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CASE NO. 792-V-14 REACTIVATED

SUPPLEMENTAL MEMORANDUM March 18, 2016

Petitioner: **Robert Frazier**

Request: **Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:**

Part A. Variance for 28 on-site parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Drive in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

Part C. Variance for parking 0 feet from the front property line in lieu of the minimum required 10 feet from the front property line as required by section 7.4.1 of the Zoning Ordinance.

Part D. Variance for allowing at least 19 off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the Zoning Ordinance.

Subject Property: **Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.**

Site Area: **51,625 square feet (1.19 acres)**

Time Schedule for Development: **Already in use**

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

STATUS

The Supplemental Memorandum dated 3/16/16 did not include the latest proposed changes to the special conditions. This memorandum reviews the revised special conditions and several significant supplemental documents that the ZBA should require prior to final action in the case.

RECOMMENDED SUPPLEMENTAL DOCUMENTS

The revised special conditions are the minimum requirements recommended for final action in this case. The revisions to the special conditions are premised upon the ZBA reviewing and approving several supplemental documents that will require a significant investment on the part of the petitioner. The case will also need to be continued for another long continuance simply to allow adequate time for these documents to be completed. However, final action without the petitioner having provided these documents would likely not achieve the desired compliance in a timely manner.

The supplemental documents referred to in the revised special conditions are as follows:

1. An executed (ie, signed) Purchase Contract between Mr. Frazier and the adjacent landowner which not only provides for sale of the land needed to fulfill the parking requirement but also provides for (a) parking of vehicles on the land between now and the actual sale of the land and (b) a requirement that the petitioner notify the Zoning Administrator within three business days in the event that the purchase agreement is voided for any reason by either party.
2. A complete Plat of Subdivision for the adjacent land that shall be prepared in conformance with and shall comply with the requirements of the City of Champaign. It is expected that the petitioner will be responsible for the costs of preparation of the Plat but the owner of the adjacent land will also have to be involved.
3. A copy of an application for plat approval that will already have been submitted to the City of Champaign and for which a Plat Review Case Number will already have been assigned by City staff. Note that in order for this requirement to make sense the City will have to hold the plat application for up to 12 months while the petitioner completes the reconstruction of the curb.
4. Engineering Drawings prepared by and including the registration stamp of an Illinois Professional Engineer for all of the work necessary to replace the Tiffany Court curb that have been reviewed and approved by the Champaign Township Highway Commissioner.

REVISED SPECIAL CONDITIONS

The revised special conditions of approval are as follows:

- A. The Petitioner shall continuously provide the required number of parking spaces as follows:
 - (1) The Petitioner shall maintain the required 62 parking spaces in accord with the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 unless the Zoning Administrator determines that a different number of spaces are required.
 - (2) The Petitioner shall notify the Zoning Administrator within three business days in the event that the Purchase Contract (agreement) for adjacent land that was approved in this Case 792-V-14 becomes void for any reason whether by fault of the petitioner or by fault of the owner of the adjacent land.
 - (3) The Petitioner shall coordinate with the owner of the adjacent land so as to receive subdivision plat approval from the City of Champaign in Plat Review Case No. __ and immediately thereafter the petitioner shall complete the purchase of adjacent land necessary for the required number of parking spaces as indicated in the approved site plan for this Case 792-V-14, all within 12 months of the Final Determination in this Case 792-V-14.

- (4) **Failure to comply with this special condition or failure to maintain the Purchase Agreement or failure to comply with any other special condition of approval in this Case 792-V-14 shall result in enforcement action so long as the subject property remains subject to the Champaign County Zoning Ordinance.**

The special condition stated above is to ensure the following:

To ensure that adequate parking is continuously provided for the subject property in conformance with the Zoning Ordinance.

- B. **No vehicles may park on the west side of the subject property such that the vehicles must back onto Tiffany Court except as may be required in emergencies.**

The special condition stated above is to ensure the following:

To ensure that safety is a priority in designing parking for the subject property.

- C. **Within six months of the Final Determination in this Case 792-V-14, the petitioner must reconstruct the Tiffany Court curb that was removed and the reconstruction must be in conformance with the approved Engineering Drawings in this Case 792-V-14 and the petitioner shall submit a signed acceptance of the reconstructed curb by the Champaign Township Highway Commissioner.**

The special condition stated above is to ensure the following:

To ensure that the curb is restored so that the street right of way functions according to its original design.

- D. **A Change of Use Permit must be approved for each change of use on the subject property.**

The special condition stated above is to ensure the following:

To ensure that only those uses authorized in the I-1 Light Industry District can be located on the subject property.

- E. **Any required parking provided in the City of Champaign shall be in compliance with the requirements of the City of Champaign Zoning Ordinance for off-street parking, including parking on an improved surface.**

The special condition stated above is to ensure the following:

To ensure that the property is in compliance with either City or County Ordinances, whichever is relevant.

- F. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the property until the petitioner has demonstrated that the property complies with the Illinois Accessibility Code.**

The special condition stated above is necessary to ensure the following:

That the proposed uses meet applicable state requirements for accessibility.