



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: November 17, 2016

SUBJECT: **ZBA Case ZBA-2016-MAJ-11:** A request by Ivan Richardson to allow access drives that are up to 54 percent of the lot widths at 3002 E. Rutherford Drive in the R-4, Medium Density Multiple-Family Residential District.

Introduction & Background

The petitioner, Ivan Richardson, requests a Major Variance to allow access drives that are up to 54 percent of the lot widths at 3002 E. Rutherford Drive. The property is zoned R-4, Medium Density Multiple-Family Residential. The subject property is proposed to be subdivided into 11 common-lot-line lots and one detached single-family lot. This replat is scheduled to come to Council at its next Committee meeting. The proposed access drives would be used to access the garages on the common-lot-line residences.

Section VIII-4.F.1. of the Urbana Zoning Ordinance limits the width of access drives serving single-family dwelling units, individual townhouses or duplex dwelling units to 45 percent of the total lot width or 18 feet, whichever is greater. The proposed access drives are 27 feet wide, exceeding the maximum percent of lot width by 1.8 to 4.5 feet, or 3 to 9 percent.

At their November 16, 2016, meeting, the Urbana Zoning Board of Appeals heard the case. The ZBA **voted 5 ayes and 0 nays** to forward the Major Variance request to the City Council with a recommendation for approval with certain conditions.

Description of the Site

Beringer Commons is located north of University Avenue and west of High Cross Road. It was annexed into Urbana in 1991, with an initial development phase taking place in the early to mid-1990s on the southwestern portion of the site. In the late 1990s and early 2000s, development of the subdivision continued to the east and north. Most units were single-family detached units, but two common-lot-line developments were built on Rutherford Drive. By the mid-2000s, approximately 30 more single-family homes and more than 20 common-lot-line units (all on Rutherford Drive) were built. Development slowed during 2007 and 2008, and relatively few homes have been developed since that time. The recovering economy and the Think Urbana

Program created an opportunity to once again continue build-out of Beringer Commons. Accordingly, the applicant is preparing a replat to allow 12 lots along East Rutherford Drive.

The site is located at the southwest corner of East Beringer Circle and Rutherford Drive, between Interstate 74 and University Avenue (Exhibit A) and is 2.75 acres in size. The proposed Final Plat of the site includes twelve lots designed to accommodate eleven single-family residences, in three clusters on a common-lot-line configuration, as well as one detached single-family residential unit (Exhibit D). The site is adjacent to common-lot-line single-family residential developments to the south, east, and southeast, detached single-family residential units to the west, and undeveloped single-family residential lots to the north. The site abuts a large pond to the west.

Zoning and Land Use Table

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
Subject Property	R-4, Medium Density Multiple-Family Residential	Undeveloped	Residential
North	R-2, Single-Family Residential	Single-family dwellings	Residential
South	R-4, Medium Density Multiple-Family Residential	Multiple-unit, common-lot-line dwellings	Residential
East	R-4, Medium Density Multiple-Family Residential	Multiple-unit, common-lot-line dwellings	Residential
West	R-2, Single-Family Residential	Single-family dwellings or undeveloped	Residential

Discussion

The applicant plans to construct four residential structures configured into eleven common-lot-line dwellings and one model unit. As the developer’s market research indicates that dwellings targeting the desired demographic would be more marketable if they were equipped with three-car garages, he proposes to construct 27-foot-wide access drives which would be wide enough to access the entire width of a three-car garage. For seven of the twelve lots, this results in access drive widths that are greater than 45 percent of the lot width and requires a variance. The table below shows the seven lots and the requested variance. Adjacent lots containing common-lot-line housing units in Beringer Commons have similar front yard characteristics, e.g., 18-foot wide access drives on 30-foot-wide lots, or 60 percent of the lot width. Granting the requested variance would result in a development that is compatible with the existing neighborhood character.

Proposed Lot #	Lot Width (feet)	Driveway Width Maximum, at 45% of Lot Width (feet)	Driveway Width Variance Required to Meet 27' Width Maximum (feet)	Pavement % of Lot Width
1417	50	22.5	4.5	54%
1418	50	22.5	4.5	54%
1420	56	25.2	1.8	48%
1421	50	22.5	4.5	54%
1424	55.94	25.2	1.8	48%
1425	50	22.5	4.5	54%
1426	50	22.5	4.5	54%

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?*

A special practical difficulty was revealed by the applicant's market research which indicated that a multiple unit, common-lot-line configuration including an attached three-car garage is the most economically feasible design for this area. Strict application of the current version of the ordinance would not allow construction of an access drive that would access the entire width of the garage.

- 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.*

Lot 452 of Beringer Commons has been under development for several years; market forces have changed and require adapting development plans to meet those changes. The proposed associated replat would allow the multiple-unit common-lot-line development and the attached garage configuration under the R-4 zoning designation. Granting the variance would not allow additional units, increased density, or increased occupancy, but would improve the access to those permitted dwellings using access drive design previously allowed for previous portions of this development.

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

The applicant has been developing Beringer Commons for several years. Meanwhile, changing housing markets in the area show a demand for three-car garages requiring the applicant to shift his garage design and to increase access drive width.

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

Adjacent common-lot-line lots to the east and south have 18-foot wide access drives on 30-foot wide lots, yielding drives covering 60 percent of the lot width, which is greater than the variance currently being requested. The requested variance would allow lots with driveways covering up to 54 percent of the lot width, which would be similar to the adjacent lots. Granting the variance would therefore not alter the essential character of the neighborhood.

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

The requested variance would not cause any foreseeable nuisances to adjacent property. It would allow access to the proposed structures' garages, allowing full use of storage space. This may, in turn, reduce the probability that residents would use the access drives for parking or storage, or to rely on on-street parking, thereby reducing visual clutter and roadway hazards.

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

The requested increase in access width ranges from 1.8 to 4.5 feet, to accommodate 9-foot-wide access drives. This is very near the 8.5 foot minimum width of parking spaces allowed by the Zoning Ordinance, and allows for a reasonable buffer area between vehicles using the access drive.

Summary of Findings

1. Ivan Richardson has requested a Major Variance to allow access drives that are up to 54 percent of the lot widths at 3002 E. Rutherford Drive. The proposed 27 foot-wide access drives would exceed the permitted 45 percent of lot width.
2. The site is located in eastern Urbana, is zoned R-4 Medium Density Multiple-Family Residential, and is designated as "Residential" in the Urbana Comprehensive Plan.
3. The proposed variance is requested due to special practical difficulties of the site, including the shift in housing markets towards a residential configuration with larger vehicular storage and access drive widths.
4. The proposed variance will not serve as a special privilege to the petitioner, and the request was not the result of a situation knowingly created by the petitioner.

5. The proposed variance will not cause a nuisance to adjacent property owners and will not alter the essential character of the neighborhood.
6. The proposed variance represents the minimal deviation possible from the Zoning Ordinance requirements to accommodate the request.

Options

The Urbana City Council has the following options in Case No. ZBA-2016-MAJ-11:

1. Approve the variance based on the findings outlined in this memo; or
2. Approve the variance along with certain terms and conditions. If conditions or findings differ from those recommended in the attached draft ordinance, these should be articulated accordingly; or
3. Deny the variance. If the City Council elects to do so, the Council should articulate findings supporting its denial.

Recommendation

At their November 16, 2016, meeting, the Zoning Board of Appeals voted **5 ayes and 0 nays** to recommend **APPROVAL** for the variance with the following conditions:

1. The associated proposed Replat of Lot 452 is approved.
2. The site is developed in general conformance with the attached proposed site plan, titled Replat of Lot 452 Beringer Commons Subdivision No. 4, with the submitted lot, dwelling and access drive configurations and placement.
3. The impacts caused by the additional pavement are minimized on each subject lot by doing one of the following:
 - a. Tapering the area of added width to the extent possible, or
 - b. Using permeable paving materials wherever possible.

Staff concurs with the ZBA recommendation.

Prepared by:



Marcus Ricci
Planner II

Attachments: Draft Ordinance and Attachment A (Site Plan)
Exhibit A: Location & Aerial Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Site Plan
Exhibit E: Petition for Variance
Draft ZBA Meeting Minutes 11/16/2016

cc: Ivan Richardson; Mike Friend

ORDINANCE NO. 2016-11-109

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive in the R-4, Medium Density Multiple-Family Residential District/ ZBA Case No. 2016-MAJ-11)

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

WHEREAS, Ivan Richardson has submitted a petition for a major variance to allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive in the R-4, Medium Density Multiple-Family Residential zoning district; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2016-MAJ-11; 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 held a public hearing on the proposed major variance on November 16, 2016 and voted 5 ayes to 0 nays in Case No. ZBA-2016-MAJ-11 to recommend that the Corporate Authorities approve the requested variance with conditions; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-4.B of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The Applicant has requested a Major Variance to allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive. This exceeds the maximum access drive width of 45 percent of lot widths.
2. The site is located in eastern Urbana, is zoned R-4 Medium Density Multiple-Family Residential, and is designated as "Residential" in the Urbana Comprehensive Plan.
3. The proposed variance is requested due to special practical difficulties of the site, including the shift in housing markets towards a residential configuration with larger vehicular storage and concomitant access drive widths.
4. The proposed variance will not serve as a special privilege to the petitioner, and the request was not the result of a situation knowingly created by the petitioner.
5. The proposed variance will not cause a nuisance to adjacent property owners and will not alter the essential character of the neighborhood.
6. The proposed variance represents the minimal deviation possible from the Zoning Ordinance requirements to accommodate the request.

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

Section 1. In ZBA Case Nos. 2016-MAJ-11, the variance requested on behalf of Ivan Richardson to allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive in the R-4, Medium Density Multiple-Family Residential zoning district is hereby approved in the manner proposed in the application and subject to the following conditions:

1. The associated proposed Replat of Lot 452 is approved.

2. The site is developed in general conformance with the attached proposed site plan (Attachment A), titled Replat of Lot 452 Beringer Commons Subdivision No. 4, with the submitted lot, dwelling and access drive configurations and placement.
3. The impacts caused by the additional pavement are minimized on each subject lot by doing one of the following:
 - a. Tapering the area of added width to the extent possible; or
 - b. Using permeable paving materials wherever possible.

The Major Variance described above shall only apply to the property located at 3002 Rutherford Drive, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 452 of Beringer Commons Subdivision No. 4, City of Urbana, Champaign County, Illinois, recorded as Document No. 2001R34360, dated 11-28-2001, in the Champaign County Recorder's office, containing 2.75 acres more or less, all situated in the City of Urbana, Champaign County, Illinois.

P.I.N. 91-21-10-406-014

Section 2. The Urbana 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 _____, 2016

PASSED by the City Council this ____ day of _____, 2016.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2016.

Laurel Lunt Prussing, Mayor

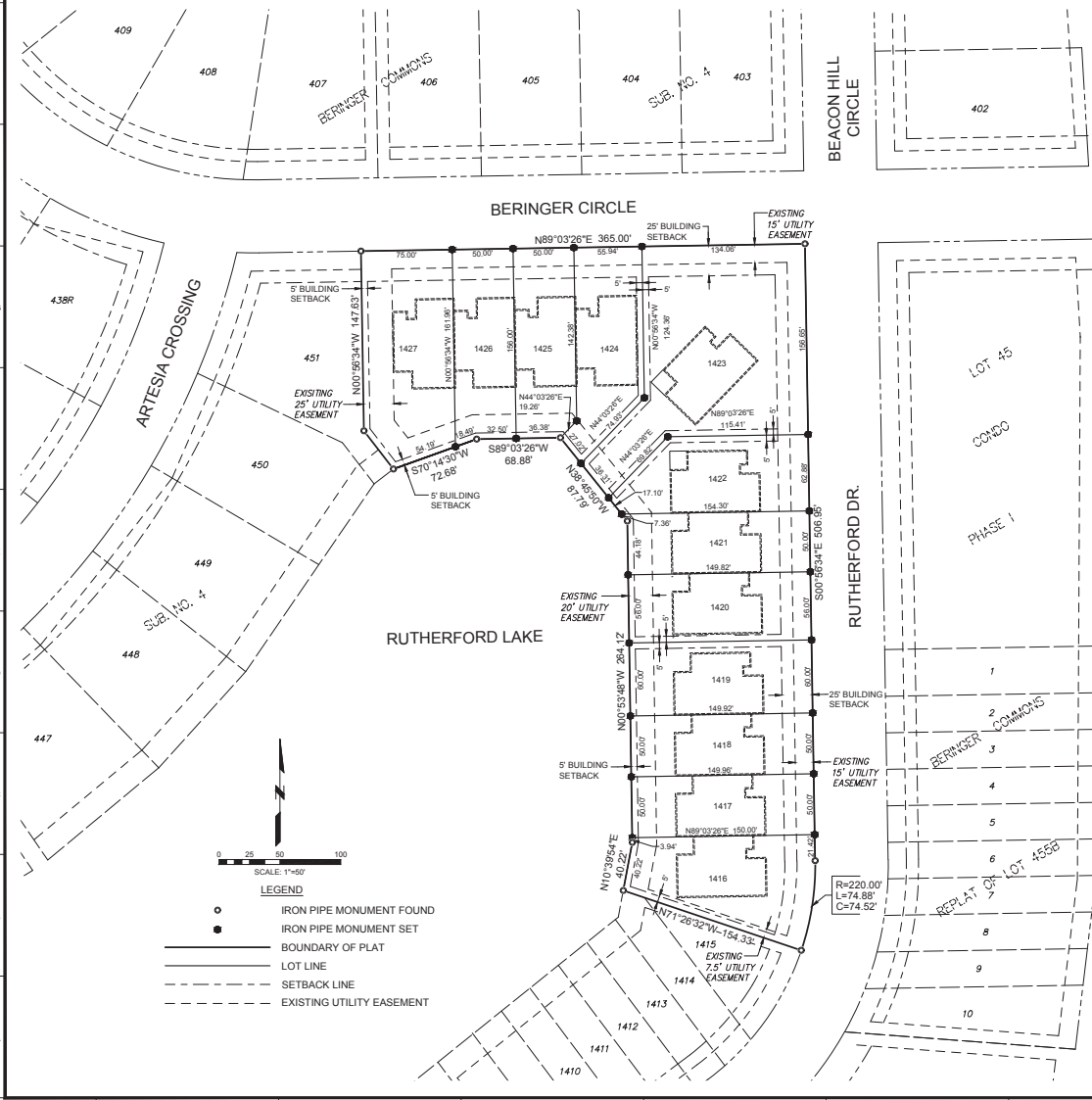
CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

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 _____, 2016, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE APPROVING A MAJOR VARIANCE (To allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive in the R-4, Medium Density Multiple-Family Residential District/ ZBA Case No. 2016-MAJ-11) 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 _____, 2016, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2016.

REPLAT OF LOT 452 BERINGER COMMONS SUBDIVISION NO. 4

PART OF SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS



SURVEYOR'S CERTIFICATE

I, ?????????, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. ???, DO HEREBY CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE FOR THE EAST URBANA DEVELOPMENT CORPORATION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF ILLINOIS AND ORDINANCES OF THE CITY OF URBANA, OF PART OF THE SE 1/4, SEC. 10, T. 19N., R. 6E. OF THE 3RD P.M., CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 452 OF BERINGER COMMONS SUBDIVISION NO. 4, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, RECORDED AS DOCUMENT NO. 2001R34360, DATED 11-28-2001 IN THE CHAMPAIGN COUNTY RECORDER'S OFFICE, CONTAINING 2.75 ACRES, MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

FOR THE PURPOSE OF RESUBDIVIDING SAID LOT INTO TWELVE LOTS AS SHOWN ON THE ATTACHED PLAT, THE EASEMENTS DESIGNATED ON THE ATTACHED PLAT ARE DEDICATED AND REDEDICATED FOR PUBLIC USE. MONUMENTS HAVE BEEN PLACED AS SHOWN ON THE ATTACHED PLAT AND THE SUBDIVISION SHALL BE KNOWN AS REPLAT OF LOT 452, BERINGER COMMONS SUBDIVISION NO. 4, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT NO PART OF THE PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

I DO HEREBY DESIGNATE, IN ACCORDANCE WITH P.A. 87-0705 (THE PLAT ACT), CITY OF URBANA AS THE CORPORATION THAT MAY RECORD THIS FINAL PLAT OF WHICH A TRUE COPY HAS BEEN RETAINED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE.

DATE: _____
XXXX
ILLINOIS PROFESSIONAL
LAND SURVEYOR NO. XXX
CHAMPAIGN, ILLINOIS

DRAINAGE STATEMENT

WE HEREBY STATE THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS OF THIS PLAT WILL NOT BE CHANGED BY THE CONSTRUCTION OF THE IMPROVEMENTS OF THIS SUBDIVISION OR ANY PART THEREOF OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATE: _____
JOHN A. DABROWSKI
ILLINOIS REGISTERED
PROFESSIONAL ENGINEER NO. 42530

DATE: _____
IVAN RICHARDSON
OWNER & SUBDIVIDER
PRESIDENT, EAST URBANA DEVELOPMENT CORP.

GENERAL NOTES:

1. THE AREA OF THIS PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT WITH THE CITY OF URBANA AS APPROVED BY COUNCIL BILL NO. 9192-20 ON AUGUST 5, 1991 AND AMENDED BY COUNCIL BILL NO. 2001-08-096 ON AUGUST 20, 2001.
2. LOTS 1416 THROUGH 1427 ARE SUBJECT TO AN OWNER'S CERTIFICATE PROVIDING FOR A FORM OF MAINTENANCE AGREEMENT FOR THE PERPETUAL MAINTENANCE OF THE COMMONS ELEMENTS AND DWELLING UNITS THEREON.
3. LOTS 1416, 1417, 1418, 1419 AND 1420, 1421, 1422, LOT 1423 AND LOTS 1424, 1425, 1426, 1427 ARE TO BE DEVELOPED UNDER THE COMMON-LOT-LINE PROVISIONS OF THE URBANA ZONING ORDINANCE WITH FOUR (4), THREE (3), ONE (1) AND FOUR (4) DWELLING UNIT STRUCTURES RESPECTIVELY ON THE AFORE MENTIONED "GROUPS OF LOTS".
4. CITY OF URBANA HORIZONTAL CONTROL FOR THE SOUTH CORNER OF THE REPLAT OF LOT 453 IS N. 1,255,966.09 E. 1,030,763.12 BASED ON A RANDOM FIELD MEASUREMENT WHICH INCLUDED A FIELD ANGLE TO THE URBANA SYSTEM. BEARINGS SHOWN ON THE PLAT ARE REFERENCED TO BEARINGS OF ORIGINAL PLAT FOR BERINGER COMMONS SUBDIVISION NO. 2B. ROTATE 00°05'52" CLOCKWISE TO CITY OF URBANA HORIZONTAL DATUM ABOUT SAID SOUTH CORNER.????????

LOT	AREA (SF)
1416	10,752.61
1417	7,498.78
1418	7,496.77
1419	8,993.17
1420	8,391.44
1421	7,503.30
1422	9,071.77
1423	23,307.51
1424	8,723.10
1425	7,707.26
1426	7,852.17
1427	12,632.74
TOTAL	119,930.62

APPROVED BY: _____
THE URBANA PLAN COMMISSION OF THE CITY OF URBANA, ILLINOIS
DATE: _____ CHAIRPERSON: _____

APPROVED BY: _____
THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS,
IN ACCORDANCE WITH ORDINANCE NO. _____
DATE: _____ BY: _____
MAYOR

ATTEST: _____
CITY CLERK

THIS PLAT IS VALID FOR ONE HUNDRED EIGHTY (180) DAYS FROM

Farnsworth GROUP
2211 WEST BRADLEY AVENUE
CHAMPAIGN, ILLINOIS 61821
(217) 352-7408 / info@f-w.com

www.f-w.com
Engineers | Architects | Surveyors | Scientists

#	Date	Description
1	09/06/2016	REVISED LOTS 1422 & 1423
2	09/29/2016	REVISED LOTS 1423 & 1424

PROJECT:
BERINGER CONDOMINIUMS

**REPLAT OF LOT 452
BERINGER COMMONS
SUBDIVISION NO. 4**

CITY OF URBANA,
CHAMPAIGN COUNTY, ILLINOIS

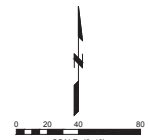
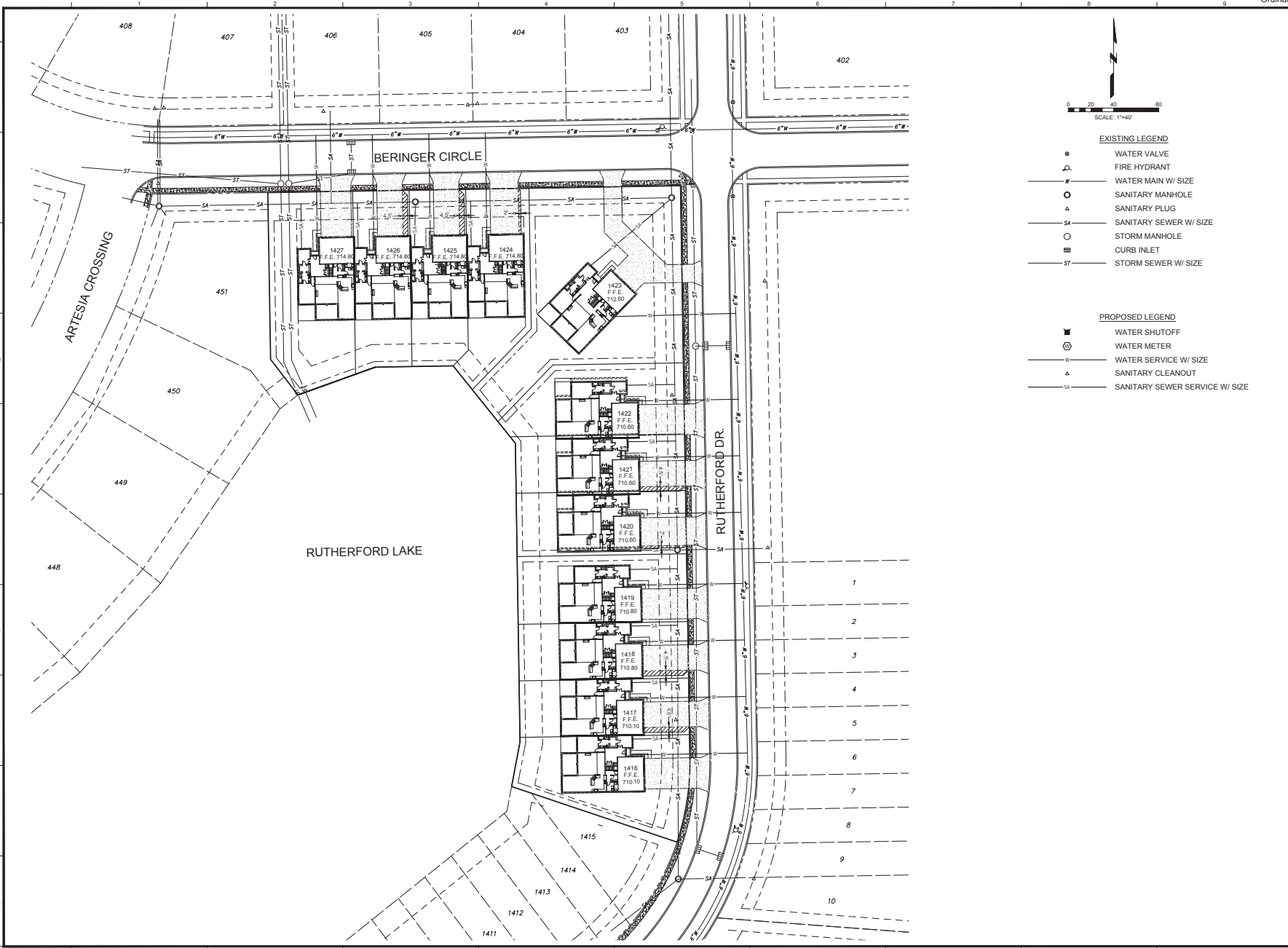
Date: 09/13/2016
Design/Drawn: GLS
Reviewed: MF
Field Book No.: NA

FINAL PLAT

SHEET NUMBER

V1.0

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- EXISTING LEGEND**
- ⊙ WATER VALVE
 - ⊕ FIRE HYDRANT
 - W WATER MAIN W/ SIZE
 - SANITARY MANHOLE
 - △ SANITARY PLUG
 - SA SANITARY SEWER W/ SIZE
 - STORM MANHOLE
 - ⊖ CURB INLET
 - ST STORM SEWER W/ SIZE
-
- PROPOSED LEGEND**
- ⊖ WATER SHUTOFF
 - ⊕ WATER METER
 - W WATER SERVICE W/ SIZE
 - △ SANITARY CLEANOUT
 - SA SANITARY SEWER SERVICE W/ SIZE



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Engineers | Architects | Surveyors | Scientists

#	Date	Description
1	09/26/2016	REVISED LOTS 1422 & 1423
2	09/29/2016	REVISED LOTS 1423 & 1424

PROJECT:
BERINGER CONDOMINIUMS

**REPLAT OF LOT 452
BERINGER COMMONS
SUBDIVISION NO. 4**

CITY OF URBANA,
CHAMPAIGN COUNTY, ILLINOIS

Date:	09/13/2016
Design/Drawn:	GLS
Reviewed:	MF
Field Book No.:	NA

SHEET TITLE:
**UTILITY &
GRADING PLAN**

SHEET NUMBER:

C1.0

Project No.: 0161352.00

I:\projects\14\URBAN\0161352.00 - Rehabilitation\Beringer Commons Lot 452\04\Urban\0161352.00\Utility Plan - 0161352.00 Rev 2 3/23/16.dwg | 11/27/2016 16:42 AM |

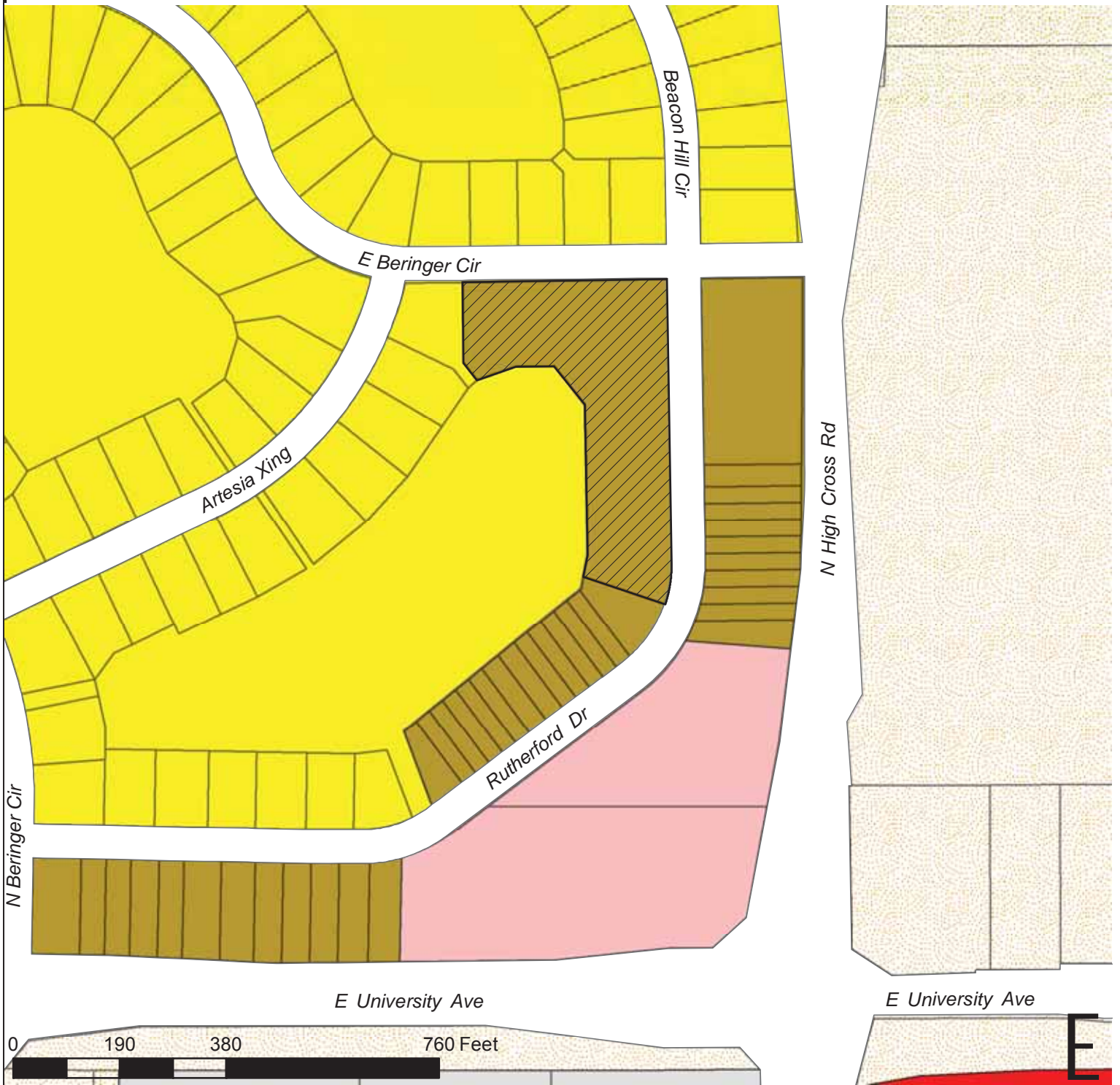
Exhibit A: Location & Existing Land Use Map



Case: ZBA-2016-MAJ-11
 Subject: Driveway Width Variance
 Location: 3002 E Beringer Dr
 Petitioner: Ivan Richardson

Subject Property

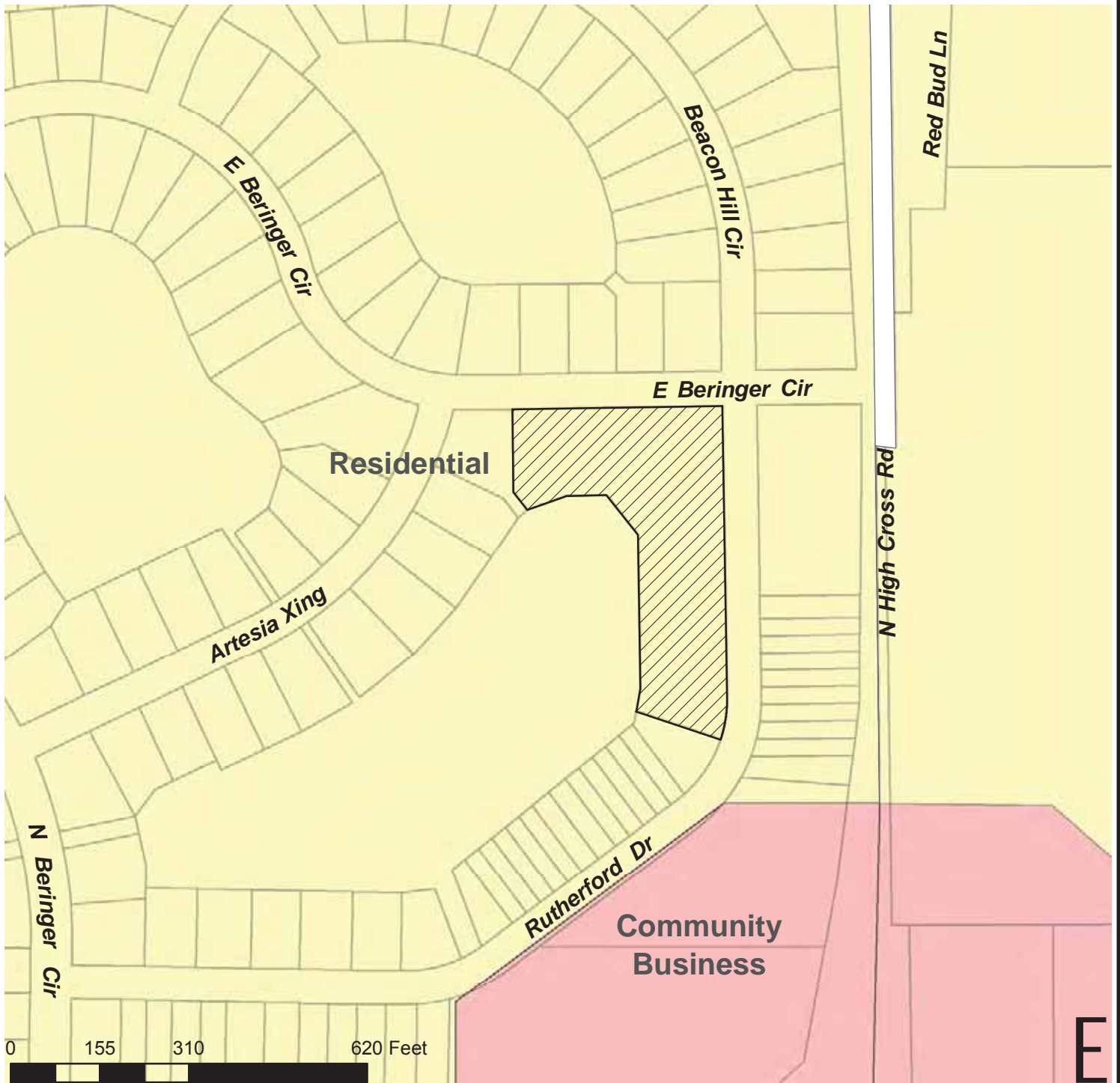
Exhibit B: Zoning Map



Case: ZBA-2016-MAJ-11
 Subject: Driveway Width Variance
 Location: 3002 E Beringer Dr
 Petitioner: Ivan Richardson

- B1
- B3
- R2
- R4
- ETJ
- IN-1
- Subject Property

Exhibit C: Future Land Use Map



Case: ZBA-2016-MAJ-11
 Subject: Driveway Width Variance
 Location: 3002 E Beringer Dr
 Petitioner: Ivan Richardson

- Residential
- Community Business
- Subject Property



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Engineers | Architects | Surveyors | Scientists

#	Date	Description
1	09/26/2018	REVISED LOTS 1422 & 1423
2	09/29/2018	REVISED LOTS 1423 & 1424

REPLAT OF LOT 452 BERINGER COMMONS SUBDIVISION NO. 4

PART OF SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS

SURVEYOR'S CERTIFICATE

I, ?????????, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. ???, DO HEREBY CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE FOR THE EAST URBANA DEVELOPMENT CORPORATION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF ILLINOIS AND ORDINANCES OF THE CITY OF URBANA, OF PART OF THE SE 1/4, SEC. 10, T. 19N., R. 6E. OF THE 3RD P.M., CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 452 OF BERINGER COMMONS SUBDIVISION NO. 4, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, RECORDED AS DOCUMENT NO. 2001R34360, DATED 11-28-2001 IN THE CHAMPAIGN COUNTY RECORDER'S OFFICE, CONTAINING 2.75 ACRES, MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

FOR THE PURPOSE OF RESUBDIVIDING SAID LOT INTO TWELVE LOTS AS SHOWN ON THE ATTACHED PLAT, THE EASEMENTS DESIGNATED ON THE ATTACHED PLAT ARE DEDICATED AND REDEDICATED FOR PUBLIC USE. MONUMENTS HAVE BEEN PLACED AS SHOWN ON THE ATTACHED PLAT AND THE SUBDIVISION SHALL BE KNOWN AS REPLAT OF LOT 452, BERINGER COMMONS SUBDIVISION NO. 4, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT NO PART OF THE PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

I DO HEREBY DESIGNATE, IN ACCORDANCE WITH P.A. 87-0705 (THE PLAT ACT), CITY OF URBANA AS THE CORPORATION THAT MAY RECORD THIS FINAL PLAT OF WHICH A TRUE COPY HAS BEEN RETAINED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE.

DATE _____
XXXX
ILLINOIS PROFESSIONAL
LAND SURVEYOR NO. XXX
CHAMPAIGN, ILLINOIS

DRAINAGE STATEMENT

WE HEREBY STATE THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS OF THIS PLAT WILL NOT BE CHANGED BY THE CONSTRUCTION OF THE IMPROVEMENTS OF THIS SUBDIVISION OR ANY PART THEREOF OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATE _____ JOHN A. DABROWSKI IVAN RICHARDSON
ILLINOIS REGISTERED ILLINOIS REGISTERED
PROFESSIONAL ENGINEER NO. 42530 OWNER & SUBDIVIDER
PRESIDENT, EAST URBANA DEVELOPMENT CORP.

GENERAL NOTES:

1. THE AREA OF THIS PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT WITH THE CITY OF URBANA AS APPROVED BY COUNCIL BILL NO. 9192-20 ON AUGUST 5, 1991 AND AMENDED BY COUNCIL BILL NO. 2001-08-096 ON AUGUST 20, 2001.
2. LOTS 1416 THROUGH 1427 ARE SUBJECT TO AN OWNER'S CERTIFICATE PROVIDING FOR A FORM OF MAINTENANCE AGREEMENT FOR THE PERPETUAL MAINTENANCE OF THE COMMONS ELEMENTS AND DWELLING UNITS THEREON.
3. LOTS 1416, 1417, 1418, 1419 AND 1420, 1421, 1422, LOT 1423 AND LOTS 1424, 1425, 1426, 1427 ARE TO BE DEVELOPED UNDER THE COMMON-LOT-LINE PROVISIONS OF THE URBANA ZONING ORDINANCE WITH FOUR (4), THREE (3), ONE (1) AND FOUR (4) DWELLING UNIT STRUCTURES RESPECTIVELY ON THE AFORE MENTIONED "GROUPS OF LOTS".
4. CITY OF URBANA HORIZONTAL CONTROL FOR THE SOUTH CORNER OF THE REPLAT OF LOT 453 IS N. 1,255,966.09 E. 1,030,763.12 BASED ON A RANDOM FIELD MEASUREMENT WHICH INCLUDED A FIELD ANGLE TO THE URBANA SYSTEM. BEARINGS SHOWN ON THE PLAT ARE REFERENCED TO BEARINGS OF ORIGINAL PLAT FOR BERINGER COMMONS SUBDIVISION NO. 2B. ROTATE 00°05'52" CLOCKWISE TO CITY OF URBANA HORIZONTAL DATUM ABOUT SAID SOUTH CORNER.????????

LOT	AREA (SF)
1416	10,752.61
1417	7,498.78
1418	7,496.77
1419	8,993.17
1420	8,391.44
1421	7,503.30
1422	9,071.77
1423	23,307.51
1424	8,723.10
1425	7,707.26
1426	7,852.17
1427	12,632.74
TOTAL	119,930.62

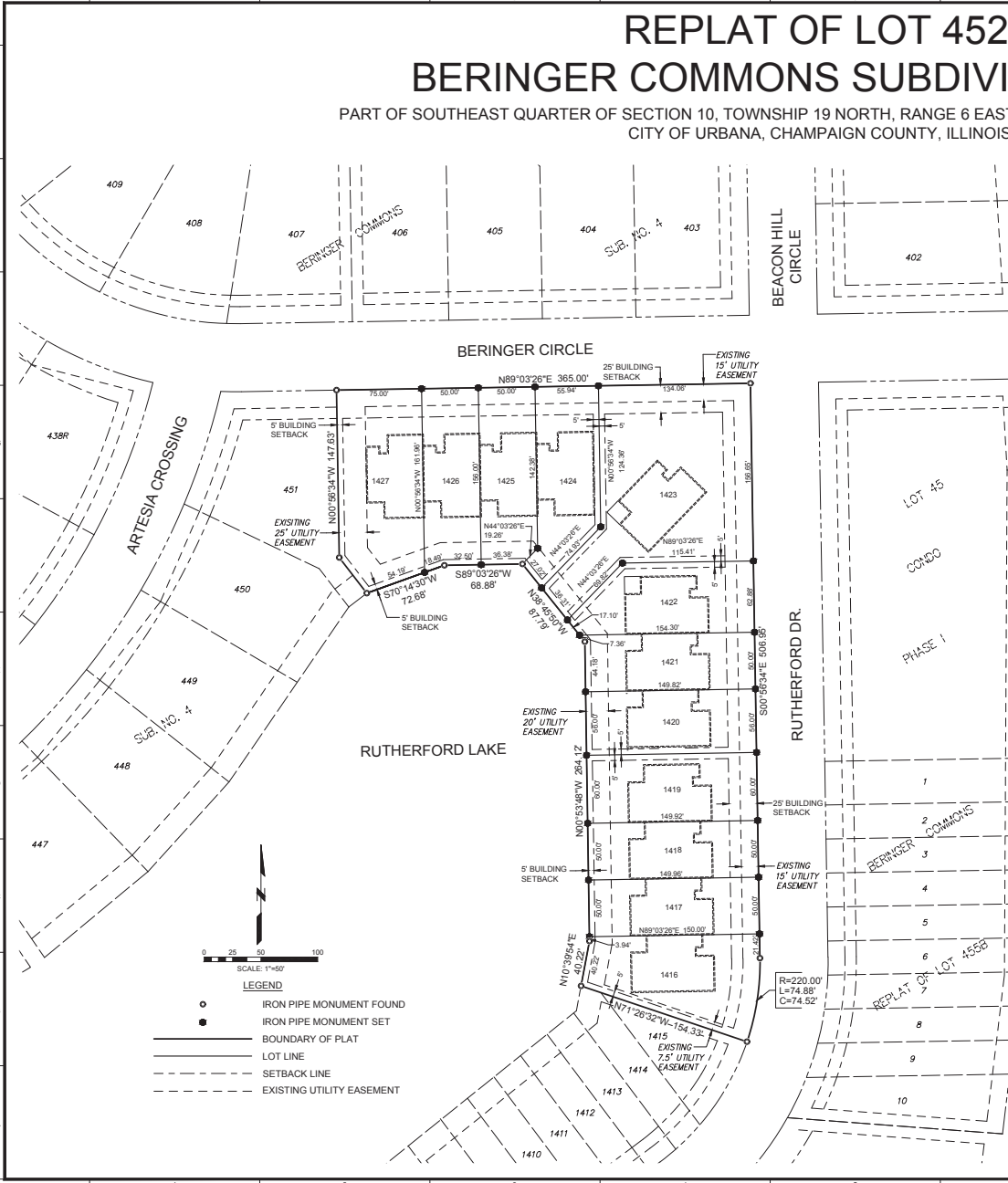
APPROVED BY: _____
THE URBANA PLAN COMMISSION OF THE CITY OF URBANA, ILLINOIS
DATE: _____ CHAIRPERSON: _____

APPROVED BY: _____
THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS,
IN ACCORDANCE WITH ORDINANCE NO. _____

DATE: _____ BY: _____
MAYOR

ATTEST: _____
CITY CLERK

THIS PLAT IS VALID FOR ONE HUNDRED EIGHTY (180) DAYS FROM



LEGEND

- IRON PIPE MONUMENT FOUND
- IRON PIPE MONUMENT SET
- BOUNDARY OF PLAT
- LOT LINE
- - - SETBACK LINE
- - - EXISTING UTILITY EASEMENT

I:\Projects\18-000\18-000-000 - Rehabilitation Beringer Commons Subdiv No. 4\Drawings\DWG\SitePlan.dwg - 09/26/2018 10:27:20 AM 3:22 PM

PROJECT:
BERINGER CONDOMINIUMS

**REPLAT OF LOT 452
BERINGER COMMONS
SUBDIVISION NO. 4**

CITY OF URBANA,
CHAMPAIGN COUNTY, ILLINOIS

Date: 09/13/2016
Design/Drawn: GLS
Reviewed: MF
Field Book No.: NA

FINAL PLAT

SHEET NUMBER

V1.0



Farnsworth GROUP

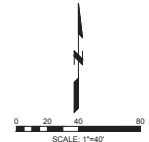
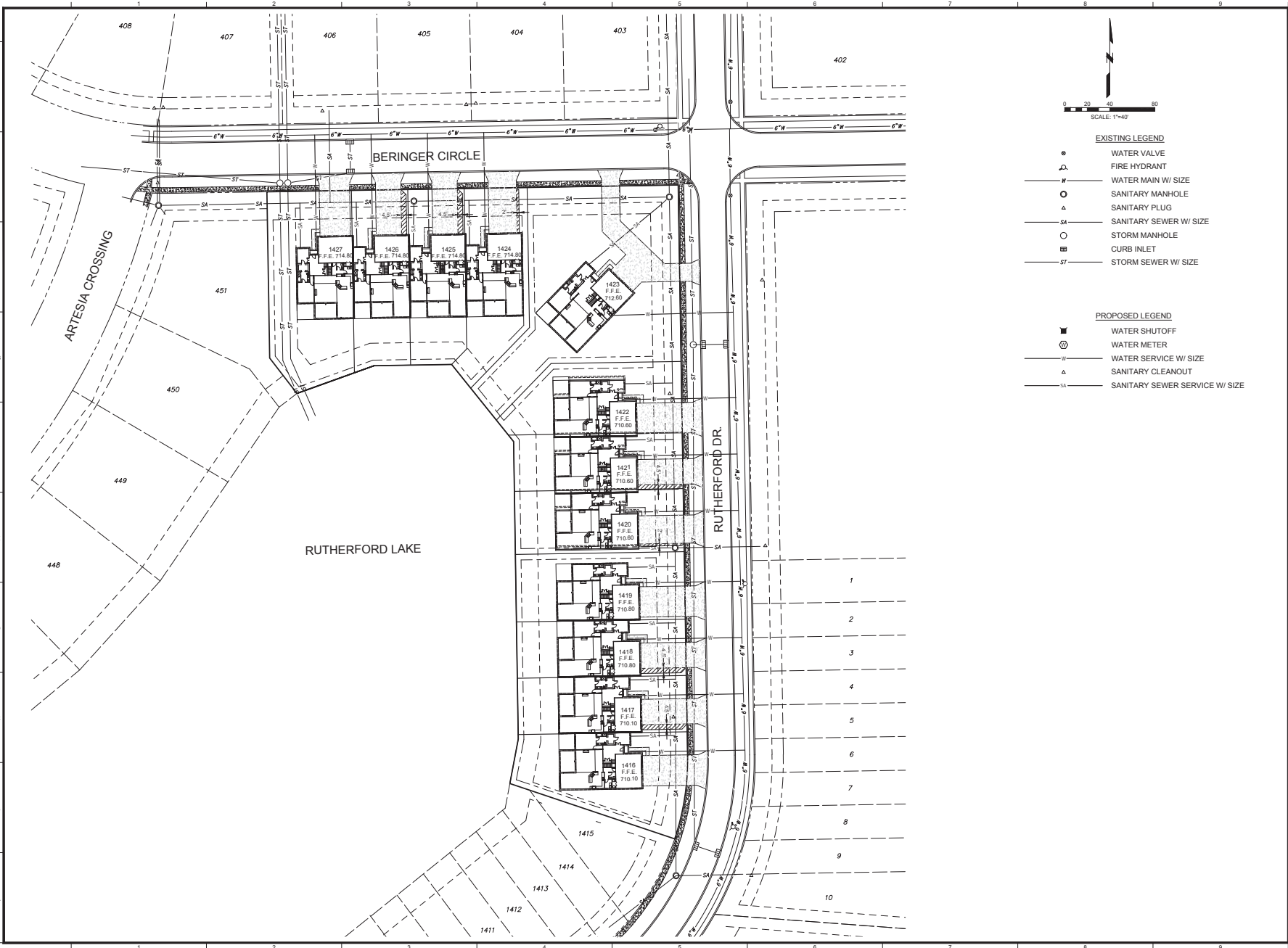
2211 WEST BRADLEY AVENUE
CHAMPAIGN, ILLINOIS 61821
(217) 352-7408 / info@f-w.com

www.f-w.com

Engineers | Architects | Surveyors | Scientists

DATE:

#	Date	Description
1	09/26/2016	REVISED LOTS 1422 & 1423
2	09/29/2016	REVISED LOTS 1423 & 1424



EXISTING LEGEND

- WATER VALVE
- ⊙ FIRE HYDRANT
- W — WATER MAIN W/ SIZE
- SANITARY MANHOLE
- △ SANITARY PLUG
- SA — SANITARY SEWER W/ SIZE
- STORM MANHOLE
- CURB INLET
- ST — STORM SEWER W/ SIZE

PROPOSED LEGEND

- WATER SHUTOFF
- ⊙ WATER METER
- W — WATER SERVICE W/ SIZE
- △ SANITARY CLEANOUT
- SA — SANITARY SEWER SERVICE W/ SIZE

PROJECT:
BERINGER CONDOMINIUMS

**REPLAT OF LOT 452
BERINGER COMMONS
SUBDIVISION NO. 4**

CITY OF URBANA,
CHAMPAIGN COUNTY, ILLINOIS

Date: 09/13/2016

Design/Drawn: GLS

Reviewed: MF

Field Book No.: NA

SHEET TITLE:

**UTILITY &
GRADING PLAN**

SHEET NUMBER:

C1.0

2

Project No.: 0161352.00

I:\projects\14\URBAN\0161352.00 - Rehabilitation\Beringer Commons Lot 452\DWG\Utility\Utility\Utility Plan - 0161352.00 Rev 2.dwg (3/21/16) 11/27/2016 10:42 AM

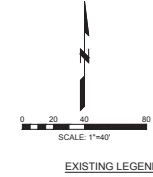
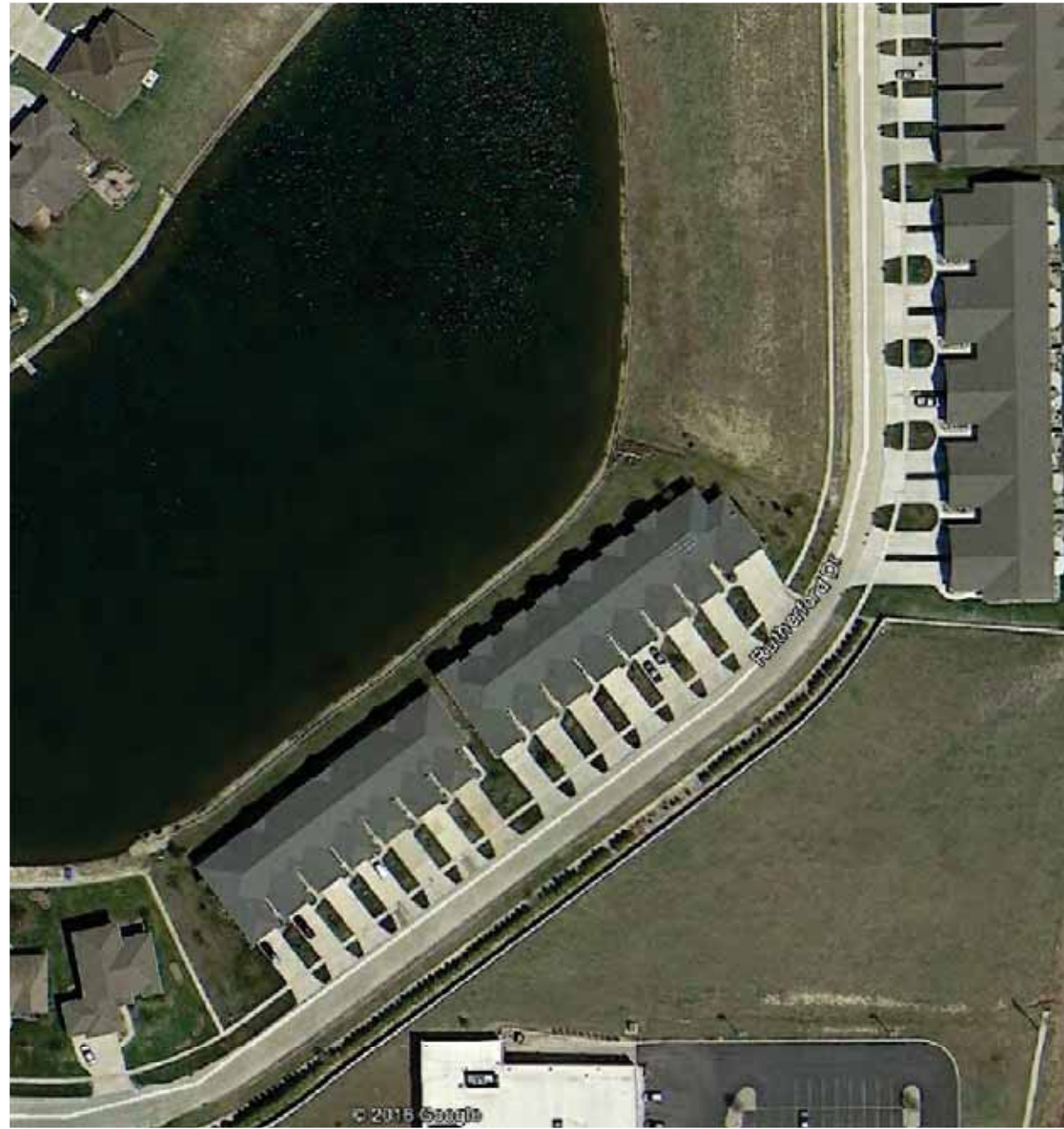


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Engineers | Architects | Surveyors | Scientists

#	Date	Description
1	09/29/2016	REVISED LOTS 1422 & 1423
2	09/29/2016	REVISED LOTS 1423 & 1424



PROJECT:
BERINGER CONDOMINIUMS

REPLANT OF LOT 452 BERINGER COMMONS SUBDIVISION NO. 4

CITY OF URBANA,
CHAMPAIGN COUNTY, ILLINOIS

Date:	09/13/2016
Design/Drawn:	GLS
Reviewed:	MF
Field Book No.:	NA

SHEET TITLE:

EXISTING LOT 453

SHEET NUMBER:

C2.0

2

Project No.: 0161352.00

I:\projects\14\URB\0161352.00 - Replant Beringer Commons, LLC, LSA, SAs, MAs, Drawings\DWG\C2.0_Existing Plan - 09/29/2016 Rev 2 3:28:16.dwg | 10/27/2016 10:42 AM |

October 24, 2016

City of Urbana
Community Development Services
400 South Vine Street
Urbana, IL. 61801

Attn: Kevin Garcia, Planner II

Subject: Application for Variance, Lot 452 of Beringer Commons

Dear Mr. Garcia,

On behalf of our client, Ivan Richardson, enclosed please find the following:

1. A completed "Application For Variance" form
2. An Application Fee in the form of a check for \$150
3. A Draft Final Plat of Lot 452 of Beringer Commons Subdivision (11x17 and full size)
4. A Draft Utility and Grading Plan (11x17 and full size)
5. A Google Earth Image depicting the existing Lot 453 condominium Development in Beringer subdivision, located Immediately south of lot the proposed lot 453 development
6. A DVD with a PDF of this entire correspondence

I want to acknowledge your assistance in the process of preparing this application in a manner which complies with the City of Urbana procedures. I look forward to discussing this request with the Zoning Board of Appeals, for this high quality proposed project by Mr. Richardson.

If you have any questions, or require any additional information, please feel free to call or email.

Very truly yours,

FARNSWORTH GROUP, INC.



Michael C. Friend, PE
Engineering Manager

Enclosures

cc: Ivan Richardson
David Spence, ALA



Application for Variance

ZONING BOARD OF APPEALS

APPLICATION FEE – \$175.00 (Major) and \$150.00 (Minor)

The Applicants are responsible for paying the cost of legal publication fees as well. Estimated costs for these fees usually run between \$75.00 to \$225.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 10-24-2016 ZBA Case No. ZBA-2016-MAJ-11
 Fee Paid - Check No. 1126 Amount \$150.00 Date 10-24-2016
1128 25.00 10-26-2016

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following variation (*Describe the extent of the Variation Requested*)

Allow for driveway widths greater than 45% of lot width on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Ivan Richardson Phone: 217-328-2525

Address (street/city/state/zip code): 1606 Willow View Road, Urbana, Illinois 61802

Email Address: Ivanrichardson44@gmail.com

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner

2. OWNER INFORMATION

Name of Owner(s): Ivan Richardson Phone: 217-328-2525

Address (street/city/state/zip code): 1606 Willow View Road, Urbana, Illinois 61802

Email Address: Ivanrichardson44@gmail.com

Is this property owned by a Land Trust? Yes No

If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: Lot 452 of Beringer Commons Subdivision No. 4

PIN # of Location: 406-014 91-21-10-406-014

Lot Size: ± 2.75 Acres

3002 East Rutherford Drive

Current Zoning Designation: R-4

Current Land Use (*vacant, residence, grocery, factory, etc*): Vacant

Proposed Land Use: Common Lot Line, 12 Lots, 4 Units

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

Lot 452 of Beringer Commons Subdivision No. 4, City of Urbana, Champaign County, Illinois, recorded as Document No. 2001R34360, dated 11-28-2001, in the Champaign County Recorder's office, containing 2.75 acres more or less, all situated in the City of Urbana, Champaign County, Illinois.

4. CONSULTANT INFORMATION

Name of Architect(s): David Spence, ALA

Phone: 217-897-1958

Address (*street/city/state/zip code*): P.O. Box 676, Fisher, Illinois 61843

Email Address:

Name of Engineers(s): Michael C. Friend

Phone: 217-352-7408

Address (*street/city/state/zip code*): 2211 W. Bradley Avenue, Champaign, Illinois 61821

Email Address: MFriend@f-w.com

Name of Surveyor(s): Chad Wallace

Phone: 217-352-7408

Address (*street/city/state/zip code*): 2211 W. Bradley Avenue, Champaign, Illinois 61821

Email Address: CWallace@f-w.com

Name of Professional Site Planner(s):

Phone:

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

Email Address:

Name of Attorney(s):

Phone:

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

Email Address:

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

The subject property has remained undeveloped for 15 years. Mr. Richardson has identified a market for energy efficient common lot line units, and has also identified a building configuration which includes a 3 car garage. Due to the common building unit configuration associated with the proposed development, lot widths are limited to the width of each individual dwelling, and are correspondingly narrow. Without paved access to all 3 garages, the marketability is substantially reduced.

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

Due to the common building unit configuration associated with the proposed development, lot widths are limited to the width of each individual dwelling, and are correspondingly narrow. Without paved access to all 3 garages, the marketability is substantially reduced.

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

Market forces are driving the architectural layout depicted. As the demographics of the community have evolved, the depicted floor plan has been developed to align with the needs of the public. The need for storage, as well as for guest parking, is a result of evolving market conditions, which are not knowingly created by the petitioner.

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

The proposed variance occurs completely on the private property of the individual lot for each unit. The proposed driveway widths are fully conformed on the City right-of-way, and transition to the desired width on the property. The additional width requested varies from a maximum of 4.5' to a minimum of 2' (hatched). With all additional width on private property. The width of the driveway will align with the dwelling unit garages, and as such will not give the appearance of excessive additional pavement. In addition, the existing development constructed on lot 453, immediately adjacent to the proposed development, also includes driveways which were permitted to exceed the maximum widths in the zoning ordinance. The driveways vary from 16'-18', on lots which are 30' wide. This represents an existing condition which is very similar to the requested variance. It is notable that the permitted variance on lot 453 extends onto the right-of-way, and the requested variance for the proposed project is limited to the private property off of the right-of-way. This effectively provides a lesser deviation from the ordinance than the existing adjacent development.

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

The anticipated owners will have frequent visitors. The ability to allow parking on the property off of the street right-of-way will mitigate the potential nuisance associated with parking of visitors on the right-of-way or along the street. The character of the existing adjacent development is similar, and as a result the proposed minor additional width will not be a nuisance, nor appear out of character.

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

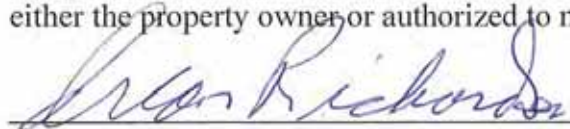
Yes, the variance requests at a maximum 4.5' of additional driveway width (hatched) all on private property, which is a 20% increase. The desired width to accommodate the design is 27 feet, and the ordinance limits the width to a maximum of 45% of the lot width, or 22.5' of a 50' lot. Concrete pavement is the desired option. Consideration of the use of some permeable pavement is possible, but not desirable.

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

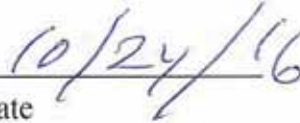
By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.



Applicant's Signature


Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: November 16, 2016

DRAFT

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Joanne Chester, Ashlee McLaughlin, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

MEMBERS EXCUSED Matt Cho, Nancy Uchtmann

STAFF PRESENT Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Marcus Ricci, Planner II; Teri Anandel, Administrative Assistant II

OTHERS PRESENT Sandra Dunn, John Ellis III, Mike Friend, Morris Funkhouser, Rodney Howard, Ivan Richardson

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Welch called the meeting to order at 7:32 p.m. Roll call was taken, and he declared that there was a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the October 19, 2016 regular meeting were presented for approval. Ms. Chester moved to approve the minutes as presented. Mr. Warmbrunn seconded the motion. The minutes were approved by unanimous voice vote as written.

NOTE: Chair Welch swore in members of the audience who indicated that they may give testimony during the public hearing.

4. COMMUNICATIONS

- Email from the Property Owner at 807 East Main Street requesting information about what type of business was being proposed in Case No. ZBA-2016-C-02

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-2016-MAJ-11 – A request by Ivan Richardson for a Major Variance to allow access drives that are up to 54 percent of the lot widths at 3002 East Rutherford Drive in the R-4, Medium Density Multiple Family Residential Zoning District.

Chair Welch opened the public hearing for this case. Kevin Garcia, Planner II, presented the staff report to the Zoning Board of Appeals. He began with a brief background on the subject area and mentioned that the property would be divided into 12 lots to accommodate 11 single family common-lot-line townhomes and one model unit. He described the subject property and adjacent properties noting their current zoning and existing land uses. He discussed the reason for the proposed major variance which would be to allow an increase in the width of the access driveways to make the units marketable. He reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertained to the proposed variance request. He read the options of the Zoning Board of Appeals and presented City staff's recommendation for approval with the conditions outlined in the written staff report.

Chair Welch asked if the members of the Board had questions for City staff. There were none. Chair Welch, then, opened the hearing for public input.

Mike Friend, of the Farnsworth Group representing the applicant (Ivan Richardson), approached the Zoning Board of Appeals to speak. He acknowledged that the City staff had been great to work with. He stated that Mr. Richardson has had a long, positive history in terms of developing Urbana. When beginning this project, they wondered about ways to mitigate the plan with requiring the smallest variance from the Zoning Ordinance regulations. The design they came up with only allows what would be needed to access the garage on each lot. The width of the driveways would be fully compliant on the City's right-of-way. They are requesting a variance for the portion of each driveway that lies on private property.

The clientele that would purchase the proposed units would have many guests. So, the property owner found it would be beneficial to provide additional driveway width in front of each garage rather than have on street parking.

Mr. Friend discussed staff's suggestions for options within Condition #3. His response was as follows:

- a. *Tapering the area of added width to the extent possible*

They planned to start the taper of the driveway closer to the face of the building structure. This would allow three vehicles to be able to enter the garage and would also provide parking spaces outside of the garage for three guests to park.

- b. *Using permeable paving materials for the area of added width*

Mr. Friend stated that Mr. Richardson preferred to use concrete for the entire driveway. This material and the small increase in the width of each driveway would not impact the existing stormwater management system of the subdivision. If, however there is a strong disposition that the extra width be constructed of permeable pavers, he suggested that there are more creative ways to incorporate permeable pavement in the driveways that would be more aesthetically pleasing than only requiring it in the extra width of the driveways.

c. *Using a contrasting surface material for the area of added width*

He commented that again they would prefer to have one slab of concrete, they could incorporate a different texture or color of material in the design of the driveways.

d. *Adding enhanced landscaping to the area next to the access drive*

Mr. Friend thought maybe this could be included in the covenants.

Lorrie Pearson, Planning Manager, pointed out that these are options that City staff offered. They would not all be required.

Mr. Friend stated that Mr. Richardson wants to do this development and felt it would be a great thing for the City. They have already worked at reducing the driveway widths in the City right-of-way, so it would be conforming in this aspect. He summarized his statements.

Ms. McLaughlin appreciated the work that had been done, but believed they were proposing the bare minimum to comply with the City's regulations. She understood that the property owner needed to make a profit; however, there is a lack of creativity. The point is not to pour enough concrete to get 3 vehicles in the driveway. Why did the applicant feel the need to provide 3 parking spaces in the driveway? Was there a specific clientele that they are trying to target to purchase these units? Mr. Friend replied that Mr. Richardson would be able to best answer these questions.

Ms. McLaughlin asked if Mr. Friend believed it was a realistic option to use permeable pavers to construct the driveways regardless of whether it would be for only the extended portion or for the entire full driveways. Mr. Friend stated that from an engineering aspect, it would be possible to provide permeable pavers. He referred the question to be answered by the applicant on what he preferred.

Ms. McLaughlin commented that the suggestions for Condition 3 would minimize the impact of the additional pavement. It would be good for the owner to commit to doing one or more of them.

Ivan Richardson, property owner and applicant, approached the Zoning Board of Appeals to speak. He stated that the street is not wide. He preferred to have guests park in the driveways for safety reasons. He develops properties according to what people want, not because of costs. He plans to sell the units as they build them. He presented illustrations of what the units would look like.

Ms. McLaughlin asked if he found any of the suggestions for Condition #3 to be realistic or manageable. Mr. Richardson replied that it is if he felt it was really important. He did not believe any of them would make that much difference. He felt it would be okay to add a brick stamp design along the sides of the driveways.

Morris Funkhouser approached the Zoning Board of Appeals to speak. Chair Welch swore him in. Mr. Funkhouser stated he has had family gatherings at his house and have had family park on the street, which creates a safety issue that off-street parking would solve.

With there being no further comments or testimony from members in the audience, Chair Welch closed the public input portion of the hearing. He, then, opened the hearing for Zoning Board of Appeals discussion and/or motion(s).

Mr. Warmbrunn questioned the wording in Condition #3. Would they need to change the language to reflect the discussion? Mr. Garcia stated that they were just suggestions of what the applicant could do. The Zoning Board of Appeals could alter them if they wanted to. Ms. Pearson added that staff wanted to help soften the impact of the additional driveway by allowing some flexibility for the owner in his design.

Ms. Chester preferred to eliminate Condition #3 entirely. Tapered driveways don't work as they are planned. People would still back out straight into the mud. Extended driveways to allow additional parking generally never look good. She mentioned that as the Township Assessor she had seen all of Mr. Richardson's work and could verify that he does quality work. Therefore, the City should let him use his best judgement on how to pave the proposed driveways.

Ms. McLaughlin asked staff if they had a concern about people parking on the street. Developers generally do not design driveways for holiday parking, so parking on the street is acceptable. Ms. Pearson replied that this type of subdivision, which has narrow lots and wide driveways, often doesn't offer a lot of opportunity for people to park on the street because there is not a lot of space between the driveways. City staff has not performed a study of the subject area to confirm that this is the case.

Mr. Warmbrunn moved that the Zoning Board of Appeals forward Case No. ZBA-2016-MAJ-11 with a recommendation for approval including the following conditions:

1. *The associated proposed Replat of Lot 452 is approved.*
2. *The site is developed in general conformance with the proposed site plan attached to the written staff report, titled "Replat of Lot 452 Beringer Commons Subdivision No. 4" with the submitted lot, dwelling and access drive configurations and placement.*
3. *The impacts caused by the additional pavement are minimized on each subject lot by doing one of the following:*
 - a) *Tapering the area of added width to the extent possible;*
 - b) *Using permeable paving materials wherever possible.*

Ms. McLaughlin seconded the motion. Roll call on the motion was as follow:

Mr. Warmbrunn	-	Yes	Mr. Weisskopf	-	Yes
Mr. Welch	-	Yes	Ms. Chester	-	Yes
Ms. McLaughlin	-	Yes			

The motion passed unanimously by a vote of 5-0. Mr. Garcia noted that this case would be forwarded to the City Council on Monday, November 21, 2016.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 8:53 p.m.

Respectfully submitted,

Lorrie Pearson, AICP
Planning Manager
Secretary, Urbana Zoning Board of Appeals