



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Laurel Lunt Prussing, Mayor

**FROM:** Elizabeth H. Tyler, FAICP, Director

**DATE:** October 11, 2012

**SUBJECT:** A request by Bainbridge Communities Acquisition II, LLC, for a Special Use Permit to construct Multi-family Residential Dwellings in the B-3, General Business Zoning District. (Plan Case 2188-SU-12)

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### **Introduction and Background**

This case is a request by Bainbridge Communities Acquisition II, LLC to allow a mixed-use development on 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. The development would include a five-story apartment building with commercial space on the ground floor along University Avenue, and an attached, seven-level parking garage along Goodwin Avenue. The Urbana Zoning Ordinance Table V-1, "Table of Uses", requires a Special Use Permit for Multi-family Residential Dwellings in B-3 zoning districts.

Specifically, the project would include construction of 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 seven-level parking structure with 401 parking spaces. An additional 14 parking spaces would be located behind the retail space, to be accessed from University Avenue.

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 northern 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 Urbana Plan Commission held a public hearing regarding this application on September 6, 2012. The petitioner and his local engineer addressed the Commission, as did one member of the public who expressed some concern about the existing volume of traffic on University Avenue. Following consideration, the Plan Commission voted six ayes to zero nays to forward the petition to City Council with a recommendation for approval. During the public hearing, the Commission questioned the petitioner regarding whether the proposed number of parking spaces was necessary given that it would exceed the minimum required by the Zoning Ordinance. In response, the petitioner revised the plans to remove the top level of parking from the proposed

parking garage, reducing the number of parking spaces provided in the garage from 417 to 401 and the building height of the parking garage from 78 feet in height to 73 feet.

### **Concurrent Efforts**

On Wednesday September 19, 2012, the Zoning Board of Appeals held a public hearing to consider two major variance requests regarding this project:

#### **2012-MAJ-04: A Major Variance from Section VI-5.F.3 (Side Yard Setbacks)**

- To encroach up to 7 feet within a minimum required side yard setback of 17 feet (Apartment Building); and
- To encroach up to 13 feet within a minimum required side yard setback of 23 feet (Parking Garage).

#### **2012-MAJ-05: Major Variance from Section VI-5.G.1 (Rear Yard Setbacks)**

- To encroach up to 12 feet within a minimum required side yard setback of 22 feet (Apartment Building); and
- To encroach up to 11 feet within a minimum required side yard setback of 28 feet (Parking Garage).

The Urbana Zoning Ordinance requires a minimum five-foot side yard and ten-foot rear yard setbacks for buildings in B-3, General Business Zoning Districts. However, residential buildings in B-3 Districts require an additional side and rear yard setback of three feet for every 10 feet (or fraction thereof) over 25 feet in building height. The proposed apartment building would be five stories above grade, and approximately 62 feet tall. Following consideration at the public hearing, the Zoning Board of Appeals voted four ayes and zero nays to forward both requests to City Council with recommendations for approval.

### **Previous Approvals**

On July 9, 2007, a Special Use Permit was approved by the Urbana City Council for 1008, 1010 and 1012 West University Avenue for a five-story, mixed-use building with commercial on the ground floor and four floors of apartments above with structured parking (Ordinance No. 2007-07-071). The Special Use Permit was amended on August 4, 2008, to include a surface parking lot at 508 North Goodwin Avenue (Ordinance No. 2008-08-080).

In addition to the Special Use Permit, two major variances were approved for the proposed project. On July 9, 2007 the Urbana City Council approved Ordinance No. 2007-07-072 which allowed a reduction in the side yard setbacks to five feet. Then on November 26, 2007 the Urbana City Council approved Ordinance 2007-11-132 which allowed structured parking with a rooftop terrace to encroach in the rear yard along the railroad right-of-way.

The project was not constructed due to changing economic conditions in 2008. This property and the project have now been picked up by a new developer. This proposal is a resumption of the earlier project.

**Adjacent Land Uses and Zoning Descriptions**

The area immediately surrounding the subject property to the east, west and south is commercial in nature and is zoned B-3, General Business. Businesses such as Hot Wok, Cocina Real, and Durst Cycle are located to the southwest; the Hampton Inn is located to the west; Tri-Color Locksmiths and the Gold Exchange are located to the east; and restaurants such as Niro's Gyros, Taco Bell and Dairy Queen are located along the south side of University Ave., south of the subject property. To the north of the subject property is a railroad spur, Illinois American Water Company and an Ameren IP substation. The property to the north is zoned IN-1, Light Industrial-Office.

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	B-3, General Business	Vacant Commercial Building Commercial - Odman-Hecker	Community Business
North	IN-1, Light Industrial-Office	Railway spur right-of-way Illinois American Water Co Undeveloped Lot Ameren IP substation	Institutional
South	B-3, General Business	Commercial – Restaurants Commercial – Retail, Offices	Community Business Campus Mixed-Use
East	B-3 General Business	Commercial - Retail	Community Business
West	B-3, General Business	Commercial – Restaurants, Retail & Hotel	Community Business

**Comprehensive Plan Goals, Objectives and Policies**

The City of Urbana’s 2005 Comprehensive Plan, Future Land Use Map 3, designates the future land use of this property as “Community Business”. The adjacent area on the opposite side of University Avenue is designated by Future Land Use Map 8 as “Campus Mixed Use.” The map is annotated to say that appropriate development in that area should include: “Urban designed mixed-use buildings, which include business/office on the ground floor and residential on upper floors...”

The Comprehensive Plan defines “Community Business” 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 centers contain a variety of business and service uses at scales and intensities that make 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 within both categories in that it is a mixed-use commercial/residential building located along an arterial roadway and provides access to pedestrian, bicycle, and transit facilities. The property's adjacency of uses also allows cross benefits. For instance housing marketed for students can benefit from being located within walking distance of restaurants, retail and the University of Illinois and vice versa.

Additionally, the proposed Special Use Permit has been reviewed under the goals and objectives contained in the 2005 Urbana Comprehensive Plan, as they relate to this case:

**Goal 2.0 New development in an established neighborhood will be compatible with the overall urban design and fabric of that neighborhood.**

*Objectives*

- 2.1 Ensure that the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood.
- 2.4 Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing.

**Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.**

*Objectives*

- 16.1 Encourage a mix of land use types to achieve a balanced growing community.
- 16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.

**Goal 18.0 Promote infill development.**

*Objectives*

- 18.1 Promote the redevelopment of underutilized property using techniques such as tax increment financing, redevelopment loans/grants, enterprise zone benefits, marketing strategies, zoning incentives, etc.

**Goal 19.0 Provide a strong housing supply to meet the needs of a diverse and growing community.**

*Objectives*

- 19.1 Ensure that new residential development has sufficient recreation and open space, public utilities, public services, and *access to commercial and employment centers.*

- 19.2 Encourage residential developments that offer a variety of housing types, prices and designs.

**Goal 25.0 Create additional commercial areas to strengthen the city's tax base and service base.**

*Objectives*

- 25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.
- 25.4 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

**Goal 26.0 Improve the appearance of Urbana's commercial and industrial areas.**

*Objectives*

- 26.2 Promote the beautification of commercial areas especially along University Avenue, Cunningham Avenue, and Philo Road.

**Goal 34.0 Encourage development in areas where adequate infrastructure already exists.**

The proposed Special Use Permit appears to comply with the Urbana's 2005 Comprehensive Plan in terms of future land uses, goals, and objectives.

**University Avenue Corridor Study**

In 2008, the City of Urbana, in collaboration with the City of Champaign, the University of Illinois and the Champaign-Urbana Mass Transit District, contracted with the Champaign County Regional Planning Commission (CCRPC) to complete a corridor study for University Avenue. The Urbana City Council accepted the study on May 3, 2010 (Resolution No. 2010-04-009R).

University Avenue serves as an important east-west thoroughfare connecting the City of Urbana, the University of Illinois and the City of Champaign. The entities involved in the University Avenue Corridor Plan recognized this importance and the need to put a plan in place "which capitalizes on the corridor's strengths and successfully addresses its weaknesses". The following overall goals were established for the corridor:

- 1) Promote orderly and attractive redevelopment along University Avenue.
- 2) Develop higher density multi-modal nodes at selected intersections.
- 3) Maximize the safety and efficiency of the current transportation network throughout the corridor.
- 4) Provide bicycle connections for the corridor to the rest of the community.
- 5) Improve pedestrian facilities, safety and access along the corridor.
- 6) Provide more direct transit service and additional transit facilities throughout the corridor.

The study recommends that redevelopment of the subject property “target businesses and housing options that cater to both University employees and students, as well as hospital staff.” In addition, the study recommends mixed-use developments that include retail and office space with residential.

## **Development Regulations**

### *Building Height*

The proposed building heights would be 62 feet for the apartment building and 73 feet for the attached parking garage. There is no building height limit in B-3 zoning districts.

### *FAR and OSR*

The required maximum Floor Area Ratio (FAR) in the B-3 zoning district is 4.0. That ratio translates to an internal floor area of approximately four times the lot size. The approximate floor area ratio for the project is just over 2.0. There is no Open Space Ratio (OSR) requirement in the B-3 zoning district.

### *Setbacks*

In the B-3 zoning district, the required minimum side yard setback for buildings is five feet and the required minimum rear yard setback is ten feet. However, residential buildings in B-3 Districts require an additional side and rear yard setback of three feet for every 10 feet (or fraction thereof) over 25 feet in building height. The proposed apartment building would be five stories above grade, and approximately 62 feet tall. The attached parking garage would have eight levels of parking and be approximately 78 feet tall.

The minimum required setback for the apartment building is 17 feet from the side property lines and 22 feet from the rear property line. For the parking garage, the minimum required setback is 23 feet from the side property lines and 28 feet from the rear property line. For the apartment building, the petitioner is requesting to encroach up to 7 feet into the required side yard setback and up to 12 feet into the required rear yard setback. For the parking garage, the petitioner is requesting to encroach up to 13 feet into the required side yard setback and up to 11 feet into the required rear yard setback.

### *Access*

The proposed site access includes one driveway from University Avenue leading vehicles through and underneath the building to a surface parking lot directly behind the retail units. There would be access to the parking garage via a two-way driveway from Goodwin Avenue into the south end of the covered parking garage and a one-way exit ramp on the north end. There will be two emergency vehicle access drives, one from Goodwin Avenue just north of the parking garage and the other using the University Avenue driveway and going through the surface parking lot and west into the central courtyard of the apartment building. The applicants closely coordinated with the Urbana Fire Department on this design to ensure standards for fire rescue access are met.

## *Parking*

The proposed development calls for parking located on the ground floor behind the retail space as well as an attached parking garage along Goodwin Avenue. There will be a total of 415 parking spaces on the site. The surface parking lot consists of 14 parking spaces. The parking garage will have 401 parking spaces over seven levels of parking. The Zoning Ordinance requires a minimum of 14 spaces for the retail component and a minimum of 268 spaces for the 197 dwelling units proposed (24 one-bedroom, 103 two-bedroom, and 70 four-bedroom apartments). The proposed parking meets or exceeds the minimum zoning code requirements. The Zoning Ordinance also requires bicycle parking, which is included in the proposed development. The total number of parking spaces in the proposed development was reduced per Plan Commission comments, which included removing the top level of the parking garage.

## **Discussion**

The petitioner is proposing to develop the subject property with a five-story apartment building with retail space on the ground floor along University Avenue, similar to what was approved by Special Use Permit in 2007. The first floor will include 2,000 square feet of retail/commercial space along University Avenue, along with a leasing office for the apartment complex. Parking for the retail units will be provided directly behind the retail portion of the building. Above the retail and leasing spaces will be two floors of amenities for the residents, such as a roof top terrace, a club room, fitness room, study rooms, lounge area, etc. The remainder of the building will consist of a total of 197 residential dwelling units that will be marketed primarily to university students. The bedroom mix currently proposed is 24 one-bedroom, 103 two-bedroom, and 70 four-bedroom units. (See attached site plan.)

The proposed development is consistent with the goals and objectives of the 2005 Comprehensive Plan, as well as with the future land use of the proposed site. The development would be an infill development which, due to its proximity to the University of Illinois campus and to existing businesses, would facilitate walking, bicycling, and transit use. The proposed location and design would avoid impacting existing residential neighborhoods as this new development will be separated from lower-density housing.

### **Requirements for a Special Use Permit**

Special Use Permit applications generally must demonstrate that they meet the following three criteria as provided in italics. (Please see the attached Petition for Special Use Permit for the applicant's specific response to each question.)

*1. That the proposed use is conducive to the public convenience at that location.*

The proposed project is conducive to the public convenience in terms of its location and its mixed-use aspect. First, the subject property is located along the main east-west commercial corridor in central Urbana-Champaign, between Goodwin and Lincoln Avenues. In addition, the property is within waking distance of the University of Illinois. Both Goodwin and Lincoln

Avenues are major entryways into campus. According to the petitioner, the residential units “will enhance the vibrancy and general appearance of the University Avenue Corridor.” Its location makes the property within commuting distance for pedestrians and bicyclists. Second, the project’s mixed-use aspect lends itself to shorter trips, less reliance on automotive transportation, and is ultimately more convenient for residents. Finally, the applicants believe that providing parking to serve the development will be necessary for its success.

- 2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.*

Construction of residences within a commercial zoning district introduces a generally less intensive use within a more intensive zoning district. Consequently it would not be injurious or detrimental to the district. Exceptions might be raised if commercial zoning districts were overtaken with residential construction, or if a high-value commercial site next to an interstate interchange was built out solely with residences. But this is not the case with this Special Use Permit. The University Avenue commercial corridor can accommodate both commercial and residential development, especially for mixed-use developments such as this. In addition, the location and design of the project will not impact existing residential neighborhoods as this new development will be separated from lower-density housing.

The development has been designed with commercial uses fronting on University Avenue that are consistent with the commercial nature of the area. The residential component of the development is well suited for this location due to its proximity to the University of Illinois and its location along a main east-west corridor in central Urbana-Champaign. The proposed parking areas have been located behind the proposed building on University Avenue and along the secondary frontage on Goodwin Avenue, thereby creating a consistent commercial façade along University Avenue.

Additional side yard setbacks for residential projects in commercial districts are the result of a desire to ensure adequate light and air for residents in densely built up areas. Downtown Chicago is an example of where such a setback would be beneficial. In this case, however, the University Avenue corridor is comprised of one- and two-story buildings. There would therefore be no detrimental or injurious risk to neighboring properties by introducing a residential use, and the risk of any commercial intrusion on this property would be minimal.

In conclusion, the proposed use would not be unreasonably injurious or detrimental to the district in which it is located.

- 3. That the proposed use conforms to the applicable regulations and standards and preserves the essential character of the district in which it shall be located.*

According to the applicant, the proposed development will enhance the general appearance and character of the University Avenue corridor as well as contribute to the economic vibrancy of the area. The project would meet height, floor area ratio, parking, and front yard setback requirements. Two major variance requests have been submitted for side and rear yard depths on



the subject property. If granted, the side and rear yards would still be 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.

In summary, City staff finds that the application meets the specific criteria for Special Use Permits provided in Section VII-4 of the Zoning Ordinance.

### **Consideration**

The City Council shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing and the Plan Commission recommendation, justify the granting of the Special Use Permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the City Council may include additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance, including but not limited to the following:

1. Regulating the location, extent, and intensity of such use;
2. Requiring adherence to an approved site plan;
3. Requiring landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulating a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulating vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Requiring conformance to health, safety, and sanitation requirements as necessary;
7. Regulating signs and outdoor lighting;
8. Imposing any other conditions deemed necessary to affect the purposes of this Ordinance.

### **Summary of Findings**

In Plan Case No. 2188-SU-12, the following Summary of Findings is proposed:

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.

2. 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 seven-level parking structure with 401 parking spaces and 14 parking spaces located behind the retail space, to be accessed from University Avenue.
3. The proposed Special Use is conducive to the public convenience as the property is within commuting distance of the University of Illinois for pedestrians and bicyclists. Its mixed use aspect lends itself to shorter trips and less reliance on automotive transportation, and is otherwise convenient for residents.
4. The proposed use will not be unreasonably injurious or detrimental to the district in which it will be located, or otherwise injurious or detrimental to the public welfare because it would introduce a less intensive use in a more intensive zoning district.
5. The proposed development is consistent with the development regulations for non-residential properties in the B-3 Zoning District and therefore preserves the essential character of the district in which it shall be located. Because the proposed development is partly residential, variances from the minimum required side and rear yard setbacks are necessary.
6. The proposed development has been designed so that it is consistent with the commercial nature of University Avenue and with the least amount of impact on surrounding properties. The proposed building is situated along University Avenue with commercial uses proposed for the ground floor consistent with adjacent commercial properties. Parking for the development has been situated behind the building and along the secondary frontage on Goodwin Avenue.
7. The proposed development is consistent with the 2005 Urbana Comprehensive Plan in terms of its goals and objectives as well as the future land use designation of the subject property as “Community Business”.
8. At their September 6, 2012 meeting, the Urbana Plan Commission voted six ayes and zero nays to forward the petition to City Council with a recommendation for approval.

## **Options**

The City Council has the following options regarding the proposed Special Use Permit in Plan Case No. 2188-SU-12:

1. Approve as submitted; or
2. Approve including any additional conditions as are deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
3. Disapprove as submitted.

## Recommendation

Based on the analysis and findings presented herein, the Urbana Plan Commission and staff recommend that City Council **APPROVE** the proposed Special Use Permit with the following conditions:

1. The development shall be constructed in general conformance with the site plan submitted on August 29, 2012 and attached as Attachment A. This Special Use Permit presumes obtaining two Major Variances regarding side and rear yard setbacks. The Zoning Administrator shall have the authority to approve minor changes substantially in compliance with the approved site plan necessary for the project to comply with City regulations including building, fire, and site development codes.
2. The design and appearance of the development shall be of a high standard of quality in substantial conformance to the attached illustrations.
3. The petitioner shall submit a detailed drainage plan that is approved by the City Engineer.
4. The petitioner shall submit a Traffic Impact Analysis that is approved by the City Engineer.

Prepared by:

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Rebecca Bird, AICP  
Planner II

CC: Michael Augustine, 12765 W Forest Hill Boulevard, Suite 1307, Wellington, FL 33414  
Pat Moone, 1819 S Neil St, Suite F, Champaign, IL 61820  
Charland Brock & Assoc., 1770 Fennel St, Maitland, FL 32751

Attachments: For Attachment A and Exhibits A-C and E-G, please see memorandum for Plan Cases 2012-MAJ-04 and 2012-MAJ-05  
Exhibit D: Application

ORDINANCE NO. 2012-10-097

**An Ordinance Approving a Special Use Permit**

(To Allow Construction of Multi-Family Residential Dwellings in the B-3, General Business Zoning District - Plan Case No. 2188-SU-12 / 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue - Campus Circle Apartments)

WHEREAS, Bainbridge Communities Acquisition II, LLC has petitioned the City for a Special Use Permit to allow multi-family residential dwellings in the B-3, General Business Zoning District; and

WHEREAS, the Urbana Zoning Ordinance identifies *multi-family residential dwellings* within the B-3 Zoning District as being permitted with the granting of a Special Use Permit; and

WHEREAS, the proposed use is conducive to the public convenience at this location as the property is within commuting distance of the University of Illinois for pedestrians and bicyclists, and its mixed use aspect lends itself to shorter trips and less reliance on automotive transportation, and is otherwise convenient for residents; and

WHEREAS, the proposed use will not be unreasonably injurious or detrimental to the district in which it will be located, or otherwise injurious or detrimental to the public welfare because it would introduce a less intensive use in a more intensive zoning district and is separated from low density residential uses; and

WHEREAS, the proposed development is consistent with the development regulations for non-residential properties in the B-3 Zoning District and therefore preserves the essential character of the district in which it shall be located; and

WHEREAS, the proposed development has been designed so that it is consistent with the commercial nature of University Avenue and to minimize impacts on surrounding properties, with parking situated behind the building and along the secondary frontage on Goodwin Avenue; and

WHEREAS, the proposed development is consistent with the 2005 Urbana Comprehensive Plan in terms of its goals and objectives as well as the future land use designation of the subject property as "Community Business"; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on September 6, 2012 concerning the petition filed by the petitioner in Plan Case No. 2188-SU-12; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions specified in Section 1 herein; and

WHEREAS, approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow construction of multi-family residential dwellings in the B-3, General Business Zoning District with the following conditions:

1. The development shall be constructed in general conformance with the site plan submitted on August 29, 2012 and attached as Attachment A. This Special Use Permit presumes obtaining two Major Variances regarding side and rear yard setbacks. The Zoning Administrator shall have the authority to approve minor changes substantially in compliance with the approved site plan necessary for the project to comply with City regulations including building, fire, and site development codes.
2. The design and appearance of the development shall be of a high standard of quality in substantial conformance to the attached illustrations as Attachment A.
3. The petitioner shall submit a detailed drainage plan that is approved by the City Engineer.

4. The petitioner shall submit a Traffic Impact Analysis that is approved by the City Engineer.

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 No:

91-21-07-431-023, 91-21-07-431-019, 91-21-07-431-007, 91-21-07-431-021

LOCATED AT: 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue, Urbana, Illinois.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the City Council. 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).

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the \_\_\_ day of \_\_\_\_\_, 2012, the City Council of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "An Ordinance Approving a Special Use Permit (To Allow Construction of Multi-Family Residential Dwellings in the B-3, General Business Zoning District - Plan Case No. 2188-SU-12 / 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue - Campus Circle Apartments)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.





# Application for Special Use Permit

# Plan Commission

## APPLICATION FEE - \$175.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed \_\_\_\_\_ Plan Case No. \_\_\_\_\_  
Fee Paid - Check No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A SPECIAL USE PERMIT is requested in conformity with the powers vested in the Plan Commission to recommend to the City Council under Section VII-I of the Urbana Zoning Ordinance to allow *(Insert proposed use)* A multi-family residential dwelling as a Special Use in a B-3 General Business District Zoning District on the property described below.

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **BAINBRIDGE COMMUNITIES ACQUISITION II, LLC, c/o Michael Augustine** Phone: **561-333-3669**

Address (street/city/state/zip code): **12765 W FOREST HILL BOULEVARD, SUITE 1307, WELLINGTON, FL 33414**

Email Address: **MAUGUSTINE@BAINBRIDGERE.COM**

#### 2. PROPERTY INFORMATION

Address/Location of Subject Site: **1008 - 1012 WEST UNIVERSITY AVENUE AND 506-602 NORTH GOODWIN AVENUE, URBANA, ILLINOIS**

PIN # of Location: **91-21-07-431-019, 91-21-07-431-021, 91-21-07-431-007, 91-21-07-431-023**

Lot Size: 3.09 ACRES

Current Zoning Designation: **B-3 GENERAL BUSINESS DISTRICT**

Current Land Use (vacant, residence, grocery, factory, etc): **1008 - 1012 W UNIVERSITY IS 1 STORY VACANT RETAIL WITH PARKING LOT, AND 506-602 N GOODWIN IS 1 STORY**

**MANUFACTURING FACILITY WITH PARKING LOT.**

Proposed Land Use: **MULTI-FAMILY RESIDENTIAL DWELLING**

Legal Description: SEE EXHIBIT A

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**3. CONSULTANT INFORMATION**

**Name of Architect(s): CHARLAN BROCK AND ASSOCIATES** Phone: **407-660-8900**

Address (*street/city/state/zip code*): **1770 FENNEL STREET, MAITLAND, FL 32751**

Email Address: **MARY@CBAARCHITECTS.COM**

**Name of Engineers(s): FARNSWORTH GROUP, INC.** Phone: **217-352-7408**

Address (*street/city/state/zip code*): **1819 SOUTH NEIL STREET, SUITE F, CHAMPAIGN, IL 61820**

Email Address: **PMOONE@F-W.COM**

**Name of Surveyor(s): FARNSWORTH GROUP, INC.** Phone: **217-352-7408**

Address (*street/city/state/zip code*): **1819 SOUTH NEIL STREET, SUITE F, CHAMPAIGN, IL 61820**

Email Address: **CWALLACE@F-W.COM**

**Name of Professional Site Planner(s): CHARLAN BROCK AND ASSOCIATES** Phone: **407-660-8900**

Address (*street/city/state/zip code*): **1770 FENNEL STREET, MAITLAND, FL 32751**

Email Address: **MARY@CBAARCHITECTS.COM**

**Name of Attorney(s): BROAD AND CASSEL** Phone: **561-483-7000**

Address (*street/city/state/zip code*): **7777 GLADES ROAD, SUITE 300, BOCA RATON, FL 33434**

Email Address: **CSTALLER@BROADANDCASSEL.COM**

**4. REASONS FOR SPECIAL USE PERMIT**

Explain how the proposed use is conducive to the public convenience at the location of the property.

SEE EXHIBIT B

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Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

SEE EXHIBIT C

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Explain how the proposed use conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.

SEE EXHIBIT D

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**NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.**

**By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.**

**CERTIFICATION BY THE APPLICANT**

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Applicant's Signature

8/14/12

Date

**PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

City of Urbana  
Community Development Department Services  
Planning Division  
400 South Vine Street, Urbana, IL 61801  
Phone: (217) 384-2440  
Fax: (217) 384-2367

**EXHIBIT A**

**THE PROPERTY**

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.

AND ALSO:

THE EAST 135 FEET OF LOT 1 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:

LOTS 9, 10, 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.

PARCEL (all in Stipes Subdivision)

PIN

Lot 1 except East 135' and also  
except the south 48 feet of the  
west 134.62' thereof

91-21-07-431-023

The East 135' of Lot 1

91-21-07-431-019

Lot 10

91-21-07-431-007

Lot 9, 11 and 12

91-21-07-431-021

## **Exhibit B**

The proposed use is a mixed use development consisting of approximately 2,000 square feet of ground floor retail space, 195 residential units with 509 bedrooms primarily targeted towards University of Illinois at Urbana-Champaign student, and 431 parking spaces consisting of 14 surface parking spaces and a seven story parking structure with 417 garage parking spaces. The first floor retail and common area amenities are a common use in the surrounding neighborhood and is consistent with the community's long range plan. The retail space will provide the building residents and local visitors access to a variety of quality retailers. The residential units will enhance the vibrancy and general appearance of the University Avenue Corridor by replacing the current obsolete structures with a visually-pleasing mixed-use development.

### **Exhibit C**

The proposed use will consist of a 5-story building as detailed in the proposed site plan. The project will be developed to institutional real estate investment standards prevalent in the Urbana, Illinois area and will be managed and operated by the largest privately-held student housing operator in the United States. Because of the significant capital investment, great care will be taken during the operations of the building. We expect the retail uses will be supportive of the community environment and will be of a quality and nature consistent with the new space being development in the greater Urbana area. The residential component will be operated primarily as a student housing community, a common use throughout the general neighborhood. The residential component will include many amenities making it a desirable option for UIUC students. The development will be adequately screened and protected from the adjacent railroad tracks, which, are in any event, used on a very infrequent basis.

## **Exhibit D**

The proposed development will be in full compliance with the City of Urbana's Zoning Ordinance with regard to parking, FAR requirements and height restrictions. It does require a Special Use Permit for multifamily residential use in the B-3 District. In addition, a variance will be requested with respect to the side and rear yard setbacks. These variances are strictly due to the irregular shape of the lot and the necessity to build a 5-story building. The proposed residential use is consistent with the City of Urbana's desire for mixed-use development that will appropriately utilize already developed parcels allowing the preservation of land in currently undeveloped areas. The residential use above and adjacent to the retail use is a widely accepted mixed-use model and will not negatively impact the surrounding neighborhood. The residential use will produce minimal congestion, noise or other negative influences. Once the proposed development is completed, the number of residents that occupy the development will help enhance and support the other local retail businesses. The retail uses will be consistent with the existing retail businesses in the area.



**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** September 6, 2012

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building – City Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Michael Pollock, Bernadine Stake, Mary Tompkins

**MEMBERS EXCUSED:** Lew Hopkins, Dannie Otto, Marilyn Upah-Bant

**STAFF PRESENT:** Robert Myers, Planning Manager; Rebecca Bird, Planner II; Teri Anzel, Planning Secretary

**OTHERS PRESENT:** Michael Augustine, Jim Burch, Robert Dayton, Patrick Moone, Susan Taylor

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**NEW PUBLIC HEARINGS**

**Plan Case No. 2188-SU-12: A request by Bainbridge Communities Acquisition II, LLC for a Special Use Permit to construct multi-family residential dwellings at 1008, 1010 and 1012 West University Avenue and 508 North Goodwin Avenue, in the B-3, General Business Zoning District.**

Rebecca Bird, Planner II, presented this case to the Plan Commission. She began by stating the purpose of the proposed request and that the proposed development would also require approval of two major variances that would be reviewed by both the Zoning Board of Appeals and the Urbana City Council. She reviewed the general plans for the proposed development and talked about previously approved plans for the proposed site, including a Special Use Permit and variances. She noted the existing land uses, the zoning and the future land use designations of the site and of the adjacent properties. She explained how the proposed development would relate to the goals and objectives of the 2005 Urbana Comprehensive Plan. She talked about the development regulations for the B-3 Zoning District with regards to building height, FAR (Floor Area Ratio) and OSR (Open Space Ratio), setbacks, and access. She discussed parking for the proposed project and reviewed the requirements for approval of a special use permit. She read the options of the Plan Commission and presented City staff's recommendation.

Chair Pollock opened the meeting to Plan Commission questions for City staff.

Are there people now living on the site? Ms. Bird said that the proposed site includes vacant commercial buildings. She showed an aerial of the proposed sites noting the existing commercial buildings and what their previous uses were. There are no residential dwellings existing on the project site.

It seems that the development would be encouraging the use of more vehicles. Ms. Bird replied that although there will be more parking spaces provided than required, the project will also provide bicycle parking and will be located on several bus lines. In addition, it will be walkable to and from the University of Illinois and several nearby restaurants.

Why is the developer requesting variances? What are the variances specifically for? Ms. Bird explained that the variance requests are for the front-yard setbacks and for the side-yard setbacks. Using the Site Plan, she showed the Plan Commission what City staff considers each to be. She explained that the site is irregularly shaped. The variances are only required because of the residential component of the development. If it were a strictly commercial project, then the proposed setbacks would be allowed by right.

Will the traffic study include the University Avenue access? Robert Myers, Planning Manager, pointed out that the parking lot off University Avenue is quite small with only 14 parking spaces. The traffic impact analysis is required for Goodwin Avenue where most of the vehicles will be entering the street.

Will the traffic impact study look at how to get bicyclists coming from this project across University Avenue safely? Ms. Bird stated that she would mention having the engineers look at safety issues for bicyclists. Concern was expressed about the location of the bicycle racks on the proposed development and concern about drivers not seeing a parking lot in behind the development and possibly backing out onto University Avenue or drivers not seeing that the parking lot is full or that the parking spaces are dedicated to retail use only.

With no further questions for City staff, Chair Pollock opened the hearing up for public input.

Mike Augustine, a representative of the applicant, Bainbridge Communities, stated that they are a national leader in owning, developing, contracting and managing multi-family properties. The company has been in business since 1993. Since the business started, they have acquired, developed, repositioned or redeveloped over 30,000 units in the United States totaling over \$3 billion in total project costs. He pointed out that the proposed project is their first in Illinois, and they are looking forward to it.

He showed photos of their Campus Circle development that currently exists in Tallahassee, Florida to show the Plan Commission to illustrate the thought, creativity and quality that they provide in their developments. He mentioned that all the amenities and rent are included in one price rather than the tenants having to setup different accounts.

Patrick Moone, of the Farnsworth Group, spoke concerning the traffic study. They obtained the traffic counts last week and have carried out preliminary analysis. They are not seeing any traffic lane improvements being required at this time on either University or Goodwin Avenues. There may need to be some signal timing modifications, but they plan to work with the City Engineer on this.

With regards to bicycle safety, they will install a sidewalk extending further north from Durst Cycle along Goodwin Avenue. There are already sidewalks that exist along University Avenue. However, they will inform tenants of where bicycle parking is permitted and post proper signage.

Mr. Fell asked Mr. Augustine to talk about building code, life safety, accessibility and public health requirements of the project. Mr. Augustine stated that they have met with City staff several times as they evolved through the planning process. In response to Mr. Fell's specific questions, Cabana bathrooms will be provided in the pool area to comply with handicapped requirements. They plan to separate the parking garage and the residential component by establishing a firewall. They plan to provide several different exits out of the building to address life safety issues. And units on all levels will meet Illinois accessibility requirements.

Ms. Stake inquired as to who chose the color scheme. Mr. Augustine replied that it was a collaborative effort of their marketing team, architects and landscape architects along with himself. They researched the University of Illinois and the surrounding businesses and areas to find the local style of the neighborhood. Several of his team members were once students at the University of Illinois, so he valued their input when making decisions on the color schemes.

Mr. Fell questioned why they are providing more parking spaces than the City requires. Where will the guest parking be located? Mr. Augustine explained it is for marketability purposes. They target a crowd that typically is willing to pay higher rents; and although there is other means of transportation in the area, they find that most tenants will have vehicles. When they pay higher rent, the tenants expect to have places to park their vehicles, even if they don't use them very often.

Mr. Augustine went on to explain that the 14 spaces off of University Avenue will be reserved for retail use. Prospective residents will also use these spaces when coming to the leasing office. The entire ground floor of the parking garage will be left open for visitor parking. There will be a total of 417 parking spaces provided inside the parking garage with the majority of them being located behind a controlled access gate for the residents only.

Chair Pollock commented that the renderings and photographs are impressive. He asked for clarification on the market. Will the units be only for students or anyone who would like to live there? Mr. Augustine replied that anyone can rent a unit; however, with the way the units are designed, people past college do not typically want to live in a development like this.

Chair Pollock inquired about the construction timeline. When do they expect the project to be completed? Mr. Augustine said that if everything goes as planned, then they plan to have the project completed in April of 2014 for an August 2014 school delivery.

Susan Taylor, 606 West Michigan Avenue, mentioned that in the 12-15 years of watching the Plan Commission, she has noticed many stages of planning. When she first began, there was a two-phase process for the Plan Commission. It was nice because developers could gather valuable input from the Plan Commissioners during the first review of a project. Now, projects only come before the Plan Commission once. She mentioned that there is a lot of traffic already on University Avenue for the two hospitals located in the nearby areas. There are many ambulances up and down the street all day and night. At 5:00 p.m., drivers trying to pull onto University Avenue get locked in by the rush hour traffic.

With no further input from the audience, Chair Pollock closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Mr. Fitch felt this is a great project for the City of Urbana. He moved that the Plan Commission forward Plan Case No. 2188-SU-12 to the City Council with a recommendation for approval including staff's suggested conditions as listed on Page 10 of the written staff report dated August 31, 2012. Ms. Tompkins seconded the motion.

Chair Pollock commented that he is excited to see the proposed sites be developed/redeveloped, especially because the property is difficult due to its odd shape and location along the railroad tracks. He looks forward to seeing the completed project.

Roll call was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Tompkins	-	Yes	Mr. Ash	-	Yes

The motion was passed by unanimous vote. Chair Pollock announced that this case would be forwarded to the Urbana City Council on October 15, 2012.