

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 six-level parking structure with 336 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. 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.
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.
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 12 feet into the required rear yard setback of 22 feet for the apartment building and up to 5 feet into the required rear yard setback of 22 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 CITY COUNCIL 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 15th day of October, 2012

PASSED by the City Council on this 15th day of October,
2012.

AYES: Bowersox-Johnson, Jakobsson, Lewis, Marlin, Smyth,
Mayor Prussing

NAYS:

ABSTAINS:



APPROVED by the Mayor this 22nd day of October, 2012.

A handwritten signature in cursive that reads "Laurel Lunt Prussing". Below the signature, the name "Laurel Lunt Prussing, Mayor" is printed in a standard font.

Laurel Lunt Prussing, Mayor