



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

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

DATE: October 11, 2012

SUBJECT: **ZBA Case No. 2012-MAJ-04:** A request by Bainbridge Communities Acquisition II, LLC for a Major Variance to encroach up to 10 feet within the minimum required side yard setbacks of 17 and 20 feet at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue.

ZBA Case No. 2012-MAJ-05: A request by Bainbridge Communities Acquisition II, LLC for a Major Variance to encroach up to 10 feet within the minimum required rear yard setbacks of 22 and 25 feet at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue.

Introduction and Background

Michael Augustine, on behalf of Bainbridge Communities Acquisition II LLC, is requesting two major variances regarding side and rear yard setbacks to allow an infill redevelopment of a 3.09-acre property located at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue. The proposed redevelopment would include a five-story apartment building with commercial space on the ground floor, and an attached seven-level parking garage. The properties are now occupied by two commercial buildings, one of which is vacant.

The property is zoned B-3, General Business Zoning District. Under Table VI-3 and Sections VI-5.F.3 and VI-5.G.1 of the Urbana Zoning Ordinance, and because the proposed development includes residences, the minimum required setbacks for the apartment building are 17 feet from the side property lines and 22 feet from the rear property line. The petitioner is requesting to encroach up to 7 feet into the required side yard setback and up to 12 feet into the required rear yard setback. For the parking garage, the minimum required setback is 20 feet from the side property lines and 25 feet from the rear property line. The petitioner is requesting to encroach up to 10 feet into the required side yard setback and up to 8 feet into the required rear yard setback.

The project would include construction of a five-story building with approximately 2,000 square feet of ground floor retail space, 197 residential units marketed primarily toward university students, and an attached seven-level parking structure with 401 parking spaces. An additional 14 parking spaces would be located behind the retail space, to be accessed from University Avenue. The applicants closely

coordinated with the Urbana Fire Department on the site design to ensure standards for fire rescue access are met.

The subject property is located on the north side of University Avenue, the major east-west corridor in central Urbana-Champaign, and between the intersections of Lincoln and Goodwin Avenues. University Avenue is also the north boundary of the University of Illinois campus, and both Lincoln and Goodwin Avenues are important routes to campus. The area immediately surrounding the subject property is commercial in character. The development of the property represents an infill development opportunity along the University Avenue corridor.

At their September 19, 2012 meeting, the Zoning Board of Appeals voted four ayes and zero nays to forward both Major Variances to the City Council with a recommendation for approval.

Concurrent Efforts

On September 6, 2012, the Plan Commission held a public hearing to consider a Special Use Permit application for this project. The Urbana Zoning Ordinance Table V-1, "Table of Uses", requires a Special Use Permit for Multi-family Residential Dwellings in B-3 zoning districts. Following consideration, the Plan Commission voted six ayes and zero nays to forward the application to City Council with a recommendation for approval. During the public hearing, the Commission questioned the petitioner whether the proposed number of parking spaces (417) was necessary given that it would exceed the minimum required by the Zoning Ordinance. In response, the petitioner revised the plans to remove the top level of parking from the proposed parking garage, reducing the number of parking spaces provided in the garage from 417 to 401 and the building height of the parking garage from 78 feet in height to 73 feet. The variance requests reflect these changes.

Both the Special Use Permit and the two Major Variances are necessary for this project to proceed.

Previous Approvals

On July 9, 2007, a Special Use Permit was approved by the Urbana City Council for 1008, 1010 and 1012 West University Avenue for a five-story, mixed-use building with commercial on the ground floor and four floors of apartments above with structured parking (Ordinance No. 2007-07-071). The Special Use Permit was amended on August 4, 2008, to include a surface parking lot at 508 North Goodwin Avenue (Ordinance No. 2008-08-080).

In addition to the Special Use Permit, two major variances were approved for the previous project. On July 9, 2007 the Urbana City Council approved Ordinance No. 2007-07-072 which allowed a reduction in the side yard setbacks to five feet. Then on November 26, 2007 the Urbana City Council approved Ordinance 2007-11-132 which allowed structured parking with a rooftop terrace to encroach in the rear yard along the railroad right-of-way. The Zoning Board of Appeals forwarded both variance applications to the City Council with unanimous recommendations for approval.

This project was not constructed due to changing economic conditions in 2008. This property and the project have now been picked up by a new developer. This proposal is a resumption of the earlier project.

Description of the Site

The subject property is an I-shaped zoning lot with frontage on two streets and backing up to a railroad track extending diagonally to the street grid. It is near the northeast corner of University and Goodwin Avenues, with a 199-foot frontage along West University Avenue and a 296-foot frontage along North Goodwin Avenue. The subject property is 3.09 acres (134,600 square feet) and currently contains two commercial buildings, one of which is vacant, and two undeveloped lots.

Adjacent Land Uses and Zoning Designations

The area immediately surrounding the subject property to the east, west and south is commercial in nature and is zoned B-3, General Business. Businesses such as Hot Wok, Cocina Real, and Durst Cycle are located to the southwest; the Hampton Inn is located to the west; Tri-Color Locksmiths and the Gold Exchange are located to the east; and restaurants such as Niro's Gyros, Taco Bell and Dairy Queen are located along the south side of University Avenue and south of the subject property. To the north of the subject property is a railroad spur, Illinois American Water Company and an Ameren IP electrical substation. The property to the north is zoned IN-1, Light Industrial-Office.

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	B-3, General Business	Commercial (vacant building, Odman-Hecker)	Community Business
North	IN-1, Light Industrial-Office	Industrial (Railway spur ROW, Illinois American Water Co, Undeveloped Lot, Ameren IP substation)	Institutional
South	B-3, General Business	Commercial (Restaurants) Commercial (Retail, Offices)	Community Business Campus Mixed-Use
East	B-3 General Business	Commercial (Retail)	Community Business
West	B-3, General Business	Commercial (Restaurants, Retail & Hotel)	Community Business

Comprehensive Plan Goals, Objectives and Policies

The City of Urbana’s 2005 Comprehensive Plan, Future Land Use Map 3, designates the future land use of this property as “Community Business”. The adjacent area on the opposite side of University Avenue is designated by Future Land Use Map 8 as “Campus Mixed Use.” The map is annotated to say that appropriate development in that area should include: “Urban designed mixed-use buildings, which include business/office on the ground floor and residential on upper floors...”

The Comprehensive Plan defines “Community Business” as:

“Community Business centers are designed to serve the overall community as well as the immediate neighborhood but are less intense than regional commercial centers. Located along principal arterial routes or at major intersections. Community Business centers contain a variety of business and service uses at scales and intensities that make them generally compatible with surrounding neighborhoods. Encourage planned-unit development to create a variety of uses, and to transition intensities to adjoining neighborhoods. Design facilities to permit pedestrian, bicycle, and transit access as well as automobile traffic.”

The Comprehensive Plan’s future land use designation on the opposite side of University Avenue is for “Campus Mixed-Use” which the plan defines as:

“The Campus Mixed-Use classification is intended for limited areas that are close to campus. These areas promote urban-style private development with a mix of uses that commonly include commercial, office and residential. Design Guidelines shall ensure that developments contain a strong urban design that emphasizes a pedestrian scale with buildings close to the street, wide sidewalks, and parking under and behind structures. The design and density of development should capitalize on existing and future transit routes in the area. Large-scale developments containing only single uses are discouraged within this classification.”

The proposed project appears to fit well within both categories in that it is a mixed-use commercial/residential building located along an arterial roadway and provides access to pedestrian, bicycle, and transit facilities. The property’s adjacency of uses also allows cross benefits. For instance housing marketed for students can benefit from being located within walking distance of restaurants, retail and the University of Illinois and vice versa.

Additionally, the proposed Special Use Permit has been reviewed under the goals and objectives in the 2005 Urbana Comprehensive Plan. The following goals and objectives relate to this case:

Goal 2.0 New development in an established neighborhood will be compatible with the overall urban design and fabric of that neighborhood.

Objectives

- 2.1 Ensure that the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood.
- 2.4 Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing.

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

- 16.1 Encourage a mix of land use types to achieve a balanced growing community.
- 16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.

Goal 18.0 Promote infill development.

Objectives

- 18.1 Promote the redevelopment of underutilized property using techniques such as tax increment financing, redevelopment loans/grants, enterprise zone benefits, marketing strategies, zoning incentives, etc.

Goal 19.0 Provide a strong housing supply to meet the needs of a diverse and growing community.

Objectives

- 19.1 Ensure that new residential development has sufficient recreation and open space, public utilities, public services, and *access to commercial and employment centers*.
- 19.2 Encourage residential developments that offer a variety of housing types, prices and designs.

Goal 25.0 Create additional commercial areas to strengthen the city's tax base and service base.

Objectives

- 25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.
- 25.4 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

Goal 26.0 Improve the appearance of Urbana's commercial and industrial areas.

Objectives

- 26.2 Promote the beautification of commercial areas especially along University Avenue, Cunningham Avenue, and Philo Road.

Goal 34.0 Encourage development in areas where adequate infrastructure already exists.

The proposed project appears to comply with the Urbana's 2005 Comprehensive Plan in terms of future land uses, goals, and objectives.

University Avenue Corridor Study

In 2008, the City of Urbana, in collaboration with the City of Champaign, the University of Illinois and the Champaign-Urbana Mass Transit District, contracted with the Champaign County Regional Planning Commission (CCRPC) to complete a corridor study for University Avenue. The Urbana City Council accepted the study on May 3, 2010 (Resolution No. 2010-04-009R).

University Avenue serves as an important east-west thoroughfare connecting the City of Urbana, the University of Illinois and the City of Champaign. The entities involved in the University Avenue Corridor Plan recognized this importance and the need to put a plan in place "which capitalizes on the corridor's strengths and successfully addresses its weaknesses". The following overall goals were established for the corridor:

- 1) Promote orderly and attractive redevelopment along University Avenue.
- 2) Develop higher density multi-modal nodes at selected intersections.
- 3) Maximize the safety and efficiency of the current transportation network throughout the corridor.
- 4) Provide bicycle connections for the corridor to the rest of the community.
- 5) Improve pedestrian facilities, safety and access along the corridor.
- 6) Provide more direct transit service and additional transit facilities throughout the corridor.

The study recommends that redevelopment of the subject property “target businesses and housing options that cater to both University employees and students, as well as hospital staff.” In addition, the study recommends mixed-use developments that include retail and office space with residential.

Discussion

This project is the resumption of a proposed development which received a Special Use Permit and two major variances in 2007, but was not built due to the economic slowdown. The previous development received a major variance to allow a reduction in required side yard setbacks to five feet. The required side yard setback for the subject property would be five feet, if the building were solely commercial.

Per Table VI-3 and Sections VI-5.F.3 and VI-5.G.1 of the Zoning Ordinance, the required side and rear yard setbacks for residential buildings in the B-3 zoning district must be increased by three feet for every ten feet the building is over 25 feet in height. For this proposal, the required side yard setbacks for the apartment building are 17 feet and the required rear yard setback is 22 feet. For the parking garage, the required side yard setbacks are 20 feet and the required rear yard setback is 25 feet. Below is a chart showing the required side and rear yard setbacks for both the apartment building and the parking garage in addition to the variances requested.

	Apartment Building – Height 62’				Parking Garage – Height 73’			
	Required	Minimum Proposed	Variance	%	Required	Minimum Proposed	Variance	%
Front	15’	15’	--	--	15’	20’	--	--
Side	17’ (5+12)	10’	7’	41%	20’ (5+15)	10’	10’	50%
Rear	22’ (10+12)	10’	12’	55%	25’ (10+15)	17’	8’	32%

The site plan design complies with fire access requirements and incorporates extensive comments from the Urbana Fire Department to ensure safety and rescue ability.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria outlined in the ordinance as they pertain to this case, followed by staff analysis for this case:

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

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The special circumstance requiring the variance is the L-shaped property boundary fronting on two streets and backing up to a railroad right-of-way which runs diagonally to the street grid. The northern property line for the subject property is along a railroad track, which is on a diagonal to the regular grid pattern of development in the neighborhood. This limits the size of the parcel and constrains the developable area of the lot. In addition, the parcel has frontage on two streets, thereby requiring two front yards, which also limits the developable area on the parcel. The wide railroad right-of-way adjoining the property along the entire northern property line means that encroachment into the rear yard would not harm adjacent development to the north.

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

The applicant did not cause the need for a variance. The redevelopment site is composed of several parcels which the applicant is purchasing as a unit from the current owner. In addition, the diagonal of the railroad tracks has been in place since at least 1900, creating the irregular shape along the entire northern boundary of the property.

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

Granting the variances would not alter the essential character of the neighborhood. Side yard setbacks of 5 feet and rear yard setbacks of 10 feet are the norm for the B-3 zoning district. Therefore, the proposed 10-foot side and 10-foot rear yard setbacks will not be outside the norm for the district. In addition, the proposed development would be compatible in terms of scale and massing to the University-owned parking garage, Beckman Institute, and the Einstein Bros. Bagels building on the south side of University Avenue, the Hampton Inn and Provena Covenant Medical Center across Goodwin Avenue, and the Carle Medical Center campus to the east. The immediate neighborhood is commercial in character. The broader neighborhood is both commercial and institutional in character. Adjacent buildings to the south are one- and two-stories in height.

The development has been designed with commercial uses fronting on University Avenue that are consistent with the commercial nature of the area. The residential component of the development is well suited for this location due to its proximity to the University of Illinois and its location along a main east-west corridor in central Urbana-Champaign. The proposed parking areas have been located behind the proposed building on University Avenue and along the secondary frontage on Goodwin Avenue, thereby creating a consistent commercial façade along University Avenue.

According to the applicant, the proposed development will enhance the general appearance and character of the University Avenue corridor as well as contribute to the economic vibrancy of the area. The project would meet height, floor area ratio, parking, and front yard setback requirements. If the variance requests are granted, the side and rear yards would be consistent with the zoning regulations for

non-residential properties in the B-3 zoning district and therefore cause no more of a nuisance to adjacent properties than a “by right” commercial project.

Generally, additional side and rear yard setbacks for residential projects in commercial districts are the result of a desire to ensure adequate light and air for residents in densely built up areas. Downtown Chicago is an example of where such a setback would be beneficial. In this case, however, the University Avenue corridor is comprised of one- and two-story buildings. Therefore, the increased setbacks in this context are not necessary to preserve light and air. In addition, the rear property line of the proposed project is along a railroad line that has very little traffic on it. This gives the subject property additional effective open space along the rear property line, thereby decreasing the need for additional rear yard setbacks. As the area immediately surrounding the subject property is commercial in character, reduced setbacks for the proposed development would not negatively impact any residences.

The wide railroad right-of-way adjoining the property along the entire northern property line means that encroachment into the rear yard would not harm adjacent development to the north.

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

The proposed reduction in side and rear yard setbacks would not cause a nuisance to the adjacent properties. The wide railroad right-of-way adjoining the property along the entire northern property line means that encroachment into the rear yard would not harm adjacent development to the north. The properties to the southwest are the Durst Cycle building, the former Cocina Real restaurant, and Hot Wok. For the Cocina Real and Hot Wok properties, the proposed building would be approximately 50 feet or over from the existing buildings, as both restaurant buildings are approximately 40 feet from the property line and the proposed apartment building would be set back a minimum of 10 feet along that property line. For the Durst Cycle building, the proposed building would be approximately 70 feet from the existing building, as it is approximately 60 feet from the property line. For the property to the east, the Gold Exchange, the proposed building would be set back further from the property line than the existing vacant commercial building is currently.

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

According to the applicant, the variance requests represent the minimum amount needed to accommodate this project.

Summary of Findings

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

1. A Special Use Permit was approved on July 9, 2007 (Ordinance No. 2007-07-071) and amended on August 4, 2008 (Ordinance No. 2008-08-080) along with two major variances on July 9, 2007 (Ordinance No. 2007-07-072) and November 26, 2007 (Ordinance No. 2007-11-132) to allow for the subject site to be developed with a five-story, mixed-use building with commercial on the ground

floor and four floors of apartments with interior parking on two levels. The subject request represents an update to these previously granted approvals.

2. On September 6, 2012, the Plan Commission voted six ayes and zero nays to forward a Special Use Permit application for this project to City Council with a recommendation for approval.
3. The petitioner proposes to construct a five-story building with approximately 2,000 square feet of ground floor retail space, 197 residential units marketed primarily toward university students, and an attached seven-level parking structure with 401 parking spaces accessed off of Goodwin Avenue and an additional 14 parking spaces located behind the retail space, to be accessed from University Avenue.
4. Sections VI-5.F.3 and VI-5.G.1 of the Zoning Ordinance require the side and rear yard setbacks for residential buildings in the B-3 zoning district be increased by three feet for every ten feet the building is over 25 feet in height.
5. Per Table VI-3 and Section VI-5.F.3 of the Urbana Zoning Ordinance, the minimum required side yard setback in this case is 17 feet for the apartment building and 20 feet for the parking garage. Per Table VI-3 and Section VI-5.G.1 of the Urbana Zoning Ordinance, the minimum required rear yard setback in this case is 22 feet for the apartment building and 25 feet for the parking garage.
6. The petitioner is requesting a major variance from Table VI-3 and Section VI-5.F.3 (Side Yard Setbacks) to encroach up to 7 feet into the required side yard setback of 17 feet for the apartment building and up to 10 feet into the required side yard setback of 20 feet for the parking garage.
7. The petitioner is requesting a major variance from Table VI-3 and Section VI-5.G.1 (Rear Yard Setbacks) to encroach up to 10 feet into the required rear yard setback of 22 feet for the apartment building and up to 8 feet into the required rear yard setback of 25 feet for the parking garage.
8. The subject property contains a vacant commercial building, an industrial building, and two undeveloped lots.
9. The subject property is located in the B-3, General Business Zoning District.
10. The proposed redevelopment project is in compliance with the 2005 Urbana Comprehensive Plan and the University Avenue Corridor Study.
11. The variances are necessary due to the irregular shape of the lot, with a diagonal railroad right-of-way along the northern boundary and two frontages, one each on University Goodwin Avenues.
12. Granting the requested variances would not have a negative impact on the character of the neighborhood as it would be similar in scale and massing to many of the surrounding buildings and would be in keeping with the commercial character of the University Avenue corridor. Side yard setbacks of five feet and rear yard setbacks of 10 foot are the norm in the B-3 zoning district.

13. The requested variances would not cause a nuisance to adjacent properties. Side yard setbacks of five feet and rear yard setbacks of 10 foot are the norm in the B-3 zoning district. The railroad right-of-way to the north precludes development in that direction.
14. The requested variances represent the minimum deviation from the Zoning Ordinance needed to accommodate this project.
15. At their September 19, 2012 meeting, the Zoning Board of Appeals held a public hearing and voted four ayes and zero nays to forward the Mayor Variances to the City Council with recommendations for approval.

Options

The Urbana City Council has the following options in this case:

- a. Approve the application based on the findings outlined in this memo; or
- a. Approve the application 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
- c. Deny the application. If the City Council elects to do so, the Council should articulate findings supporting its denial.

Recommendation

At their September 19, 2012 meeting the Zoning Board of Appeals recommended **APPROVAL** of both variances. City staff likewise recommends approval of both variances.

Prepared by:

Rebecca Bird, AICP
Planner II

CC: Michael Augustine, 12765 W Forest Hill Boulevard, Suite 1307, Wellington, FL 33414
Pat Moone, 1819 S Neil St, Suite F, Champaign, IL 61820
Charland Brock & Assoc., 1770 Fennel St, Maitland, FL 32751

Attachments: Attachment A: Site Plan and Conceptual Elevations
Exhibit A: Location & Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application
Exhibit E: Ordinance No. 2008-08-080 (Special Use Permit)
Exhibit F: Ordinance No. 2007-07-072 (Major Variance for side yard setback)
Exhibit G: Ordinance No. 2007-11-132 (Major Variance for rear yard setback)

ORDINANCE NO. 2012-10-098

AN ORDINANCE APPROVING MAJOR VARIANCES

(Encroachment into the minimum required side yard and rear yard setbacks in the City's B-3, General Business Zoning District, at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue / ZBA Case Nos. 2012-MAJ-04 and 2012-MAJ-05)

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 major variances where there are special circumstances or conditions with a parcel of land or a structure; and

WHEREAS, Bainbridge Communities Acquisition II LLC has submitted a petition for two major variances regarding side and rear yard setbacks to allow an infill redevelopment of a 3.09-acre property located at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case Nos. 2012-MAJ-04 and 2012-MAJ-05; 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 September 19, 2012 and voted 4 ayes and 0 nays to recommend that the Corporate Authorities approve the requested variances; 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. A Special Use Permit was approved on July 9, 2007 (Ordinance No. 2007-07-071) and amended on August 4, 2008 (Ordinance No. 2008-08-080) along with two major variances on July 9, 2007 (Ordinance No. 2007-07-072) and November 26, 2007 (Ordinance No. 2007-11-132) to allow for the subject site to be developed with a five-story, mixed-use building with commercial on the ground floor and four floors of apartments with interior parking on two levels. The subject request represents an update to these previously granted approvals.
2. On September 6, 2012, the Plan Commission voted six ayes and zero nays to forward a Special Use Permit application for this project to City Council with a recommendation for approval.
3. The petitioner proposes to construct a five-story building with approximately 2,000 square feet of ground floor retail space, 197 residential units marketed primarily toward university students, and an attached seven-level parking structure with 401 parking spaces accessed off of Goodwin Avenue and an additional 14 parking spaces located behind the retail space, to be accessed from University Avenue.
4. Sections VI-5.F.3 and VI-5.G.1 of the Zoning Ordinance require the side and rear yard setbacks for residential buildings in the B-3 zoning district be increased by three feet for every ten feet the building is over 25 feet in height.
5. Per Table VI-3 and Section VI-5.F.3 of the Urbana Zoning Ordinance, the minimum required side yard setback in this case is 17 feet for the apartment building and 20 feet for the parking garage. Per Table VI-3 and Section VI-5.G.1 of the Urbana Zoning Ordinance, the minimum required rear yard setback in this case is 22 feet for the apartment building and 25 feet for the parking garage.
6. The petitioner is requesting a major variance from Table VI-3 and Section VI-5.F.3 (Side Yard Setbacks) to encroach up to 7 feet into the required side yard setback of 17 feet for the apartment building and up to 10 feet into the required side yard setback of 20 feet for the parking garage.

7. The petitioner is requesting a major variance from Table VI-3 and Section VI-5.G.1 (Rear Yard Setbacks) to encroach up to 10 feet into the required rear yard setback of 22 feet for the apartment building and up to 8 feet into the required rear yard setback of 25 feet for the parking garage.
8. The subject property contains a vacant commercial building, an industrial building, and two undeveloped lots.
9. The subject property is located in the B-3, General Business Zoning District.
10. The proposed redevelopment project is in compliance with the 2005 Urbana Comprehensive Plan and the University Avenue Corridor Study.
11. The variances are necessary due to the irregular shape of the lot, with a diagonal railroad right-of-way along the northern boundary and two frontages, one each on University Goodwin Avenues.
12. Granting the requested variances would not have a negative impact on the character of the neighborhood as it would be similar in scale and massing to many of the surrounding buildings and would be in keeping with the commercial character of the University Avenue corridor. Side yard setbacks of five feet and rear yard setbacks of 10 foot are the norm in the B-3 zoning district.
13. The requested variances would not cause a nuisance to adjacent properties. Side yard setbacks of five feet and rear yard setbacks of 10 foot are the norm in the B-3 zoning district. The railroad ROW to the north precludes development in that direction.
14. The requested variances represent the minimum deviation from the Zoning Ordinance needed to accommodate this project.

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

Section 1. In ZBA Case Nos. 2012-MAJ-04 and 2012-MAJ-05, the two major variances requested by Bainbridge Communities Acquisition II, LLC are hereby approved in the manner proposed in the application and subject to the following condition:

1. That construction closely conform to the site plan attached as Attachment A.

The major variances described above shall only apply to the property located at 1008, 1010, and 1012 West University Avenue, and 508 North Goodwin Avenue Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

THE EAST 135 FEET OF LOT 1, AND ALL OF LOTS 9, 11 AND 12, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOT 10 IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOT 1, EXCEPT THE EAST 135 FEET, AND ALSO EXCEPT THE SOUTH 48 FEET OF THE WEST 134.62 FEET THEREOF, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

PIN Nos:

91-21-07-431-023, 91-21-07-431-019, 91-21-07-431-007, 91-21-07-431-021

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 _____, 2012

PASSED by the City Council on this ____ day of _____, 2012.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

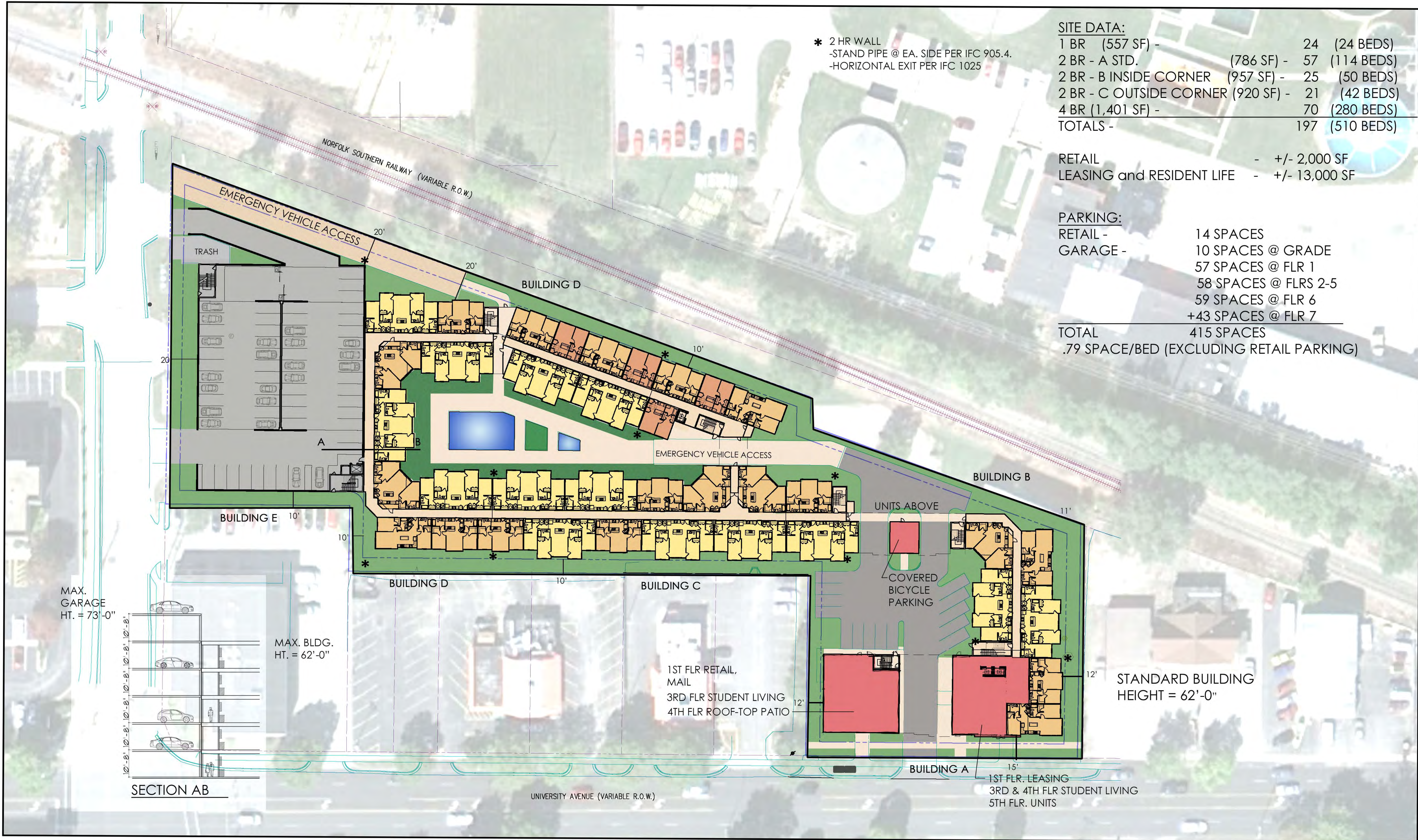
APPROVED by the Mayor this _____ day of _____, 2012.

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 _____, 2012, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE APPROVING MAJOR VARIANCES (Encroachment into the minimum required side yard and rear yard setbacks in the City's B-3, General Business Zoning District, at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue / ZBA Case Nos. 2012-MAJ-04 and 2012-MAJ-05) 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 _____, 2012, 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 _____, 2012.



* 2 HR WALL
 -STAND PIPE @ EA. SIDE PER IFC 905.4.
 -HORIZONTAL EXIT PER IFC 1025

SITE DATA:

1 BR (557 SF) -	24 (24 BEDS)
2 BR - A STD. (786 SF) -	57 (114 BEDS)
2 BR - B INSIDE CORNER (957 SF) -	25 (50 BEDS)
2 BR - C OUTSIDE CORNER (920 SF) -	21 (42 BEDS)
4 BR (1,401 SF) -	70 (280 BEDS)
TOTALS -	197 (510 BEDS)

RETAIL - +/- 2,000 SF
 LEASING and RESIDENT LIFE - +/- 13,000 SF

PARKING:

RETAIL -	14 SPACES
GARAGE -	10 SPACES @ GRADE
	57 SPACES @ FLR 1
	58 SPACES @ FLRS 2-5
	59 SPACES @ FLR 6
	+43 SPACES @ FLR 7
TOTAL	415 SPACES
.79 SPACE/BED (EXCLUDING RETAIL PARKING)	

MAX. GARAGE HT. = 73'-0"



MAX. BLDG. HT. = 62'-0"

1ST FLR RETAIL, MAIL
 3RD FLR STUDENT LIVING
 4TH FLR ROOF-TOP PATIO

STANDARD BUILDING HEIGHT = 62'-0"

15'
 1ST FLR. LEASING
 3RD & 4TH FLR STUDENT LIVING
 5TH FLR. UNITS

UNIVERSITY OF ILLINOIS STUDENT HOUSING

SITE PLAN

SEPTEMBER 12, 2012





CAMPUS CIRCLE | UIUC

Conceptual Elevation

September 7, 2012

BAINBRIDGE
CAMPUS COMMUNITIES

c b a
charlan brock & associates
architects / planners



CAMPUS CIRCLE | UIUC

Conceptual Elevation

September 7, 2012



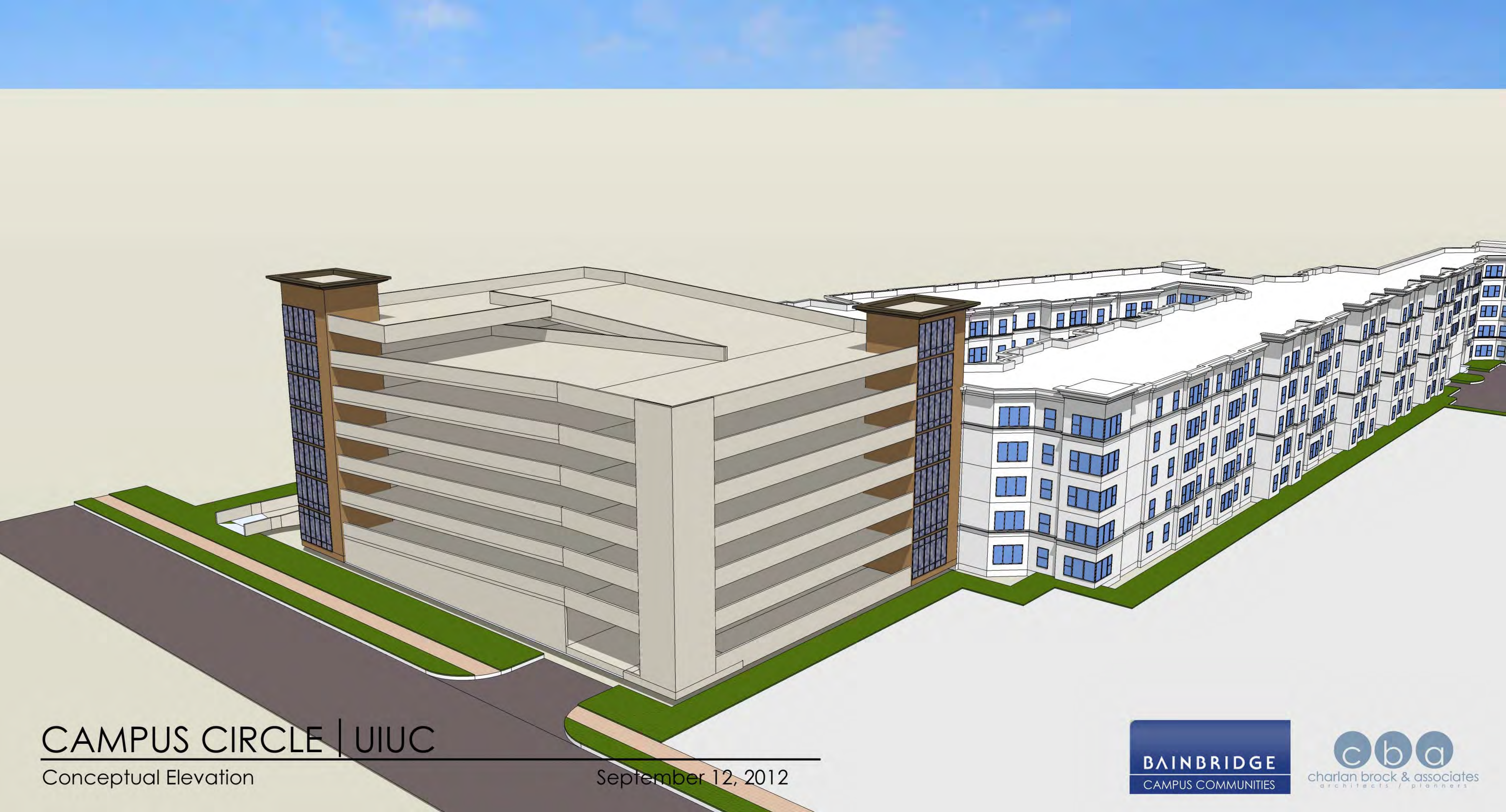


CAMPUS CIRCLE | UIUC

Conceptual Elevation

September 12, 2012





CAMPUS CIRCLE | UIUC

Conceptual Elevation

September 12, 2012





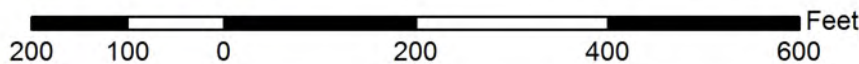
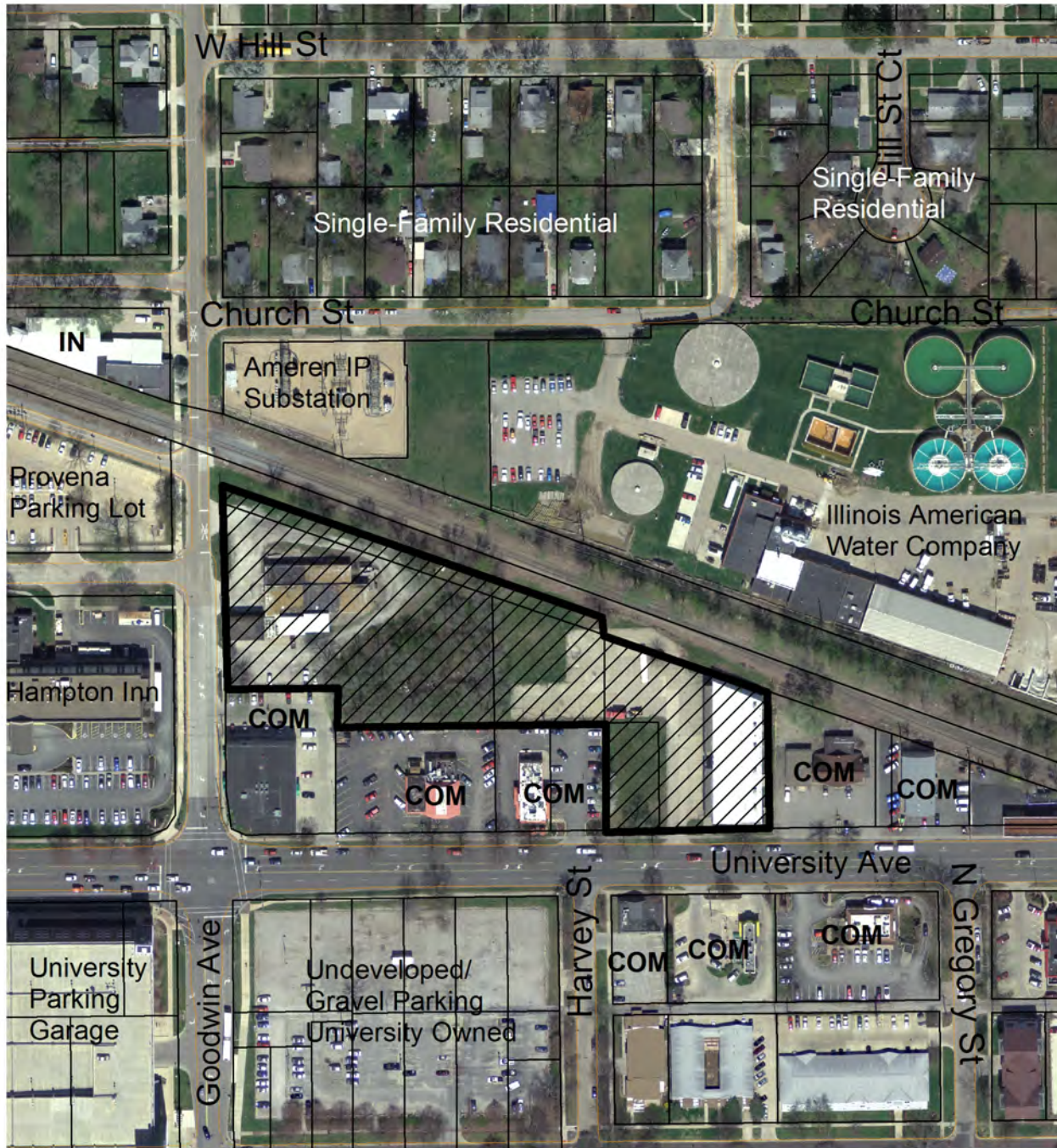
CAMPUS CIRCLE | UIUC

Conceptual Elevation

September 12, 2012



Exhibit A: Location & Land Use Map



Case: ZBA 2012-MAJ-04
 ZBA 2012-MAJ-05
 Subject: Request for Two Major Variances for
 Side & Rear Yard Setbacks
 Location: 1008, 1010, 1012 University Ave and
 508 N. Goodwin Ave, Urbana
 Petitioner: Bainbridge Communities Acquisition II, LLC
 Prepared 8/16/2012 by Community Development Services - rlb


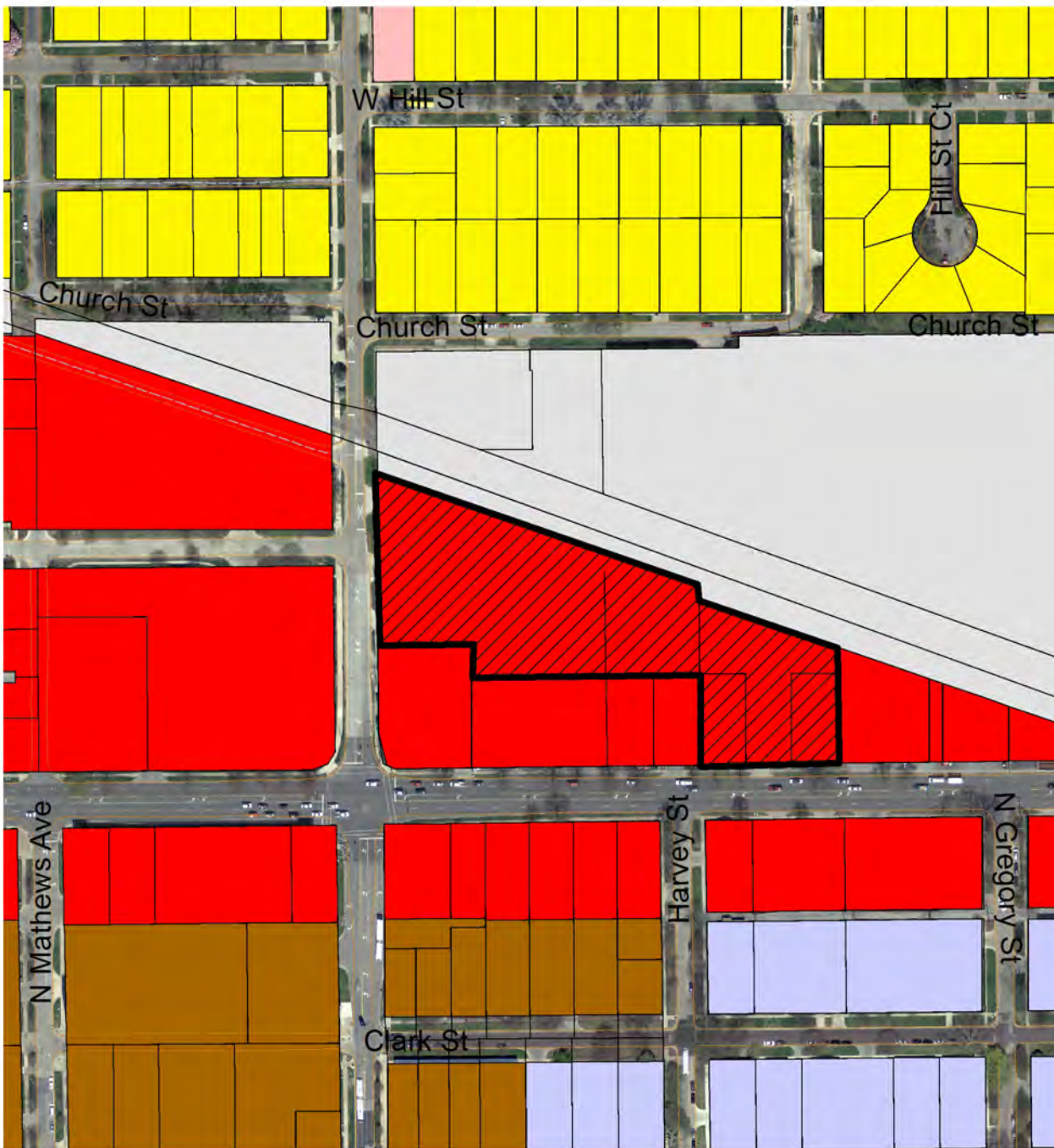
 Subject Properties

Exhibit B: Existing Zoning Map



Case: ZBA 2012-MAJ-04
 ZBA 2012-MAJ-05
 Subject: Request for Two Major Variances for Side & Rear Yard Setbacks
 Location: 1008, 1010, 1012 University Ave and 508 N. Goodwin Ave, Urbana
 Petitioner: Bainbridge Communities Acquisition II, LLC
 Prepared 8/16/2012 by Community Development Services - rlb



Subject Properties

- B3
- B3U
- IN-1
- R2
- R5

Exhibit C: Future Land Use Map



Source: City of Urbana 2005 Comprehensive Plan, Future Land Use Map #3 and #8



Case: ZBA 2012-MAJ-04
 ZBA 2012-MAJ-05
 Subject: Request for Two Major Variances for Side & Rear Yard Setbacks
 Location: 1008, 1010, 1012 University Ave and 508 N. Goodwin Ave, Urbana
 Petitioner: Bainbridge Communities Acquisition II, LLC
 Prepared 8/16/2012 by Community Development Services - rl/b



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. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ ZBA Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

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 *(Insert Use/Construction Proposed and the Type and Extent of Variation Requested)* A (I) MIXED-USE RETAIL AND RESIDENTIAL APARTMENT BUILDING TO HAVE (A) 12-FOOT ENCROACHMENT INTO THE REQUIRED 22-FOOT REAR YARD SETBACK, AND (B) 7-FOOT ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK AT 1008-1012 W UNIVERSITY AVENUE AND 508 N GOODWIN AVENUE IN THE B-3, GENERAL BUSINESS ZONING DISTRICT, AND (II) PARKING GARAGE SERVICING THE MIXED-SE BUILDING TO HAVE (A) 11-FOOT ENCROACHMENT INTO THE REQUIRED REAR YEARD SETBACK, AND (B) 13-FOOT ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK AT 508 N GOODWIN AVENUE IN THE B-3, GENERAL BUSINESS ZONING DISTRICT.

_____ on the property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **BAINBRIDGE COMMUNITIES ACQUISITION II, LLC** Phone: **561-333-3669**

Address *(street/city/state/zip code)*: **12765 W FOREST HILL BLVD, SUITE 1307, WELLINGTON, FL 33414**

Email Address: **MAUGUSTINE@BAINBRIDGERE.COM**

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

2. OWNER INFORMATION

Name of Owner(s): **BAINBRIDGE COMMUNITIES ACQUISITION II, LLC** Phone: **561-333-3669**

Address (street/city/state/zip code): **12765 W FOREST HILL BLVD, SUITE 1307, WELLINGTON, FL 33414**

Email Address: **MAUGUSTINE@BAINBRIDGERE.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: **1008-1012 W UNIVERSITY AVENUE AND 508 N GOODWIN AVENUE, URBANA, IL 61801**

PIN # of Location: **91-21-07-431-019, 91-21-07-431-021, 91-21-07-431-007, 91-21-07-431-023**

Lot Size: 3.09 ACRES

Current Zoning Designation: **B-3 GENERAL BUSINESS DISTRICT**

Current Land Use (vacant, residence, grocery, factory, etc): **1008-1012 W UNIVERSITY HAS A 1 STORY VACATN RETAIL BLDG WITH PARKING LOT, AND 508 N GOODWIN HAS A 1 STORY MANUFACTURING FACILITY WITH PARKING LOT.**

Proposed Land Use: **RETAIL/MULTIFAMILY RESIDENTIAL MIXED-USE BUILDING**

Legal Description: SEE EXHIIIBT A

4. CONSULTANT INFORMATION

Name of Architect(s): **CHARLAN BROCK AND ASSOCIATES** Phone: **407-660-8900**

Address (street/city/state/zip code): **1770 FENNEL STREET, MAITLAND, FL 32751**

Email Address: **MARY@CBAARCHITECTS.COM**

Name of Engineers(s): **FARNSWORTH GROUP, INC** Phone: **217-352-7408**

Address (street/city/state/zip code): **1819 S NEIL STREET, SUITE F, CHAMPAIGN, IL 61820**

Email Address: **PMOONE@F-W.COM**

Name of Surveyor(s): **FARNSWORTH GROUP, INC** Phone: **217-352-7408**

Address (street/city/state/zip code): **1819 S NEIL STREET, SUITE F, CHAMPAIGN, IL 61820**

Email Address: **CWALLACE@F-W.COM**

Name of Professional Site Planner(s): **CHARLAN BROCK AND ASSOCIATES** Phone: **407-660-8900**

Address (*street/city/state/zip code*): **1770 FENNEL STREET, MAITLAND, FL 32751**

Email Address: **MARY@CBAARCHITECTS.COM**

Name of Attorney(s): BROAD AND CASSEL

Phone: **561-483-7000**

Address (*street/city/state/zip code*): **7777 GLADES ROAD, SUITE 300, BOCA RATON, FL 33434**

Email Address: **CSTALLER@BROADANDCASSEL.COM**

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.

SEE EXHIBIT B

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.

SEE EXHIBIT C

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

SEE EXHIBIT D

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

SEE EXHIBIT E

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

SEE EXHIBIT F

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

SEE EXHIBIT G

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

8/24/12
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

The Property

LOT 1, EXCEPT THE EAST 135 FEET, AND ALSO EXCEPT THE SOUTH 48 FEET OF THE WEST 134.62 FEET THEREOF, IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

PIN 91-21-07-431-023

AND ALSO:

THE EAST 135 FEET OF LOT 1 IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

PIN 91-21-07-431-019

AND ALSO:

LOTS 9, 10, 11, AND 12 IN JOHN W. STIPES SUBDIVISION IN THE CITY OF URBANA, ILLINOIS, AS PER PLAT SHOWN IN PLAT BOOK "B" AT PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

PIN 91-21-07-431-007 AND 91-21-07-431-021

Exhibit B

The special circumstances concerning this site is that the property has an irregular L-shape, which combined with a required 22-foot rear yard setback and 17-foot side yard setback, presents a serious practical difficulty for development, if not a hardship.

Exhibit C

The proposed variance will not serve as a special privilege because the irregular shape of the lots poses unusual challenges to full use of the property. Most other properties in the University Avenue corridor do not have such unusual shapes in which to meet increased yard setbacks. The narrow strip of railway right-of-way to the immediate north of the property essentially functions as a rear yard separation. The railway strip is highly unlikely to ever develop with any structures. Additionally, most other properties in the University Avenue corridor do not have four side yards of from which to meet heightened side yard setbacks.

Exhibit D

The parcel characteristics and the City's Zoning Ordinance requirements are the basis for this variance request, neither of which were a result of the petitioner.

Exhibit E

The surrounding area is commercial in character. Constructing buildings with a 5-foot side yard setback and a 10-foot rear yard setback is the norm in B-3 zoning districts rather than the exception.

Exhibit F

The side and rear yards will be consistent with the zoning requirements for non-residential properties in the B-3 zoning district and therefore will be no different than "by right" commercial projects. Additional setback requirements for residential projects in commercial districts are the result of a desire to insure adequate light and air for residents in densely built up areas. The subject property's north property line borders a narrow strip of land along an infrequently used railway right-of-way. The reduced rear yard set back will not cause a nuisance or obstruction to the railway. There would be no apparent nuisance to adjacent properties, nor would there be an appreciable risk to the future tenants of the building. Conversely, the proposed project's residential tenants would be a built-in support system for the adjacent and surrounding commercial properties.

Exhibit G

Yes, the variances requested are the minimum necessary to accommodate the request/project.

COPY

ORDINANCE NO. 2008-08-080

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2007-07-071
AND TO APPROVE A SPECIAL USE PERMIT**

(To Allow the Construction of Multi-Family Dwellings at
1008, 1010 and 1012 West University Avenue to Include
a Parking Lot at 508 North Goodwin Avenue in the B-3,
General Business, Zoning District - Plan Case
No. 2078-SU-08 / Trammell Crow Company)

WHEREAS, Trammell Crow Company was granted a Special Use Permit on July 9, 2007 by the Urbana City Council in Ordinance No. 2007-07-071 to allow the construction of multi-family dwellings at 1008, 1010 and 1012 W. University Avenue; and

WHEREAS, unforeseen circumstances have required Trammell Crow Company to redesign the project to include a surface parking lot at 508 N. Goodwin Avenue instead of providing underground parking as originally proposed; and

WHEREAS, Trammell Crow Company has petitioned the City of Urbana for a Special Use Permit to construct multi-family dwellings at 1008, 1010, and 1012 West University Avenue to include a parking lot at 508 North Goodwin Avenue in the B-3, General Business District; and

WHEREAS, the Urbana Zoning Ordinance, Table V-1, Table of Uses, permits Multi-Family Dwellings in B-3 zoning districts subject to a Special Use Permit; and

WHEREAS, the 2005 Comprehensive Plan designates the future land use of this property as "Community Business"; and

WHEREAS, after due publication, the Urbana Plan Commission on July 24, 2008 held a public hearing concerning the petition and voted 7 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the Special Use Permit application, subject to the conditions as specified in Section 1 herein; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth herein, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public; and

WHEREAS, The application demonstrates that the development will be generally conducive to the public convenience at this location; that it will not be injurious to the public or district in which it is located; and that it will meet the applicable standards of the Urbana Zoning Ordinance and enhance the character of the zoning district in which it will be located; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to repeal Ordinance No. 2007-07-071 and to enact the text in lieu thereof as described herein.

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

Section 1. Ordinance No. 2007-07-071 is hereby repealed upon the effective date of this Ordinance. The repeal of such Ordinance shall not abrogate or affect any act committed or done or any penalty or forfeiture incurred or any pending litigation or prosecution under such repealed ordinance.

Section 2. In place of said Ordinance herein repealed, a new Ordinance is hereby enacted and a Special Use Permit is hereby approved to allow the use of multi-family dwellings at 1008, 1010, and 1012 West University Avenue to include a parking lot at 508 North Goodwin Avenue in the B-3, General Business Zoning District with the following conditions upon approval:

1. The development shall be constructed in general conformance with the attached site plan labeled "Exhibit 1". The Zoning Administrator shall have the power to approve minor changes necessary for the project to comply with City regulations including building, fire, and site development codes.

2. The design and appearance of the development shall be of a high standard of quality in substantial conformance to the attached illustration labeled "Exhibit 2" submitted as part of the Special Use Permit application. This condition shall include a requirement for masonry construction such as brick, stone, tile and the like whether weight bearing or veneer.

LEGAL DESCRIPTION:

The East 135 feet of Lot 1, and all of Lots 9, 11 and 12, in John W. Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 1008 and 1010 West University Avenue, Urbana, Illinois.

Permanent Index Nos. 91-21-07-431-019, 91-21-07-431-021

AND

Lot 10 in John W. Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 1012 West University Avenue, Urbana, Illinois.

Permanent Index No. 91-21-07-431-007

AND

Lot 1 except the east 135 feet, and also the south 48 feet of the west 134.62 feet thereof, in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 508 North Goodwin Avenue, Urbana, Illinois.

Permanent Index No. 91-21-07-431-023

COPY

Section 3. The 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 Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 4th day of August, 2008.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis G. Gear
Phyllis G. Gear, City Clerk

APPROVED by the Mayor this 8th day of August, 2008.

COPY
CITY OF URBANA, ILLINOIS
1883
CHARTERED 1883
Robert J. Prussing
Robert J. Prussing, Mayor

COPY

ORDINANCE NO. 2007-07-072

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow a Reduction in Side Yard Building Setbacks to 5 Feet in the B-3, General Business, Zoning District / 1008, 1010 and 1012 W. University Avenue, Case No. ZBA-2007-MAJ-06, Trammell Crow Higher Education Development, Inc.)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or the structure; and

WHEREAS, Trammell Crow Higher Education Development, Inc. has submitted a petition for a variance to allow a reduction in side yard building setbacks to a minimum of five feet for a mixed commercial/residential building at 1008, 1010 and 1012 W. University Avenue in the B-3, General Business Zoning District.; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-06; 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 June 20, 2007 and voted 5 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; 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-3.C.2.d of the Urbana Zoning Ordinance; and

COPY

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

1. The proposed variance will not serve as a special privilege because the irregular shape of the lot poses challenges to efficient use of the property. The variance requested is necessary due to special circumstances relating to the property which represents an infill development opportunity along the important University Avenue corridor.
2. The special circumstances concerning the property are the irregular shape of the site combined with deep setbacks on three sides of the property which significantly reduce the usable area of the site. The practical difficulty in strict compliance would reduce the efficient use of the site and directly effect the economic viability of the development.
3. The variance would allow side yards consistent with the zoning regulations for non-residential properties in the B-3 zoning district and therefore cause no more of a "nuisance" to adjacent properties than a "by right" commercial project.
4. The requested variance will advance the goals and implementation strategies of the 2005 Comprehensive Plan.

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

The major variance request by Trammell Crow Higher Education Development, Inc., in Case #ZBA-2007-MAJ-06, is hereby approved to reduce each side yard property line setback to a minimum of five feet at 1008, 1010 and 1012 West University Avenue in the B-3, General Business Zoning District, in the manner proposed in the application.

COPY

The major variance described above shall only apply to the property located at 1008, 1010 and 1012 West University Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

The East 135 feet of Lot 1, and all of Lots 9, 11 and 12, in John W Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 1008 and 1010 West University, Urbana, Illinois.

Permanent Index Nos. 91-21-07-431-019, 91-21-07-431-021, and 91-21-07-431-009

AND

Lot 10 in John W. Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. Most commonly known as 1012 W. University, Urbana, Illinois.

Permanent Index No. 91-21-07-431-007

AND

Beginning at the Northwest Corner of Lot 1 of John W. Stipes Subdivision, Urbana, Illinois, said point being on the Southerly right-of-way line of the Norfolk and Western Railway Company, proceed thence North 00 degrees 10 minutes 21 seconds East, 21.33 feet along the East line of Goodwin Avenue to the Northerly right-of-way line of the Norfolk and Western Railway Company, said line being coincidental with the Southerly right-of-way line of the Penn Central Railroad; thence South 70 degrees 02 minutes 19 seconds East, 411.00 feet along the Northerly right-of-way line of the Norfolk and Western Railway Company, thence South 68 degrees 01 minutes 28 seconds East 158.13 feet to a point on the Northerly extension of the East line of Lot 9 of John W. Stipes Subdivision; thence South 00 degrees 01 minutes 49 seconds East, 31.50 feet along the Northerly extension of the said East line to the Southerly right-of-way line of the Norfolk and Western Railway Company, also being the Northerly line of John W. Stipes Subdivision; thence North 70 degrees 31 minutes 48 seconds West, 70.39 feet along the Southerly line of said railway company to a point being on the East line of Lot 1 of John W. Stipes Subdivision; thence North 00 degrees 06 minutes 46 seconds West, 21.23 feet along the said East line of Lot 1, being coincidental with the Southerly right-of-way line of Norfolk and Western Railway Company,

COPY

thence North 70 degrees 31 minutes 49 seconds West, 493.93 feet along the Southerly right-of-way line of said Railroad to the true point of beginning, said property lying contiguous to the West limit of the property conveyed to Consolidated Railway Corporation by deed dated October 15, 1990, lying East of Goodwin Avenue, in Champaign County, Illinois.

The 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).

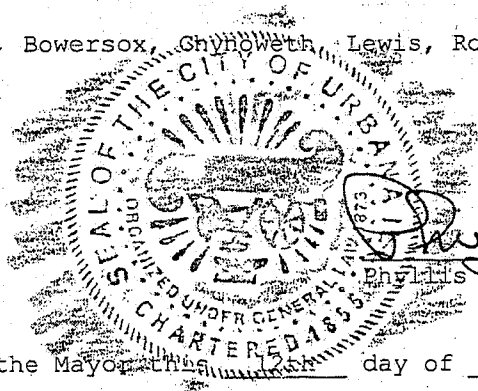
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a special meeting of said Authorities on the 9th day of July, 2007.

PASSED by the City Council this 9th day of July, 2007.

AYES: Barnes, Bowersox, Ghyneweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis J. Clark
Phyllis J. Clark, City Clerk

COPY

APPROVED by the Mayor this 9th day of July, 2007.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

[Special Council Meeting]

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow an 11-Foot, 11-Inch Encroachment Into the Required 22-Foot Rear Yard; Including a 3-Foot, 1½-Inch Encroachment of a Terrace Overhang in the B-3, General Business, Zoning District / 1008, 1010 and 1012 W. University Avenue - Case No. ZBA-2007-MAJ-08, Trammell Crow Higher Education Development, Inc.)

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 major variances where there are special circumstances or conditions with a parcel of land or the structure; and

WHEREAS, Trammell Crow Higher Education Development, Inc. has submitted a petition for a major variance to allow an 11-foot and 11-inch encroachment into the required 22-foot rear yard, including a 3-foot and 1 ½-inch encroachment of a terrace overhang for a mixed commercial/residential building at 1008, 1010 and 1012 W. University Avenue in the B-3, General Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-2007-MAJ-08; 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 14, 2007 and voted 6 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; 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-3.C.2.d 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 proposed variance will not serve as a special privilege. As an infill project on an irregular-shaped lot, the required setbacks are detrimental to redevelopment as anticipated by the Comprehensive Plan and Zoning Ordinance. The variance would allow construction of a project having the same setback allowed "by right" for solely commercial buildings.

2. The variance requested is necessary due to special circumstances relating to the property. Because this is a mixed-use development, increased setback standards are imposed, and this being an infill project on an existing, L-shaped lot provides special circumstances.

3. The reduced rear yard setback will not cause a nuisance to adjacent properties. The rear yard borders a narrow strip of land which cannot be developed as well as a railroad spur right-of-way.

4. The proposed project will advance the goals of the 2005 Comprehensive Plan.

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

The major variance request by Trammell Crow Higher Education Development, Inc., in Case #ZBA-2007-MAJ-08, is hereby approved to allow an 11-foot and 11-inch encroachment into the required 22-foot rear yard, including a 3-foot and 1 1/2-inch encroachment of a terrace overhang at 1008, 1010 and 1012 West University Avenue in the B-3, General Business Zoning District, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 1008, 1010 and 1012 West University Avenue, Urbana, Illinois, more particularly described as follows:

COPY

LEGAL DESCRIPTION:

The East 135 feet of Lot 1, and all of Lots 9, 11 and 12, in John W Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 1008 and 1010 West University, Urbana, Illinois.

Permanent Index Nos. 91-21-07-431-019, 91-21-07-431-021, and 91-21-07-431-009

AND

Lot 10 in John W. Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. Most commonly known as 1012 W. University, Urbana, Illinois.

Permanent Index No. 91-21-07-431-007

The 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).

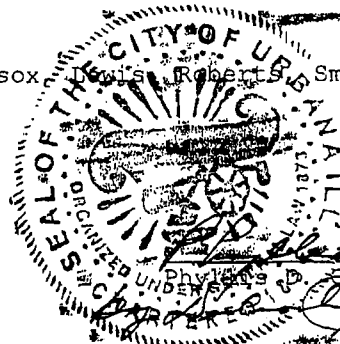
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a special meeting of said Authorities on the 26th day of November, 2007.

PASSED by the City Council this 26th day of November, 2007.

AYES: Barnes, Bowersox, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 30th day of November, 2007.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

[Special Council Meeting]

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: September 19, 2012

DRAFT

TIME: 7:30 p.m.

PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT	Paul Armstrong, Joanne Chester, Stacy Harwood, Harvey Welch
MEMBERS EXCUSED	Nancy Uchtmann, Charles Warmbrunn
STAFF PRESENT	Robert Myers, Planning Manager; Rebecca Bird, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT	Mike Augustine, Andrew Fell, Chuck Hijab, Patrick Moone

Chair Armstrong swore in members of the audience who indicated that they may give testimony during the following public hearing.

NEW PUBLIC HEARINGS

Case No. ZBA-2012-MAJ-04: A request by Bainbridge Communities Acquisition II, LLC for a Major Variance to encroach up to 10 feet within the minimum required side yard setbacks of 17 and 20 feet at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue.

Case No. ZBA-2012-MAJ-05: A request by Bainbridge Communities Acquisition II, LLC for a Major Variance to encroach up to 10 feet within the minimum required rear yard setbacks of 22 and 25 feet at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue.

Rebecca Bird, Planner II, presented these two cases together to the Urbana Zoning Board of Appeals. She explained the purpose for each variance request and briefly described the proposed development. She pointed out that there would be retail and a leasing office on the ground floor with all the amenities such as the club room, study room, exercise/fitness room available on the other levels in the buildings along University Avenue. The residential component of the project would be five stories high, and a parking garage would be accessed off Goodwin Avenue.

She presented the current zoning, existing land use and future land use designations of the proposed site and of the adjacent neighboring properties. She mentioned that the petitioner is also asking for a Special Use Permit to allow the residential use in a commercial zoning district, which the Plan Commission has already reviewed and forwarded a recommendation for approval to the Urbana City Council.

Using the site plan provided in the written staff report, she explained what City staff has determined to be the front-yard, side-yards and rear-yard under Zoning Ordinance definitions. She discussed how the goals and objectives from the 2005 Urbana Comprehensive Plan relate to the proposed development. She reviewed the variance criteria from Section XI-3 of the Urbana Zoning Ordinance that pertains to the project. She read the options of the Urbana Zoning Board of Appeals and presented City staff's recommendation.

Chair Armstrong asked for any questions from the Board members for City staff. Questions were as follows:

What impact would the proposed development have on any future redevelopment of adjacent commercial properties? Ms. Bird answered that if the properties develop under B-3 zoning and as commercial, then they would be required to have a minimum five foot side-yard and ten foot rear-yard setbacks. If they provide residential components and the redeveloped properties would surpass 25-feet in height, then there would be an increase in both of the setback requirements.

Ms. Bird noted that the owner of Hot Wok had phoned and expressed some concerns about the proposed development potentially blocking sunlight. The owner of Cocina Real had no concerns and actually felt that the proposed development would be good for the neighborhood and for his business as well.

Would approving the proposed major variances cause adjacent property owners to lose out on the ability to get variances for setbacks on their properties if they redevelop? Robert Myers, Planning Manager, said no. The City has to review each variance application on a case-by-case basis with each having a unique set of facts.

With no further questions for City staff, Chair Armstrong opened the hearing for public input.

Michael Augustine, of Bainbridge Communities, LLC, gave a brief background of the company and its history of developing student apartment housing. He presented images of Campus Circle, an existing Bainbridge development in Tallahassee, Florida that is similar to what they are proposing in this project.

Patrick Moone, of Farnsworth Group, stated that he would answer any questions concerning engineering and site planning.

Would the proposed development be constructed for the University of Illinois? Mr. Augustine said no. They would construct the building to cater to university students, but there is no affiliation. He noted that anyone could live in the proposed units.

Why are they requesting the variances? Mr. Augustine said that the variances are for the residential component of the development. In order to get a sizable enough project that would make sense and due to the irregular shaped lot and site constraints, they have to build up. The additional height causes them to need variances for the side-yard and rear-yard setbacks.

Was there any consideration to purchase some of the railroad right-of-way? Mr. Augustine answered yes. They reached out to the railroad early on in the planning process. The railroad company expressed that they would likely not be interested in conveying any part of the right-of-way. However, they potentially offered an easement agreement, which would not help with the setbacks.

Why is the driveway from University Ave. through the building as opposed to around the building? Mr. Augustine replied that this is part of the design element of the project. This design provides a more symmetrical appearance. The tunnel is a result of meeting the fire truck height requirements to access the back of the property.

With no further input, Chair Armstrong closed the public input portion of the hearing and opened it up for discussion and/or motions by the Urbana Zoning Board of Appeals.

Ms. Chester moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-04 to the City Council with a recommendation for approval. Mr. Welch added “to allow a major variance to encroach up to 10 feet within the minimum required side-yard setbacks of 17 and 20 feet at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue”. Ms. Harwood seconded the motion. Roll call on the motion for Case No. ZBA-2012-MAJ-04 was as follows:

Ms. Chester	-	Yes	Ms. Harwood	-	Yes
Mr. Welch	-	Yes	Mr. Armstrong	-	Yes

The motion passed by unanimous vote.

Mr. Welch moved that the Zoning Board of Appeals forward Case No. ZBA-2012-MAJ-05 to the City Council with a recommendation for approval to allow a major variance to encroach up to 10 feet within the minimum required rear-yard setbacks at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue. Ms. Harwood seconded the motion. Roll call on the motion for Case No. ZBA-2012-MAJ-05 was as follows:

Ms. Harwood	-	Yes	Mr. Welch	-	Yes
Mr. Armstrong	-	Yes	Ms. Chester	-	Yes

The motion passed by unanimous vote. Mr. Myers noted that these two cases would be forwarded to the Urbana City Council on October 15, 2012.