

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

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.

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,

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, Ghylloweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 12th day of July,

2007.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

[Special Council Meeting]