



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals

FROM: Robert Myers, AICP, Planning Manager

DATE: June 14, 2007

SUBJECT: ZBA 2007-MAJ-06: Request filed by Trammell Crow Higher Education Development, Inc. to allow a mixed retail/apartment building to have five-foot side-yard setbacks rather than increasing the side yard setbacks to approximately 17 feet at 1008, 1010 and 1012 W. University Avenue in the B-3, General Business Zoning District.

Introduction and Background

This case is a request by Trammell Crow Higher Education Development, Inc. to allow a mixed retail/apartment building with an interior parking garage to have five foot side yard setbacks rather than increasing the side yard setback to 17 feet. The subject property is three lots totaling approximately 1.7 acres located at 1008, 1010 and 1012 W. University Avenue in the B-3, General Business Zoning District.

Section VI-5.G.3 of the Urbana Zoning Ordinance requires that for residential buildings in B-3 zoning districts, the minimum side yard setback of five feet must be increased by three feet for every 10 feet (or fraction thereof) over 25 feet in building height. The proposed building would be five stories above grade, and approximately 65 feet tall at the five foot setback line. The strict application of the increased setback regulation would result in deep side yards on three sides of the property. Based on the project including residences in a B-3 zoning district, and with a building height of approximately 65 feet, the required side yard setback is approximately 17 feet rather than 5 feet if the project did not include residences. Mathematically the variance request is for a 71% reduction in side yard setbacks.

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.

Trammell Crow Higher Education Development, Inc. is a recognized leader in developing high quality mixed use and student housing developments in the United States. Their plan is an achievable project of a five-story, mixed-use building with commercial on the ground floor and four floors of apartments above with interior parking on two levels.

On Thursday June 21, 2007 the Urbana Plan Commission will hear Plan Case 2043-SU-07 in which the petitioner is also requesting approval of a Special Use Permit to allow multi-family dwellings on this site. Construction of apartments in B-3 zoning districts requires a special use permit.

Surrounding Properties

The surrounding area is characterized by retail development, university buildings, and student apartments to the south and west, and a railroad spur right-of-way to the north. The 2005 Urbana Comprehensive Plan indicates the future land use for the area as “Community Business” on the north side of University Avenue and “Campus - Mixed Use” on the south side.

<i>Direction</i>	<i>Zoning</i>	<i>Existing Land Use</i>	<i>Comprehensive Plan - Future Land Use</i>
Site	B-3, General Business	Commercial and Vacant	Community Business
North	IN, Industrial	Railway spur right-of-way	Institutional
East	B-3, General Business	Commercial - Retail	Community Business
South	B-3, General Business	Commercial - Restaurant	Campus - Mixed Use
West	B-3, General Business	North portion - Warehouse South portion - Restaurant (Hot Wok)	Community Business

Discussion

The proposed project is a mixed-use infill development which in itself presents challenges in terms of conforming with zoning and building code requirements. Construction on this site is further complicated by the zoning lot having an irregular L-shape which means it has one front yard property line, four side yards, and one rear yard. A side yard setback of 5 feet is normally required in B-3 districts, but because the project includes residences and a building height of approximately 65 feet, strict compliance to the regulations to provide a 17 foot side yard setback on four sides. This presents a significant practical difficulty for anyone developing a mixed-use project here.

This project is considered a mixed-use infill development. The 2005 Urbana Comprehensive Plan recognizes that mixed-use infill development, especially within walking and bicycling range of complimentary uses, is beneficial for the community in that it reduces the public’s reliance on

automobiles, reduces congestion on our streets, and reduces the need to expand development onto prime farmland along the city boundaries.

The Comprehensive Plan's future land use designation for this site is "Community Business" which the Plan defines 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 center contain a variety of business and service uses at scales and intensities that made 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 under the vision of both Community Business and Campus Mixed-Use future land use designations, but in carrying out this vision a practical difficulty is evident in meeting a 17 foot side yard setback requirement for an L-shaped lot with four side yards.

Variance Criteria

Section XI-3.C.2.c 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 (*in italics*), followed by staff analysis for this case:

1. *Whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance.*

The special circumstance concerning this site is that the property has an irregular L-shape, which combined with a required 17-foot side yard setback on four sides, presents a serious practical difficulty for development, if not a hardship. Although the petitioner could remove the residential component from this project, in which case the minimum side yard setbacks would be reduced to 5 feet, doing so would preclude having a mixed residential/commercial project as allowed by the Zoning Ordinance (albeit by Special Use Permit) and as envisioned in the 2005 Urbana Comprehensive Plan.

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 proposed variance will not serve as a special privilege because the irregular shape of the lot poses unusual challenges to full use of the property. Most other properties in the University Avenue corridor do not have four side yards from which to meet heightened side yard setbacks.

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

The parcel characteristics and the City's Zoning Ordinance requirements are the basis for this variance request, neither of which were the result of the petitioner. Although the petitioner could remove the residential component from this project, in which case the minimum side yard setbacks would be reduced to 5 feet, doing so would preclude having a mixed residential/commercial project as allowed by the Zoning Ordinance (albeit by Special Use Permit) and as envisioned in the 2005 Urbana Comprehensive Plan.

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

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

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

The side yards will be consistent with the zoning regulations for non-residential properties in the B-3 zoning district and therefore will be no different than "by right" commercial projects. Additional side yard 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. Downtown Chicago is an example of where this requirement is beneficial. The University Avenue corridor is comprised of buildings of one or two stories. There would be no apparent nuisance to adjacent properties, nor would there be any appreciable risk to the future tenants of this building, by allowing a five yard side yard setback as is the norm in this zoning district.

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

The petitioners state the variance is the minimum necessary to accommodate the request.

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

The practical difficulty is that this irregular shaped lot with four side yards, combined with strict compliance for a 17 foot side yard setback, would greatly reduce how buildable this property is.

Summary of 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 parcels concerned are the irregular shape of the site. Deep setbacks on three sides of the property 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 create 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 proposed project will advance the goals of the 2005 Comprehensive Plan.

Options

In Case ZBA-2007-MAJ-06, the Zoning Board of Appeals may:

- a. Forward this case to the City Council with a recommendation for approval of the proposed major variance; or
- b. Forward this case to the City Council with a recommendation for approval of the proposed major variance, subject to recommended changes. If the Zoning Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly; or; or
- c. Forward this case to the City Council with a recommendation for denial of the proposed major variance. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Staff Recommendation

Based on the analysis and findings presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals forward Case ZBA-2007-MAJ-06 to the Urbana City Council with a recommendation for **APPROVAL**.

Robert A Myers, AICP
Planning Manager

CC:

Trammell Crow Higher Education Development, Inc.
ATTN: Kevin Augustyn

Advantage Properties C-U
Attn: Howard Wakeland

222 S. Riverside, 30th Floor
Chicago, IL 60606

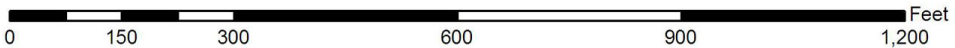
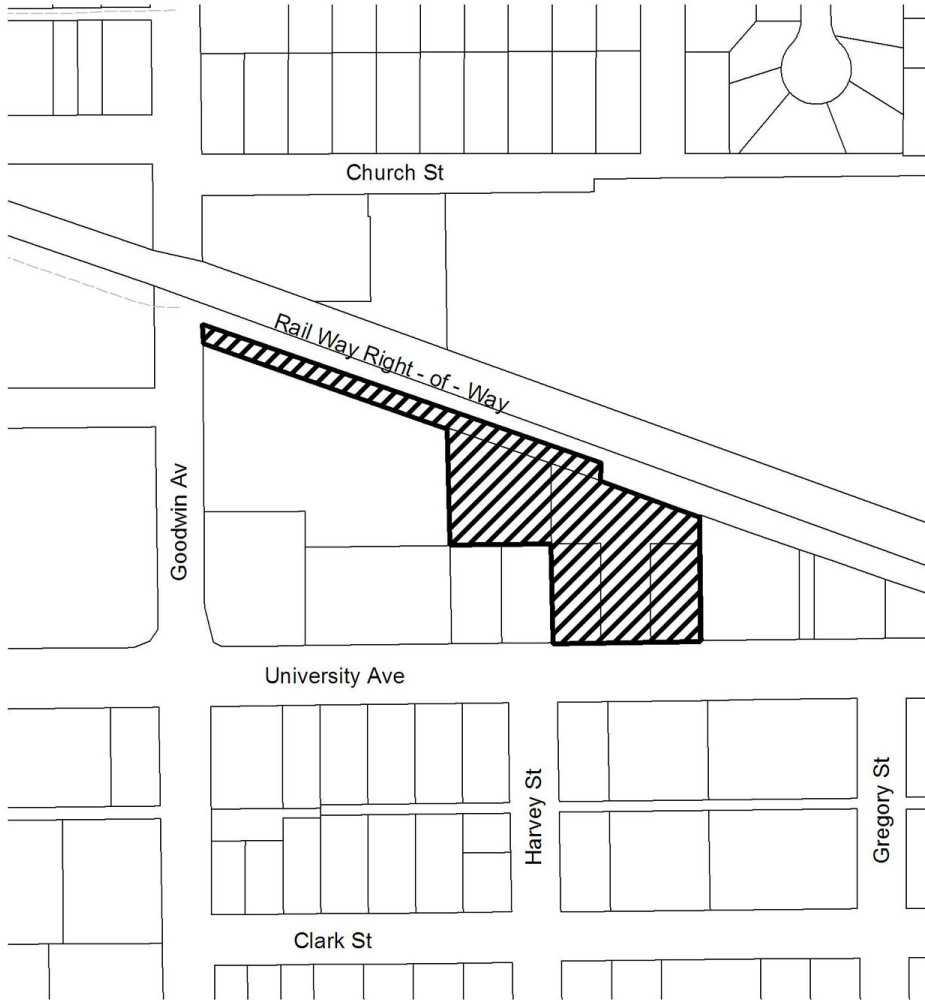
406 N. Lincoln, Ste. B
Urbana, Illinois 61801

Attachments:

- Exhibit A: Location Map
- Exhibit B: Zoning Map
- Exhibit C: Existing Land Use w/ Aerial Map
- Exhibit D: Future Land Use Map
- Exhibit E: Site Plan drafts
- Exhibit F: Conceptual Site Plans

Location Map

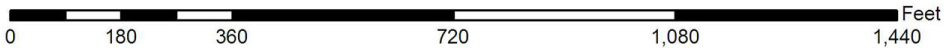
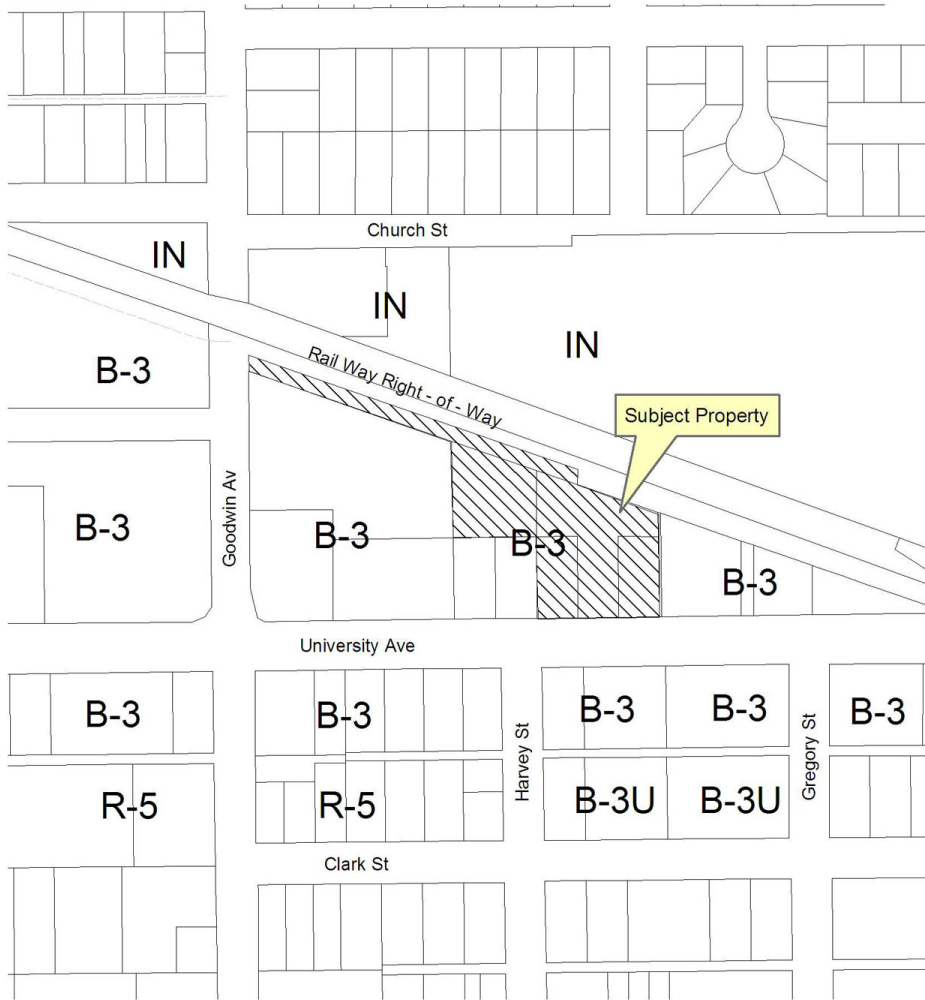
EXHIBIT "A"



Plan Case 2043-SU-07:
Subject: Special Use Permit to construct Multifamily Dwellings
in the B-3 Zoning District
ZBA Case 2007-MAJ-06:
Subject: major variance to allow a mixed retail/apartment building with
an interior parking garage to have five foot side yard setbacks rather
than increasing the side yard setback to approximately 14 feet.
Petitioner: Trammell Crow Higher Education Development
Location: 1008, 1010 and 1012 W. University Ave
Zoning: B-3, General Business Zoning District.
Prepared 06/04/07 by Community Development Services - pal

Zoning Map

EXHIBIT "B"

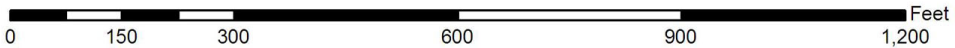
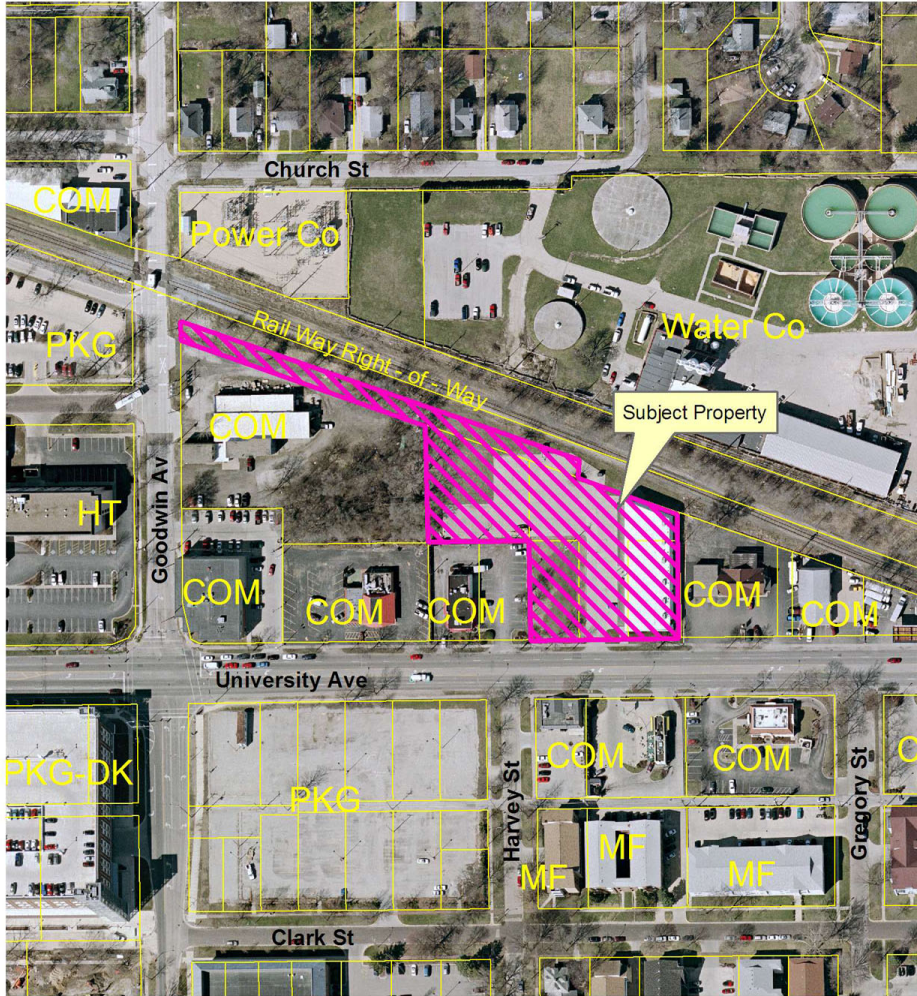


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 Prepared 06/04/07 by Community Development Services - pal

- B-3, General Business
- B-3U, General Business - University
- IN, Industrial
- R-5, Medium High Density Multiple Family Residential

Existing Land Use w Aerial Photo

EXHIBIT "C"



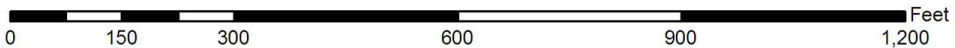
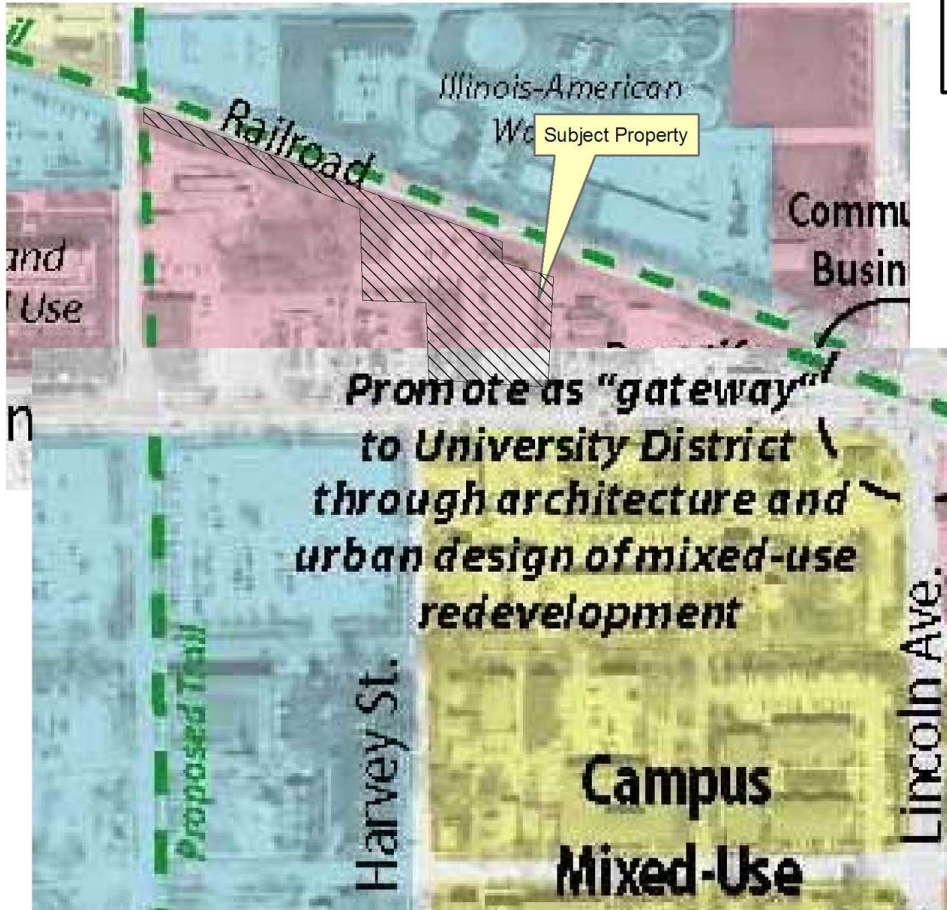
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- COM - Commercial
- PKG - Parking Lot
- PKG-DK - Parking Deck
- MF - Multi Family Residential
- HT - Hotel

Future Land Use Map

EXHIBIT "D"

Source: Comprehensive Plan Future Land Use
Map # 3 and 8 , p. 74 and 79 - Detailed Section



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Prepared 06/04/07 by Community Development Services - pal

Pink - Community Business
Blue - Institutional
Yellow - Campus Mixed Use



CONCEPTUAL ELEVATION

URBANA STUDENT HOUSING
URBANA, ILLINOIS

FOR TRAMMELL CROW CO. BG
05-24-07



CHAMPAIGN-URBANA		JOB NUMBER		CREATED	
UNIT TABULATION		06187		5-15-07	
TYPE	AREA	NO.	%	TOTAL AREA	TOTAL BEDS
E1	430	35	21.74%	15,050	35
A1	596	40	24.84%	23,840	40
B1	850	67	41.61%	56,950	134
B2	889	19	11.80%	16,891	38
TOTAL		161	100.00%	112,731	247

RAILROAD R.O.W.

OPEN TO PARKING BELOW
PLAZA @
2ND FLOOR

5' SETBACK

10' SETBACK

4 STORY RESIDENTIAL ABOVE PARKING

5' SETBACK

5' SETBACK

PLAZA @
2ND FLOOR

STAIR

FITNESS @
2ND FLOOR

STAIR

LOBBY

ELEV

COMMON AREA
@ 2ND FLOOR

4 STORY RESIDENTIAL ABOVE RETAIL

15' SETBACK



SCALE: 1" = 30'

2ND FLOOR CONCEPT PLAN
(FLOORS 3 - 5 SIMILAR)

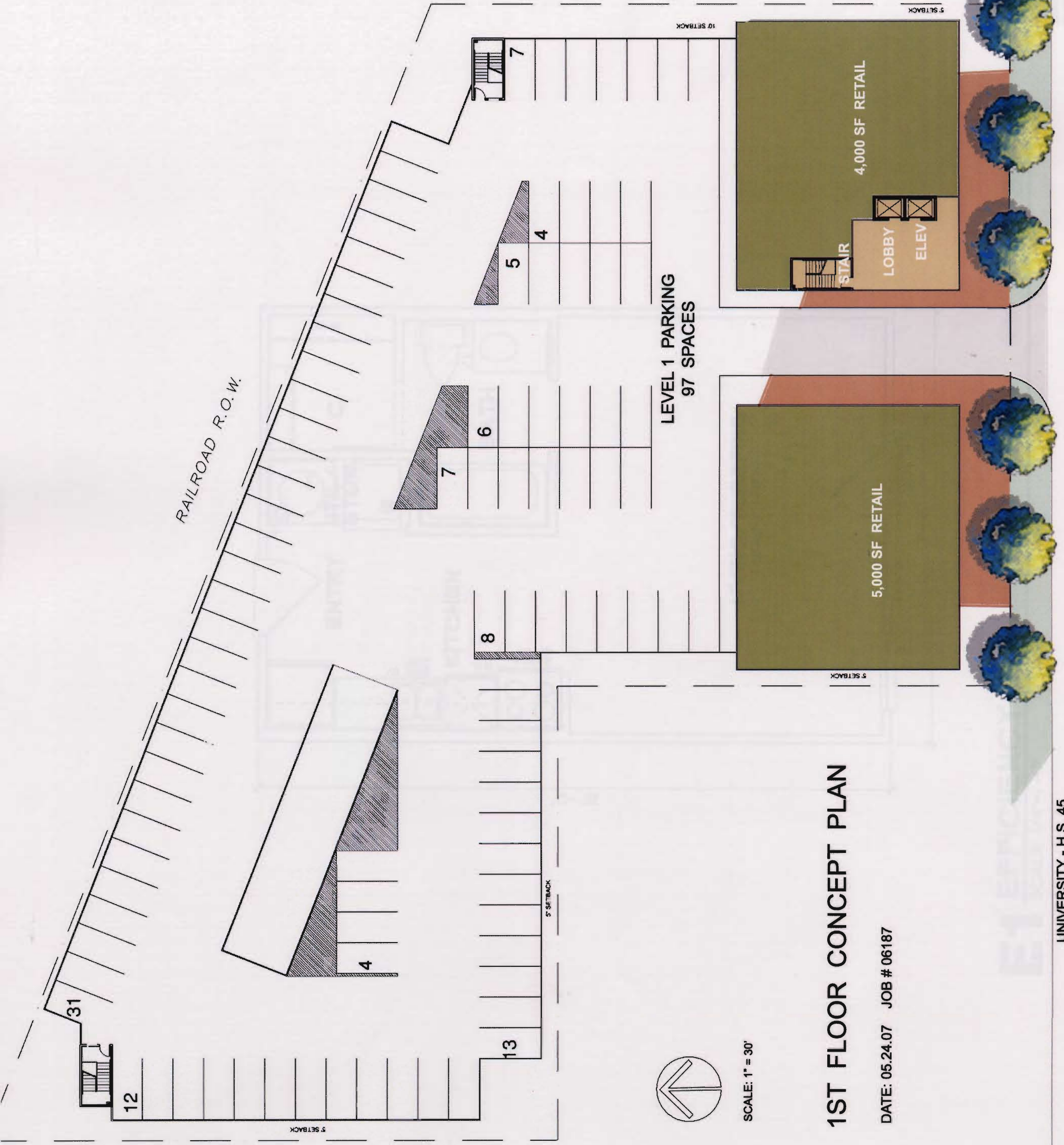
DATE: 05.24.07 JOB # 06187

AVERAGE UNIT SIZE : 700.19

TOTAL = 228

PARKING @ RETAIL = 97
PARKING @ BASEMENT = 131

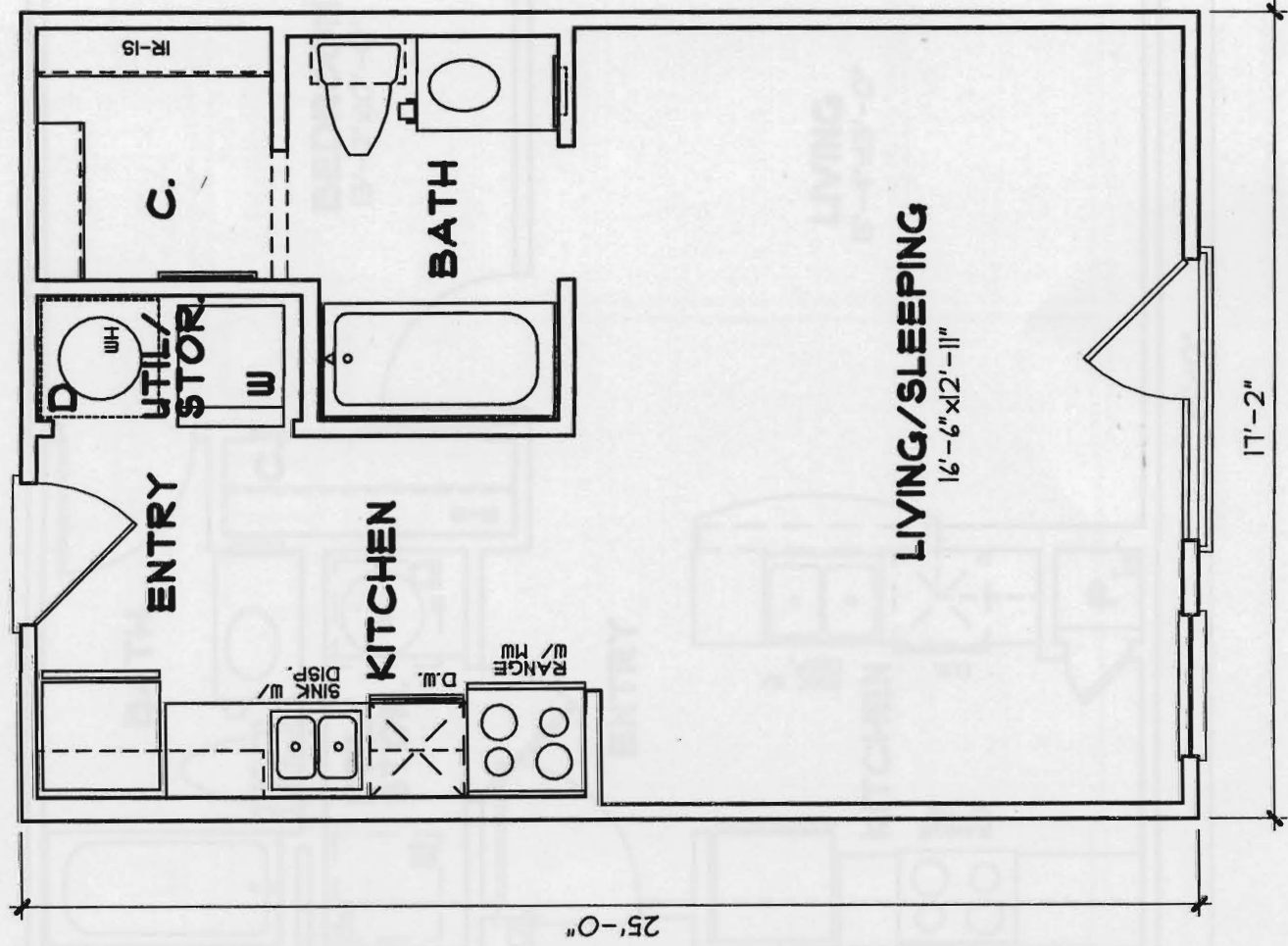
GOODWIN AVE.



1ST FLOOR CONCEPT PLAN

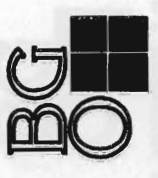
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SCALE: 1" = 30'



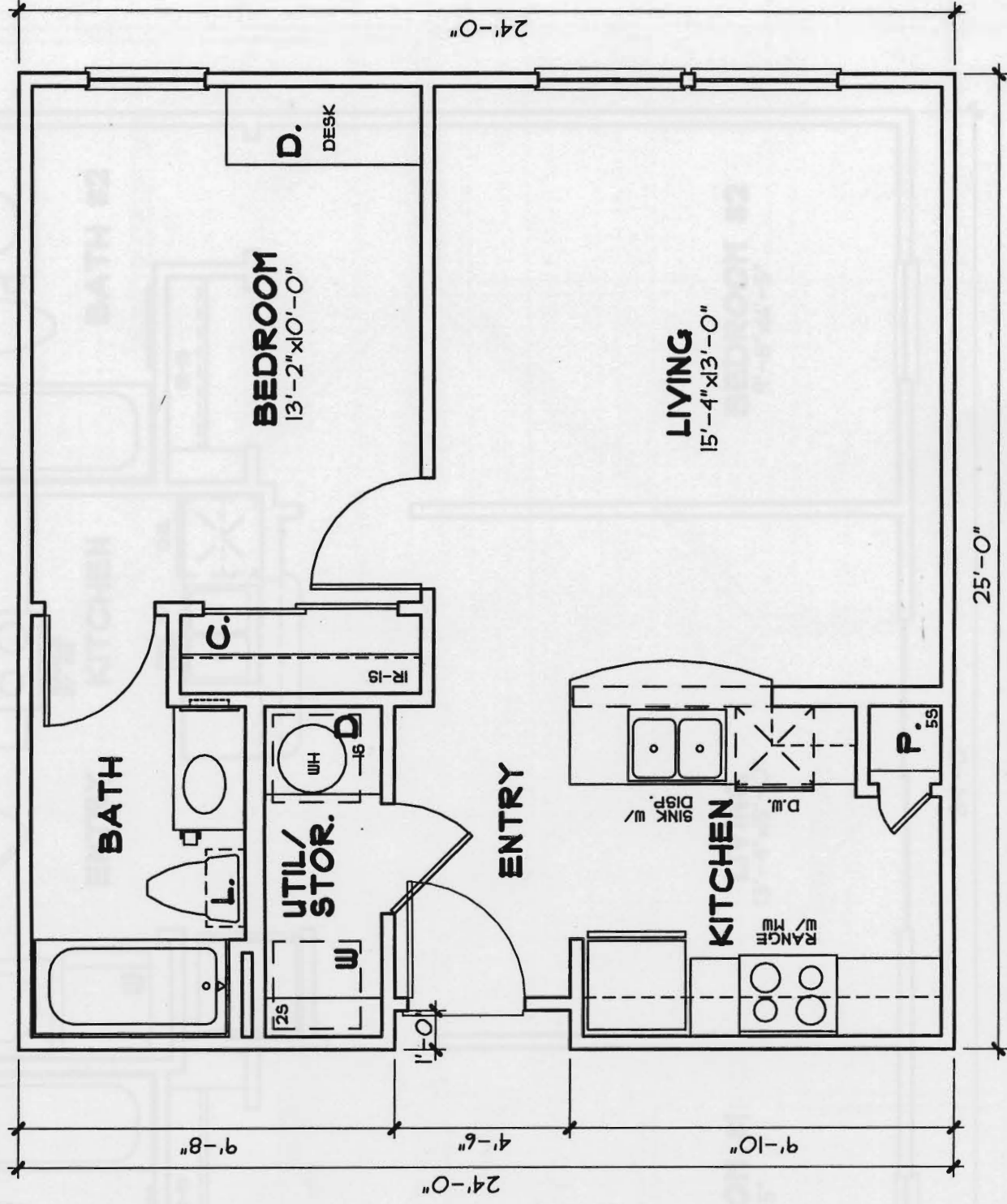
430 S.F.

E1 EFFICIENCY
SCALE 1/4"=1'-0"



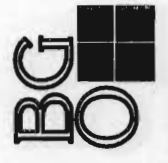
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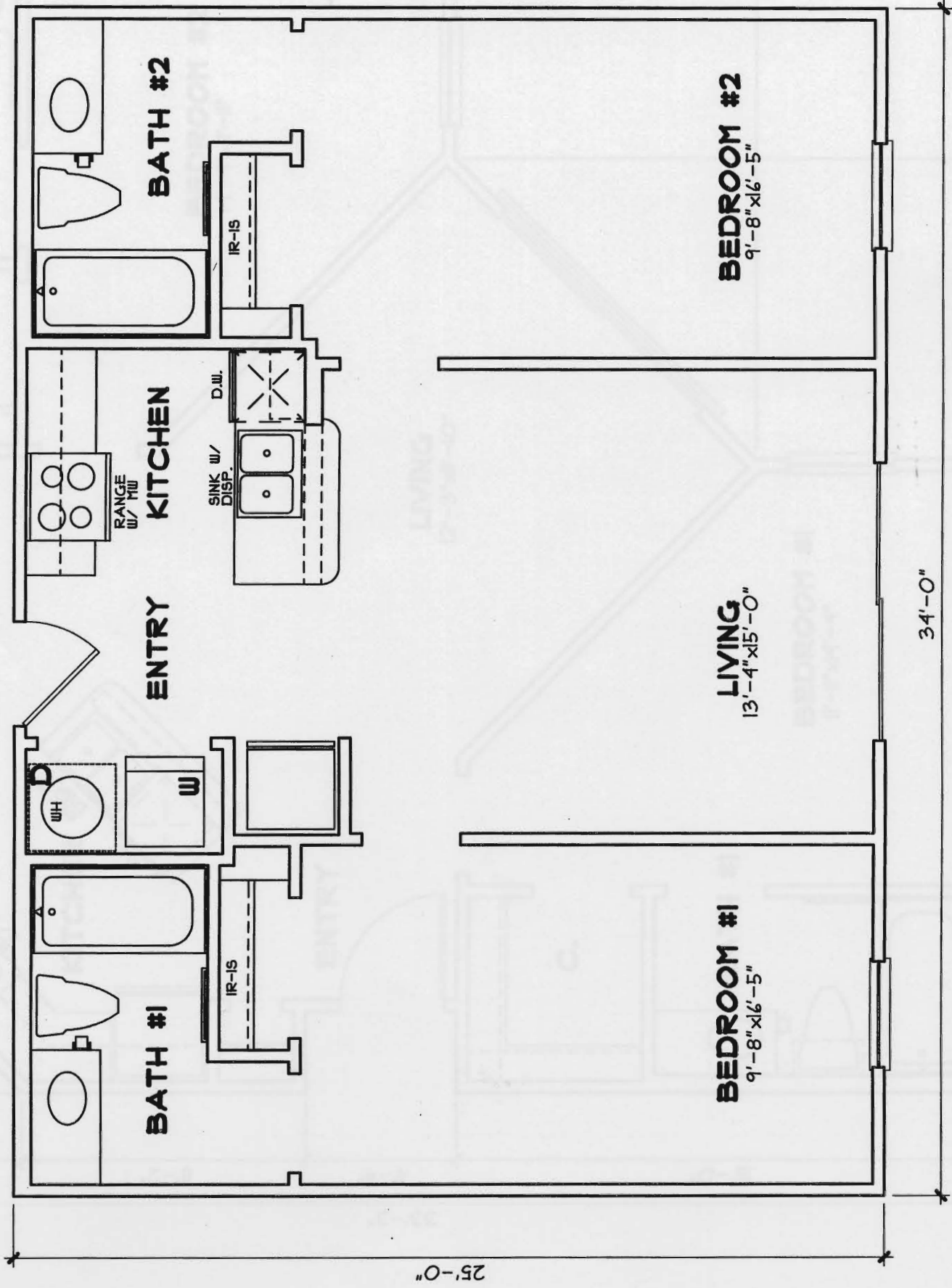
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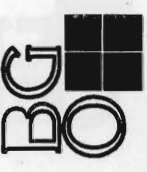
A1 ONE BEDROOM/ ONE BATH 596 S.F.

SCALE 1/4"=1'-0"

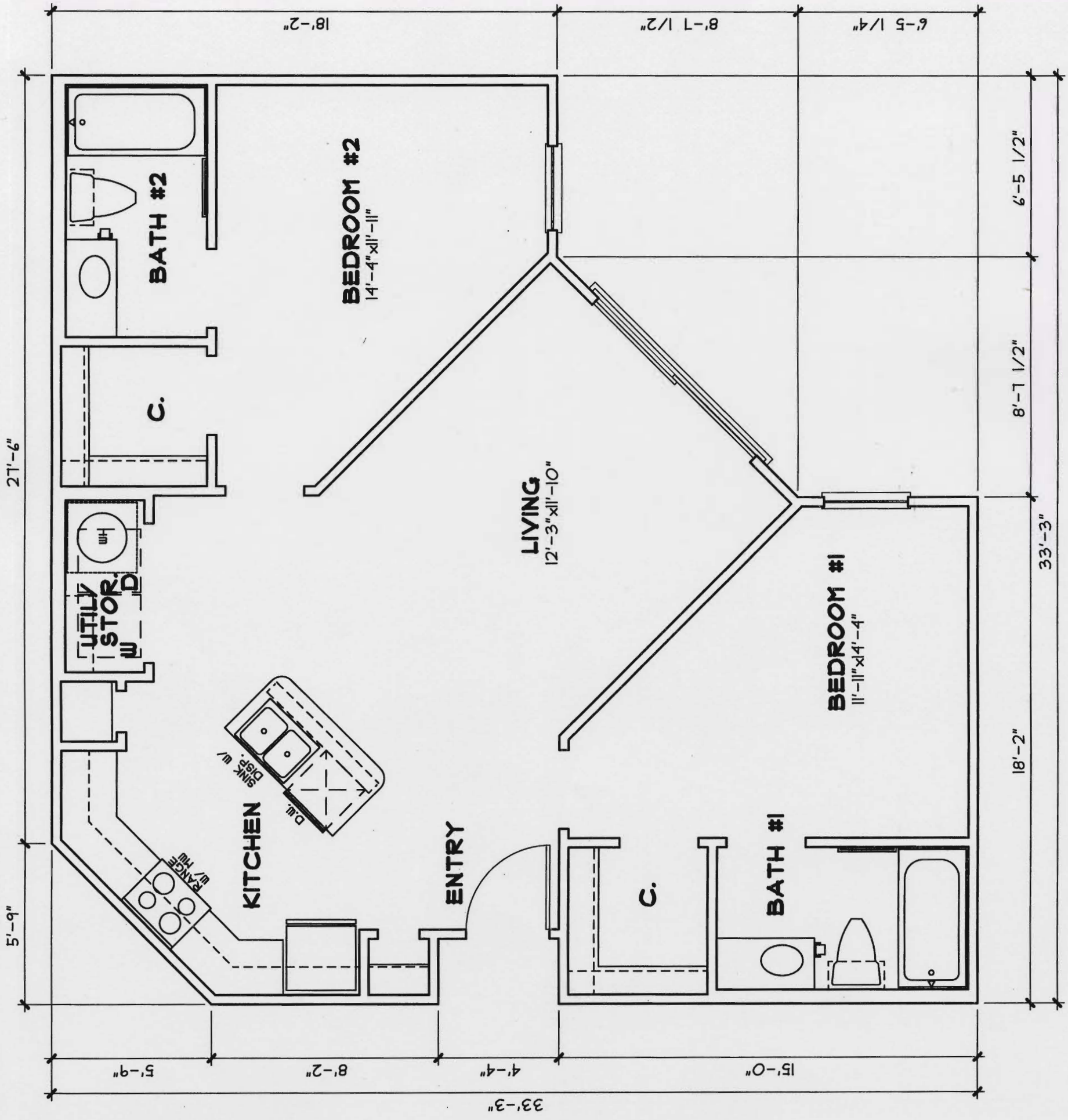




B1 TWO BEDROOM/ TWO BATH 850 S.F.
 SCALE 1/4"=1'-0"



JOB# - 06187
 DATE -17-JULY-03
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B2 TWO BEDROOM/ TWO BATH **889 S.F.**
 SCALE 1/4"=1'-0"