



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, AICP, Director, Community Development Services

DATE: November 21, 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 a 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 that is 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 previously 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.

At their November 14, 2007 meeting, the Zoning Board of Appeals recommended approval of this major variance by of vote of 6-ayes and 0-nays.

At the hearing the applicant's representative was asked a number of questions and provided clarification. To summarize: The building will be clad with brick; the structure will comply with the Americans with Disabilities Act (ADA) including elevators; and parking on the first floor will be partially shared during the day between residents and the retail tenants.

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

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, 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

previously 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

On November 14, 2007 the Urbana Zoning Board of Appeals voted 6-0 to recommended approval of the requested variance to the Urbana City Council, and to adopt the following 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 City Council may:

- a. Approve the proposed major variance; or
- b. Approve the proposed major variance subject to changes. If the City Council elects to impose conditions or approve the variance on findings other than those articulated herein, the Council should articulate findings accordingly; or
- c. Deny the proposed major variance. If the City Council elects to do so, the Council should articulate findings supporting its denial.

Recommendation

Based on the findings provided herein, the Zoning Board of Appeals voted 6-ayes and 0-nays to forward Major Variance Case ZBA-2007-MAJ-08 to City Council with a recommendation of **APPROVAL**. City staff concurs with this recommendation.

Prepared by:

Paul Lindahl
Planner II

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:

Draft Minutes of November 14, 2007 Zoning Board of Appeals hearing
Draft Ordinance Approving a Major Variance

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

MINUTES OF A RESCHEDULED MEETING

URBANA ZONING BOARD OF APPEALS

DATE: November 14, 2007

DRAFT

TIME: 7:30 p.m.

PLACE: Urbana City Building
City Council Chambers
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Nancy Uchtmann, Harvey Welch

MEMBERS EXCUSED: Charles Warmbrunn

STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner II; Tom Carrino, Economic Development Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: David Crow, Robert Walsh

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:50 p.m. Chair Merritt noted that the meeting was delayed due to technical problems. There was no Urbana Public Television staff to cover the meeting. Roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

Staff requested that the Zoning Board of Appeals remove Case No. ZBA-2007-MAJ-09 from the agenda at this time. The petitioner has withdrawn their request for a major variance. The Zoning Board of Appeals agreed.

3. APPROVAL OF MINUTES

Chair Merritt mentioned that although she was not present at the September 19, 2007 meeting, she found a typographical error on Page 3 in the fourth paragraph. It should read as such: "*Robert Myers, Planning Manager,*" Mr. Corten moved that the Zoning Board of Appeals approve the minutes of the September 19, 2007 meeting as corrected. Ms. Uchtmann seconded the motion. The minutes were approved by unanimous voice vote as corrected.

4. WRITTEN COMMUNICATIONS

There were none.

NOTE: Chair Merritt swore in members of the audience who indicated they might want to speak during the public input portion of the hearing.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA Case No. 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 setback, including a 3-foot and 1-1/2 inch encroachment of a terrace overhang at 1008, 1010 and 1012 West University Avenue in the B-3, General Business Zoning District.

Paul Lindahl, Planner II, presented this case to the Zoning Board of Appeals. He gave a brief introduction and presented background information on the history of the proposed site and the reason for the proposed major variance request. He described the proposed site noting its current land use and zoning designation, as well as the current land use and zoning designation of the adjacent properties. He discussed how the proposed development relates to the goals and objectives of the 2005 Comprehensive Plan. He summarized staff findings and read the options of the Zoning Board of Appeals. He presented staff's recommendation, which is as follows:

Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Zoning Board of Appeals forward major variance Case No. ZBA-2007-MAJ-08 to the Urbana City Council with a recommendation for approval.

Mr. Lindahl showed an illustration of what the rear configuration would look like. He pointed out the rear property line and mentioned that the petitioner had tried to obtain some additional land behind the property, which is railroad right-of-way. This would have allowed the petitioner to develop the property as originally requested. Without the purchase of the additional land, the petitioner needs approval of the proposed major variance to allow the development to be built 10 feet from the rear property line rather than the required 22 feet. The other part of the major variance request is to allow the terrace on the second floor to encroach the required 5-foot setback.

Mr. Schoonover inquired if the security fence would be located directly below the terrace. Mr. Lindahl said yes. His understanding is that the fence would be at the edge of the concrete parking lot.

Ms. Uchtmann asked where the portion of the property shown in the illustration that Mr. Lindahl referred to is located on the Site Plan. Mr. Lindahl pointed out that it would be all along the rear of the development. He noted that behind the rear property line is railroad right-of-way. His understanding is that the railroad company is not particularly interested in continuing to maintain this portion of the rail and its right-of-way, because it only serves one customer, Solo Cup. There is a likely hood that the railroad will eventually discontinue service to Solo Cup. Chair Merritt commented that “eventually” could be quite some time in the future.

Mr. Corten wondered if the Fire Department is concerned with being able to get to the rear of the proposed property. Mr. Lindahl stated that the Fire Department reviewed the previous site diagrams and did not express any concern. He is not sure if they have reviewed the new site plan. However, he understands that a requirement for any kind of a road to the back of a property depends upon the distance from other roads and from other fire hydrants. There is no reason to think that this development would not meet their requirements.

Ms. Uchtmann expressed her concern on how a fire truck would get to the back of the proposed apartment units. Mr. Lindahl replied that they could drive a fire truck down the right-of-way in behind the property. Robert Myers, Planning Manager, added that the Fire Department staff mentioned that they would be able to drive through the main access and that they could access the proposed site from adjoining parking lots as well.

Mr. Myers talked about the proposed major variance. He mentioned that when the Zoning Board of Appeals originally reviewed the proposed development at a prior meeting, it was for the same type of variance request. The petitioner had previously sought a major variance to allow the terrace on the east side of the building to encroach into the side-yard setback and be 1-1/2 feet from the property line. He pointed out that the residential units themselves would be setback 10 feet from the property line.

Ms. Uchtmann questioned if the proposed development would be set closer to University Avenue than the present Durst building. Mr. Lindahl stated that he is not sure what the setback is for the Durst building; however, the proposed development would meet the required 15-foot front-yard setback. After showing an aerial photo of the two sites, he wondered if the Durst building had required a variance, because it appears to be closer to the street than 15 feet. Therefore, the proposed development will sit back further from the street than the existing Durst building. Although, it will have some bay windows on the upper floors that will encroach a little into the front yard setback.

Robert Walsh, representative of Trammel Crow, thanked the Zoning Board of Appeals for allowing them to make this petition. He stated that if they would have had all the information, then this request would have been part of the original variance request. One other thing he wanted to mention is that as you can see from the diagram, the major portion of the parking structure extends out the furthest. If they are not allowed to have this, then they wind up having to eliminate approximately 60 parking spaces. They are trying to maximize the number of parking spaces for the tenants and also minimize any type of on-street parking or residents having to park somewhere else.

Mr. Corten inquired as to how many parking spaces compared with apartments are being planned for the proposed development. Mr. Walsh answered by saying that there would be 228 parking spaces. What is required by code is significantly less than what they are proposing. There will be 247 bedrooms. Therefore, there are only about 20 parking spaces below the total number of beds, which is very good.

Mr. Corten wondered how much the rent would be for a one and two-bedroom apartment in the proposed development. Mr. Walsh said that the rent has not been defined. It all has to do with the final construction costs of the project. His understanding is that the rent will be in line with the other costs in the area. He mentioned that they are looking to accommodate graduate students or upper classmen and to also accommodate people working in the neighboring hospitals.

Mr. Corten asked if the proposed development would be wheelchair accessible. Mr. Walsh replied yes. It is required by the Americans with Disability Act (ADA). There will be handicap parking spaces in both the lower and upper levels as well.

Chair Merritt questioned where the parking for the businesses would be located. Mr. Walsh stated that they would be on the first level in the rear of the building. Chair Merritt wondered if these parking spaces reduced the number of parking spaces available for the residential tenants. Mr. Walsh explained that although it reduces the number of parking spaces for the residential tenants, they expect the residential tenants to be coming and going. They are hoping that the business parking spaces would be available to the residential tenants in the evening.

Mr. Corten inquired if they planned to assign parking spaces to residential tenants. Mr. Walsh said no. Parking spaces will be available as the tenants can find them.

Ms. Uchtmann questioned if the parking garage would be under the entire development or only under part of it. Mr. Wash stated that the parking garage would be under the entire development.

Mr. Corten asked if each unit would have an outdoor window. Mr. Walsh replied yes.

Mr. Corten questioned what type of material would be used for the outside of the building. Mr. Walsh responded by saying brick. He showed an illustration of what the proposed building would look like from the front.

Mr. Corten inquired as to when they planned to open. Mr. Walsh mentioned that they were planning to open the development in the fall of 2009. They plan to submit documents for City plan review in January or February of 2008, and they are hoping to start the basement excavation in the spring of 2008.

Chair Merritt closed the public input portion of the hearing and opened the hearing up for the Zoning Board of Appeals discussion and motion(s).

Tom Carrino, Economic Development Manager, mentioned that the City does have a development agreement with the petitioner that has been forwarded to the City Council with a recommendation for approval by the Committee of the Whole. The City Council will consider this agreement on November 26, 2007. There are timelines in the development agreement that state when the construction will start sometime in 2008 with an opening in August of 2009. Mr. Walsh added that they are hoping to have some of the units available for the City's inspection in May of 2009, so they will be available to rent to prospective students in the fall of 2009.

Mr. Corten moved that the Zoning Board of Appeals forward Case No. ZBA-2007-MAJ-08 to the City Council with a recommendation for approval. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Chair Merritt	-	Yes	Mr. Schoonover	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes

The motion was passed by unanimous vote.

Mr. Myers noted that this case will be forwarded to a special meeting of the City Council on November 26, 2007.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- ZBA Case No. ZBA-2007-MAJ-09 was withdrawn by the petitioner earlier in the day. The petitioner may or may not resubmit an application in the future. If they resubmit, then new updated information will be sent out to the Zoning Board of Appeals.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

November 14, 2007

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Zoning Board of Appeals

ORDINANCE NO. 2007-11-132

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow 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 in the B-3, General Business, Zoning District / 1008, 1010 and 1012 W. University Avenue - Case No. ZBA-2007-MAJ-08 Trammell Crow Higher Education Development, Inc.)

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 the structure; and

WHEREAS, Trammell Crow Higher Education Development, Inc. has submitted a petition for a major variance to allow 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 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-08; 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 November 14, 2007 and voted 6 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. 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.

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-08, is hereby approved to allow 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 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

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 regular meeting of said Authorities on the ____ day of _____, 2007.

PASSED by the Corporate Authorities this ____ day of _____, 2007.

AYES:
NAYS:
ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2007.

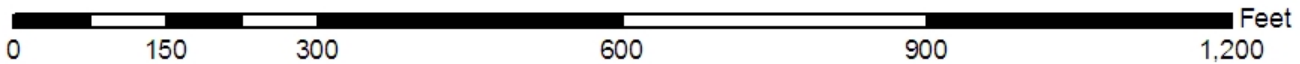
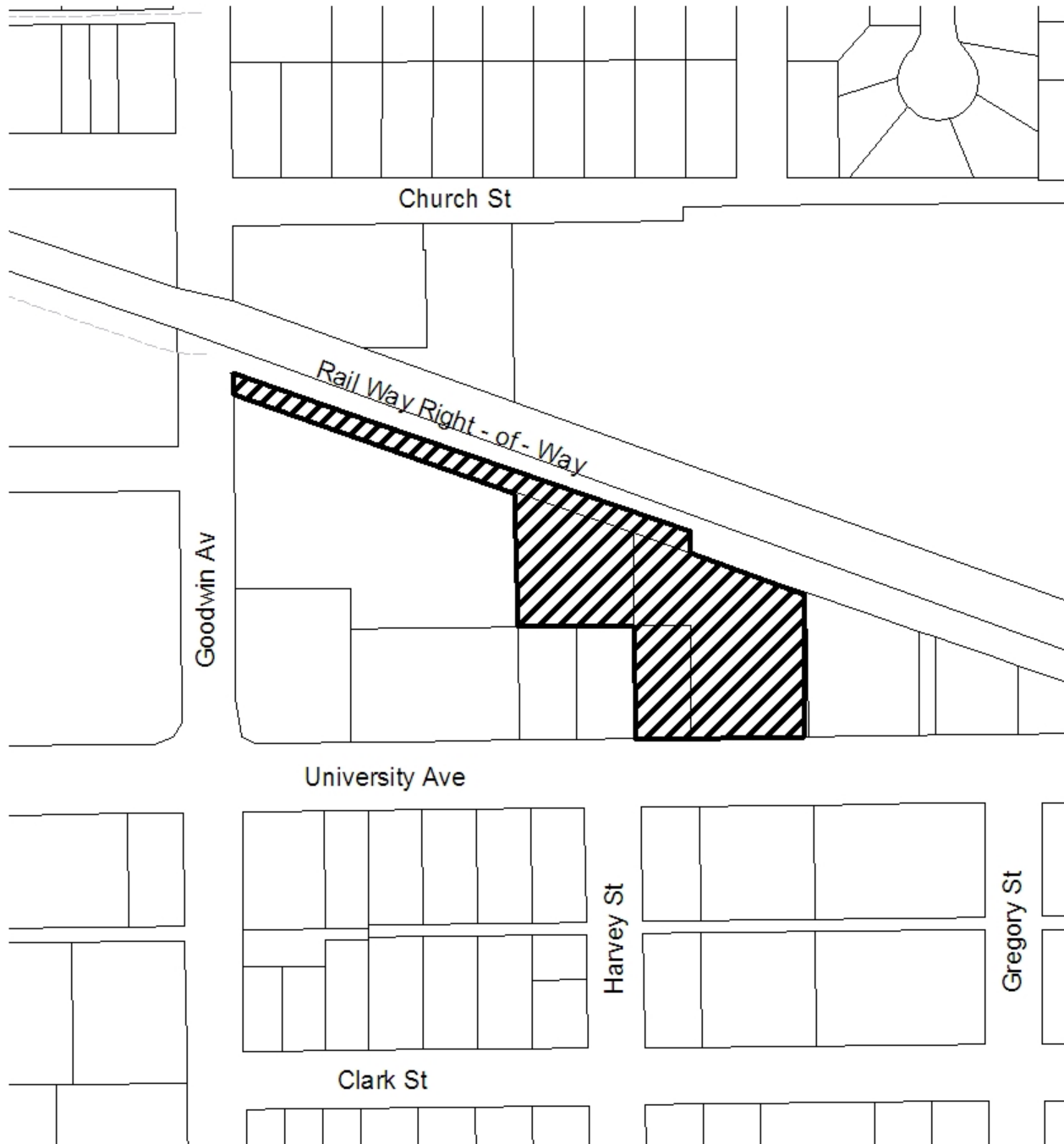
Laurel Lunt Prussing, Mayor

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 _____, 2007, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (To allow 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 in the B-3, General Business, Zoning District / 1008, 1010 and 1012 W. University Avenue - Case No. ZBA-2007-MAJ-08 / Trammell Crow Higher Education Development, Inc.)" 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 _____, 2007, 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.

Location Map

EXHIBIT "A"

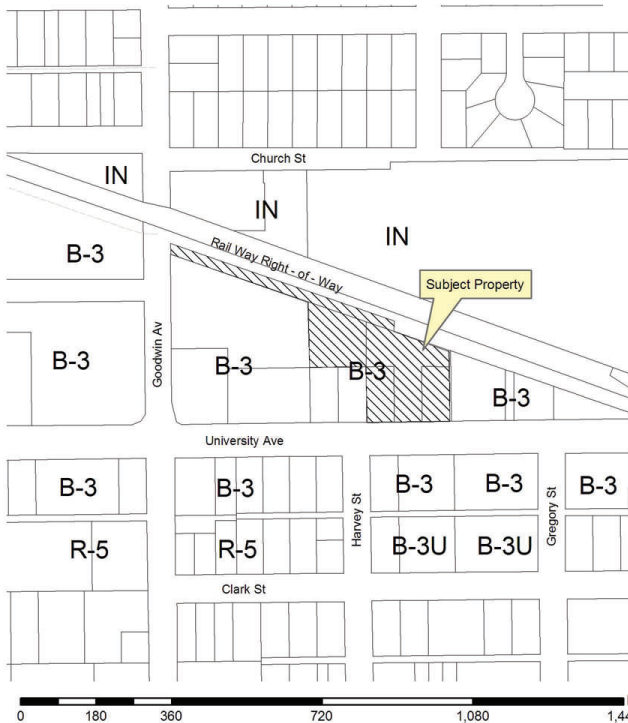


ZBA Case 2007-MAJ-08:
Subject: major variance to allow a mixed retail/apartment building to have an 11-foot and 11-inch encroachment into the required 22-foot rear yard and an additional 3-foot and 1 1/2-inch encroachment of a terrace overhang.
Petitioner: Trammell Crow Higher Education Development
Location: 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"



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 11/8/2007 - pal

B-3, General Business

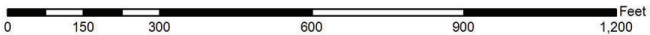
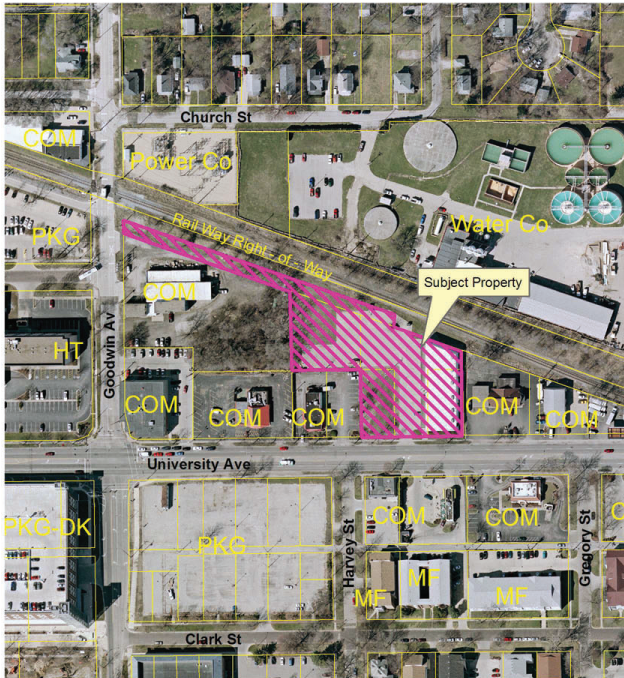
B-3U, General Business - University

IN, Industrial

R-5, Medium High Density
Multiple Family Residential

Existing Land Use w Aerial Photo

EXHIBIT "C"



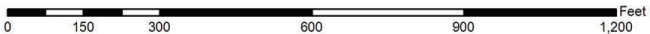
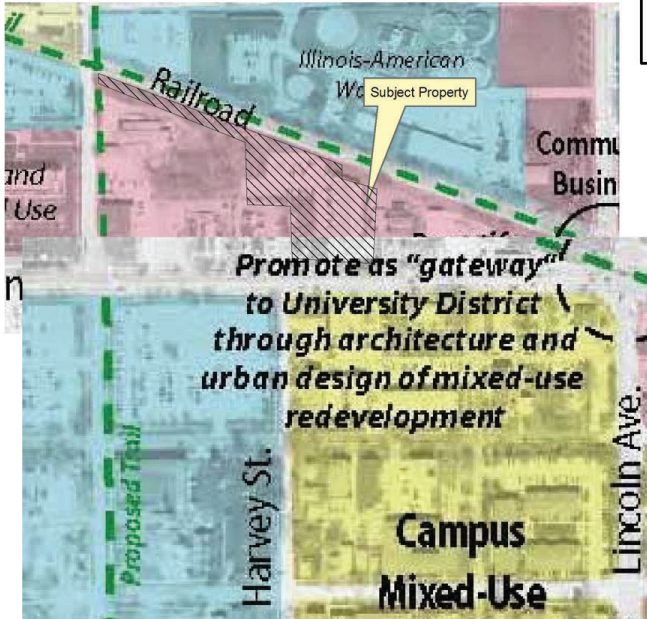
ZBA Case 2007-MAJ-08:
 Subject: major variance to allow a mixed retail/apartment building to have an 11-foot and 11-inch encroachment into the required 22-foot rear yard and an additional 3-foot and 1 ½-inch encroachment of a terrace overhang.
 Petitioner: Trammell Crow Higher Education Development
 Location: 1008, 1010 and 1012 W. University Ave
 Zoning: B-3, General Business Zoning District.
 prepared 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



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 11/8/2007 - pal

Pink - Community Business

Blue - Institutional

Yellow - Campus Mixed Use