



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** The Urbana Zoning Board of Appeals

**FROM:** Aditi Kambuj, Planner I

**DATE:** October 11, 2013

**SUBJECT:** ZBA-2013-CO-01: A request by Otto Baum Company, Inc. for a Certificate of Occupancy to collocate within an existing, nonconforming Construction Yard, and replace an existing warehouse, at 1008 N. Goodwin Ave. in the B-3 (General Business) Zoning District.

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### **Introduction and Background**

Otto Baum Company Inc., a masonry contractor, has applied for a Certificate of Occupancy to collocate within an existing, nonconforming Construction Yard, and replace an existing warehouse, at 1008 N Goodwin Avenue. The property is zoned B3 (General Business) Zoning District.

Felmley Dickerson Co., a building contractor, has used the property as a construction yard since 1950. Although Table V-1 of the Urbana Zoning Ordinance prohibits construction yards in the B-3 (General Business District), Felmley Dickerson is considered a legal, nonconforming use since it predates the current Zoning Ordinance. In recent years their operations at this location have reduced in scale. The office building has remained closed and the warehouse has been underutilized for some time. The existing warehouse is functionally obsolete and would need substantial rehabilitation for any reuse.

Otto Baum Company, Inc., a masonry contractor serving central Illinois, proposes to collocate with Felmley Dickerson at this address and share the construction yard, occupying two buildings, and replacing and enlarging the existing warehouse to use for storage. Continued outdoor storage of construction equipment would also take place. Subject to the application for Certificate of Occupancy being approved, Otto Baum Company Inc. intends to enter into a 10-year lease with Felmley Dickerson for the use of the office building and warehouse building on this property.

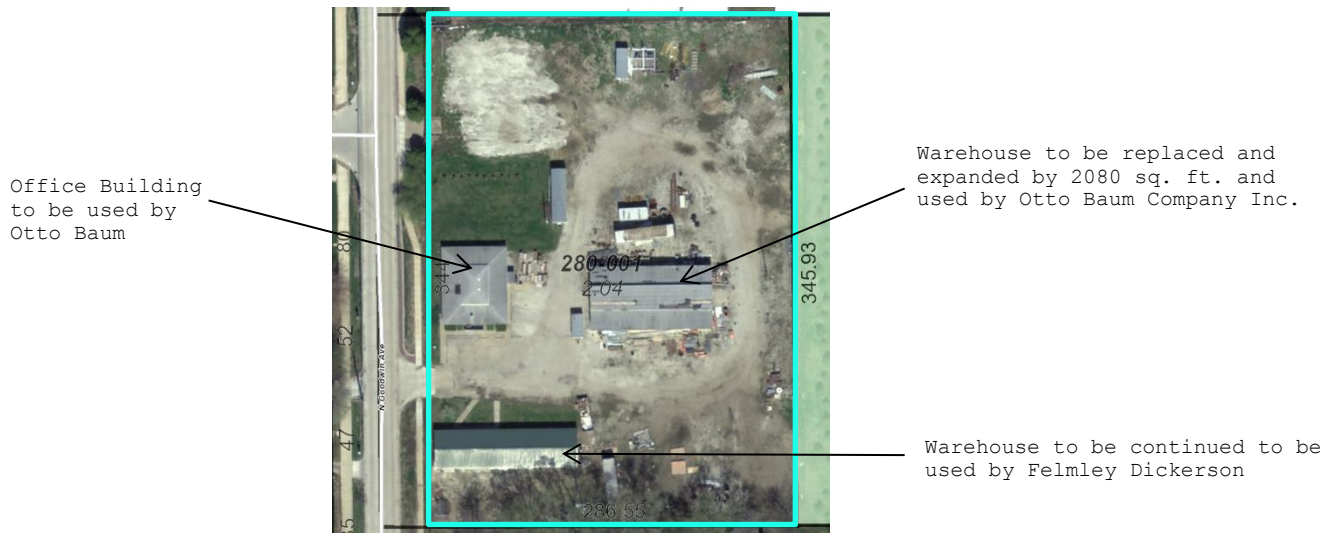
Per Section X-3 of the Urbana Zoning Ordinance, the Zoning Administrator may not issue a Certificate of Occupancy for the addition of a second nonconforming use and for replacement/enlargement of the warehouse without authorization by the Zoning Board of Appeals.

## Description of the Site

The subject property is located on North Goodwin Avenue, a designated collector street in the Urbana Comprehensive Plan. There are three existing buildings on site, of which one is an office building and the remaining two are warehouses. The total site area is 2.23 acres. The lot is 281 feet deep and 346 feet wide. There are two driveways entering onto the subject property from Goodwin Avenue. Otto Baum Company Inc. intends to keep the north driveway and gate closed.

Of the three existing buildings, the warehouse on the southern half of the property is proposed to be continued to be used by the owner and existing occupant, Felmley Dickerson.

Otto Baum Company Inc. is proposing to renovate the interior of the office building on the north-west of the subject property and to replace and occupy the warehouse on the north-east. The replacement warehouse is currently designed to be 2080 sq ft larger than the existing warehouse.



Although not clearly demarcated, four parking spaces are located adjacent to the office building on its south. The parking area is paved with asphalt. The remaining driveway area is finished with white rock gravel in varying conditions of maintenance. The subject property is fenced off by chain-link fencing. Privacy slats have been inserted on the northern half of the west fence of the property and all along the southern edge along the elementary school. A low chain link fence separates the subject property from the Bush Brothers' property on the north. Bush Brothers Inc. is a supplier of paper and packaging products to grocery stores, delis, caterers and other food service businesses. Please see **Exhibit D** for photos of the fence and screening.

## Adjacent Land Uses and Zoning Designations

The area surrounding the subject property is residential in nature, with single-family houses all along the west of the subject property. The subject property is zoned B-3, General Business. The surrounding properties zoned R-2, Single-Family Residential, B-3 – General Business and CRE – Conservation-Recreation-Education, are a combination of a school, park, single-family homes and an industrial user.

Immediately south of the property is Martin Luther King Junior Elementary School. King Park adjoins the subject property on the west. To the north of the subject property is the Bush Brothers warehouse on a lot zoned B3- General Business. The subject property and 1010 N Goodwin are the only two industrial users in a mostly residential neighborhood.

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-3, General Business	Industrial	Residential-Urban Pattern
North	B-3, General Business	Industrial	Residential- Urban Pattern
East	CRE-Conservation-Recreation-Education	Recreation/Park (King Park)	Parks/Recreation
South	CRE-Conservation-Recreation-Education	Elementary School (King School)	Institutional
West	R-2, Single-Family Residential	Single Family Residence	Residential –Urban Pattern

### Comprehensive Plan

The 2005 Urbana Comprehensive Plan indicates the future land use for the surrounding area as “Residential-Urban Pattern”, defined as:

*“A pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers; May include smaller lots where homes face the streets at the presence of garages along the street is minimized.”*

Additional Comprehensive Plan goals for the King Park Neighborhood Development Target Area include improving the existing housing stock and promoting new infill development.

The 1989-2001 King Park Neighborhood Development Plan proposed land use plan recommends a Public Recreation use for 1008 N Goodwin Avenue.

The Urbana Tax Increment Finance District 3 Plan recommends the extension of King Park to Goodwin Avenue to improve its visibility, accessibility and usefulness.

### Discussion

The subject property has been utilized by Felmley Dickerson as a construction yard since 1950 when the property was located in unincorporated Champaign County. The 1957 Urbana Zoning Map shows the property within the Urbana corporate limits and zoned I-1 (Light Industrial District). In approximately 1982, the property was rezoned from I-1 (Light Industrial) to B-3 (General Business).

Under the Urbana Zoning Ordinance, both Otto Baum and Felmley Dickerson are classified as construction yard uses. Otto Baum Company Inc. is proposing to continue the nonconformity and utilize a portion of the property in exactly the same manner as Felmley Dickerson. As per Section X-3 of the Urbana Zoning Ordinance, the addition of another nonconforming use to a present nonconforming use, may be permitted when authorized by a Certificate of Occupancy approved by the Zoning Board of Appeals and granted by the Zoning Administrator.

Otto Baum Company Inc., the applicant, is proposing to use the warehouse for storage of construction materials. Continued outdoor storage of construction materials would also take place. The Company typically supplies materials directly from the material's source to the company's construction sites. The applicant expects to store surplus materials and high-cost items at the subject property. Daily vehicle traffic is expected to consist of pickup trucks and trailers. Semi-truck traffic is expected to be present at an approximate frequency of one trip per month. Due to deficiencies in its structure, the applicant is proposing to replace one of the existing warehouses on the same footprint. The proposed warehouse would be 2080 sq. ft. larger than the current warehouse.

### **Certificate of Occupancy Approval Criteria**

The substitution of one nonconforming use for another, or the addition of another nonconforming use to a present nonconforming use, may be permitted when authorized by a Certificate of Occupancy issued by the Zoning Administrator, as provided in Section XI-6.

Section X-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on Certificate of Occupancy criteria. The Zoning Board of Appeals must first determine, based on the evidence presented, whether these criteria are met.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis for this case:

*i) The addition or substitution is equally or more appropriate to the district in which it is located than the present use.*

The present use on the subject property is a construction yard. As such, the applicant is proposing to add a second, identical use to the property. The addition can be considered to be equally appropriate to the district as is the present use on the subject property.

*City staff recommends a finding that the addition of Otto Baum Company's use as a construction yard is equally appropriate as the existing use for the district in which it is located.*

*ii) The substitution or addition does not increase congestion in the streets or endanger the health, safety, morals, or general welfare of the district in which it is located.*

Felmley Dickerson has used the subject property as a construction yard since 1950. In recent years, their operations at this location have continued but have reduced in scale. The office building and warehouse on the lot have not been in use for some time. The improvements to these buildings and the shared use of the site as a construction yard by Otto Baum Company Inc. is likely to increase the amount of traffic

to the subject property as compared to its present day volume. Any increase in traffic is likely to be of comparable volume to the traffic generated by Felmley Dickerson construction yard when their operations were at their maximum capacity at this location. The applicant anticipates daily pick-up truck and trailer traffic to the subject property. Semi-trailer traffic is expected intermittently. At that time, semi-trailer traffic may create congestion in this district especially given the proximity to the school and residential neighborhood. Specific conditions stipulating the schedule of semi deliveries and pick-ups to this site can mitigate some of these negative impacts.

As per Section VI-6 E of the Urbana Zoning Ordinance, outdoor storage areas existing on any parcel in use as a construction yard or any industrial use shall be screened from view of all public rights-of-way and adjacent properties that are in residential use or are zoned residential. King Park to the east of the subject property is zoned CRE-Conservation Recreation Education. While not in a residential zoning classification or use, the park is open to the public. As such, the storage of materials and equipment is visually incompatible with use of King Park. Since the construction yard operations on the subject property are likely to return to their original levels, staff recommends a condition that the subject property be screened along its boundary adjoining King Park in a manner that complies with the requirements of Section VI-6 E of the Urbana Zoning Ordinance.

*Staff recommends a condition that the applicant consult the Urbana School District 116 to work out a schedule of large container and semi-truck deliveries in order to best avoid traffic and pedestrian conflicts.*

*Staff recommends a condition that the east boundary of the subject property be effectively screened as per the requirements set forth in Section VI-6 E of the Urbana Zoning Ordinance and as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator.*

*iii) The addition complies with all parking regulations applicable to the new use.*

As per Section VIII-5 of the Urbana Zoning Ordinance, when a building is enlarged, expanded or structurally altered, and the existing parking is legally nonconforming, the total parking requirement shall be calculated by adding the number of existing off-street parking spaced to the number of newly required parking spaces for the additional floor area as determined by Table VIII-7 of the Zoning Ordinance.

Four paved parking spaces currently exist on the south side of the office building. The applicant is proposing to replace the warehouse and expand it 2080 sq. ft. As per Table VIII-7 of the Zoning Ordinance, one space should be provided per 2,000 square feet of warehouse floor area (or fraction thereof). Therefore, as per Section VIII-5 of the Zoning Ordinance, the applicant is required to provide two additional parking spaces to meet Zoning Code requirements. It is required that one of these additional spaces be designed to be compliant with ADA requirements as per Section VIII-3 B of the Urbana Zoning Ordinance.

As per Section VIII-3 of the Urbana Zoning Ordinance, all off street parking lots and access drives shall be paved with a hard surface. This can be accomplished with oil and chip, concrete, asphalt, brick, permeable pavers or equivalent surfaces. Since the subject property has a legally nonconforming crushed stone driveway, the applicant is not required to pave the access drive aisle. However, City staff noticed

that the existing gravel has been displaced with loose soil and water pooling in several locations on the subject property. As required by Section VIII-3 of the Urbana Zoning Ordinance, staff recommends the applicant to resurface the driveway with additional gravel to ensure it performs as originally designed.

*City staff recommends a condition that a minimum of six paved parking spaces be provided onsite, of which one space is required to be compliant with ADA requirements.*

*City staff recommends a condition that all the existing gravel drive aisles be resurfaced with additional gravel to ensure that they perform as originally designed.*

*iv) The structural alteration, or construction makes the nonconforming use more compatible and visually less nonconforming with the district in which it is located.*

The subject property is zoned B3- General Business District. The minimum required rear yard in the B-3 district is 10 feet. There is no maximum height restriction or minimum open space requirement for this district. At present, the existing buildings on site are in a deteriorating condition. The applicant is proposing to repair and reuse the boarded up office building which will improve the appearance of the property. Additionally, the applicant is proposing to replace an obsolete and deteriorated warehouse which will improve the look of the property (**Exhibit D, p.8**). The replaced warehouse is larger in area and approximately six feet taller at the gable peak than the existing warehouse. However, since the property and the warehouse will be continued to be used as a construction yard, the alterations or construction will not make the nonconforming use more compatible or significantly less nonconforming with the B-3 District in which it is located.

*City staff recommends a finding that replacement of the existing warehouse will be as compatible with the neighborhood as the present use and will visually improve the property.*

## **Summary of Findings**

In determining whether a Certificate of Occupancy should be granted, findings of fact that are specific to the property in question must be made. The findings of fact are based on the evidence presented above.

### *Findings of Fact*

1. The property at 1008 N Goodwin Avenue has been used by Felmley Dickerson Company as a construction yard since at least 1950 when the property was located in unincorporated Champaign County.
2. The 1957 Urbana Zoning Map shows the subject property located within the City of Urbana and zoned I-1, Light Industrial District.
3. The subject property is currently zoned B-3 (General Business District), and Table V-1 (Table of Uses) of the Urbana Zoning Ordinance prohibits construction yards in B-3 Zoning Districts.

4. Section X-3.A of the Urbana Zoning Ordinance permits addition of one nonconforming use to another nonconforming use when authorized by a Certificate of Occupancy as issued by the Zoning Administrator and when directed by the Zoning Board of Appeals.
5. Section X-3.B of the Urbana Zoning Ordinance permits an enlargement of a nonconforming use of a building when authorized by a Certificate of Occupancy as issued by the Zoning Administrator and when directed by the Zoning Board of Appeals.
6. Otto Baum Company, Inc., a masonry contractor, is proposing to collocate with the owner and current occupant, Felmley Dickerson at this address and share the construction yard, occupying two buildings, and replacing and enlarging the existing warehouse to use for storage.
7. The subject property is located to the north of Martin Luther King Junior Elementary School and to the west of King Park in a predominantly R-2, Single-Family Residential neighborhood.
8. Addition of Otto Baum Company's use as a construction yard is equally appropriate as the existing use for the district in which it is located.
9. Addition of Otto Baum Company as a second nonconforming use would not increase congestion in the streets or endanger the health, safety, morals, or general welfare of the district given the level of truck traffic and visual screening of outdoor storage.
10. Replacement of the existing warehouse will be as compatible with the neighborhood as the present use and will visually improve the property.

## **Options**

The Zoning Board of Appeals has the following options in variance case ZBA-2013-CO-01:

- a. Approve the Certificate of Occupancy as requested based on the findings outlined in this memo;
- b. Approve the Certificate of Occupancy 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. Deny the Certificate of Occupancy request. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

## Staff Recommendation

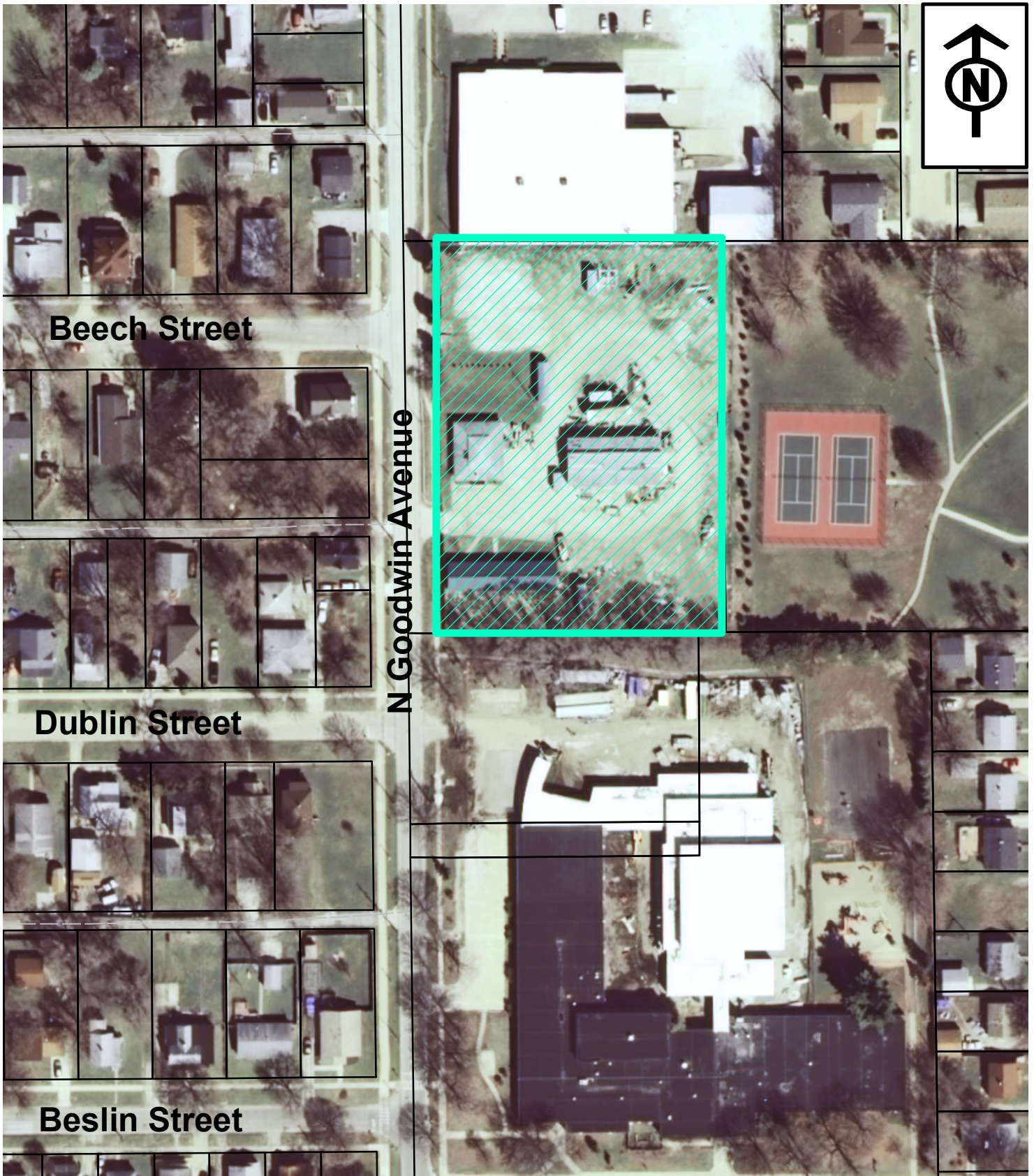
Based on the criteria for reviewing variance requests, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the Certificate of Occupancy Case 2013-CO-01 along with the following conditions:

- (i) Staff recommends a condition that the applicant consult the Urbana School District 116 to work out a schedule of large container and semi-truck deliveries in order to best avoid traffic and pedestrian conflicts.
- (ii) Staff recommends a condition that the east boundary of the subject property be effectively screened as per the requirements set forth in Section VI-6 E of the Urbana Zoning Ordinance and as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator.
- (iii) City staff recommends a condition that a minimum of six paved parking spaces be provided onsite, of which one space is required to be compliant with ADA requirements.
- (iv) City staff recommends a condition that all the existing gravel drive aisles be resurfaced with additional gravel to meet the requirements of Section VIII-3 of the Urbana Zoning Ordinance to ensure the driveways perform as originally designed.

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:   Application

cc:                    Otto Baum Company Inc. – petitioner





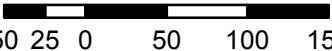
**Beech Street**

**N Goodwin Avenue**

**Dublin Street**

**Beslin Street**

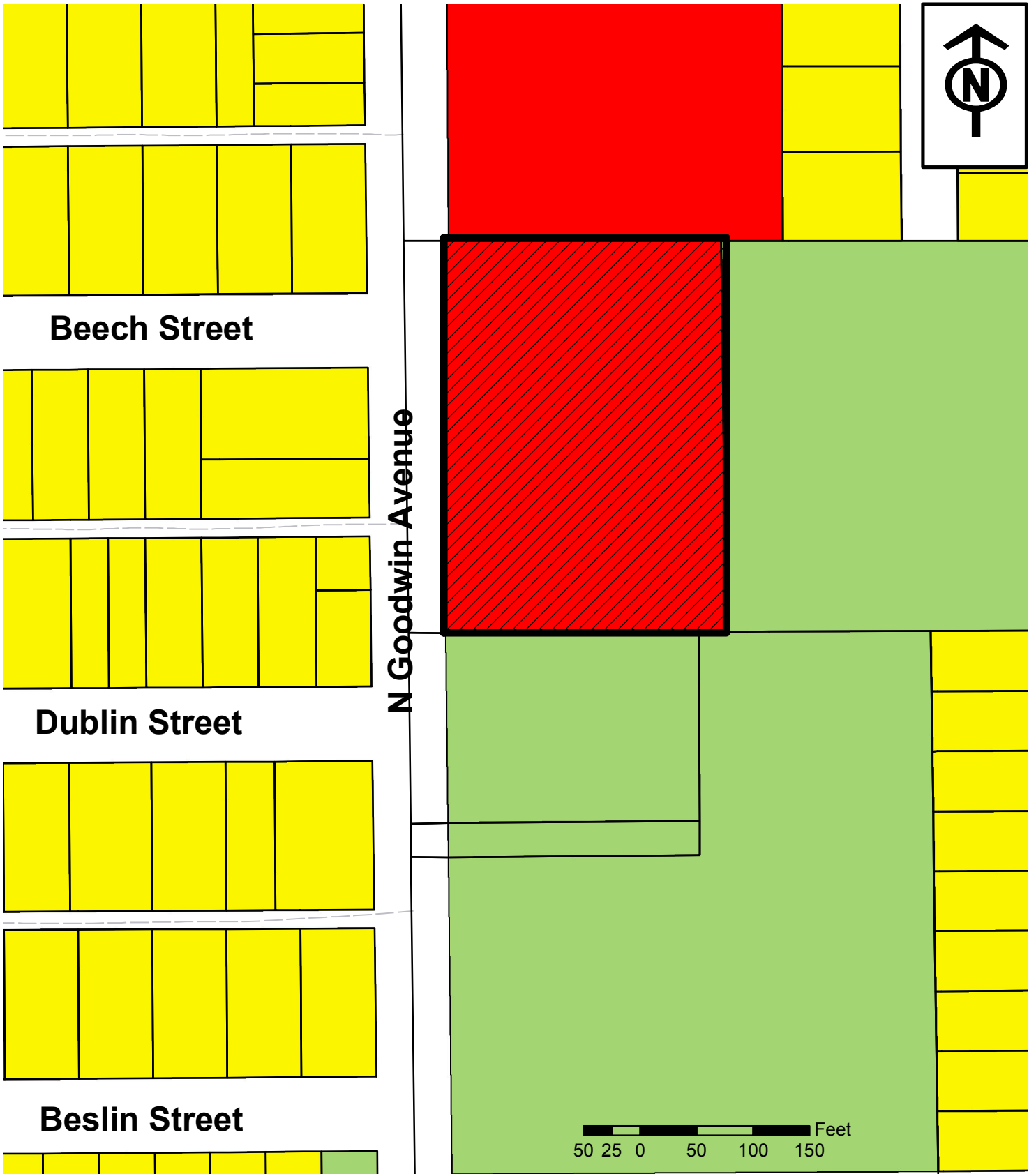
 Subject Properties

 Feet

Case: ZBA-2013-CO-1  
 Subject: Certificate of Occupancy to collocate within an existing, nonconforming Construction Yard, and replace an existing warehouse.  
 Location: 1008 N Goodwin Street  
 Petitioner: Otto Baum Company, Inc.







*Prepared 10/1/2013 by  
 Community Development Services - adk*

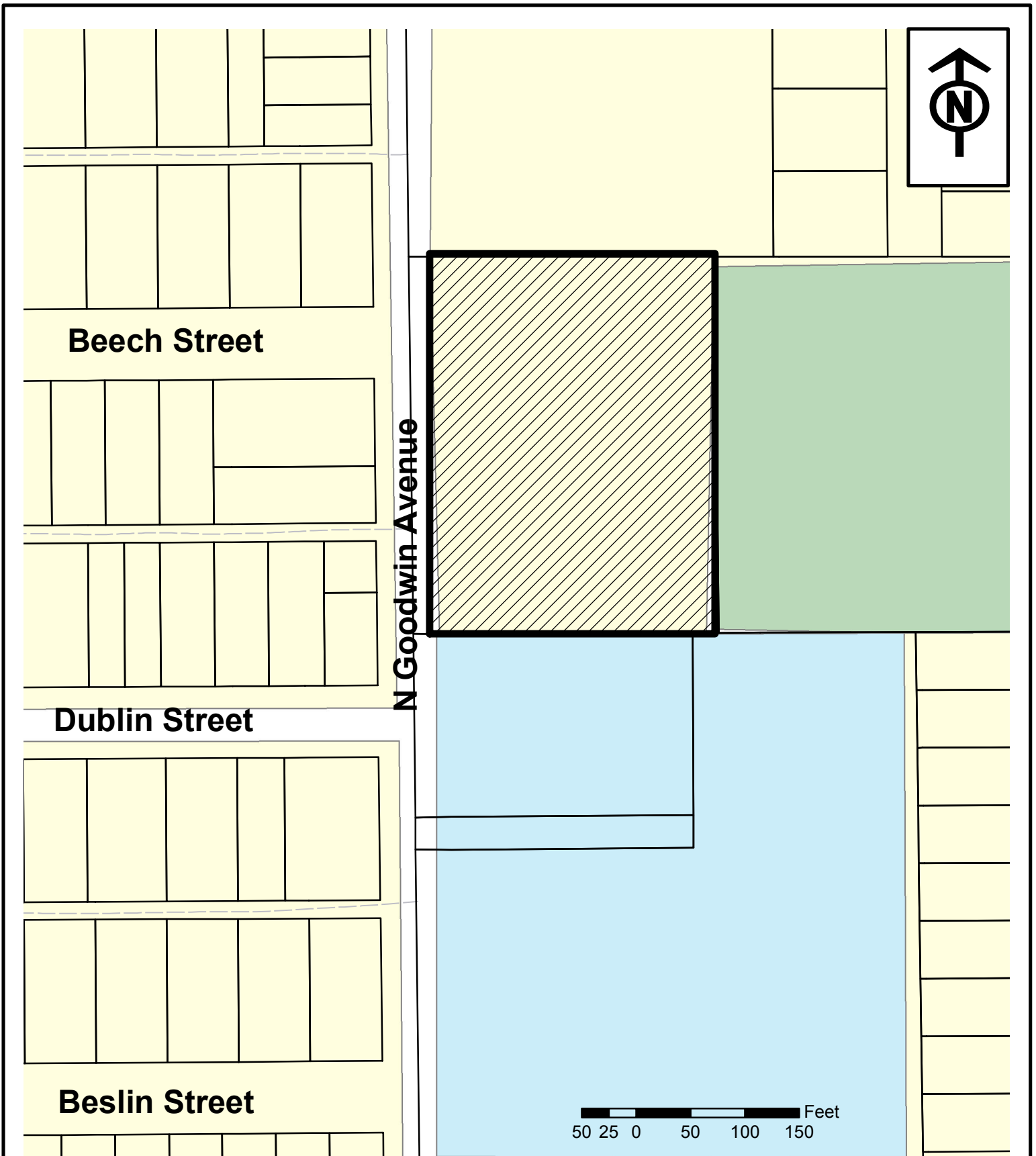


Case: ZBA-2013-CO-1  
 Subject: Certificate of Occupancy to collocate within an existing, nonconforming Construction Yard, and replace an existing warehouse.  
 Location: 1008 N Goodwin Street  
 Petitioner: Otto Baum Company, Inc.





*Prepared 10/1/2013 by  
 Community Development Services - adk*

-  Subject Properties
-  R2-Single Family Residential
-  B3- General Business
-  CRE- Conservation, Recreation, Education





Case: ZBA-2013-CO-1  
 Subject: Certificate of Occupancy to collocate within an existing, nonconforming Construction Yard, and replace an existing warehouse.  
 Location: 1008 N Goodwin Street  
 Petitioner: Otto Baum Company, Inc.

-  Subject Properties
-  Residential
-  Parks
-  Institutional



View from N Goodwin Avenue



North gate on N Goodwin Avenue



View MLK School



Fence on west



View looking north toward the Bush Brothers property



View from subject property to north-west



View to east



View to east



Office building and parking



Office building, east facade





Existing warehouse proposed to be replaced



View of subject property from King Park



An example of typical outdoor storage



An example of the proposed replaced warehouse



**CITY OF URBANA  
COMMUNITY DEVELOPMENT SERVICE  
BUILDING SAFETY DIVISION  
400 S. VINE ST., URBANA, IL 61801  
217-384-2443 or FAX 217-384-0200**

PROJECT ADDRESS : 1008 N. Goodwin Ave Urbana, IL 61801

APPLICANT-NAME : Otto Baum Company, INC Phone : ( 309 ) 266-7114

Address : 866 N. Main Morton, IL 61550

PROPERTY OWNER : Felmley-Dickerson Co. Phone : ( 309 ) 828-4317

Address: 803 E. Lafayette Street Bloomington, IL 61701

DESCRIPTION OF WORK OR CHANGE IN USE : Warehouse replacement

PERMIT FOR: (Check One) ESTIMATED COMPLETION DATE: December 1st, 2013

1.  X  **\*CHANGE IN USE/CERTIFICATE OF OCCUPANCY\***  
(Square footage of space  5280 )

2.   **TEMPORARY CERTIFICATE OF OCCUPANY**  
(Square footage of space  )

3.   **FENCE:** (Complete site/plot plan)  
Height   Length   Type

4.   **PARKING LOT:** (Complete site/plot plan) Estimated Cost:

5.   **OTHER:**

**\*Note:** Any building, electrical, plumbing, mechanical, or right-of-way work requires separate permits.

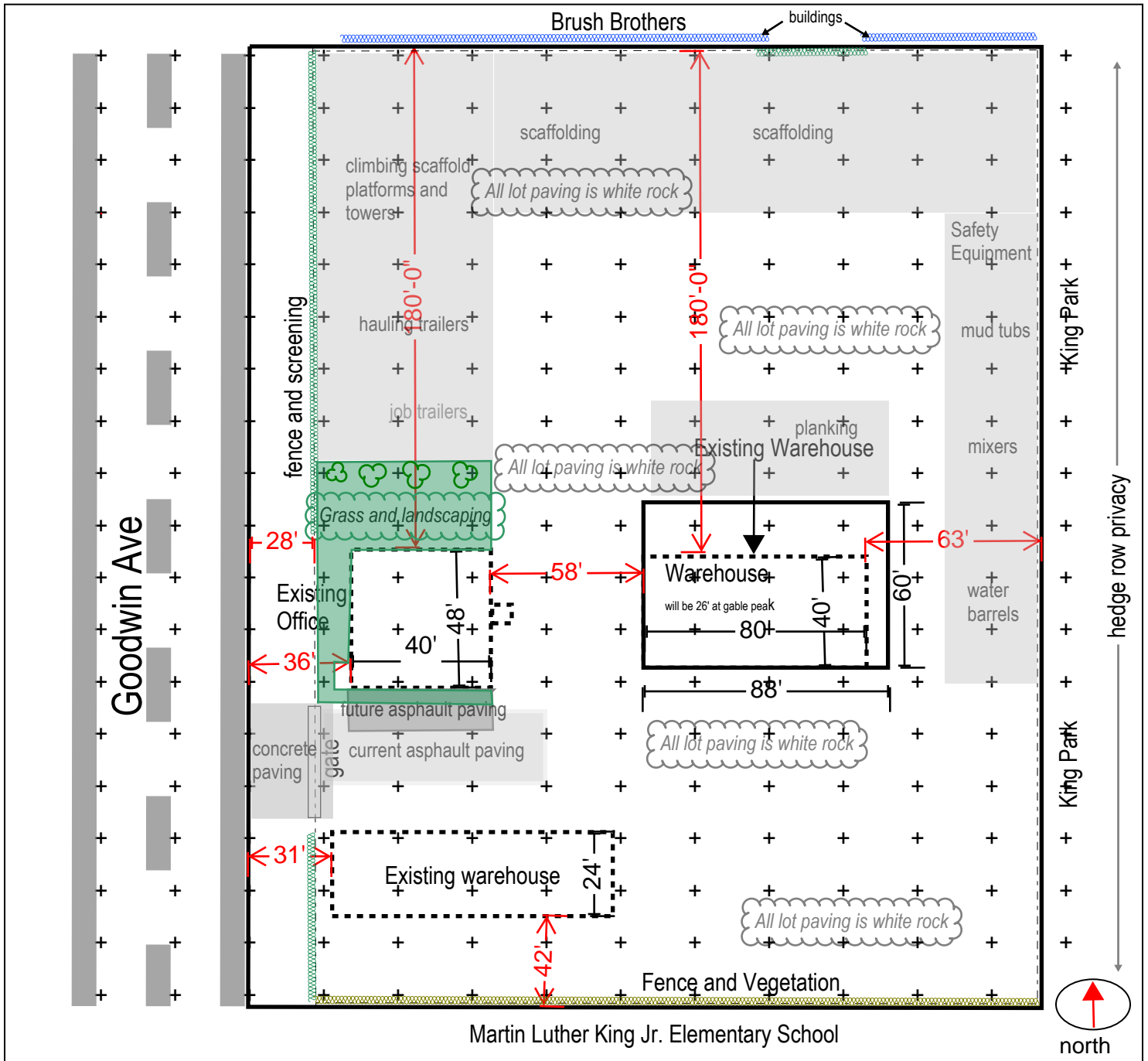
Terry Baum certifies that all information given is correct and that all pertinent  
(Print Name Here) City Codes will be complied with in performing the work for which  
this application is made.

(Signature of applicant)

**OFFICE USE ONLY** EZ Yes   No

PI #   ZONING DIS.   PERMIT #   PERMIT \$

# 1008 N. Goodwin Ave Urbana, IL 61801



SCALE:  $\frac{3}{8}'' = 1'$

## SITE OR PLOT PLAN

PROJECT ADDRESS: 1008 N. Goodwin Ave Urbana, IL 61801

- NOTE:
1. PLOT PLAN MUST SHOW: PROPERTY LINES, ANY EXISTING OR PROPOSED CONSTRUCTION ON THE LOT, AND DISTANCES (SETBACKS) FROM PROPERTY LINES TO BUILDING. ALSO SHOW APPLICABLE STREETS AND DRIVES, EXISTING OR PROPOSED.
  2. IF THERE ARE ANY PARCELS OF PROPERTIES WHICH ADJOIN THE AFOREMENTIONED PROPERTY AND ARE NOT NOTED ABOVE, THIS APPLICATION IS NULL AND VOID.