



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals

FROM: Paul Lindahl, Planner II

DATE: November 9, 2007

SUBJECT: ZBA 2007-MAJ-08: Request filed by Trammell Crow Higher Education Development, Inc. to allow a mixed retail/apartment building to have 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, 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 to have 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. The subject property is located at 1008, 1010 and 1012 W. University Avenue in the B-3, General Business Zoning District and includes three lots totaling 1.7 acres.

Section VI-5.H.1 of the Urbana Zoning Ordinance requires that for residential buildings in B-3 zoning districts, the minimum rear yard setback of 10 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 59 feet tall at the rear face. Based on the project including residences in a B-3 zoning district, and with a building height of approximately 59-feet at the rear face, the required rear yard setback is increased to approximately 22 feet rather than 10 feet (see exhibit diagram). This increase in rear yard would not be required if the project did not include residences. The variance request is for a 54% reduction in rear yard setback for the main face of the building rear wall.

As part of this request, there would be a 3-foot and 1 ½-inch encroachment for a terrace overhang into the rear yard. The first floor of the building contains an open parking garage with a projecting terrace roof facing the rear property line. Section VI-5.D.5 of the Urbana Zoning Ordinance allows terraces to encroach into any required yard to within five feet of the property line. The proposed terrace encroaches to within 1-foot 10 ½-inches of the property line. (See exhibit diagram). This represents a 63% encroachment into the minimum 5-foot setback for a terrace.

On July 9, 2007 the Urbana City Council passed Ordinance 2007-07-071 to grant the Trammel Crow project a Special Use Permit to construct multifamily apartment dwellings in the B-3, General Business Zoning District. In addition the Council passed Ordinance 2007-07-072 to grant a major variance to allow the building to encroach 12-feet into the 17-foot required side yard required for an multifamily apartment building in the B-3 district under a zoning regulation essentially the same as the one for rear yards.

The petitioners' current request is necessary because they have been unable to obtain title to a narrow strip of land along the rear property line as anticipated. Because that land is not part of the property the building that has been designed is closer to the property line than expected. The applicant states that it is not necessary to maintain the setback because the adjacent property to the north is a narrow strip of land along a railroad spur that is unlikely to ever be developed with any structures. In the event the railway land is sold it would most likely be acquired by adjacent property owners.

Adjacent Land Uses and Zoning Designations

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.

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.

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

<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	Community Business

Discussion

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 the development expectations provided by this vision are limited by the practical difficulties of the site posed by side and rear yard setbacks, given the mixed use nature of the project and unusual lot configuration.

Mixed-use, infill development in itself presents challenges in terms of conforming to zoning and building code requirements. Because the project includes residences and a building height of approximately 59 feet, the Zoning Ordinance requires a 22-foot rear yard setback for this project. Construction on this site is further complicated by the property having an irregular L-shape which means it has one front yard property line, four side yards, and one rear yard. The petitioners were previously granted a variance concerning the side yard setback requirements. Subsequent title issues have meant that the lot is shallower than anticipated. This has further complicated existing impediments to development.

Even had the applicants been able to obtain title to the additional rear property, the 22-foot rear yard setback requirement, combined with the side yard setback of 17-feet would have presented a significant practical difficulty for any developer contemplating a mixed-use project in this location.

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 22-foot rear yard setback, presents a serious practical difficulty for development. Although the petitioner could remove the residential component from this project, or create a lower density design at a lower material quality level, 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 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. In the event the railway land is sold it will most likely go to the adjacent property owners including the Trammell Crow mixed use building.

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

The petitioners were unable to gain title to the narrow strip of land at the north property line as anticipated. The title issue is a fact not caused by the petitioner. Although the petitioner could remove the residential component from this project, or create a lower density design, 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 10 foot rear 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 rear yard 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. 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 setback will not cause a nuisance or obstruction to the railway. 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 ten foot rear 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.*

A 22-foot rear yard setback adjacent to a little used railway is unnecessary and presents a practical difficulty for development of the irregularly shaped lot.

Summary of 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.

Options

In Case ZBA-2007-MAJ-08, 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;
- 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 major variance Case ZBA-2007-MAJ-08 to the Urbana City Council with a recommendation for **APPROVAL**.

CC:

Trammell Crow Inc.
Attn: Robert Walsh
3000 Town Center, Suite 2800
Southfield, MI 48075-1102

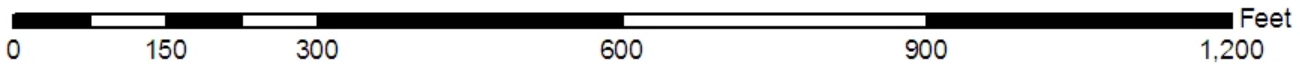
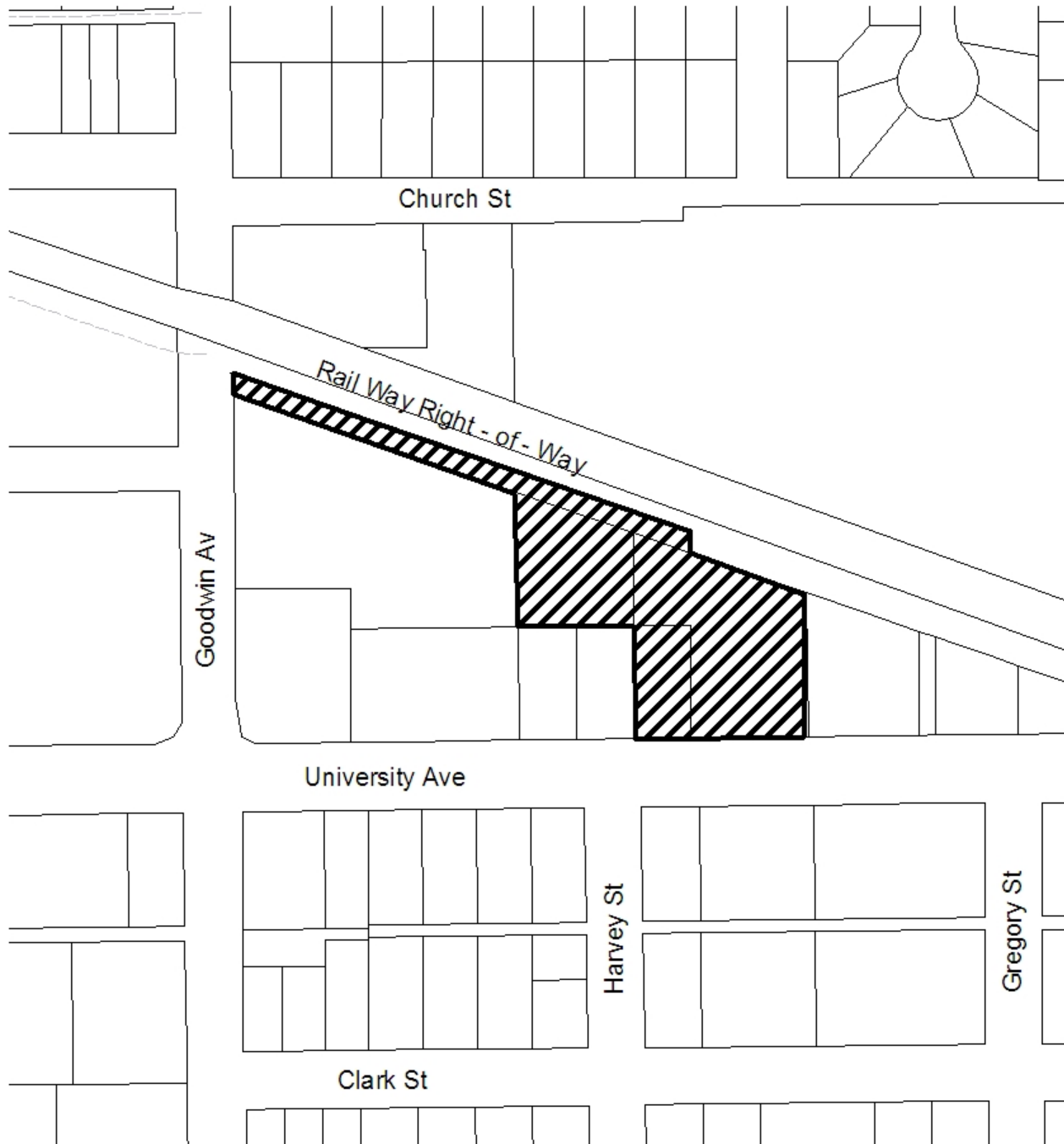
Advantage Properties C-U
Attn: Howard Wakeland
406 N. Lincoln, Ste. B
Urbana, Illinois 61801

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"

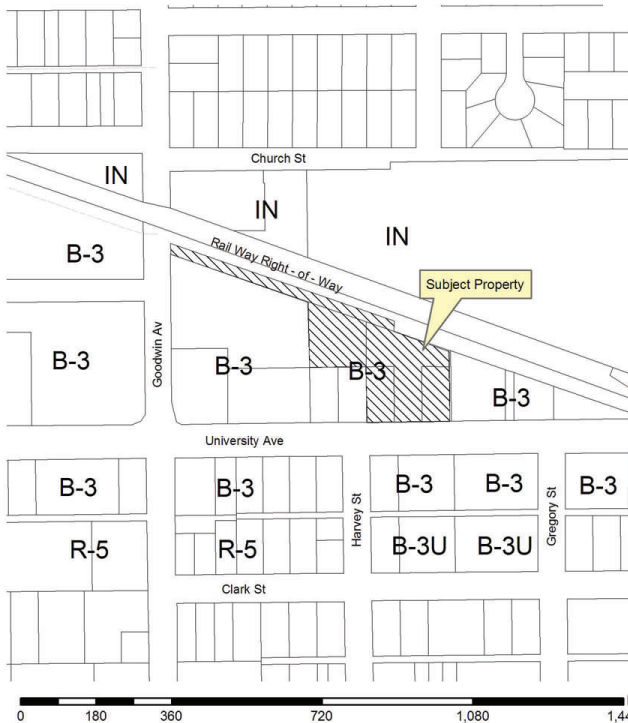


ZBA Case 2007-MAJ-08:
Subject: major variance to allow a mixed retail/apartment building to have an 11-foot and 11-inch encroachment into the required 22-foot rear yard and an additional 3-foot and 1 1/2-inch encroachment of a terrace overhang.
Petitioner: Trammell Crow Higher Education Development
Location: 1008, 1010 and 1012 W. University Ave
Zoning: B-3, General Business Zoning District.

Prepared 10/29/07 by Community Development Services - pal

Zoning Map

EXHIBIT "B"



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Petitioner: Trammell Crow Higher Education Development

Location: 1008, 1010 and 1012 W. University Ave

Zoning: B-3, General Business Zoning District.

prepared 11/8/2007 - pal

B-3, General Business

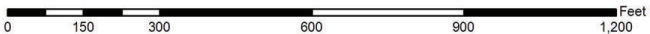
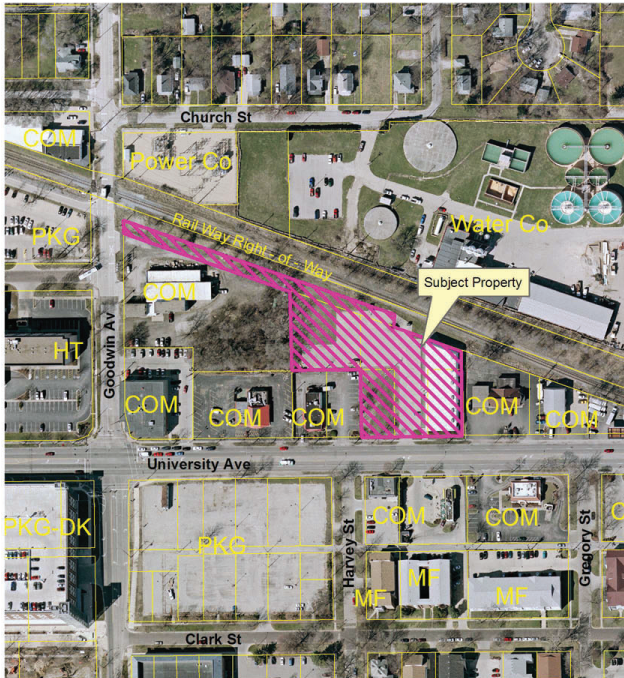
B-3U, General Business - University

IN, Industrial

R-5, Medium High Density
Multiple Family Residential

Existing Land Use w Aerial Photo

EXHIBIT "C"



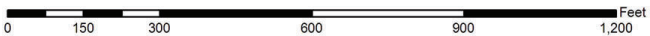
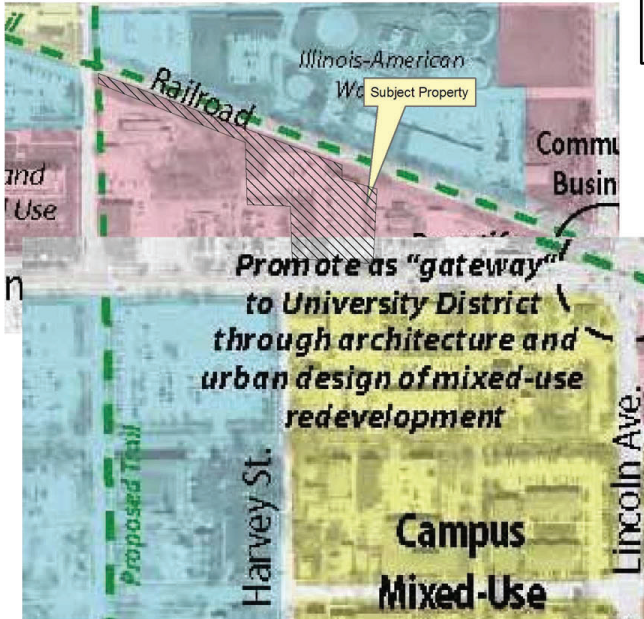
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 prepared 11/8/2007 - pal

- 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 11/8/2007 - pal

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