### &DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

memorandum

**TO:** Urbana Zoning Board of Appeals

FROM: Marcus Ricci, AICP Planner II

**DATE:** October 16, 2020

SUBJECT: ZBA-2020-MAJ-06: A request by VitalSkin Physician Management, LLC, represented by

David Line, for a Major Variance to allow parking to encroach up to 14 feet into the required

15-foot front yard at 1111 West Kenyon Road in the B-3, General Business District.

### Introduction

On behalf of VitalSkin Physician Management, LLC, David Line requests a Major Variance to reduce the minimum front yard from 15 feet to 1 foot, to allow additional parking in front of the building at 1111 West Kenyon Road ("Kenyon Road"). Section VI-5. and Table VI-3. of the Urbana Zoning Ordinance require a minimum 15-foot front yard in the B-3, General Business District. For the Major Variance request to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority to forward it to City Council for final review and approval.

Staff review of the criteria found that four of the six criteria weigh in favor of the request, and two criteria weigh against the request. Because the special circumstances of the parcel are not great enough to require the variance, and because there are alternatives to the proposed parking configuration that would eliminate the need for the variance, staff recommend the Zoning Board of Appeals deny the request.

### **Background**

The applicant is renovating the 40,000 square-foot building in three phases: Phase 1 is exterior renovations; Phase 2 is renovating approximately 17,500 square feet of office space; and Phase 3 is renovating approximately 6,000 square feet into dermatology clinic space (Exhibit E). On September 24, 2020, the Urbana Plan Commission heard Plan Case 2404-SU-20, a request by the applicant to allow the operation of a dermatology clinic at this property. The commission forwarded the request to City Council with a recommendation to approve the request as requested: allocating approximately 6,000 square feet to clinic space, in conformance with the submitted site plans.

### Site Description, Land Use and Zoning

The 9.46-acre parcel is owned by the applicant and lies on the south side of Kenyon Road between North Lincoln Avenue and Federal Drive (Exhibit A). The north half of the parcel contains the existing building and parking; the south half of the property is undeveloped woodland. There is mature landscaping between the north face of the building and the north parking lot and drive aisle, including mature trees along the northern property line and along the two access drives (Exhibit F). The right-of-way from the centerline of Kenyon Road to the north property line is 110 feet at this site and eastward. Other nearby uses include Campus Ink and Peoria Motor Coach (west), Holiday Inn Express and Garden Hotel Urbana (east), and One Illinois North Apartments (south). Table 1. below summarizes the current zoning, existing land uses, and 2005 Comprehensive Plan future land use designations of the site and surrounding land (Exhibits B and C).

Table 1. Zoning, Existing Land Use, Future Land Use Designation

	Zoning	Existing Land Use	Future Land Use
Site	B-3, General Business	Professional Office, Printing & Copy Service	Light Industrial
North	None	Interstate Highway	Undesignated
East	B-3, General Business	Hotel	Regional Business
South	R-4, Medium Density Multiple Family Residential	Multifamily Residential (apartments)	Multifamily
West	IN-1, Light Industrial	Agriculture, Printing & Copy Service	Industrial

### **Proposed Parking**

The applicant wants to construct an additional 14 parking spaces in front of the building: 2 more in the existing parking row, and a new row of 12 parking spaces along the northern property line (Figure 1.). There is approximately 61 feet between the south side of the parking lot and the northern property line (Exhibit D, Civil Sheet). The current row of 13 parking spaces (11 standard, 2 accessible) is 20 feet deep, leaving 41 feet of space between the parking spaces and the property line. The proposed configuration includes a 21.5-foot-wide aisle and an 18.5-foot-deep row of parking, leaving one foot of space between the edge of the parking area and the property line. The parking would avoid the mature trees along the northern property line.

# Discussion

The applicant wants to provide additional parking that is convenient to the patients at the new

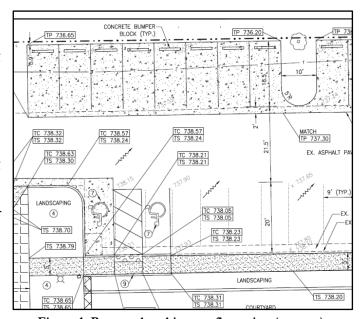


Figure 1. Proposed parking configuration (excerpt).

dermatology clinic. They state that the available space between the access drive and the north property line does not allow them to construct additional parking without a variance, nor is there enough room to install the additional parking with a landscape buffer that would allow them to encroach up to 10 feet into the required 15-foot front yard without a variance.

As the applicant states, parking is permitted to encroach up to 10 feet into the required front yard in the B-3 district if a landscape buffer is installed.<sup>1</sup> Although the proposed parking configuration may be the most straightforward, staff does not find that it represents the minimum deviation from the Zoning Ordinance. There are alternative parking configurations that could be considered, where the option to install a landscape buffer and allow parking up to 10 feet into the required yard would eliminate the need for a variance, or at the very least would reduce the encroachment into the yard. This fact, coupled with the fact there are already 105 parking spaces on a site where only 91 parking spaces are required by the Zoning Ordinance, lead staff to recommend alternatives to the proposed configuration. Staff discussed several alternatives internally, and shared the three most feasible options with the applicant:

<sup>&</sup>lt;sup>1</sup> VIII-4.F.6. allows parking to encroach ten feet into the required yard if the landscape buffer yard requirements set forth in Section VI-6.A.2.b.3-8 are met.

Narrowing access drive: If both rows of parking were angled rather than 90-degree, the two-way access drive could be converted to a one-way access drive, allowing it to be narrowed. Figure 2. shows a 60-degree parking module with a 55.5-feet width with two rows of angled parking (Figure VIII-1 of the Zoning Ordinance). This would leave 5.5 feet between the parking and the property line, or a 9.5-foot encroachment into the required front yard. A landscape buffer that would allow this encroachment could then be installed in the remaining 5.5 feet.<sup>2</sup>

This option appears to provide adequate space for two rows of angled parking, a one-way access drive, and a landscape buffer. No variance would be required in this case.

Parallel parking: A row of parallel parking spaces is only 8.5-feet wide. Parallel parking could be installed on the north side of the access drive, which would leave 11 feet between the edge of parking and the property line (Figure 3.). This is more than enough space to install a landscape buffer, which would allow the parking without requiring a variance.

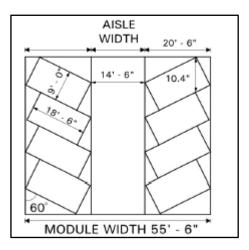


Figure 2. Narrowed access drive.

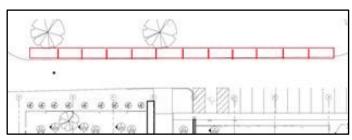


Figure 3. Parallel parking.

Either of the two options above could provide the additional parking the applicant desires without requiring a variance. Finally, it is worth noting that the site currently has 105 parking spaces, which is 15% more spaces than are required by the Zoning Ordinance. The additional 14 spaces on the north side of the building may be desirable, but they are not required.

Expanding parking to the west: A third option was to remove the mature landscaping along the west side of the north building face and construct the additional parking there (Figure 3.). Neither the applicant nor staff are in favor of this option. No variance would be required in this case.

### 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 variance criteria as they pertain to this case:

1. 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 applicant states that the special circumstances in this case are that there is not enough space in front of the building to accommodate both additional parking and the necessary landscape buffer. Although there is sufficient parking on-site, the applicant states that is must be "patient-friendly" and convenient for clinic patients to access, which is not the case for the parking located south of the building, over 300 feet away, with no sidewalk connecting it to the future clinic entrance. Nearby businesses are not as "public-oriented" as the future clinic and do not require this convenient parking.

Staff has suggested two alternative parking options which would satisfy the desire to add parking and

<sup>&</sup>lt;sup>2</sup> Section VI-6.B.1.b. requires three feet of space to install landscape screening for off-street parking.

would not require a variance. There is sufficient space for the desired amount of parking and a landscape buffer, so the applicant's claim that there is not enough room is not a sufficiently special circumstance (see Discussion section).

Something that could be considered a special circumstance is that the right-of-way at this location is exceptionally wide, extending 110 feet from the centerline of Kenyon Road: further west, the right-of-way extends only 50 feet from the centerline. If the right-of-way at the applicant's site was the same as the parcels to the west, or were a more standard width, a variance would not be necessary. However, since there is still sufficient space to add parking and a landscape buffer despite the exceptionally wide right-of-way, this factor should weigh against the request.

2. The variance request is not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.

The front (north) entrance of the building was designed to access the former office space, while the back (south) entrance was used to access the warehouse space. The applicant would like the future clinic to be easily identifiable and accessible from Kenyon Road, and plan to use the north entrance as the clinic entrance. Staff concur that the north entrance and its parking area are the most logical for the dermatology clinic. The 6,000 square feet for the clinic recently approved with a special use permit has not been designed yet, so the patient load cannot be determined. Table VIII-7 requires 1 parking space for each 250 square feet of clinic space, which means that 24 parking spaces are required for the clinic, or 11 more spaces than the north parking area currently has. This factor should weigh in favor of the request.

3. The variance will not alter the essential character of the neighborhood.

The current view from Kenyon Road of the neighborhood includes the north end of metal prefabricated buildings (Campus Ink and Peoria Motor Coach) and the rear of the Holiday Inn Express. The only main entrance visible from the road is VitalSkin's building, which is set back over 100 feet from the street, across a grassy lawn with several mature trees. Adding an additional row of parking to the parking lot should not significantly alter the view of the building, and should not alter the essential character of the neighborhood. The applicant's north parking lot is further back from the centerline of Kenyon Road than nearby properties' parking lots, and expanding it northward 30 feet would still leave it further back than the others' parking lots (Exhibit D – Neighborhood Plan). *This factor should weigh in favor of the request.* 

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

Adding parking in the proposed location should not increase traffic or noise, and should not cause a nuisance to the adjacent property. Given the large setback from Kenyon Road, the additional parking should be barely noticeable. The proposed variance should not cause a nuisance to adjacent properties. This factor should weigh in favor of the request.

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

The applicant states that the clinic parking must be adjacent to the clinic entrance – the north entrance – as other locations would be inconvenient for patients. They also contend that the available space would not accommodate both additional parking and the landscape buffer that would be required to allow parking to encroach into the required yard. Finally, they state that the existing green space and

<sup>&</sup>lt;sup>3</sup> The right-of-way standard for a local collector is 66-feet wide, or 33-feet-wide on either side of the street centerline. Table A., *Urbana Subdivision and Land Development Code*, Ordinance No. 8889-33, 1988.

landscaping would negate the benefits that a landscape buffer would provide. Staff has determined that other parking configurations could provide additional parking, and that there is sufficient space for both parking and the landscape buffer, eliminating the need for the requested variance. *This factor should weigh against the request.* 

6. The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land.

The practical difficulty in carrying out the Zoning Ordinance is the exceptional width of the right-of-way at this location and the location of the existing building. Both of these factors mean that there is only 61 feet of space on the north side of the building to install parking, and 61 feet is not enough space to meet the applicant's desire to include two rows of 90-degree parking and a two-way access drive without encroaching into the front yard. While staff has shown that other parking configurations may be possible without requiring a variance, the variance request is the result of the aforementioned practical difficulties. This factor should weigh in favor of the request.

### Summary of Staff Findings

- 1. David Line, on behalf of VitalSkin Physician Management, LLC, requests a Major Variance to reduce the minimum front yard requirement from 15 feet to 1 foot, as required by Section VI-5. and Table VI-3., to allow additional parking in front of the building at 1111 West Kenyon Road, in the B-3, General Business Zoning District.
- 2. The special circumstance of the site is that space available between the exceptionally wide right-of-way and the front of the building does not leave sufficient room for the desired parking configuration. Staff found alternative configurations that would not require the proposed variance.
- 3. The proposed variance should grant relief from a situation not created by the petitioner, and would allow them to create a desirable parking configuration for the medical clinic near the logical building entrance for clinic patients.
- 4. The proposed variance should not alter the essential character of the neighborhood nor cause a nuisance to adjacent properties, as it would not bring parking significantly closer to the main road or alter the current view from the road, and should not increase traffic or noise.
- 5. The proposed variance is not the minimum deviation from the requirements of the Zoning Ordinance, as there are other parking configuration alternatives that would not require the proposed variance.

### **Options**

The Zoning Board of Appeals has the following options in case ZBA-2020-MAJ-06:

- 1. Forward the case to City Council with a recommendation to approve the variance as requested, based on the findings outlined in this memorandum; or
- 2. Forward the case to City Council with a recommendation to approve the variance with certain terms and conditions, and if so, articulate all terms, conditions, and findings; or
- 3. Deny the variance request, and if so, articulate findings supporting the denial.

### **Staff Recommendation**

Based on the analysis and findings presented 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 **DENY** the major variance request. If the Board recommends approval, staff recommends the following condition:

• Construction must be in general conformance with the attached site plan, entitled "1111 W. Kenyon Road," dated August 25, 2020 (Exhibit D, Sheets C1-C2)

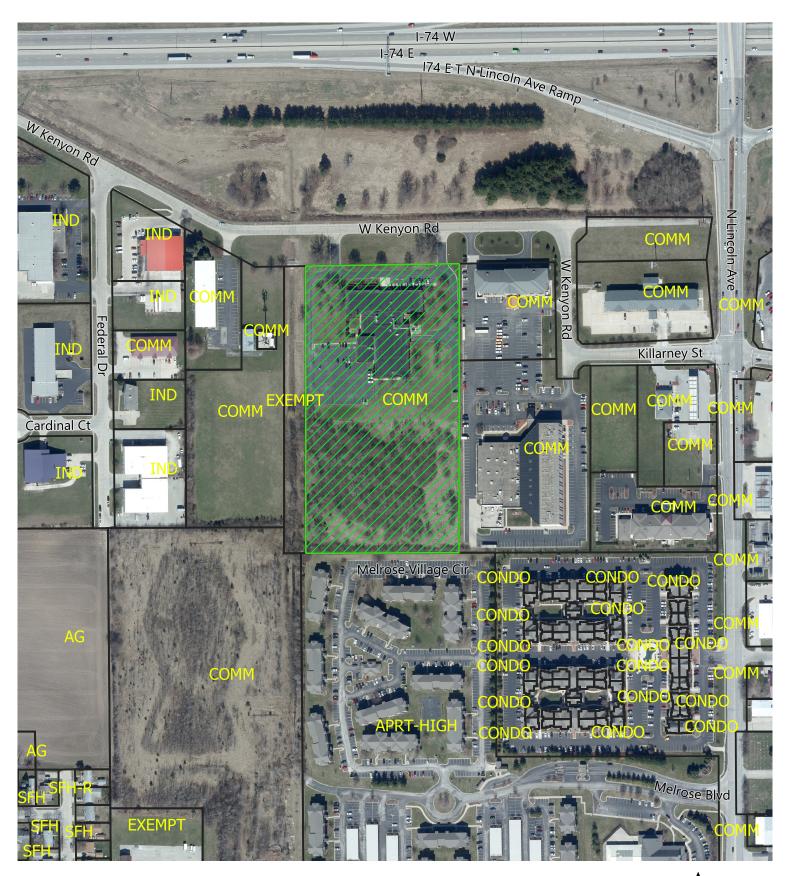
Attachments: Exhibit A: Location Map

Exhibit B: Zoning Map

Exhibit C: Future Land Use Map Exhibit D: Major Variance Application Exhibit E: Exterior Renovation Plans

Exhibit F: Site Photos

# **Exhibit A - Location & Land Use**



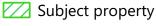


Case: ZBA-2020-MAJ-06

Subject: Front Yard Major Variance Location: 1111 West Kenyon Road

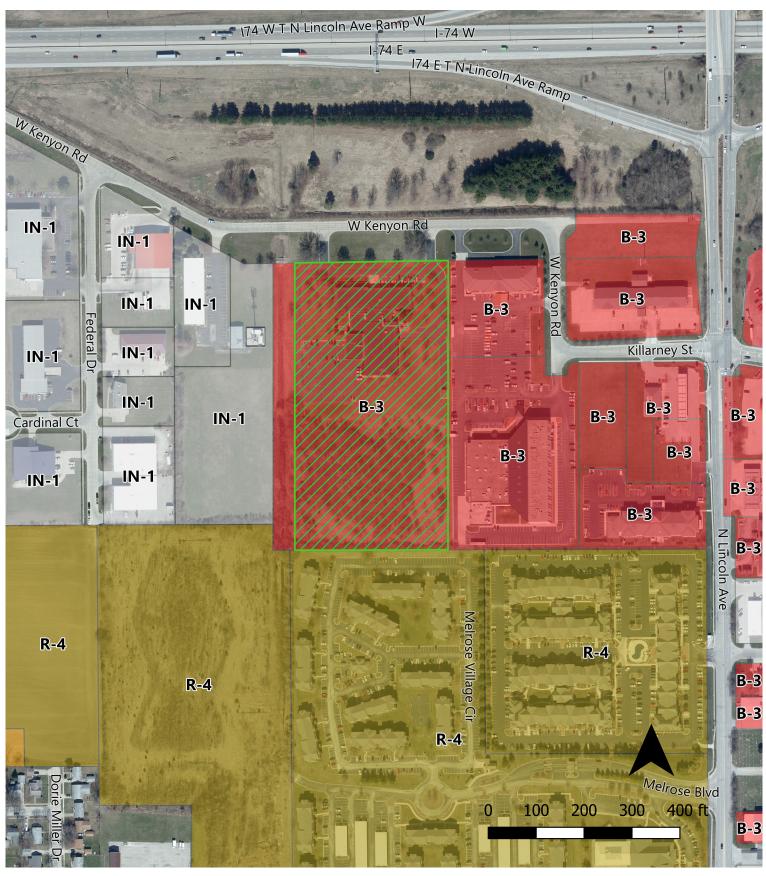
Owner: VitalSkin Physician Management, LLC

# Legend



0 100 200 300 400 ft

# **Exhibit B - Current Zoning**





Case: ZBA-2020-MAJ-06

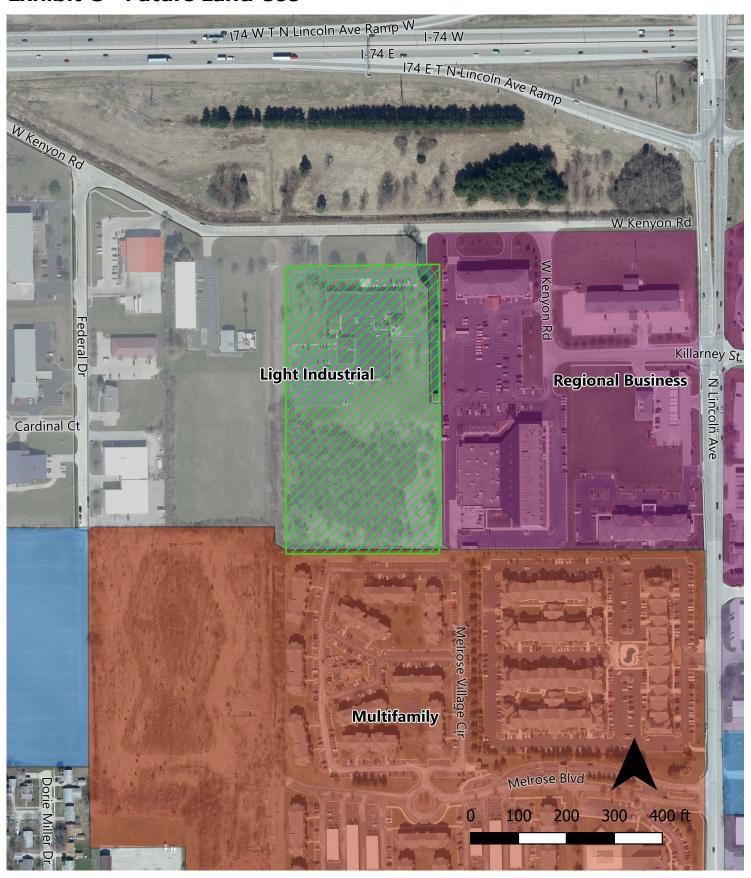
Subject: Front Yard Major Variance Location: 1111 West Kenyon Road

Owner: VitalSkin Physician Management, LLC

# Legend

✓ S	ubject property	IN-1
Zoning		R-3
В	-3	R-4

# **Exhibit C - Future Land Use**





Case: ZBA-2020-MAJ-06

Subject: Front Yard Major Variance Location: 1111 West Kenyon Road

Owner: VitalSkin Physician Management, LLC

# Legend

Subject property



# **Application for Variance**

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at http://www.urbanaillinois.us/fees for the current fee associated with this application. The Applicant is also responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

	DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY
	te Request Filed 09-18-2020 ZBA Case No. ZBA-2020-MAJ
Fee	e Paid - Check No. <u>25943</u> Amount <u>\$200.00</u> Date <u>09-22-2020</u>
_	
	PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION
A	VARIATION is requested in conformity with the powers vested in the Zoning Board of
Αp	peals to permit the following variation (Describe the extent of the Variation Requested)
	struction of parking spaces within the setback on the north property line that does not allow for the required buffer yard or landscape buffer. On the
pro	operty described below, and in conformity with the plans described on this variance request.
1.	APPLICANT CONTACT INFORMATION
	Name of Applicant(s): VitalSkin Physician Management, LLC Phone: 217-840-6934
	Address (street/city/state/zip code): 1111 West Kenyon Road, Urbana, Illinois
	Email Address: david.line@vitalskinderm.com
	Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner
2.	OWNER INFORMATION
	Name of Owner(s): VitalSkin Physician Management, LLC Phone: 217-840-6934
	Address (street/city/state/zip code): 1111 West Kenyon Road, Urbana, Illinois
	Email Address: david.line@vitalskinderm.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: 1111 West Kenyon Road
	PIN # of Location: 91-21-06-426-001
	Lot Size: 412, 277 SF

Current Zoning Designation: 8-3

Current Land Use (vacant, residence, grocery, factory, etc: Office/warehouse Building

Proposed Land Use: Office Building

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

See attached

### 4. CONSULTANT INFORMATION

Name of Architect(s): KAP Architecture, LLC (Bob Kapolnek, AIA) Phone: 217-351-6005

Address (street/city/state/zip code): 3019 Village Office Place, Champaign, IL 61822

Email Address: bob@kaparchitecture.com

Name of Engineers(s): BKB Engineering, Inc. (Bryan Bradshaw) Phone: 217-840-3546

Address (street/city/state/zip code): 301 N Neil Street, Suite 400, Champaign, IL 61820

Email Address: bbradshaw@bkbeng.com

Name of Surveyor(s): BKB Engineering, Inc. (Bryan Bradshaw) Phone: 217-840-3546

Address (street/city/state/zip code): 301 N Neil Street, Suite 400, Champaign, IL 61820

Email Address: bbradshaw@bkbeng.com

Name of Professional Site Planner(s): NA 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.

Vital Skin Dermatology will be constructing a medical clinic within the existing building at this address. In order to provide the most convenient access for their patients, additional parking needs to be provided in close proximity to the main entrance on the north side of the building. Adequate space is available within the property lines for the parking, however, the new parking would extend into the north setback. Per VIII-4.F.6 in the Urbana Zoning Ordinance, parking is permitted to encroach ten feet into the required front yard if the buffer yard requirements set forth in VI-6.A.2.b.3, 4,5, 6, 7 and 8 are met. We will not be able to meet this requirement as the parking space would end approximately 1' from the property line.

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.

The position of the existing building (which will remain) and the existing row of parking and parking access aisle adjacent to the north face of the building cannot be changed. The clinic portion of the building must be "patient-friendly" with easily accessible parking near the main entrance due to the mobility of the patients. Although there is additional parking on site, it is too far-removed from the entrance to the clinic, presenting mobility and safety challenges for patient access the clinic. Other properties & businesses within this same district are more industrial in nature and not as "public oriented" as a medical clinic must be.

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

The north side of the existing building is constructed as office space, whereas the south side was constructed as warehouse space. The clinic must be easily identifiable from the main road (Kenyon) and accessed from same. The building owner is dedicated to preserving the architectural integrity of the existing building, thereby keeping the footprint of the building, as well as the existing parking/access configuration in tact. The only location for additional patient parking is on the north side of the existing parking aisle.

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

The existing Vital Skin dermatology building is the only structure that has a main entrance facing Kenyon Road. The view you would see driving down Kenyon are the rear of the Holiday Inn Express (east) and the end wall of the metal buildings to the west. The Vital Skin building is the most developed and architecturally pleasing building along Kenyon. Existing landscaping would not be altered between Kenyon and the new row of parking. Even with the new parking installed, the green space between Kenyon and the parking will be deeper (north to south) than the adjacent property.

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

Adjacent properties on the east (Holiday Inn Express) and West (Multiple businesses) currently have parking that is closer to Kenyon Road than the parking we are proposing. There is generous green space on the north side of this building due to the depth of the right of way along Kenyon Road, as well as the green space between Kenyon and Interstate 74. The property also has existing established, mature trees within the greenspace that will not be removed for the parking. The adjacent properties do not. The potential for development of property across Kenyon is minimal therefore there would not be any detrimental effects to the property north of this site.

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

It is our contention that the request to reduce the north parking setback is the minimum deviation possible to accommodate the requirement for clinic parking. The patient parking for the clinic must be located adjacent to the main entrance to the facility, which is on the north side of the building. If the parking were located on the east or west sides of the building it would present mobility and safety issues for the patients, and we would be required to remove existing mature trees to locate the parking in those areas. There is not sufficient space between the north edge of the proposed parking and the property line to install a landscape buffer, however the existing landscaping and generous green space negate the effects the landscape buffer would provide.

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:

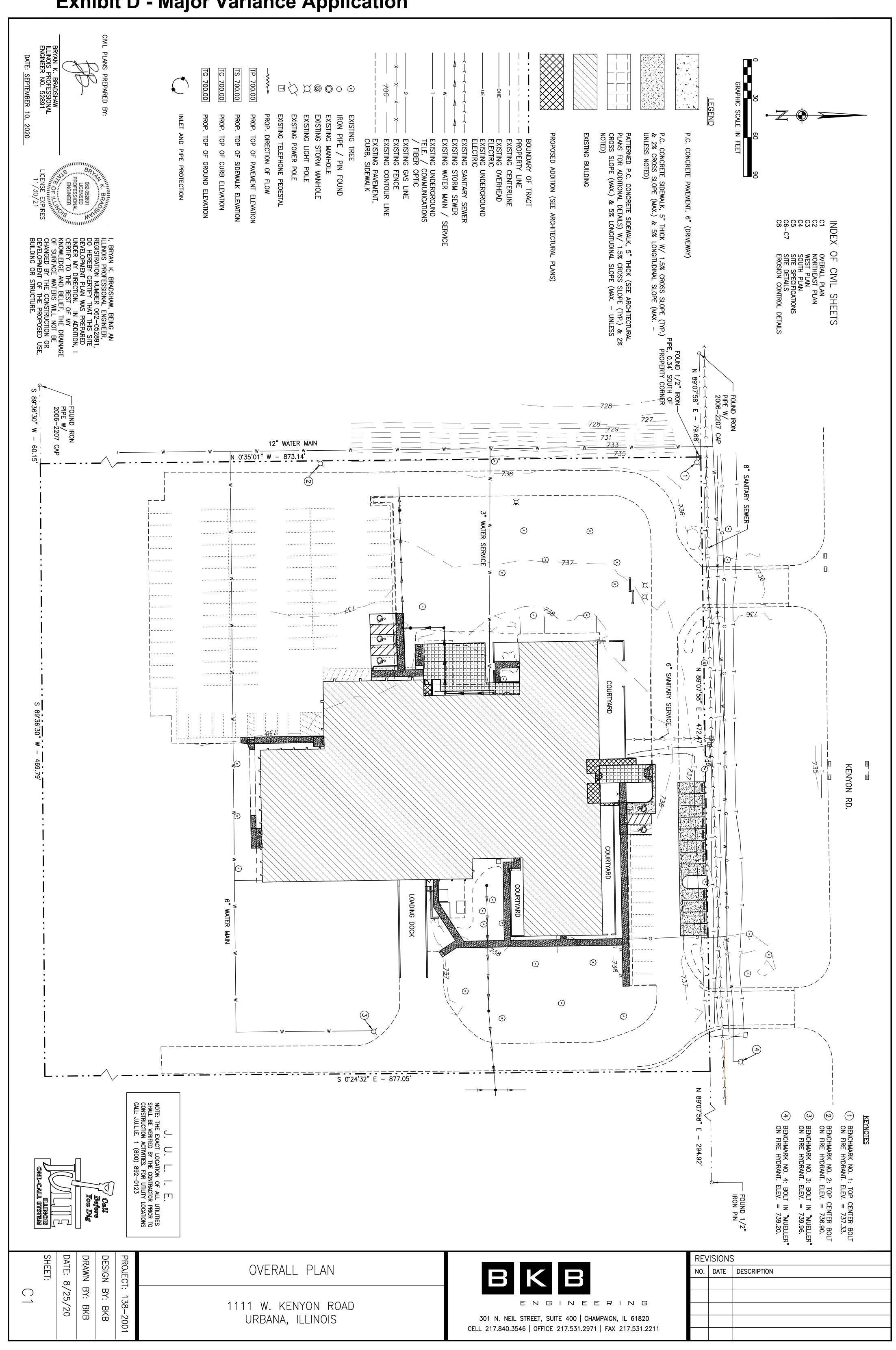
City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440

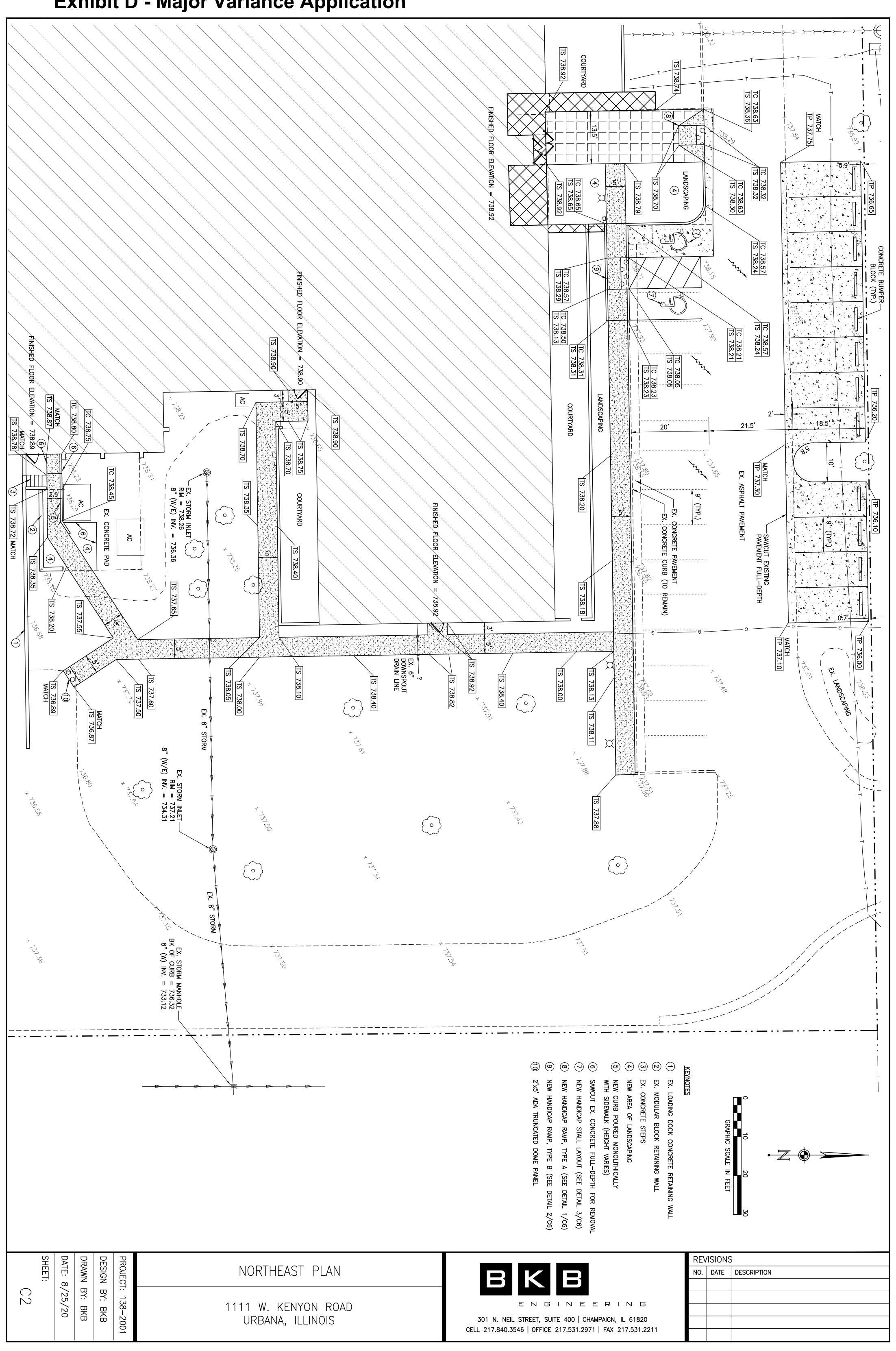
Fax: (217) 384-2367

### **EXHIBIT A**

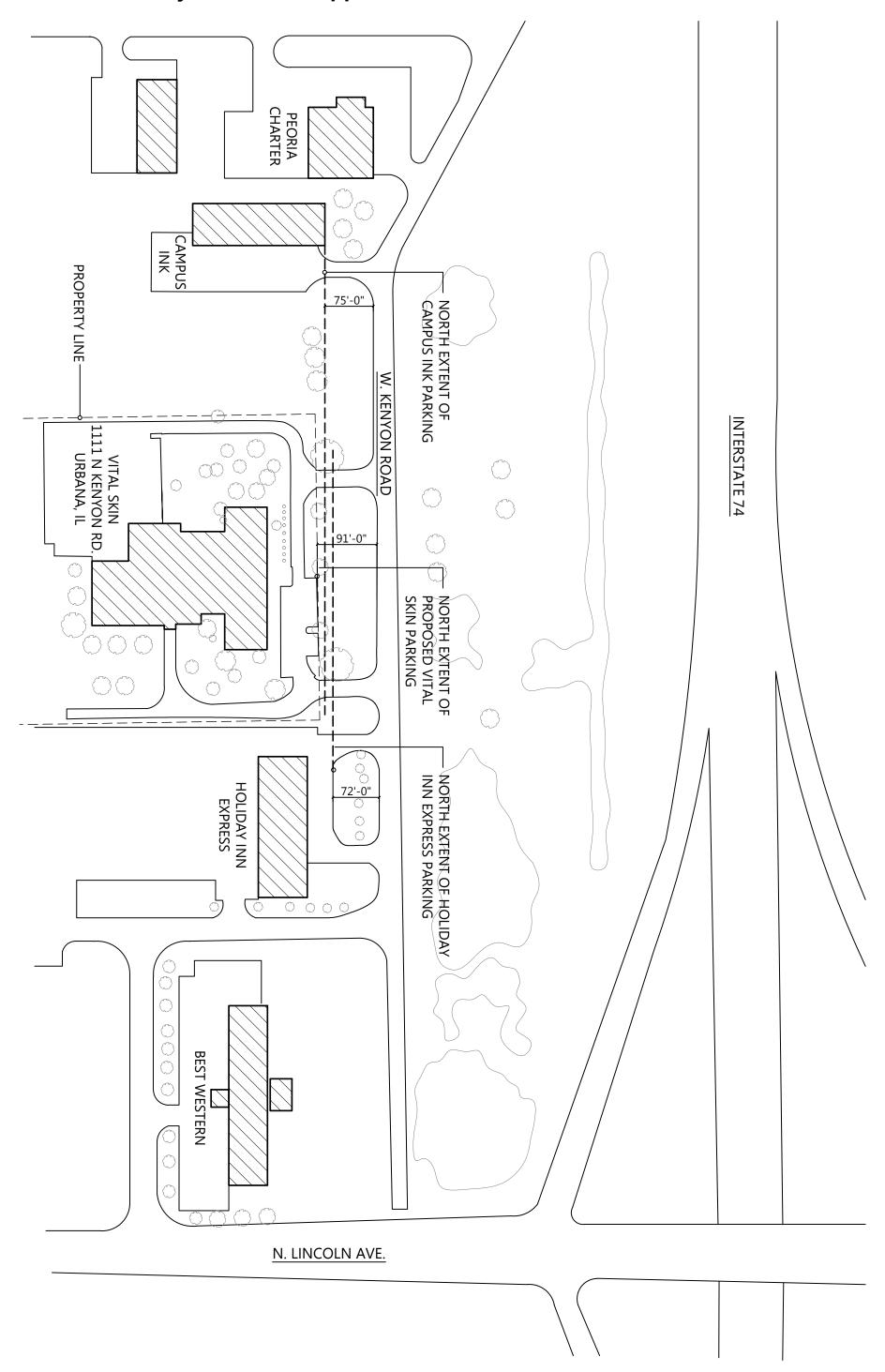
A Part of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of Third Principal Meridian, in Champaign County, Illinois, described as follows:

Commencing at the intersection of the West line of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of Third Principal Meridian and the South right-of-way line of F.A.I. 74, thence North 89 degrees 31 minutes 18 seconds East 30.00 feet to the True Point of Beginning; thence North 89 degrees 31 minutes 18 seconds East along the South right-of-way line of F.A.I. 74, 472.15 feet more or less to the Northwest corner of a tract of land owned by the Marathon Oil Company as recorded in the Office of the Recorder of Deeds of Champaign County in Book 758 at Page 382, Document No. 712606; thence South 0 degrees East along the West line of said tract, 876.80 feet to the Southwest Corner of the tract of land owned by the Marathon Oil Company; thence North 90 degrees West, 469.69 feet more or less to a point 30 feet East of the West line of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9 East; thence North 0 degrees 08 minutes 39 seconds West parallel to said West line of the East Half of the Southeast Quarter of Section 6, 872.68 feet to the place of beginning, situated in Champaign County, Illinois.





**Exhibit D - Major Variance Application** 

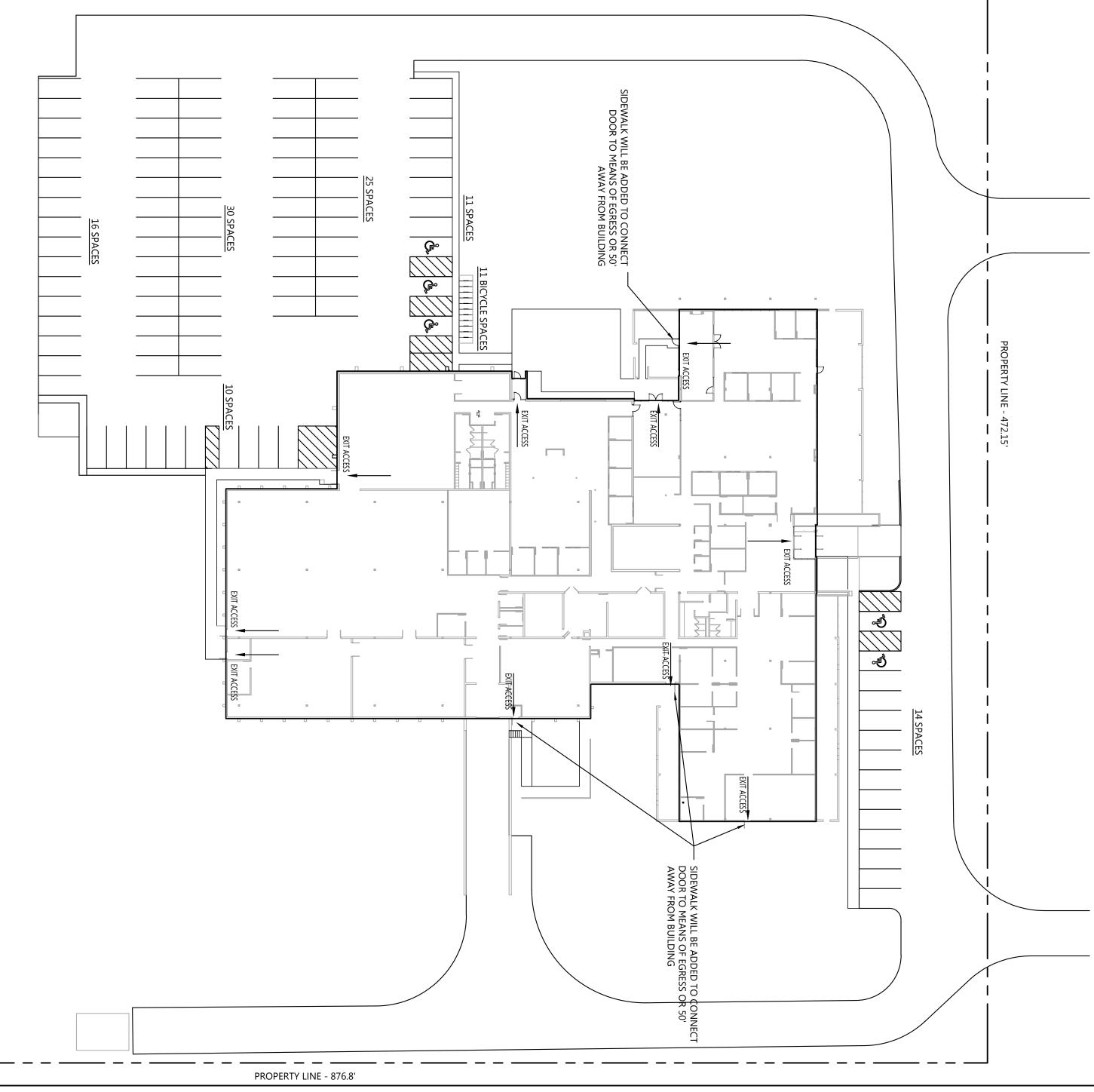


CODE

# EXTERIO







PROPERTY LINE - 876.8'

DRAWINGS

G1.00

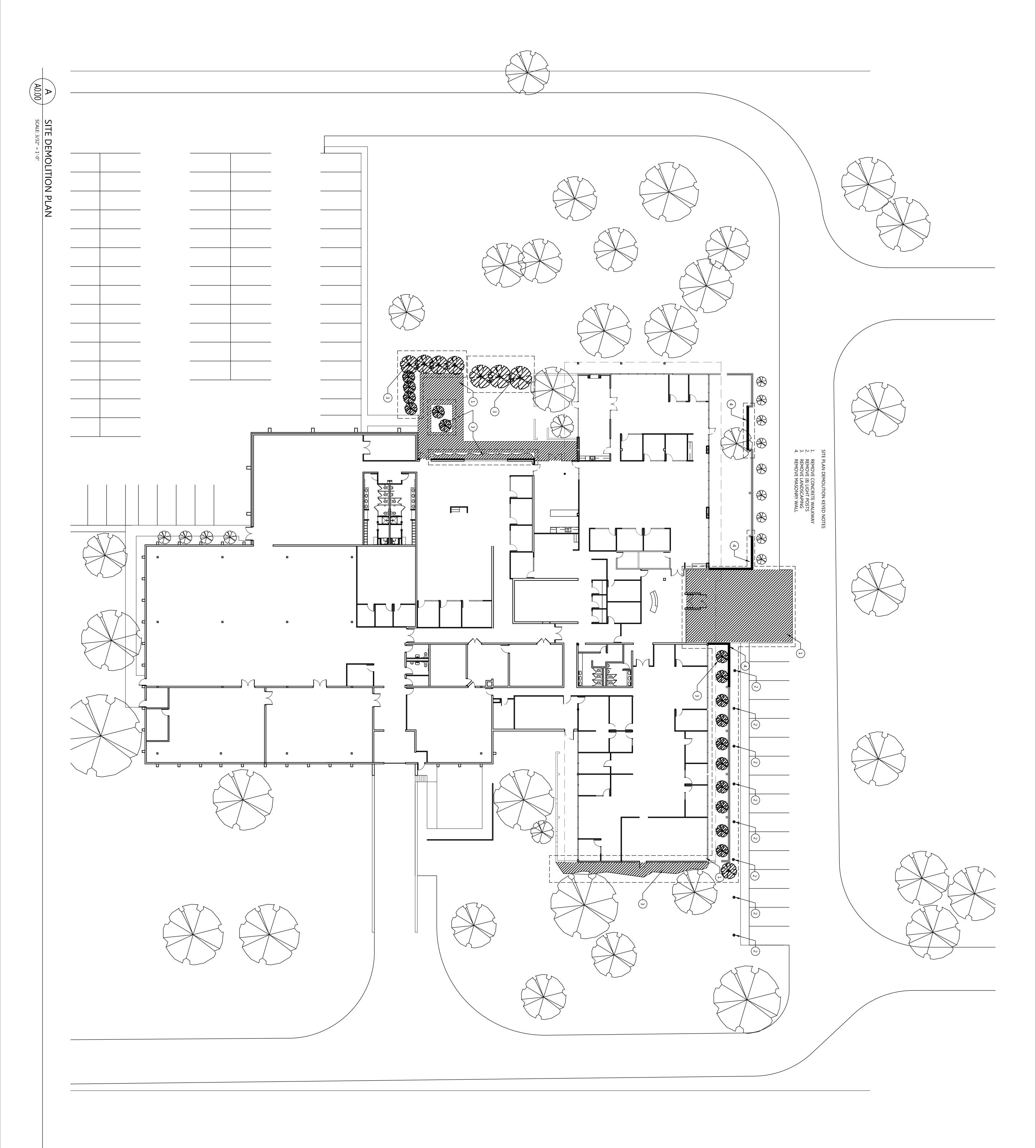
Cover Sheet and Code Study

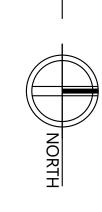
A5.01 A5.02 A5.03 A5.04 A5.05 A5.06 A5.06

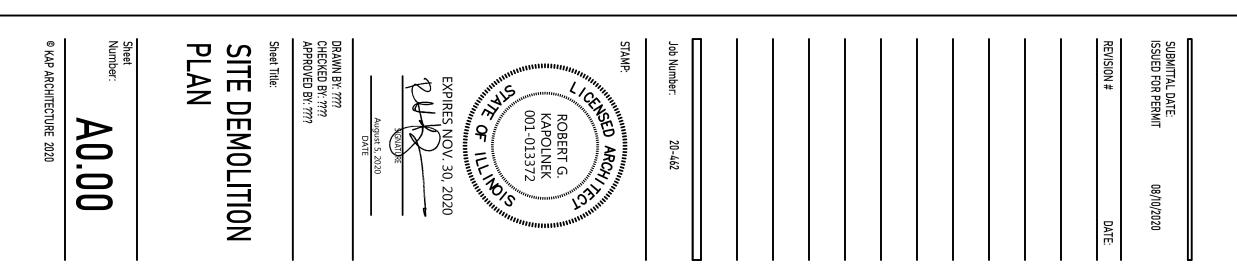
Roof Details
Wall and Roof Details
Wall Sections
Facade Details
Window Types
Site Details

A2.00 A2.01

Site Demolition Plan Site Improvements Overall Floor Plan Roof Plan

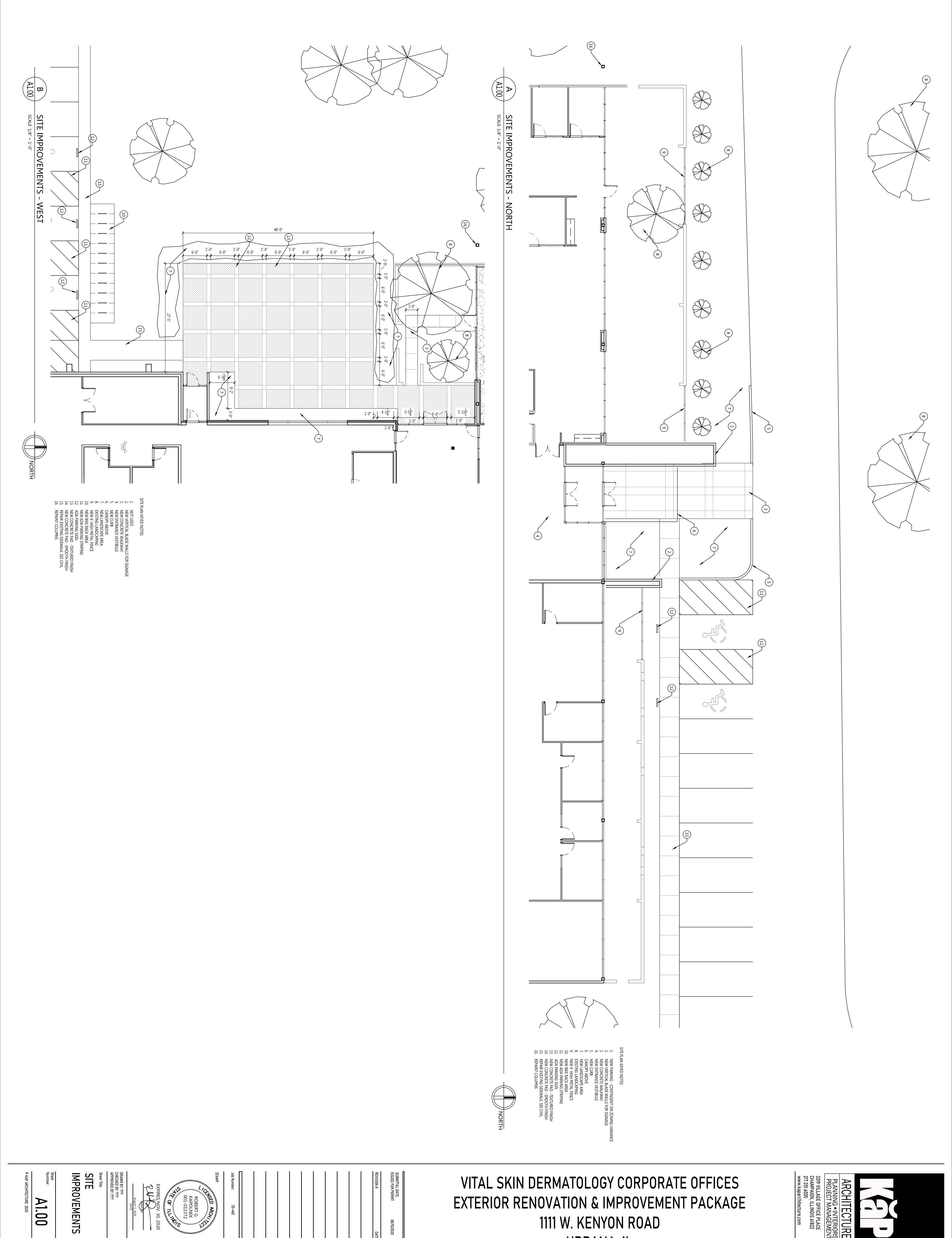


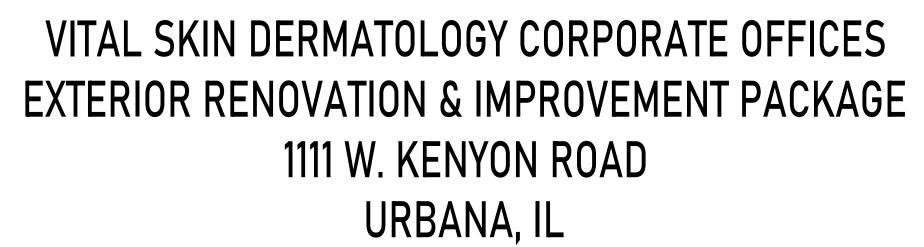




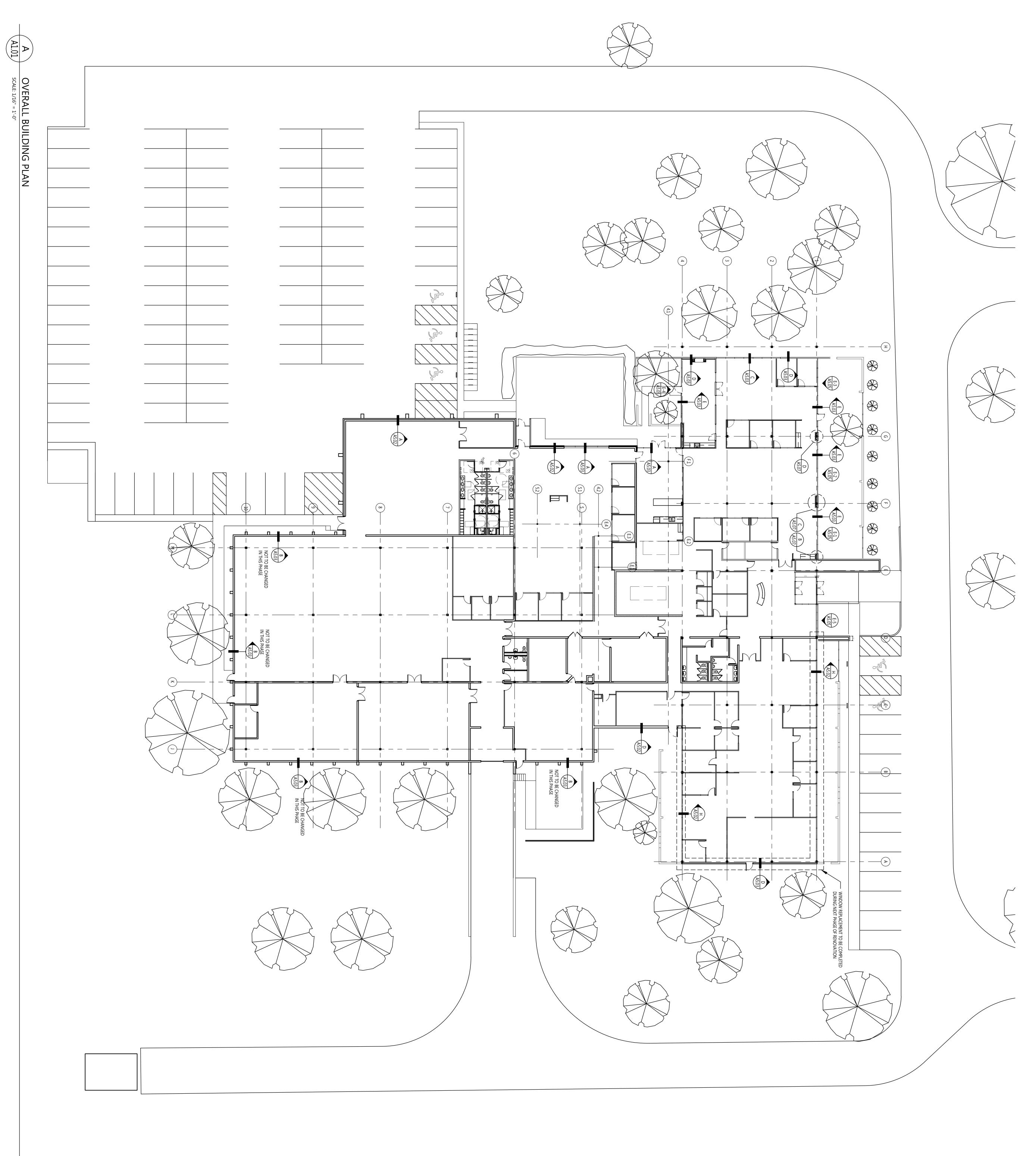


A1.00

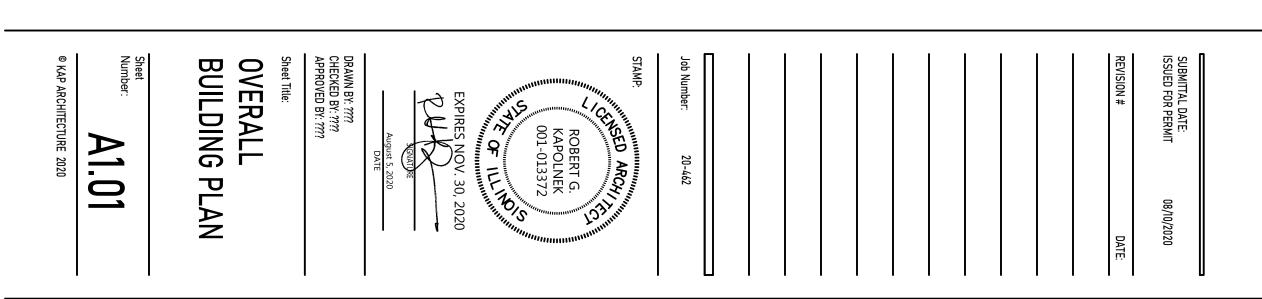






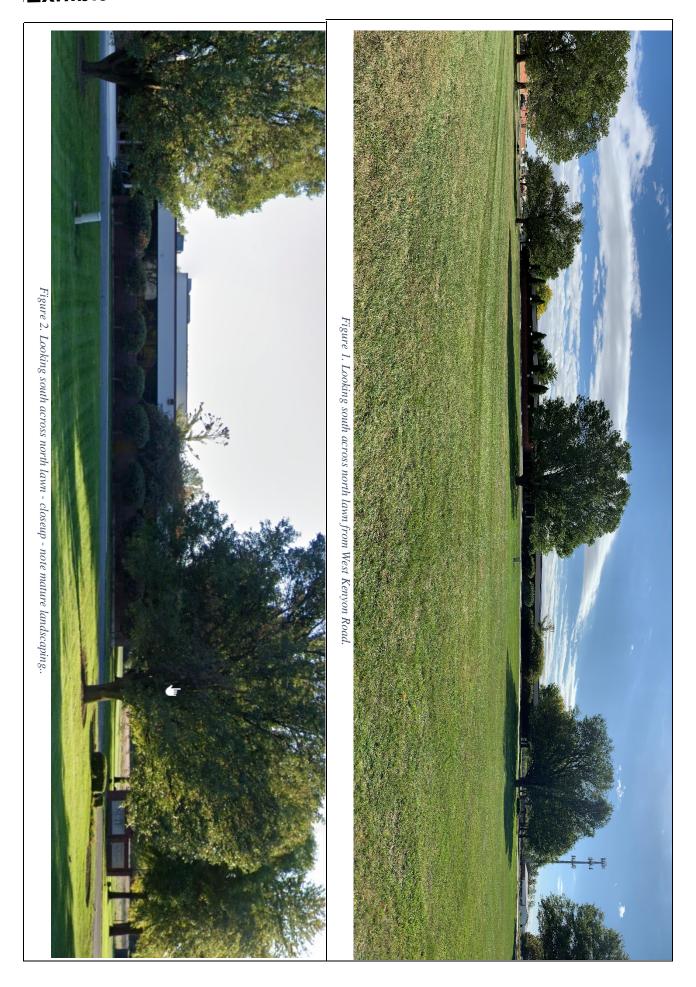








# Exhibit F - Site Photos



# Exhibit F - Site Photos

