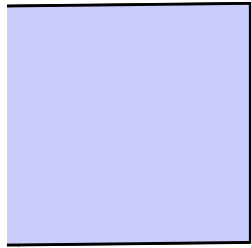
# Exhibit B: Existing Zoning Map



University Ave

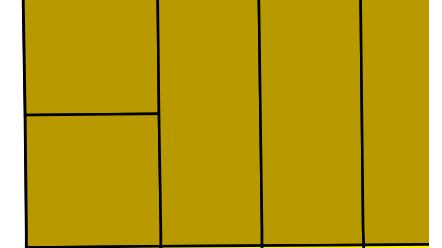
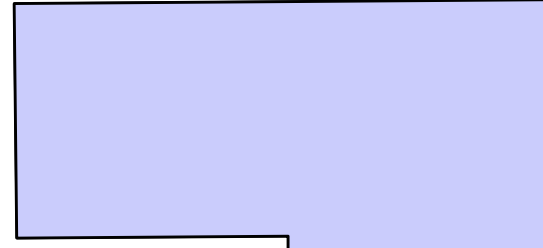
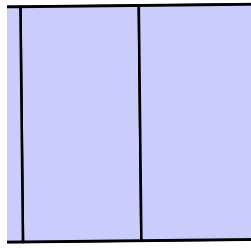


Lincoln Ave

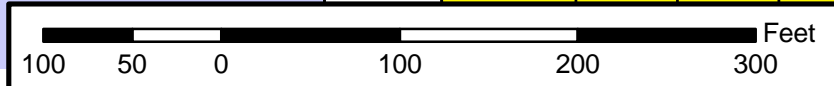


SUBJECT PROPERTY

Clark St



Gregory St



**ZBA Case:** ZBA-2008-MAJ-05

**Description:** Major Variance to allow parking to encroach in the required side yard setback.

**Petitioner:** Vermilion Development Corporation

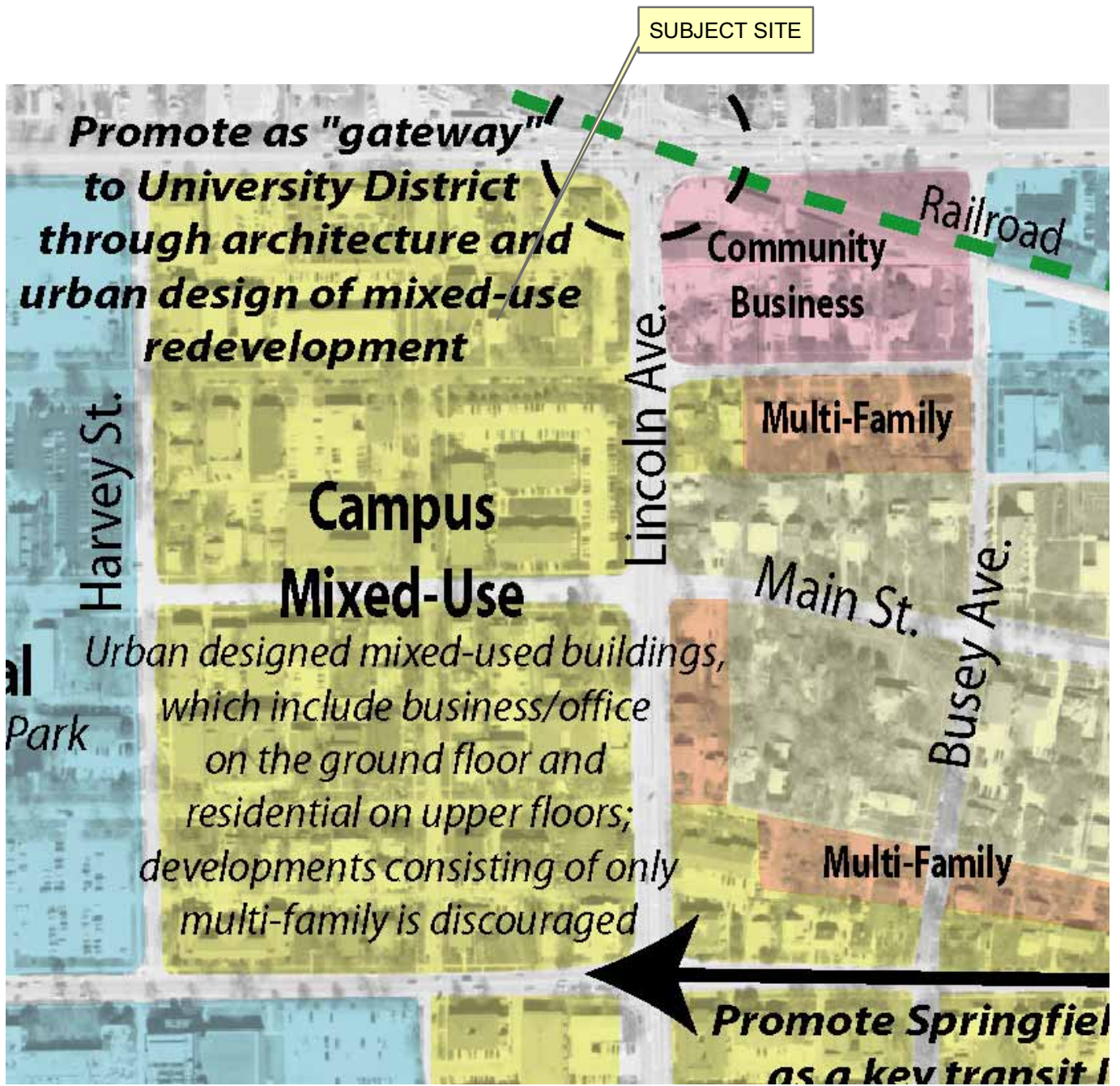
**Location:** 908 W. Clark St.

**Zoning:** B-3U: General Business-University

*Prepared 4/08 by Community Development Services - lkk*

	B2
	B3
	B3U
	R2
	R4
	IN

# Exhibit C: Future Land Use Map



**ZBA Case:** ZBA-2008-MAJ-05

**Description:** Major Variance to allow parking to encroach in the required side yard setback.

**Petitioner:** Vermilion Development Corporation

**Location:** 908 W. Clark St.

**Zoning:** B-3U: General Business-University

*Prepared 4/08 by Community Development Services - lkk*

## Exhibit D: Site Photos



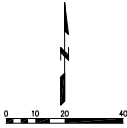
Looking north at site from Clark Street



Looking southwest at site from alley

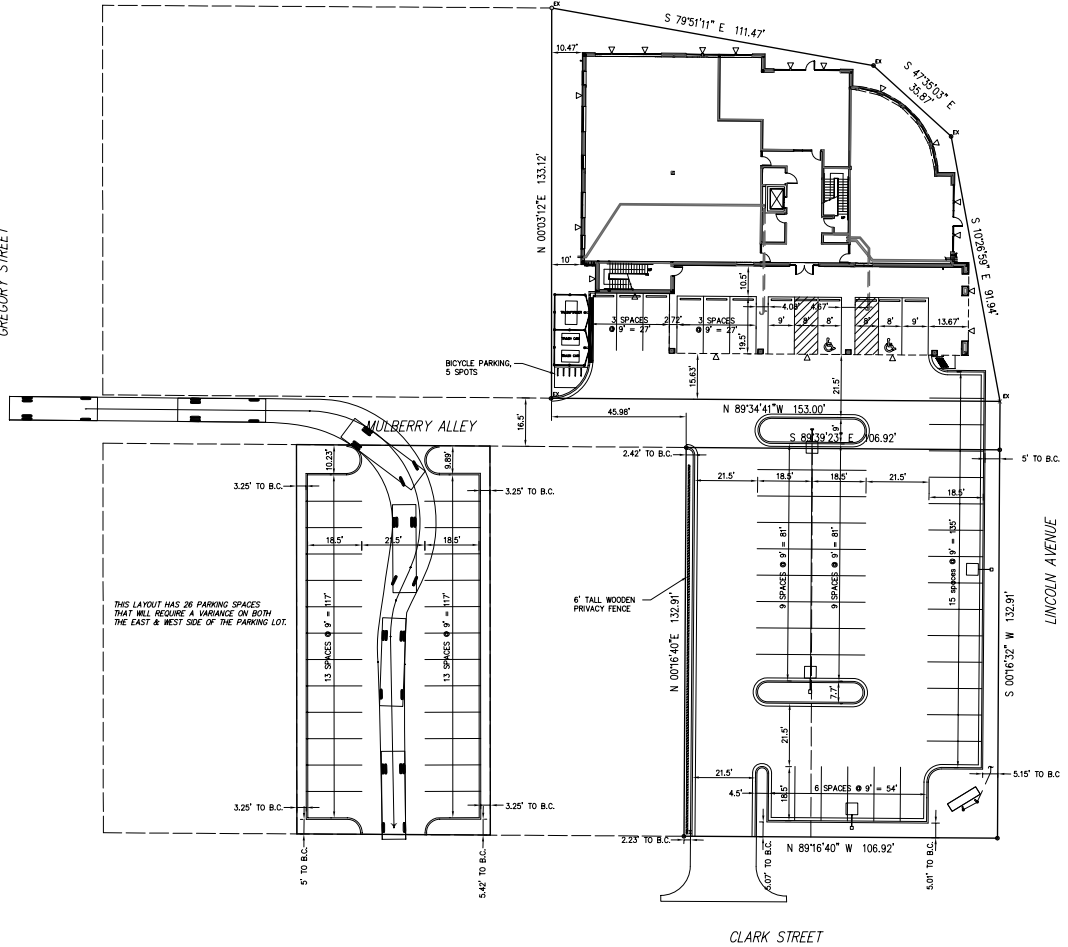


Looking south from alley at parking under the apartment building to the west of subject site



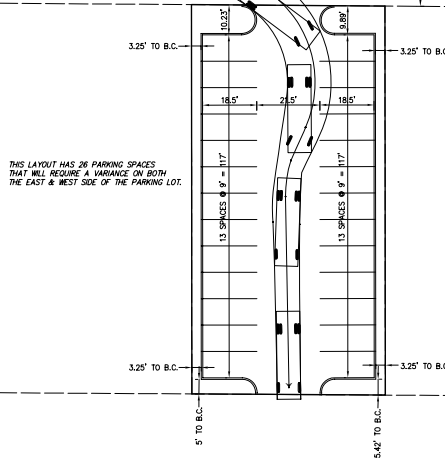
UNIVERSITY AVENUE

GREGORY STREET



THIS LAYOUT HAS 26 PARKING SPACES THAT WILL REQUIRE A VARIANCE ON BOTH THE EAST & WEST SIDE OF THE PARKING LOT.

6' TALL WOODEN PRIVACY FENCE



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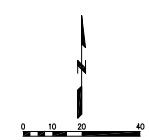
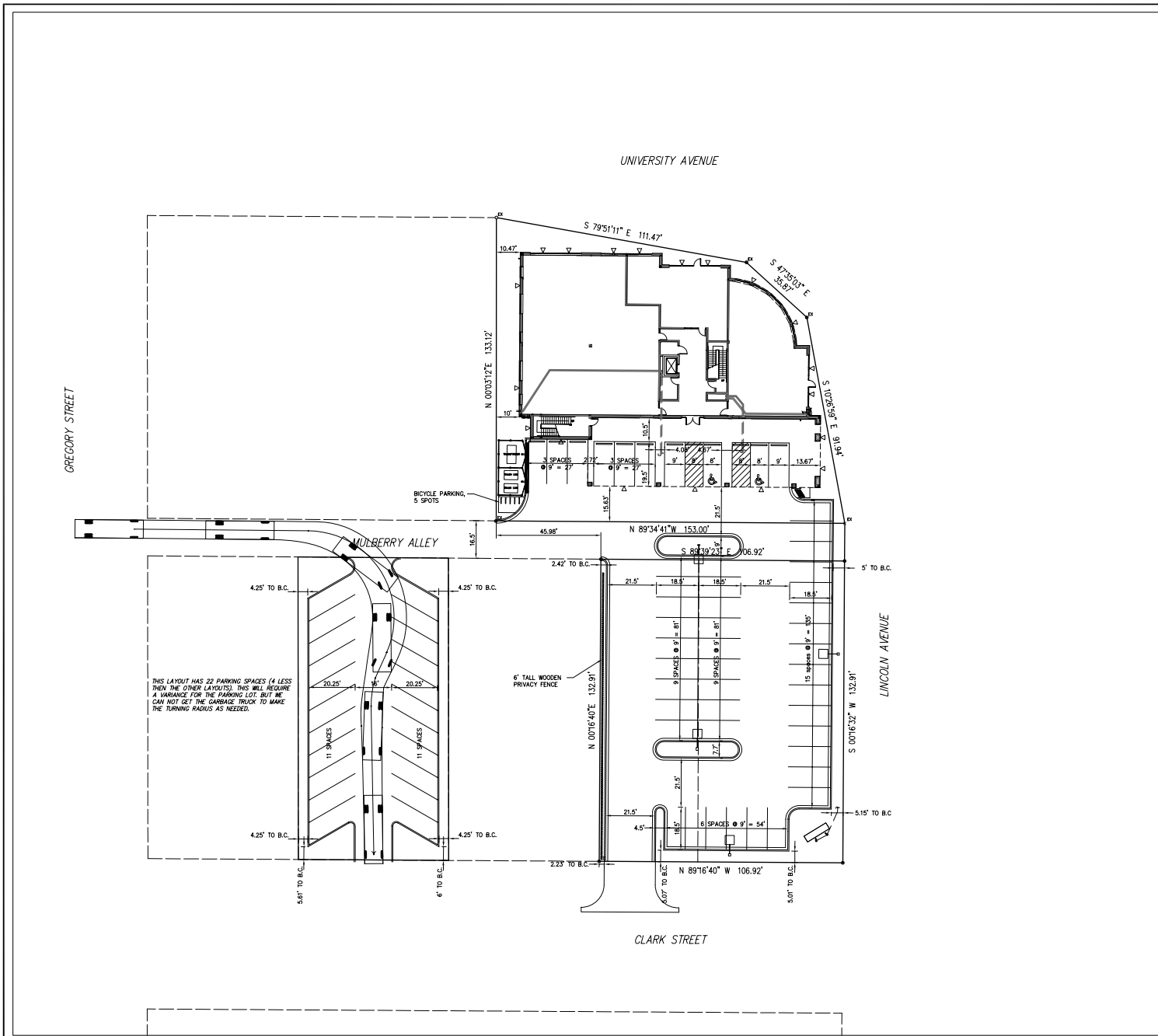
REVISIONS # DATE BY         	 <b>Farnsworth</b> <b>GROUP</b> 1819 S. HILL STREET, SUITE F CHAMPAIGN, ILLINOIS 61820 (217) 562-7408 / (217) 562-7409 Fax <a href="http://www.Fv.com">www.Fv.com</a>
Drawn: DJM Date: 03-21-08 Designed: JRK Checked: DLA	Book No.: - Sheet No.: 1 Of 1 Project No.: 0080092.00

LINCOLN AND UNIVERSITY  
SITE PLAN

SITE LAYOUT PLAN

Book No.: - Sheet No.: 1 Of 1  
Project No.: 0080092.00

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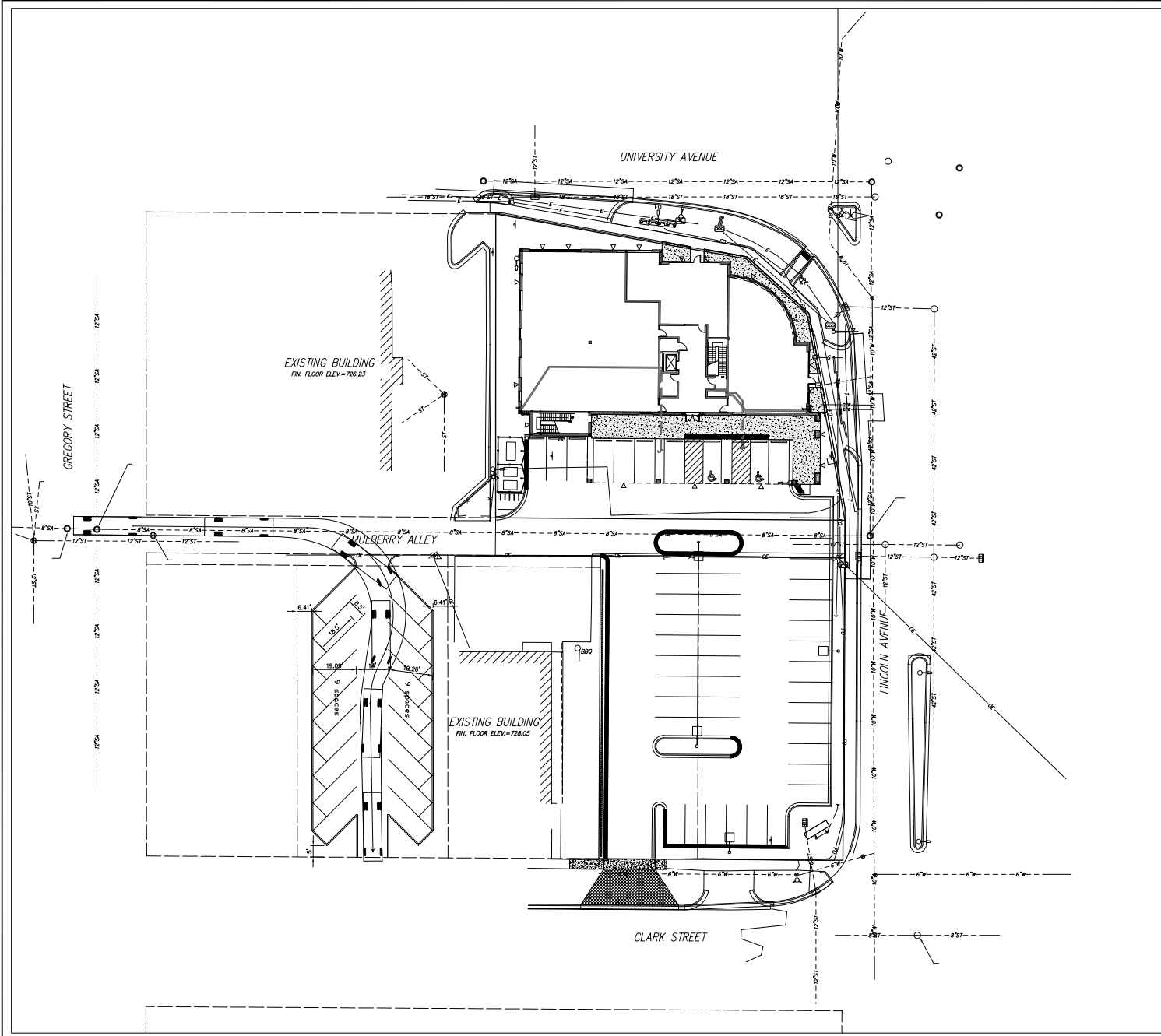


Revisions
# DATE BY

**Farnsworth GROUP**  
 1819 S. NIEL STREET, SUITE F  
 CHAMPAIGN, ILLINOIS 61820  
 (217) 562-7408 / (217) 562-7409 Fax  
[www.Fv.com](http://www.Fv.com)  
 Drawn: DJM Date: 03-21-08  
 Designed: JRK Checked: DJL

LINCOLN AND UNIVERSITY SITE PLAN
SITE LAYOUT PLAN
Book No.: - Sheet No.: <b>1</b> Of <b>1</b>
Project No.: <b>0080092.00</b>

Plot File: \\fs01\apps\105105\_000\105105.dwg  
 Plot Date: 11/14/2008 11:51:00 AM  
 Plot Scale: 1/8" = 1'-0"  
 Plot Size: 36" x 48"



Revisions: # DATE: BY:	<p><b>Farnsworth GROUP</b>          1819 S. NEIL STREET, SUITE F          CHAMPAIGN, ILLINOIS 61820          (217) 562-7408 / (217) 562-7409 Fax          www.fv.com</p>	LINCOLN AND UNIVERSITY SITE PLAN
Drawn: DJM Date: 03-21-08 Designed: JRK Checked: DLA		Book No.: - Sheet No.: 1 Of 1 Project No.: 0080092.00