



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Zoning Board of Appeals

FROM: Lisa Karcher, Planner II

DATE: March 6, 2008

SUBJECT: ZBA-2008-MAJ-03: Major Variance Request to allow for the construction of a mixed-use retail/office building with front yard setbacks along both University and Lincoln Avenues ranging from zero to ten feet.

ZBA-2008-MAJ-04: Major Variance Request to allow for parking to encroach greater than ten feet into the required fifteen-foot front yard setback.

Introduction

Vermilion Development Corporation, contract purchaser for the subject property, requests two major variances to build a three-story mixed-use retail/office building at the southwest corner of University and Lincoln Avenues. The northern portion of the subject property is zoned B-3, General Business, and the southern portion is zoned B-3U, General Business-University.

Table VI-3 of the Urbana Zoning Ordinance requires a minimum front yard setback of fifteen feet in both the B-3 and B-3U Zoning Districts. Additionally, Section VIII-4.F of the Urbana Zoning Ordinance allows parking to encroach ten feet into a required front yard if a five-foot, landscaped buffer yard is maintained. The first requested variance would allow for construction of a building with front yard setbacks on both University and Lincoln Avenues ranging from zero to ten feet. The second variance request would allow for parking to encroach greater than ten feet into the required fifteen-foot front yard setback along the northern portion of the Lincoln Avenue frontage.

Pursuant to the Urbana Zoning Ordinance, in order for major variances to be approved, the Zoning Board of Appeals must recommend approval by a two-thirds majority and forward to City Council for final review and approval.

Background

Site Description

The subject property is located southwest of the University Avenue\Lincoln Avenue intersection. The site is comprised of three parcels totaling approximately 34,400 S.F. The parcels are commonly known as 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street. The site is divided by an alley that runs east and west. The northeast portion of the subject site was once occupied by Ye Olde Donut Shop. The southern portion of the site was occupied by a multi-family structure. Both of the structures have been demolished in recent years. Neither of the structures appears on aerials dated after April of 2006.

The subject property is currently owned by the University of Illinois Foundation. In 2001, the University and the City of Urbana entered into an agreement in which the parties agreed to work jointly to market the subject property for development. The intent of the development is to create a significant architectural presence at the location that serves as an improvement to the University Avenue corridor's urban character and to create a development that generates tax revenues for the City of Urbana.

The portion of the subject property that lies north of the alley is zoned B-3, General Business. The portion of the subject property that lies to the south of the alley is zoned B-3U, General Business-University.

Future Land Use Map #8 in the 2005 City of Urbana Comprehensive Plan designates the subject property as "Campus Mixed-Use". The plan defines Campus Mixed-Use as:

"The Campus Mixed-Use classification is intended for limited areas that are close to campus. These areas promote urban-style 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."

Adjacent Land Uses and Zoning Designations

The subject property is located southwest of the University Avenue/Lincoln Avenue intersection. Both University Avenue and Lincoln Avenue are important routes. University Avenue is the major east-west corridor in central Urbana-Champaign. Lincoln Avenue is a major north-south corridor in Urbana and serves as an important route from I-74 to campus. University Avenue serves as the northern boundary of the University of Illinois campus. The development of the subject property represents an infill development opportunity along the University Avenue corridor.

The surrounding area north of the alley and to the west, north and east is commercial in nature. The area south of the alley is residential in nature. South of the alley and to the west and south are apartment buildings, while single-family residences are to the east across Lincoln Avenue along Clark Street. The 2005 Urbana Comprehensive Plan indicates the future land use for the area north

of University Avenue as “Community Business”, the area to the east of Lincoln Avenue as “Community Business”, and the area to the south of University Avenue and to the west of Lincoln Avenue as “Campus - Mixed Use”. (See Exhibit C)

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

Location	Zoning	Existing Land Use	Comprehensive Plan - Future Land Use
Site	B-3, General Business B-3U, General Business - University	Vacant	Campus Mixed-Use
North	B-3, General Business	Used Car Sales (not currently in operation)	Community Business
East	B-3, General Business B-2, Neighborhood Business	Restaurant Single-Family Residential	Community Business
South	B-3U, General Business-University	Apartment Buildings	Community Business
West	B-3, General Business B-3U, General Business - University	Fast-Food Restaurant Apartment Building	Community Business

Discussion

The petitioner is proposing a three-story, approximately 31,950 S.F. mixed-use retail/office building. (See Exhibits D and E) Providing for as much on-site parking as possible is a priority for the project. There are approximately 49 parking spaces provided on-site. The remaining required parking spaces will be provided on the U of I campus via a Memorandum of Understanding between the petitioner and the University.

Development of the site presents a number of challenges. First, the size of the lot is limiting in that it consists of only 34,400 S.F., and is bisected by an alley that runs parallel to University Avenue. There are a number of utilities located within the alley. Relocating the utilities would be cost prohibitive.

The second limiting factor of the site is its geometry. Additional right-of-way has been taken on University and Lincoln Avenues by the Illinois Department of Transportation. The expansion of street right-of-way and the installation of a right turn lane on University Avenue have restricted use of the northwest corner of the lot. Whereas a normal city lot would be square, the northeast corner of the subject lot is curvilinear, thereby limiting the ability to develop the site.

The two requested variances will allow the petitioner to develop the site to its fullest potential. The first requested variance to allow for the encroachment of a building in the front yard setback along University and Lincoln Avenues will result in a development with an urban presence consistent with the goals of the Comprehensive Plan. The second requested variance to allow for parking to

encroach more than ten-feet into the required front yard setback along a portion of Lincoln Avenue will allow for the maximum possible provision of on-site parking given the lots limited width of 106.92 feet.

The petitioner will improve site circulation and safety by vacating the portion of the alley that bisects the property. This will have a positive impact by eliminating alley access that currently exists on Lincoln Avenue. Instead of traffic exiting on Lincoln Avenue, the petitioner will provide for an “easement in gross” to allow for circulation of public traffic through the subject site with ingress/egress via Clark Street. In addition, easements will be provided for the utilities that are within the existing alley.

Comprehensive Plan Land Use Map #8 notes that the property surrounding the intersection of University Avenue and Lincoln Avenue should be “promoted as a ‘gateway’ to the University District through architecture and urban design of mixed-use redevelopment”. The proposed development is consistent with this vision and the vision for the area to be “Campus Mixed-Use” as designated by the Comprehensive Plan. The proposed development is also consistent with the intent of the agreement between the City and the University for development of the subject property. Development expectations intended by the Comprehensive Plan visions and the agreement between the City and the University are limited by the practical difficulties of the site size, geometry and location of an alley on the property.

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, 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.*

There are three practical difficulties in developing the subject site. First is site geometry. The northeast portion of the lot cannot be developed because it has been dedicated for use as right-of-way for University and Lincoln Avenues. The dedicated area includes the existing sidewalk and grass area between the sidewalk and the roadway. Even though the building will be built near the property line, the apparent setback from University and Lincoln Avenue will still remain. Second, the lot is limiting in its size. The subject property is a combination of three separate parcels. Securing the three parcels allows for a viable development at this site; however, this is hindered by an alley. The location of the alley in the middle of the parcels is the third practical difficulty with the site. There are integral utilities located within the alley, which limits the location of the building to either the north or south half of the subject site.

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 variances will not serve as a special privilege because of the size, site geometry and location of an alley in the middle of the subject property. As discussed in the previous criteria, these three items pose practical difficulties with developing the site. The site is also unique in that it is located at the intersection of two primary thoroughfares in the City. The Comprehensive Plan designates the University Avenue/Lincoln Avenue intersection as a “key gateway intersection”. Due to the location and the traffic volumes, the demand for use of the site is high, leading to a need to use the site more intensively and efficiently. Scaling back the building size in this case does not appear to be a viable solution. Location of the building on the northern portion of the site will provide for a fitting gateway to the University of Illinois.

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

The need for the variances is a direct result of site constraints, including its size, geometry and presence of a bisecting alley. Since there are integral utilities located within the alley, a building cannot be constructed that crosses the alley. The building footprint must therefore be limited to either the northern or southern portion of the site. The site size, geometry, and the fact that there is an alley that bisects the lots, are not the result of a situation or condition that was knowingly created by the petitioner.

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

The surrounding area is commercial in character. The development of the subject site as a mixed-use retail/office building is consistent with commercial uses. There are instances where buildings in the vicinity of the subject site encroach into the required setbacks. These encroachments are a result of the dedication of additional right-of-way and historical zoning of the area. The area was previously zoned as industrial. Historically, industrial zones had minimal setbacks.

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

The subject property is bounded by roadways on three sides. Where the subject site is immediately adjacent to other development to the west, every effort has been made to maintain the required setbacks. The required side yard setback along the west property line will be maintained. The proposed mixed-use retail/office building is consistent with the commercial character of the surrounding University Avenue Corridor.

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

The petitioner states the variances are the minimum necessary to accommodate the request. The side yard setback is maintained at the west property line. The building steps in response to the unusual site geometry and also to maintain a pedestrian scale.

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 the size, site geometry and location of an alley in the middle of the subject property. As discussed in the previous criteria, these three items pose practical difficulties with developing the site.

Summary of Findings

1. The variances requested will not serve as a special privilege because there are major impediments related to the site that would otherwise make the property unusable for meaningful development.
2. The variances requested are necessary due to special circumstances relating to the property because of its size, site geometry and location of an alley in the middle of the subject property.
3. The reduced front yard setbacks and encroachment of parking in a required buffer yard will not cause a nuisance to adjacent properties. Where the subject site is immediately adjacent to other development to the west, every effort has been made to maintain the required setbacks.
4. The proposed project conforms to and will advance the goals of the 2005 Comprehensive Plan.
5. The proposed project will fulfill the agreement between the City and the University for development of the subject property.

Options

The Zoning Board of Appeals has the following option in major variance cases ZBA-2008-MAJ-03 and ZBA-2008-MAJ-04:

- a. The Urbana Zoning Board of Appeals may recommend approval of one or both of the variances as requested based on the findings outlined in this memo;
- b. The Urbana Zoning Board of Appeals may recommend approval of one or both of the variances as requested along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
- c. The Zoning Board of Appeals may recommend denial of one or both of the variance requests. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its recommendation of denial.

Staff Recommendation – ZBA-2008-MAJ-03

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-2008-MAJ-03, to allow for encroachment of a building in the required front yard setback along University and Lincoln Avenues, to the Urbana City Council with a recommendation for **APPROVAL** with the following conditions:

1. The development shall be constructed in general conformance to the site plan layout submitted as part of the application and attached hereto.
2. The area between the proposed building face and the curb shall be improved to include landscaping and improvement of the existing walkway. The improvements shall be reviewed and approved by the Zoning Administrator and the City Arborist.

Staff Recommendation – ZBA-2008-MAJ-04

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-2008-MAJ-04, to allow parking to encroach greater than ten feet into the required fifteen-foot front yard setback along Lincoln Avenue, to the Urbana City Council with a recommendation for **APPROVAL** with the following conditions:

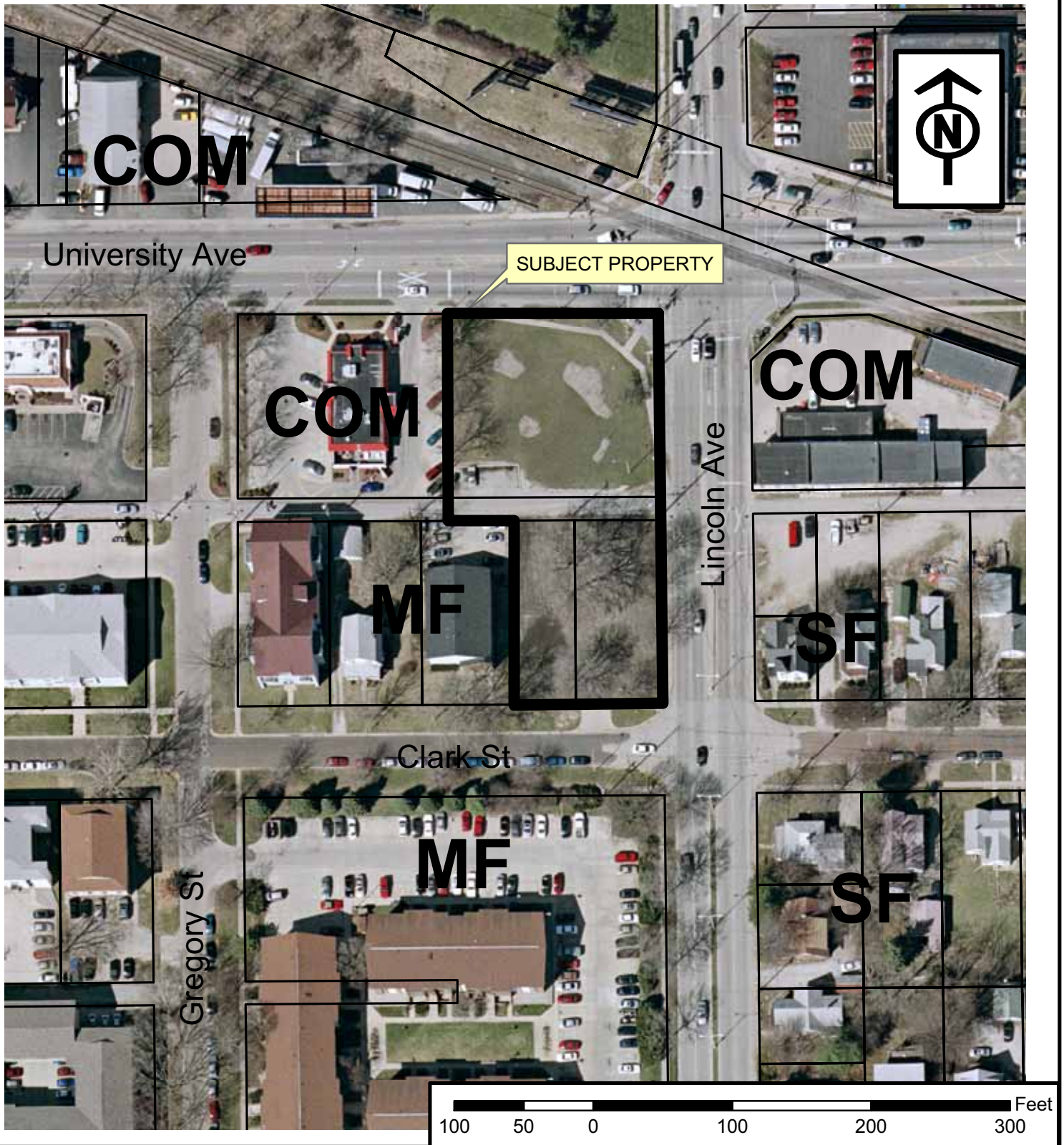
1. The development shall be constructed in general conformance to the site plan layout submitted as part of the application and attached hereto.
2. A landscape buffer shall be provided along the east and south side of the proposed parking area. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.

Attachments: Exhibit A: Location and Existing Land Use Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Site Plan
 Exhibit E: Sketch Elevations
 Exhibit F: Application

cc: Vermilion Development Corporation Real Estate Planning & Services, UIUC
Attn: Christopher Dillion 109 Coble Hall – Mail Code 335
3295 E. Main Street 801 S. Wright Street
Danville, IL 61834 Champaign, IL 61820

University of Illinois Foundation
1305 W. Green Street
Urbana, IL 61801

Exhibit A: Location and Existing Land Use Map



ZBA Case: ZBA-2008-MAJ-03 and ZBA-2008-MAJ-04

Description: Two Major Variances to allow a building and parking to encroach in the required front yard setback.

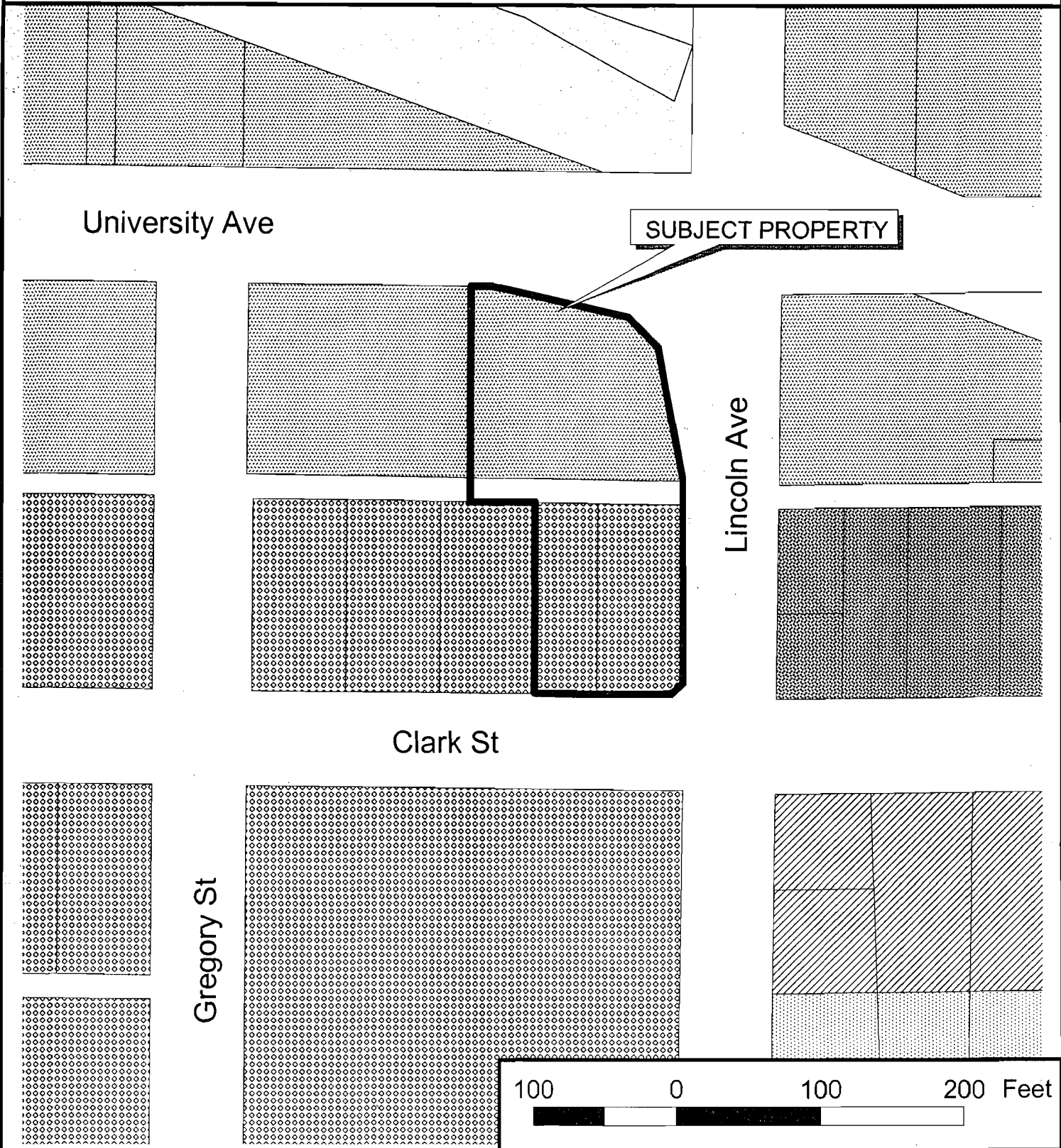
Petitioner: Vermilion Development, Inc.

Location: 901 W. University Ave. and 902/904 W. Clark St.

Zoning: B-3: General Business and B-3U: General Business-University

Prepared 3/08 by Community Development Services - lkk

Exhibit B: Existing Zoning Map



ZBA Case: ZBA-2008-MAJ-03 and ZBA-2008-MAJ-04
Description: Two Major Variances to allow a building and parking to encroach in the required front yard setback.
Petitioner: Vermilion Development, Inc.
Location: 901 W. University Ave. and 902/904 W. Clark St.
Zoning: B-3: General Business and B-3U: General Business-University

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



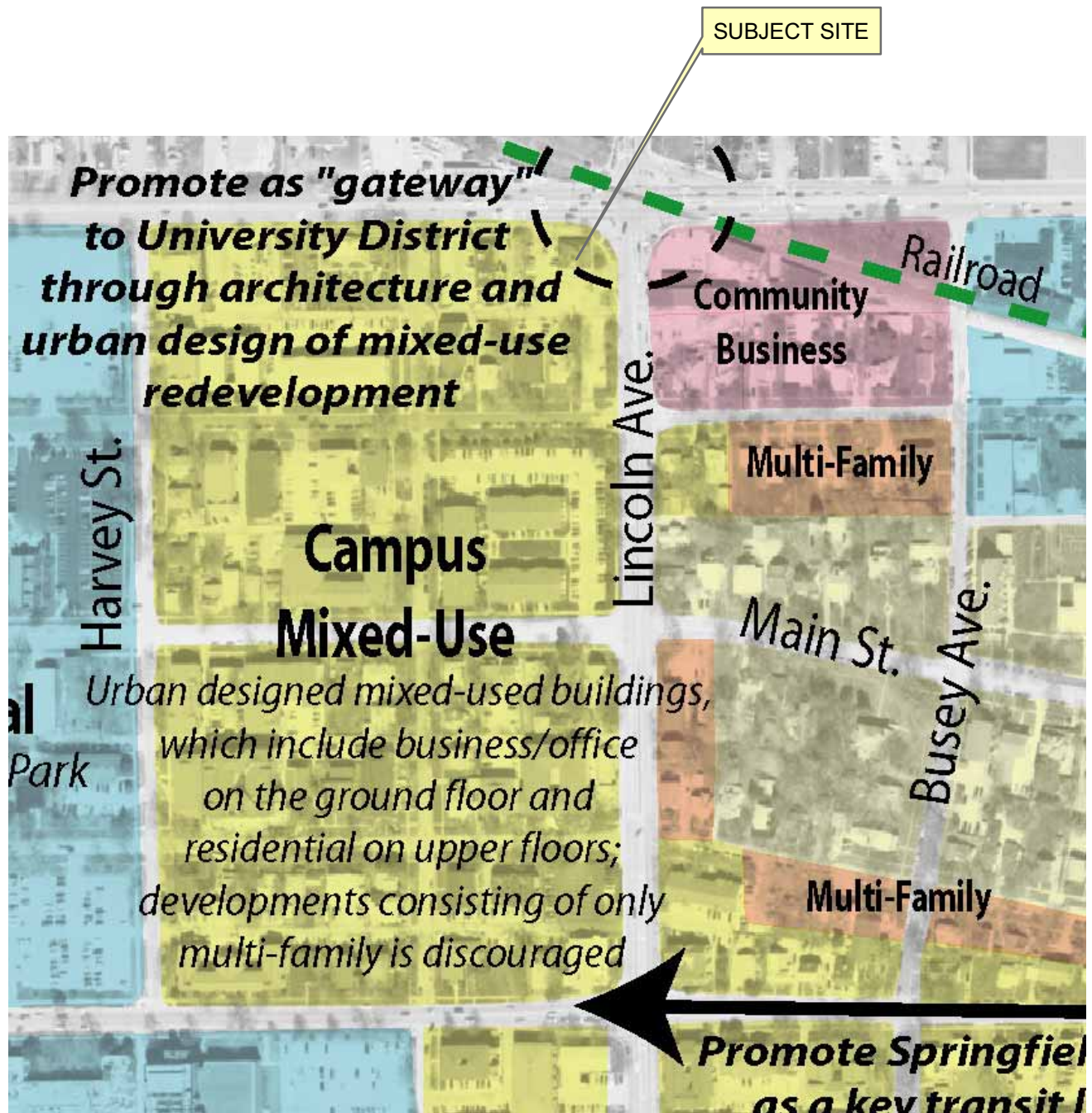
-  B2
-  B3
-  B3U
-  R2
-  R4
-  IN

Exhibit C: Future Land Use Map



ZBA Case: ZBA-2008-MAJ-03 and ZBA-2008-MAJ-04

Description: Two Major Variances to allow a building and parking to encroach in the required front yard setback.

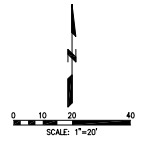
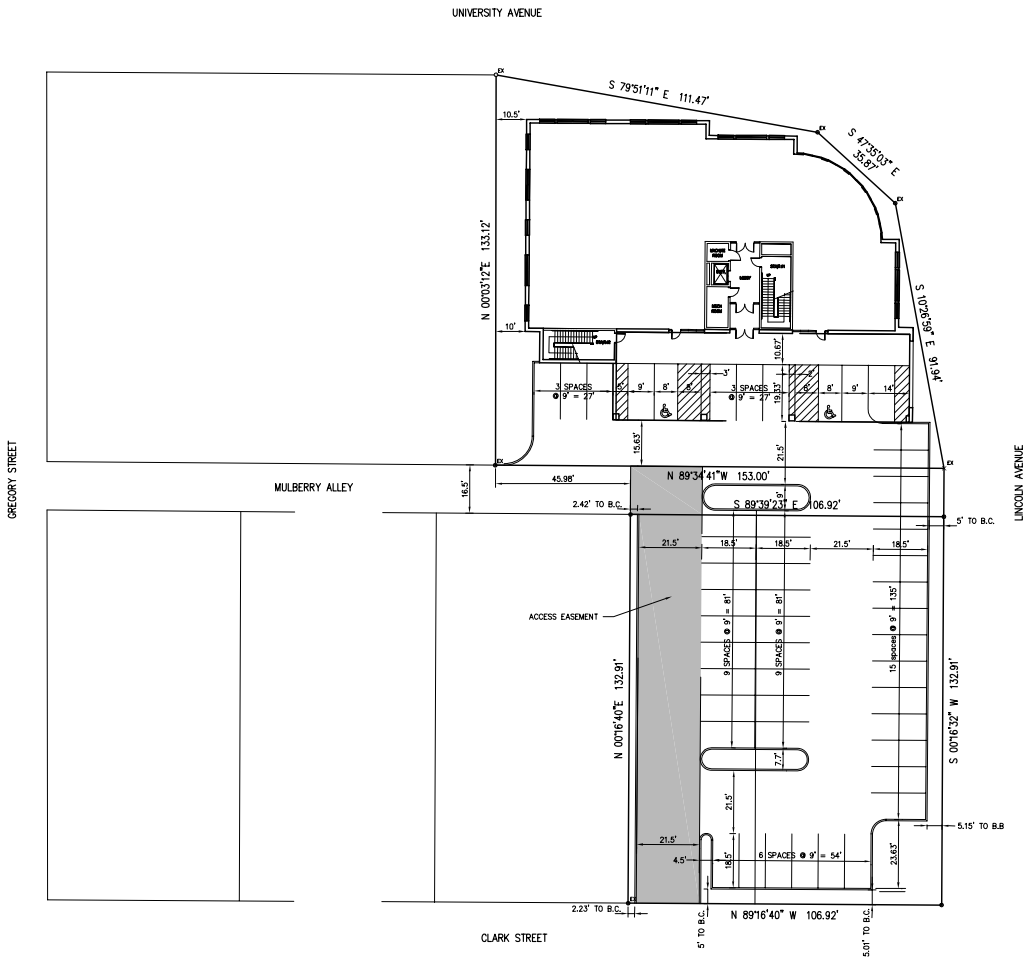
Petitioner: Vermillion Development, Inc.

Location: 901 W. University Ave. and 902/904 W. Clark St.

Zoning: B-3: General Business and B-3U: General Business-University

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SKETCH PLAN CALLS OUT 51 PARKING SPACES
 OUR PLAN HAS 49 PARKING SPACES

Revisions # Date Initials _____ _____ _____ _____ _____ _____ _____ _____ _____		 Farnsworth GROUP 1819 S. NEL STREET, SUITE F CHAMPAIGN, ILLINOIS 61823 (317) 955-7408 / (317) 935-7409 Fax www.f-w.com	LINCOLN & UNIVERSITY URBANA, ILLINOIS
Drawn: _____ Date: 03-04-08 Designed: _____ Checked: _____	Book No.: _____ Sheet No.: CF _____ Project No.: 008009 File No.: _____		