



## 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, Community Development Services

**DATE:** May 1, 2008

**SUBJECT:** Plan Case No. 2065-SU-08: A request by Vermilion Development Corporation for a Special Use Permit to construct an accessory parking lot at 908 W. Clark Street in the B-3U, General Business – University Zoning District.

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### **Introduction**

Vermilion Development Corporation, contract purchaser for the subject property, requests a special use permit to establish an off-site, accessory parking lot located at 908 W. Clark Street. The proposed parking lot would provide 26 parking spaces and serve a three-story, mixed-use retail/office building that is proposed at the southwest corner of University and Lincoln Avenues. The parking lot will not be lighted. The subject property at 908 W. Clark Street is zoned B-3U, General Business-University and is occupied by a single-family residence. The property is adjacent to commercial uses to the north and apartment buildings to the east, west and south.

Section VIII-4.L of the Urbana Zoning Ordinance allows for accessory off-street parking to be located on a separate zoning lot within 600 feet of the principal use. If the parking is located within 600 feet of property zoned R-1, R-2 or R-3, a Special Use Permit is required. The site is approximately 320 feet from property zoned R-2 located on the east side of Lincoln Avenue and north of W. Main Street.

At their April 24, 2008 meeting, the Urbana Plan Commission voted 7 ayes and 0 nays to recommend that City Council approve the proposed Special Use Permit in Plan Case No. 2065-SU-08 with four conditions as provided in the Recommendation section of this memo.

### **Background**

In March of this year the petitioner proposed a three-story, mixed-use retail/office building to be located on property at the southwest corner of University and Lincoln Avenues. The site to be developed for this building consists of three parcels known as 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street, herein referred to as 901 W. University Avenue. The property is currently owned by the University of Illinois Foundation. In 2001, the University and the City of Urbana entered into an Agreement Concerning the Vacation of Certain Rights-of-Way, adopting ordinance No. 2001-08-083, in which the parties agreed to work jointly to market the subject property for private development. The intent of the agreement was to create a significant architectural presence at the location to serve as an improvement to the

University Avenue corridor's urban character and to create a development that generates tax revenues for the City of Urbana.

The petitioner secured two major variances to allow for the development of 901 W. University Avenue due to constraints with the site. The variances, which were approved by City Council on March 24, 2008 by Ordinance Nos. 2008-03-019 and 2008-03-020, allow for front yard setbacks along both University and Lincoln Avenues ranging from zero to ten feet and to allow parking to encroach greater than ten feet into the front yard setback along Lincoln Avenue.

Providing for as much on-site parking as possible is a priority for 901 W. University in order to successfully lease its retail and office space. There are approximately 49 parking spaces provided on-site. The developer is proposing to provide the remaining required parking for the development through agreements with the University of Illinois and Carle Foundation. In addition, the petitioner has determined that additional parking in closer proximity to the site to provide for employee and overflow parking is needed for the project at 901 W. University Avenue to be viable. The petitioner is under contract to purchase the property at 908 W. Clark Street with the intent to develop the lot for off-site parking.

The proposed parking lot at 908 W. Clark Street has been designed to meet the parking lot and parking space standards of the Urbana Zoning Ordinance; however, in doing so, the required 5-foot side yard setback cannot be met. The Zoning Board of Appeals approved the minor variance to allow the reduction of the side yard setback by 1.25 feet on April 16, 2008 with the following three conditions:

1. The parking lot shall be constructed in general conformance to the site plan layout submitted as part of the application.
2. A landscape buffer shall be provided along the east and west property line to screen the proposed parking from adjacent properties. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.
3. The layout of the parking lot be reversed so that the 10 foot setback would be provided along Clark Street rather than the alley, if determined practical by the developer, Zoning Administrator and City Engineer.

The parking layout plan attached as Exhibit E has taken into account the third condition of the Zoning Board of Appeals recommendation for approval of the minor variance. As can be seen on the plan, the front yard setback along Clark Street has been increased by 2.3 feet for a total front yard setback of 7.3 feet on the west and 7.7 feet on the east. The layout of the parking was not able to be shifted to provide a full 10-foot setback along Clark Street. The proposed setback distance along the alley is needed to allow for proper turning clearance of delivery vehicles.

### **Description of the Site**

The subject property is located on the north side of Clark Street and approximately 66 feet east of Gregory Street. The property is commonly known as 908 W. Clark Street. A single-family home and garage currently occupy the property. According to the site plan submitted by the petitioner, the lot measures approximately 66 feet by 132 feet, or 8,712 square feet in area.

### **Adjacent Land Uses and Zoning Designations**

The area to the north of the subject property is commercial in nature and is zoned B-3, General Business.

Businesses such as the Dairy Queen, Taco Bell and Niro’s Gyros are located north of the site. The area to the east, west and south is zoned B-3U, General Business – University. The area consists of apartment buildings and associated parking lots.

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

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
Site	B-3U, General Business-University	Single-Family Residence	Campus Mixed-Use
North	B-3, General Business	Dairy Queen	Campus Mixed-Use
South	B-3U, General Business-University	Apartment Buildings	Campus Mixed-Use
East	B-3U, General Business-University	Apartment Building	Campus Mixed-Use
West	B-3U, General Business-University	Apartment Building	Campus Mixed-Use

### **Comprehensive Plan**

The 2005 City of Urbana Comprehensive Plan designates the future land use for the subject property and surrounding property as “Campus Mixed-Use”. The plan defines Campus Mixed-Use as:

*“The Campus Mixed-Use classification is intended for limited areas that are close to campus. These areas promote urban-style development with a mix of uses that commonly include commercial, office and residential. Design Guidelines shall ensure that developments contain a strong urban design that emphasizes a pedestrian scale with buildings close to the street, wide sidewalks, and parking under and behind structures. The design and density of development should capitalize on existing and future transit routes in the area. Large-scale developments containing only single uses are discouraged within this classification.”*

### **Discussion**

The petitioner is proposing a parking lot with 26 parking spaces that are at a 90 degree angle to the access aisle. Access will be a single two-way aisle onto Clark Street and the abutting alley to the north. The parking lot will provide parking for employees and overflow parking for the development at 901 W. University Avenue.

The Urbana Zoning Ordinance allows for off-site parking to be provided within 600 feet of the principal use it is to serve. If the proposed parking is located within 600 feet of property zoned R-1, R-2 or R-3, a special use permit is required. The subject site is approximately 320 feet from property zoned R-2 located on the east side of Lincoln Avenue and north of W. Main Street, and therefore requires a special use permit. Since both Lincoln and University Avenues are major four lane thoroughfares, it is not opportune to provide parking to the north or east. In looking at the area to the southwest of 901 W. University Avenue and within 600 feet, the majority of the property is developed mainly for either apartments or University uses. Parking is a necessity for both of these uses. The mixed-use development and the accessory parking lot to serve the

development are consistent with the commercial character of the surrounding property to the north. The parking lot is consistent with surrounding property to the east, west and south in that there are a number of other surface lots in the vicinity that serve the current use of the surrounding properties.

The Urbana Zoning Ordinance is sensitive to the location of parking adjacent to residential uses by requiring an adequate screen fence or screen planting per Section VIII-3.F. If screening is proposed by means of a shrub planting hedge, a three feet wide planting area is required. The proposed 3.75 foot side yard setback would be adequate to provide the required screening whether via a fence or landscape buffer. The petitioner has indicated that a landscape buffer will be provided along the east and west property lines. The Zoning Ordinance also requires that shade trees be planted for parking lots greater than 20 spaces. The landscape buffer and shade trees will minimize any impact of the parking area on the adjacent uses. It is also important to note that although there is an apartment building on the property to the west, the ground floor of the building is dedicated for parking.

Staff has estimated that 117 spaces would be required for the project based on recently submitted building plans. This is assuming that the second floor (11,032 SF), third floor (11,032 SF) and a portion of first floor (3,936 SF) will be used for office uses that require one parking space for every 300 square feet of floor area. In addition, it is assumed that the remainder of the first floor (2,922 SF) will be used as a restaurant or similar use that requires one parking space for every 100 square feet. There are approximately 49 parking spaces provided on-site at the development at 901 W. University Avenue. As proposed, the proposed parking lot would yield 26 additional parking spaces. The parking lot will provide parking for employees and overflow parking so that the retail and office space can be successfully leased. The remaining required parking spaces will be provided on the University of Illinois campus via a Memorandum of Understanding between the petitioner and the University. In addition, the petitioner is working with Carle to provide additional off-site parking.

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

According to Section VII-4 of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

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

The parking lot at 908 W. Clark Street provides for required parking spaces to serve the proposed mixed-use development at the southwest corner of University and Lincoln Avenues that is in close proximity to the development. Provision for additional off-site parking spaces that are within 100 feet of the principal use at 901 W. University Avenue will better serve the users of the facility. The proposed off-site accessory parking lot at 908 W. Clark Street would be conducive to the public convenience.

- 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.*

The Urbana Zoning Ordinance is sensitive to the location of parking adjacent to residential uses by requiring adequate screening. An apartment building with ground floor parking is located to the west. The west bay of the proposed parking will face the parking for the apartment building and therefore will not directly impact residential units. An apartment building with ground floor residences is located to the east. A landscape buffer will be installed along the east and west property lines and will therefore minimize the

impact of the parking lot on the adjacent apartment buildings. The petitioner has indicated the parking lot will not be lighted. The proposed use will not be injurious to the public welfare.

- 3. That 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, except where such regulations and standards are modified by Section VII-7.*

The proposed parking lot will be constructed to conform to the parking lot and parking space requirements of the Urbana Zoning Ordinance. Allowing the proposed parking lot to be constructed will not alter the essential character of the neighborhood which includes commercial uses and apartments with parking lots. The proposed parking lot will serve the development proposed for 901 W. University Avenue. The development will be a mixed-use retail/office building. The mixed-use development and the accessory parking lot to serve the development are consistent with the commercial character of the surrounding property to the north. The surrounding property to the east, west and south are apartment buildings with associated parking lots. The addition of a parking lot will not alter the essential character of the neighborhood.

#### **Additional Requirements for Accessory Parking Lot Special Use Permits**

In addition to the procedures and requirements of Section VII-4, review of an application for an accessory parking lot Special Use Permit shall consider the following factors:

1. protection of adjacent residences from lighting;
2. provision of adequate drainage facilities as required by the Urbana Land Development and Subdivision Ordinance;
3. required landscape buffering and/or fencing; and
4. traffic access and safety.

The petitioner has indicated that they will not be installing lighting in the proposed parking lot. In addition the petitioner's Application indicates that the developer will install the required landscape buffer along both of the side lot lines of the subject parcel as well as comply with all the regulations associated with on-site storm drainage as required by the Urbana Subdivision and Land Development Code. The proposed parking lot has been designed with 90 degree parking to allow for two-way traffic flow. The parking lot can be accessed from Clark Street or from an alley on the northern border of the subject property.

#### **Summary of Findings**

1. Section VIII-4.L of the Urbana Zoning Ordinance requires a Special Use Permit for parking located within 600 feet of property zoned R-1, R-2 or R-3. A Special Use Permit is required since the subject site is within 600 feet of property zoned R-2.
2. The petitioner is proposing an off-site accessory parking lot to serve the proposed mixed-use office/retail development at 901 W. University Avenue. Additional parking is needed both to meet the minimum required parking under the Zoning Ordinance and for the development to be viable.
3. The proposed parking lot is conducive to the public convenience at the proposed site since it is in close proximity to the proposed development at 901 W. University Avenue. The parking lot will provide parking for employees and overflow parking thereby providing adequate parking for the tenants of the

4. The proposed parking lot is generally compatible with surrounding uses and should not be injurious or detrimental to the public welfare. The proposed parking lot will be adequately screened with landscaping materials to minimize the impact on surrounding properties.
5. At their April 24, 2008 meeting the Urbana Plan Commission, in a vote of 7 ayes and 0 nays, recommended that City Council approve the proposed Special Use Permit in Plan Case No. 2065-SU-08 with certain conditions as specified below in the Recommendation section.

## **Options**

City Council has the following options regarding Plan Case No. 2065-SU-08:

1. Approve the Special Use Permit, as presented herein; or
2. Approve the Special Use Permit, with any conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
3. Deny the Special Use Permit.

## **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 in Plan Case No. 2065-SU-08 with the following conditions:

1. The parking lot shall be constructed in general conformance to the site plan layout submitted and attached hereto.
2. A landscape buffer shall be provided along the east and west property line to screen the proposed parking from adjacent properties. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.
3. The Special Use Permit shall expire if the subject property is not transferred to the petitioner or the proposed development at 901 W. University is not constructed.
4. The parking lot shall only serve as accessory parking for the development at 901 W. University Avenue.

Prepared by:

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Lisa Karcher, Planner II

Attachments: Draft Ordinance Approving a Special Use Permit

Exhibit A: Location and Existing Land Use Map  
Exhibit B: Existing Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Site Photos  
Exhibit E: Site Layout Plan  
Exhibit F: Special Use Permit Application

Draft Minutes of April 24, 2008 Plan Commission Hearing

cc: Vermilion Development Corp.  
Attn: Christopher Dillion  
3295 E. Main Street  
Danville, IL 61834

Farnsworth Group  
Attn.: Tim Pellegrini  
1819 S. Neil Street, Suite F  
Champaign, IL 61820

Mark Corbins  
c/o Balbach & Fehr, P.C.  
908 W. Clark Street  
Urbana, IL 61801

ORDINANCE NO. 2008-05-034

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

(To Allow the Construction of an Accessory Parking Lot at 908 W. Clark Street  
in the B-3U, General Business - University Zoning District - Plan Case  
2065-SU-08 / Vermilion Development Corporation)

WHEREAS, Vermilion Development Corporation has petitioned the City for a Special Use Permit to construct an accessory parking lot at 908 W. Clark street in the B-3U, General Business - University Zoning District; and

WHEREAS, Section VIII-4.L of the Urbana Zoning Ordinance requires a Special Use Permit for the location of accessory parking lot on a separate zoning lot within 600 feet of the principal use if the parking is located within 600 feet of property zoned R-1, R-2 or R-3; and

WHEREAS, after due publication, the Urbana Plan Commission on April 24, 2008 held a public hearing concerning the petition and voted 7 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the Special Use Permit application, with four conditions as outlined in Section 1 below; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth herein, is consistent with the requirements of Section VII-4 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 CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the construction of an accessory parking lot at 908 W. Clark Street in the B-3U, General Business - University Zoning District with the following conditions:



- a) The parking lot shall be constructed in general conformance to the site plan layout attached hereto as Exhibit A.
- b) A landscape buffer shall be provided along the east and west property line to screen the proposed parking from adjacent properties. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.
- c) The Special Use Permit shall expire if the subject property is not transferred to the petitioner or the proposed development at 901 W. University is not constructed.
- d) The parking lot shall only serve as accessory parking for the development at 901 W. University Avenue.

LEGAL DESCRIPTION:

The East 66 feet of the West 132 feet of Lot 22 of Col. M. W. Busey's Heirs Addition to the Town (now City) of Urbana, as recorded in Deed Record Book 8, at page 444 in the Office of the Recorder of Deeds, Champaign County, Illinois.

PERMANENT PARCEL NUMBER: 91-21-07-484-005

Section 2. 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).

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

AYES:

NAYS:

ABSTAINS:

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

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

EXHIBIT A: SITE PLAN

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

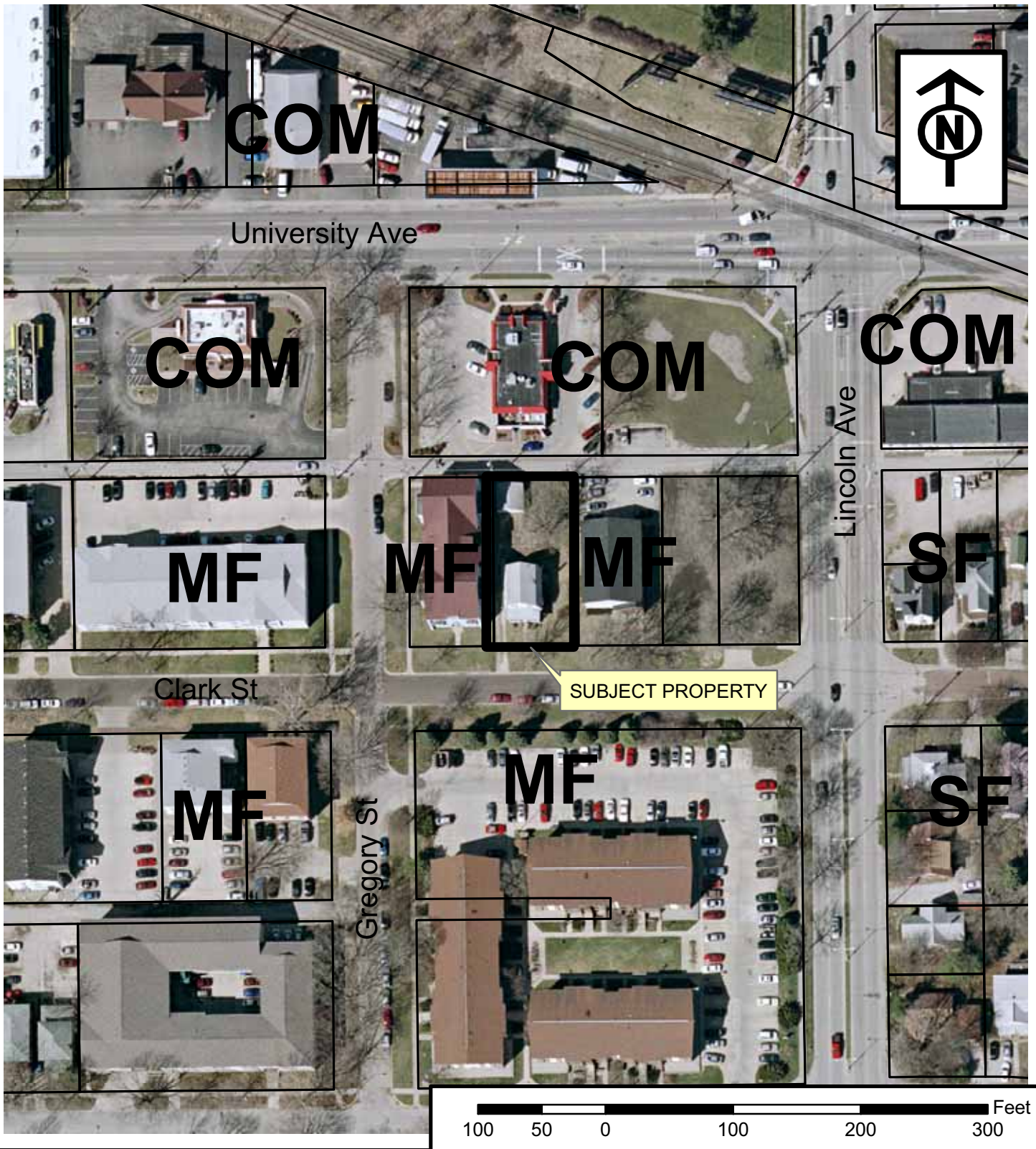
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2008 the Corporate Authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled AN ORDINANCE APPROVING A SPECIAL USE PERMIT (To allow the construction of an accessory parking lot at 908 W. Clark Street in the B-3U, General Business - University Zoning District - Plan Case 2065-SU-08 / Vermilion Development Corporation) 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 \_\_\_\_\_, 2008 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 \_\_\_\_\_, 2008

(SEAL)

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

# Exhibit A: Location and Existing Land Use Map



**Plan Case:** 2065-SU-08

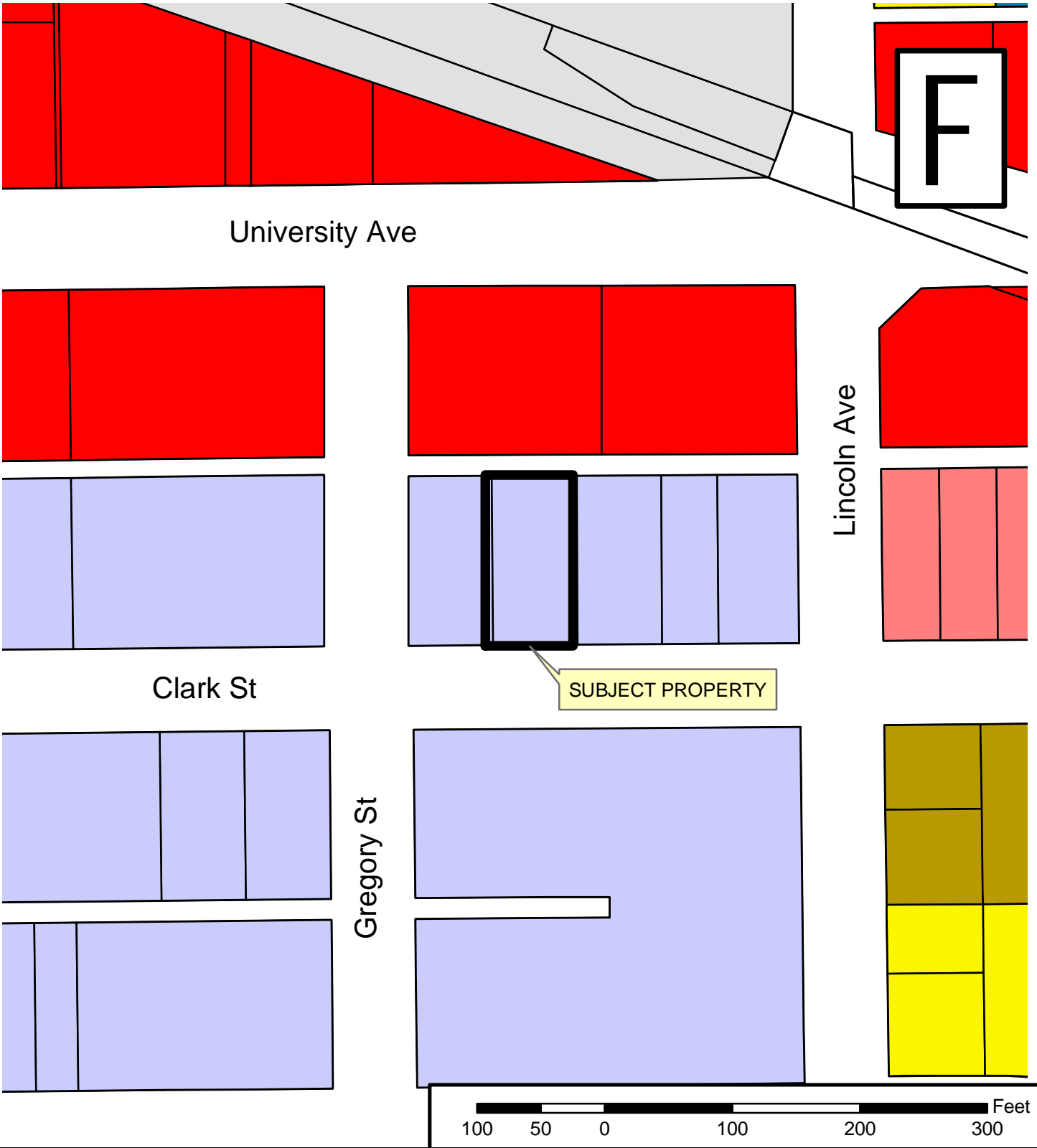
**Description:** Special Use Permit to allow for the establishment of an off-site accessory parking lot.

**Petitioner:** Vermilion Development Corporation

**Location:** 908 W. Clark St.

*Prepared 4/08 by Community Development Services - Ikk*

# Exhibit B: Existing Zoning Map

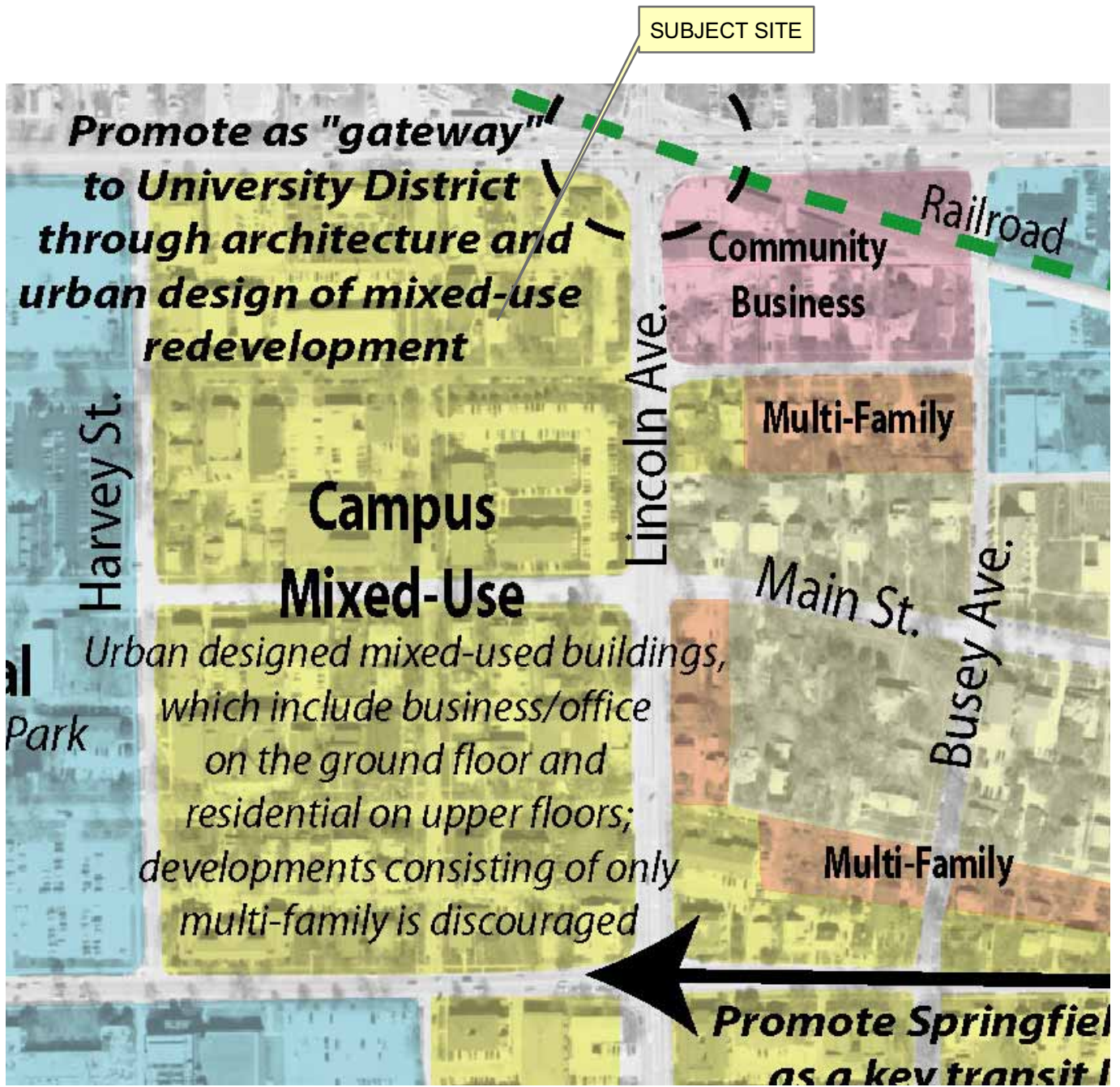


**Plan Case:** 2065-SU-08  
**Description:** Special Use Permit to allow for the establishment of an off-site accessory parking lot.  
**Petitioner:** Vermilion Development Corporation  
**Location:** 908 W. Clark St.

*Prepared 4/08 by Community Development Services - lkk*

	B2
	B3
	B3U
	R2
	R4
	IN

# Exhibit C: Future Land Use Map



**Plan Case:** 2065-SU-08

**Description:** Special Use Permit to allow for the establishment of an off-site accessory parking lot.

**Petitioner:** Vermilion Development Corporation

**Location:** 908 W. Clark St.

*Prepared 4/08 by Community Development Services - lkk*

## Exhibit D: Site Photos



Looking north at site from Clark Street



Looking southwest at site from alley



Looking south from alley at parking under the apartment building to the west of subject site





## MINUTES OF A REGULAR MEETING

### URBANA PLAN COMMISSION

**DRAFT**

**DATE:** April 24, 2008

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

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

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**MEMBERS PRESENT:** Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

**MEMBERS EXCUSED:** Tyler Fitch, Bernadine Stake

**STAFF PRESENT:** Robert Myers, Planning Manager; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Chris Dillion, Darlene Doloynes-Ferris

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

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

#### 2. CHANGES TO THE AGENDA

There were none.

#### 3. APPROVAL OF MINUTES

Mr. Grosser moved to approve the minutes from the March 20, 2008 meeting as presented. Mr. Ward seconded the motion. The minutes were approved by unanimous voice vote.

#### 4. COMMUNICATIONS

There were none.

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

## 6. OLD BUSINESS

There was none.

## 7. NEW PUBLIC HEARINGS

### **Plan Case No. 2065-SU-08: A request by Vermilion Development Corporation for a Special Use Permit to construct an accessory parking lot at 908 West Clark Street in the B-3U, General Business – University Zoning District.**

Robert Myers, Planning Manager, presented this case to the Urbana Plan Commission. He began with a brief introduction and background of the proposed site and of the purpose for the proposed Special Use Permit. He referred to Exhibit E, which is the site plan. The site plan shows the distance between the main property at 901 West University Avenue and 908 West Clark Street, where the petitioner is asking for a Special Use Permit to allow an accessory parking lot with 26 parking spaces. He mentioned the setback variances requested by the petitioner and approved by the Zoning Board of Appeals along University and Lincoln Avenues. He described the proposed site at 908 West Clark Street and the surrounding properties noting their zoning and current land uses.

He pointed out that since accessory parking has to be within 600 feet of the main development, then it doesn't make sense for this accessory parking to be located north or east as people would have to cross University or Lincoln Avenues to get to the building. Realistically, this parking would have to be located at the southwest quadrant of University and Lincoln Avenues. In drawing a 600-foot arc southwest of 901 West University Avenue, this accessory parking lot only has a few places where it could be located because it would be cost prohibitive to purchase an apartment building or business only to tear it down for surface parking. 908 West Clark Street is, therefore, one of the few locations where this accessory parking lot could be located.

Mr. Myers reviewed the requirements for a Special Use Permit according to Section VII-4 of the Urbana Zoning Ordinance and the additional requirements for accessory parking lot Special Use Permits. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Plan Commission recommend approval of the proposed Special Use Permit in Plan Case NO. 2065-SU-08 to the City Council, with the following conditions:*

- 1. The parking lot shall be constructed in general conformance to the site plan layout submitted as part of the application and labeled as Exhibit E in the written staff report.*
- 2. A landscape buffer shall be provided along the east and west property line to screen the proposed parking from adjacent properties. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.*

3. *The Special Use Permit shall expire if the subject property is not transferred to the petitioner or the proposed development at 901 West University Avenue is not constructed.*
4. *The parking lot shall only serve as accessory parking for the development at 901 West University Avenue.*

Ms. Upah-Bant asked the square footage of the retail/office building and how many parking spaces would be required. Mr. Myers answered that the building will be three-stories, and the City estimates that 135 parking spaces would be required based on square footages and proposed uses. The petitioner plans to provide some of the required parking on the property to the south of the development, 26 parking spaces at 908 West Clark Street, and the remaining off-site parking spaces will be provided at a parking lot owned by the University of Illinois. He said that the University of Illinois is going to be one of the building's users so they will have some control about where their own employees can park.

Ms. Upah-Bant stated that parking is at a premium in this part of campus. She wondered if the petitioner would be renting parking spaces to other people not affiliated with the use of the building. Mr. Myers said no.

With no further questions to the City staff by the Plan Commission, Chair Pollock opened the hearing up to take public comment.

Chris Dillion, Vermilion Development Corporation, LLC, stated that it is important to look at this in context. The building will primarily be an office building – Class A office on par with what you might find at the Research Park – but should also have some retail and/or restaurant space. The 135 required parking spaces is not a definitive number because they do not know exactly how much retail or restaurant there will be in the building.

They are also looking at the development as being an institutional presence on this corner. It is really meant to be a gateway to the campus and to the community. The University of Illinois is going to use office space in the building for their Continuing Education Department. The other office tenant will be Carle Development Foundation which is the foundation arm of the hospital. Carle is also considering taking additional space as well.

There will be some level of retail or restaurant on the first floor. Their best estimates are around 3,000 square feet. This is really what drives the number of required parking spaces to where they are currently projecting 135 spaces.

Mr. Dillion pointed out that there will be 49 parking spaces provided on-site at the two properties located at 902 and 904 West Clark Street. They are also utilizing 60 spaces with the University of Illinois that will be specifically designated for their employees. The proposed accessory lot will be used primarily as an employee lot associated with the Carle employees and any additional employees that the University may have or that the retail uses may have. These parking spaces will essentially be used during the daytime. This is why they do not feel it would be necessary to light the parking lot at night. The spaces will be available by permit to employees at the future development.

Mr. Hopkins asked if the University of Illinois is leasing the property to the petitioner. Mr. Dillion responded that Vermilion is purchasing the land from the University of Illinois Foundation. From his understanding, the University purchased the land about ten years ago to avoid McDonalds purchasing the corner and turning it into a fast food restaurant. This corner, even back then, was seen as a very prominent corner in the community. The University made a promise to the City of Urbana to return the corner back to the private sector in the future. He said that the University of Illinois will be leasing approximately 16,000 square feet in the future developed building.

Mr. Hopkins wondered what the nature of the lease is to the University of Illinois for the 16,000 square feet. What is the time span? Mr. Dillion explained that the time frame on the lease, due to state statutes, is only for two consecutive five year lease terms with two five year options for extension after the initial ten years. The parking agreement with the University of Illinois has almost the same time frame. It actually has a 25 year time frame associated with it. So, if the University was to remove their office from the building, then there is still an agreement in place to provide parking for whatever future use may come in.

Mr. Grosser questioned if the petitioner would want the required amount of parking space. Mr. Dillion explained that they are going to have a hard time marketing the retail space in the proposed building. He pointed out that the future building was envisioned as a mixed use building by both the University and the City. So, Vermilion Development would like to fulfill this. It is important to the character of University Avenue.

Mr. Grosser presumed that they have taken into account that many of their customers would be within walking distance of the future development and would not be driving vehicles. Mr. Dillion said yes. He stated that his background is in retail, and from his experience, ten per thousand restaurant parking spaces may be the minimum requirement, but some of the uses they are considering typically require more parking than this. So, if they show that their building can be easily reached by walking and biking, then they are creating an argument that they have enough parking to meet the needs of their tenants.

Chair Pollock wondered about the nature of the parking lot to the south of the future development. Will this parking area be dedicated to the office tenants? Mr. Dillion explained that the parking will be dedicated to the building itself. They are envisioning that the employees will park either in the University parking spaces or in the proposed accessory parking lot.

Chair Pollock asked how many of the parking spaces would be available on any of the lots for retail use. Mr. Dillion replied that about 30 parking spaces on the south lot would be available for the retail use.

Chair Pollock wanted to know if the retail does not work out, is there an option to have more office space on the first floor. Mr. Dillion said yes. This is one of the attractive features of building a mixed-use building of this nature.

Mr. Hopkins commented that the site plan made it a little hard to understand sidewalk widths. From what he can tell, the sidewalk around the front of the building maintains the current configuration but widens the sidewalk. Mr. Dillion explained that the existing sidewalk is

outside of the property lines in the right-of-way. Essentially the building will be set back from where the sidewalk currently exists. They anticipate that in the process of constructing the building they will be replacing the existing sidewalk with a new sidewalk. The width of the sidewalk will be subject to City code.

With no further comment or input, Chair Pollock closed the public input portion of the meeting and opened it up for Plan Commission discussion and motions.

Mr. Grosser moved that the Plan Commission forward Plan Case No. 2065-SU-08 to the City Council with a recommendation for approval along with conditions 1 through 4 as recommended by City staff in the written staff report. Mr. White seconded the motion.

Mr. Hopkins stated that although he will vote in favor of the proposed Special Use Permit request, he feels that there is an aspect of the parking which should be noted in the record. He understood that the University of Illinois is moving their employees from the Century 21 Tower to this location. They are expecting to use 60 parking spaces for those employees, but not add 60 parking spaces generally to the University of Illinois' parking inventory or particularly to this area. In this sense, the future building will not be providing the addition of the code required number of new parking spaces. You think of parking spaces as a multiplier of building square feet. So, if a building of a given size is constructed, then you add the multiplier number of parking spaces. In this case, we are not doing that. We are accounting for the rights of people using this building to have parking. He is okay with this, but he wants them to be up front about what they are doing. He believes it may amount to a variance on the City's parking requirement.

Chair Pollock commented that this is a tricky formula. There is no addition to the general area parking inventory up to the number that would be needed in order to meet the code, but because the University of Illinois is shifting certain other spaces in this area to use for this building doesn't necessarily mean that it is a violation of the requirements that this developer has to provide for. Mr. Hopkins responded by saying that he did not feel that it causes a problem. He just wants to make clear that this is what he feels is happening. Mr. Pollock stated that it is clear that the University is going to dedicate part of their parking inventory to this building in this area. They are shifting people around, but in doing so it does not mean that the development is not adhering to requirements of the City's code.

Mr. Ward felt that there was a missing piece of information that they do not have that would answer this question. If the University has just enough parking spaces to meet minimal requirements, then Mr. Hopkins is right. However, if the University has created excess capacity of parking and is simply using part of that excess to meet this then it is different. So, he did not feel that they could arrive at a hard and fast conclusion about whether technically this amounts to a variance because they do not know if an excess capacity of University parking now exists. Mr. Hopkins responded that this is simply the reason why he wants it in the record.

Mr. Grosser felt it is an interesting point. From his understanding, the University is not required to provide parking for most of the buildings that they construct. For example, the University was not required to provide any parking spaces for the Beckman Institute. Yet they did build a humongous parking garage across the street of which he presumes that some of the spaces they

are providing for the Vermilion development are coming from. A floor of the parking garage appears to be empty.

Mr. Myers pointed out that the University appears to have excess parking nearby at 901 West University Avenue. There's a large University surface parking lot less than two blocks to the west, which appears to be half full. Then, across Goodwin Avenue, there is a University parking garage which appears to have many excess spaces.

With no further debate or discussion, Chair Pollock called for roll call on the motion. It was as follows:

Ms. Burris	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Ward	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous vote.

Mr. Myers pointed out that this case would go before the City Council on May 5<sup>th</sup>.

#### **8. NEW BUSINESS**

There was none.

#### **9. AUDIENCE PARTICIPATION**

There was none.

#### **10. STAFF REPORT**

Mr. Myers, Planning Manager, reported on the following topics:

- ◆ Urbana Bicycle Master Plan was approved by the Urbana City Council.

#### **11. STUDY SESSION**

There was none.

#### **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

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Robert Myers, AICP  
Secretary, Urbana Plan Commission