



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

### *Planning Division*

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

**TO:** Mayor Diane Wolfe Marlin and City Council Members

**FROM:** Nick Olsen, Planner I

**DATE:** April 7, 2022

**SUBJECT:** An Ordinance Approving a Special Use Permit (1111 W Kenyon Road/Plan Case 2443-SU-22)

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### **Introduction**

VitalSkin Dermatology, represented by Dan Wiens, requests a special use permit to allow the expansion of a dermatology clinic at their property at 1111 West Kenyon Road in the B-3, General Business, Zoning District. In 2020, the applicant received a special use permit to operate a dermatology clinic in 6,000 square feet (sf) of the existing building (40,000 sf). They would now like to expand the clinic and testing area within the building by 7,900 square feet, for a total of 13,900 square feet. The proposed clinic and testing space would be treated as a “Hospital or Clinic” and require a special use permit in the B-3 district. The remaining space in the building would continue being used as office and storage space related to the clinic.<sup>1</sup>

At its March 24, 2022, meeting, the Plan Commission voted unanimously to forward the case to City Council with a recommendation to APPROVE the request as submitted (five ayes, zero nays); staff concurs with this recommendation.

### **Background**

#### **Description of the Site and Surrounding Properties**

The 9.46-acre parcel is owned by the applicant and lies on the south side of West Kenyon Road between North Lincoln Avenue and Federal Drive (Exhibit A). The north half of the parcel is the site of the existing building and parking; the south half of the property is undeveloped grass and wooded area. The property has been the site of a dermatology clinic and related offices since 2020, and was previously used for book and periodical publishing, storage and distribution. Other nearby uses include Campus Ink and Peoria Motor Coach (west), Holiday Inn Express and Radisson Hotel (east), and One Illinois North Apartments (south). Table 1 summarizes the current zoning, existing land uses, and 2005 Comprehensive Plan future land use designations of the site and surrounding land (Exhibits B and C).

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<sup>1</sup> Section V-1. and Table V-1. of the Urbana Zoning Ordinance permit Professional Office in the B-3 district by right.

**Table 1. Zoning, Existing Land Use, Future Land Use Designation**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<b>Site</b>	B-3, General Business	Clinic, Professional Office, Storage	Light Industrial
<b>North</b>	None	Interstate Highway	Undesignated
<b>East</b>	B-3, General Business	Hotel	Regional Business
<b>South</b>	R-4, Medium Density Multiple Family Residential	Multifamily Residential (apartments)	Multifamily
<b>West</b>	IN-1, Light Industrial	Agriculture, Printing & Copy Service	Industrial

**Proposed Use**

The existing building is approximately 40,000 square feet (sf). The existing uses are as corporate offices for a chain of dermatology clinics (17,509 sf), storage space (15,419 sf), both permitted by right, and clinic space (6,000 sf), allowed by a special use permit granted in 2020. The currently-proposed special use permit would allow the conversion of up to 7,900 sf of storage space to additional clinic and testing space over the next five years.

**Discussion**

**Requirements for a Special Use Permit**

According to Section VII-4.A. 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.*

Clinic use in this location is conducive to the public convenience due to the proximity to interstate highway I-74 and two bus stops, providing ease of access to patients and employees from the surrounding area. The addition of testing facilities within the same building would provide patients of the clinic with faster and more efficient service, and should result in additional jobs at the location.

- 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 to the public welfare.*

The proposed dermatology clinic would not be injurious or detrimental to the B-3 zoning district, or injurious to the general public. It would not negatively affect nearby commercial, hotel or retail uses, and is buffered from the adjacent residential land by open space and trees. Converting some of the storage space into a clinic would not require substantially more parking<sup>2</sup>, and should not generate a substantial amount of traffic. It would also not require any additional infrastructure or services (water,

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<sup>2</sup> The property has 116 parking spaces, more than the 100 currently required. If all 7,900 additional square feet of storage are converted to clinic use, 128 spaces would be required. At that time, the applicant could either add more parking or seek a variance to allow less parking than required.

stormwater, energy). Clinic visitors, employees and patients would likely contribute to the local economic activity of nearby shops and restaurants.

*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 clinic and testing space would conform to the regulations and standards of, and preserve the essential character of, the B-3 zoning district. The building's footprint and exterior would not be changed as result of the proposed uses.

### **Overview**

The conversion of a portion of the existing storage space to dermatology clinic and testing facilities would provide economic benefit to the city and meet the criteria for approval of a special use permit. It would redevelop an existing structure and would meet all development regulations.<sup>3</sup>

In response to the requirements in Section VII-4.A. of the Zoning Ordinance, the City Council may also recommend such 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 this Ordinance, including but not limited to conditions that:

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

### **Plan Commission**

At its March 24, 2022, meeting, after having no questions or discussion, the Plan Commission voted unanimously (five ayes, zero nays) to forward the case to City Council with a recommendation to APPROVE the request, with the condition that there is general conformance with the submitted site plan (Exhibit E); staff concurred with this recommendation (Exhibit G).

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<sup>3</sup> See previous footnote regarding potential additional parking requirements.

## Summary of Findings

1. VitalSkin Dermatology, represented by Dan Wiens, requests a special use permit to expand a medical clinic in the existing building at 1111 West Kenyon Road in the B-3, General Business Zoning District.
2. The proposed dermatology clinic and testing facilities would be treated as a “Hospital or Clinic” and require a special use permit in the B-3 district.
3. The proposed use is conducive to the public convenience at this location due to its proximity to interstate highway I-74 and to mass transit, which would be convenient for office employees and clinic employees and patients. The addition of testing facilities would improve services for patients.
4. The proposed use would not be injurious or detrimental to the B-3 zoning district, or injurious to the general public, as it would not negatively affect nearby uses or traffic patterns, nor generate excessive noise. It also would not require substantially more parking nor any additional infrastructure or services.
5. The proposed dermatology clinic would conform to the regulations and standards of, and preserve the essential character of, the B-3 zoning district. The building’s footprint and exterior will be unchanged.

## Public Input

Staff published a legal ad in the News-Gazette to notify the public of the request and public hearing fifteen days prior to the Plan Commission meeting. Staff also sent letters to 27 neighboring property owners notifying them of the request, and posted a public hearing sign on the property. Staff did not receive any public input regarding the requested special use permit.

## Options

City Council has the following options in Plan Case 2443-SU-22:

1. Approve the Ordinance; or
2. Approve the Ordinance with certain terms and conditions; or
3. Deny the Ordinance

## **Recommendation**

At its March 24, 2022, meeting, the Plan Commission voted unanimously – with five ayes, zero nays – to forward Plan Case 2443-SU-22 to the Urbana City Council with a recommendation to APPROVE the special use permit request as submitted, with the following condition:

- Construction of additional clinic or testing space must be in general conformance with the attached site plan (Exhibit E) which allocates up to 7,900 additional square feet to clinic and testing space.

Attachments:           Exhibit A: Location & Land Use Map  
                              Exhibit B: Zoning Map  
                              Exhibit C: Future Land Use Map  
                              Exhibit D: Application for Special Use Permit  
                              Exhibit E: Site Plan  
                              Exhibit F: Site Photos  
                              Exhibit G: Plan Commission Meeting Minutes - March, 24, 2022

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

**(1111 W. Kenyon Rd. / Plan Case 2443-SU-22 – VitalSkin Dermatology)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, VitalSkin Dermatology has petitioned the City for approval of a special use permit to expand a medical clinic in the existing building at 1111 West Kenyon Road, in the B-3, General Business, Zoning District; and

**WHEREAS**, the proposed use is permitted in the B-3, General Business, Zoning District as a Hospital or Clinic under special use permit procedures; and

**WHEREAS**, the proposed use would be conducive to the public convenience due to its proximity to interstate highway I-74 and to mass transit, which would be convenient for clinic employees patients; and

**WHEREAS**, the proposed use would not be injurious or detrimental to the B-3, General Business, Zoning District or to the general public, because it would not negatively affect nearby uses or traffic patterns; nor generate excessive noise; nor require substantially more parking nor any additional infrastructure or services; and

**WHEREAS**, the proposed development is consistent with the development regulations for, and preserves the essential character of, the B-3, General Business, Zoning District; and

**WHEREAS**, after due publication, the Urbana Plan Commission held a public hearing on March 24, 2022, and voted with five (5) ayes, and zero (0) nays to forward Plan Case 2443-SU-22 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 condition set forth below, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Procedures, and with the general intent of that section of the Ordinance.

**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 the expansion of a clinic in the B-3, General Business, Zoning District with the following condition: Construction must be in general conformance with the attached site plan, entitled “Site Plan - 1111 West Kenyon Road,” which allocates up to 7,900 square feet for future expansion, dated February 18, 2022 (Attachment 1).

Legal Description:

A Part of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of Third Principal Meridian, in Champaign County, Illinois, described as follows:

Commencing at the intersection of the West line of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of Third Principal Meridian and the South right-of-way line of F.A.I. 74, thence North 89 degrees 31 minutes 18 seconds East 30.00 feet to the True Point of Beginning; thence North 89 degrees 31 minutes 18 seconds East along the South right-of-way line of F.A.I. 74, 472.15 feet more or less to the Northwest corner of a tract of land owned by the Marathon Oil Company as recorded in the Office of the Recorder of Deeds of Champaign County in Book 758 at Page 382, Document No. 712606; thence South 0 degrees East along the West line of said tract, 876.80 feet to the Southwest Corner of the tract of land owned by the Marathon Oil Company; thence North 90 degrees West, 469.69 feet more or less to a point 30 feet East of the West line of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 9 East; thence North 0 degrees 08 minutes

39 seconds West parallel to said West line of the East Half of the Southeast Quarter of Section 6,872.68 feet to the place of beginning. Situated in Champaign County, Illinois.

P.I.N.: 91-21-06-426-001      Address: 1111 West Kenyon Road, Urbana, Illinois

**Section 2.**

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

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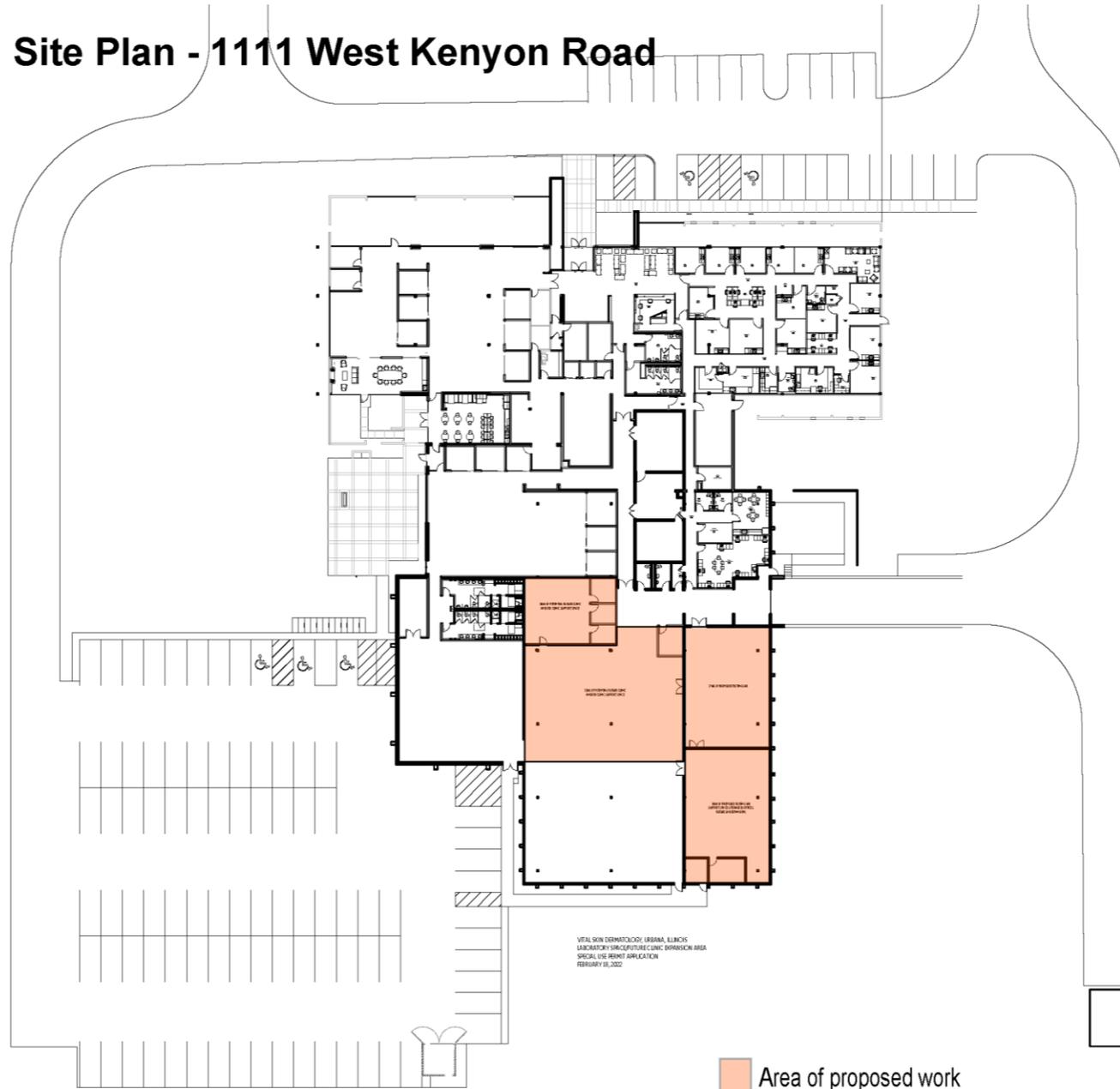
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this date day of Month, Year.

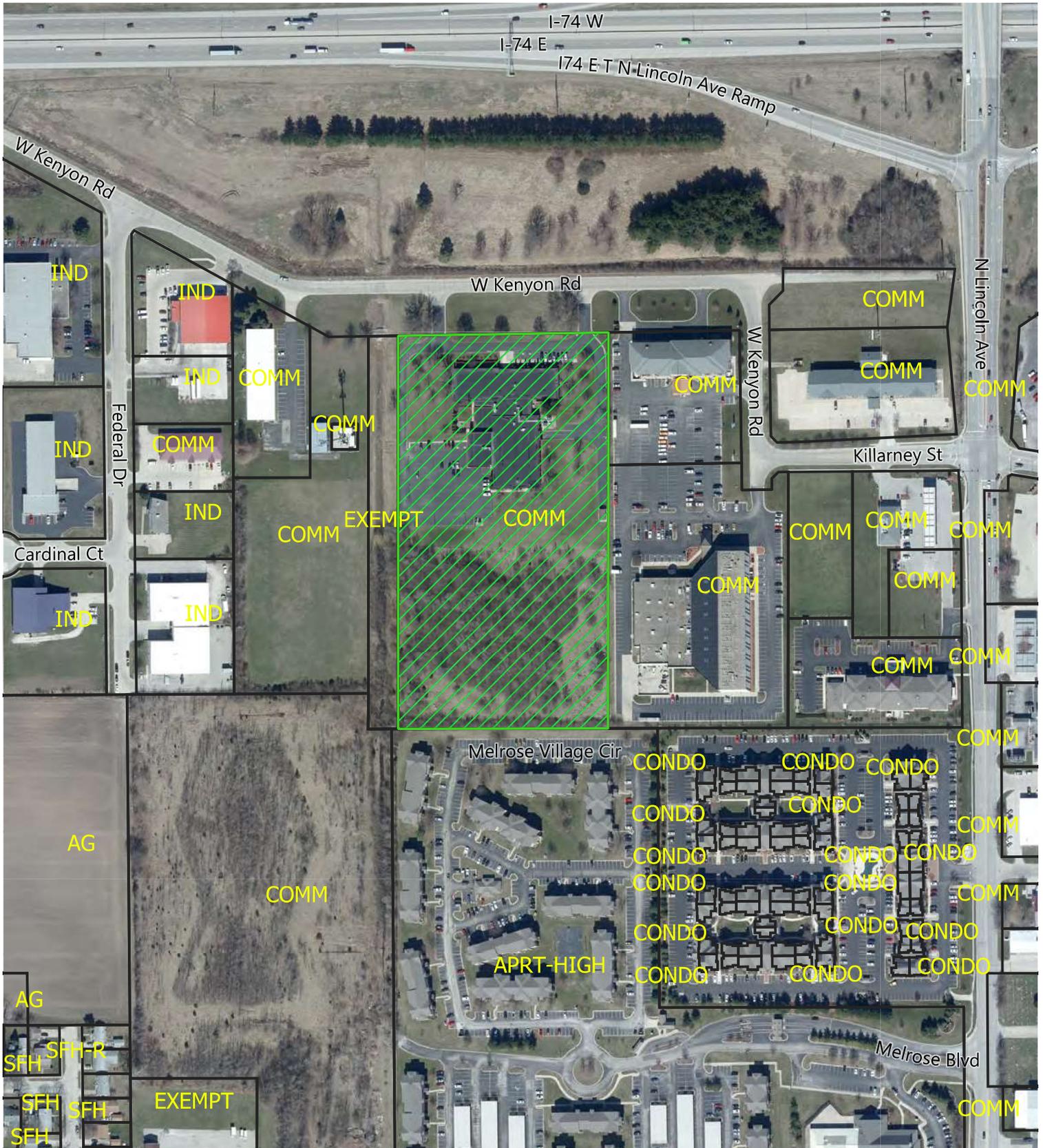
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Diane Wolfe Marlin, Mayor

# Attachment 1: Site Plan - 1111 West Kenyon Road

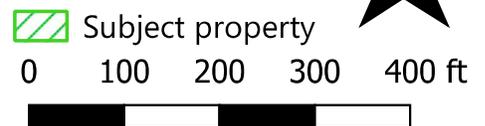


# Exhibit A - Location & Land Use

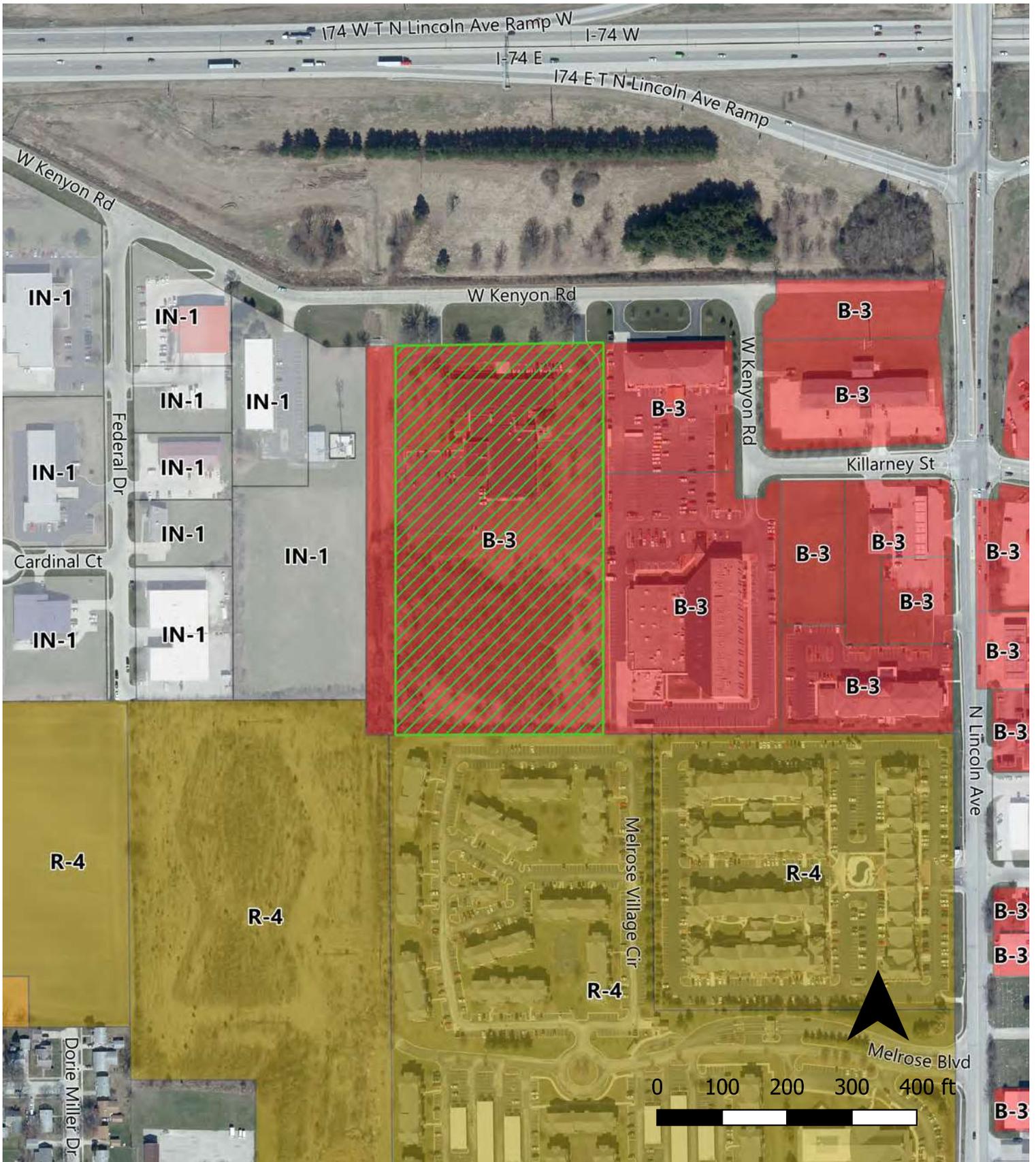


Case: 2443-SU-22  
 Subject: Medical Clinic Special Use Permit  
 Location: 1111 West Kenyon Road  
 Owner: 1111 West Kenyon Rd LLC dba  
 VitalSkin Dermatology

## Legend



# Exhibit B - Current Zoning

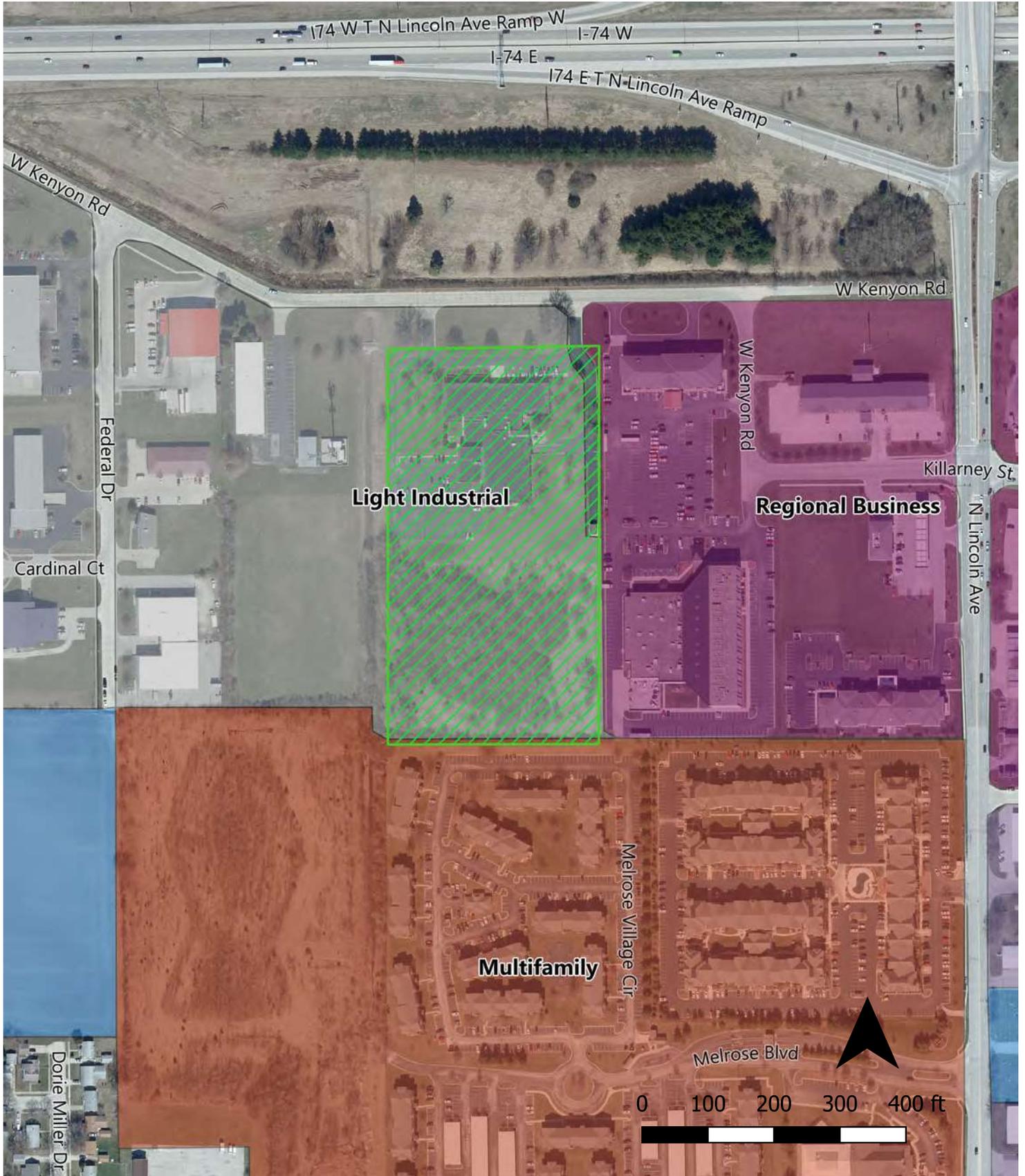


Case: 2443-SU-22  
 Subject: Medical Clinic Special Use Permit  
 Location: 1111 West Kenyon Road  
 Owner: 1111 West Kenyon Rd LLC dba  
 VitalSkin Dermatology

## Legend

- Subject property
- IN-1
- Zoning R-3
- B-3
- R-4

# Exhibit C - Future Land Use



Case: 2443-SU-22  
Subject: Medical Clinic Special Use Permit  
Location: 1111 West Kenyon Road  
Owner: 1111 West Kenyon Rd LLC dba  
VitalSkin Dermatology

## Legend

 Subject property

# Exhibit D : Application for Special Use Permit



## Application for Special Use Permit

## PLAN COMMISSION

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

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

Date Request Filed 02-21-2022 Plan Case No. 2443-SU-22  
Fee Paid - Check No. 003218 Amount \$200.00 Date 02-25-2022

### 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 \_\_\_\_\_ of the Urbana Zoning Ordinance to allow (*Insert proposed use*) Medical Clinic Te on the property described below.  
Medical Clinic Testing Lab

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Vital Skin Dermatology - Dan Wiens** Phone: **217-840-6934**  
Address (*street/city/state/zip code*): **1111 West Kenyon Road, Urbana, Illinois**  
Email Address: **dan.wiens@vitalskinderm.com**

#### 2. PROPERTY INFORMATION

Address/Location of Subject Site: **1111 West Kenyon Road, Urbana, Illinois**  
PIN # of Location:  
Lot Size: **9.46 Acres**  
Current Zoning Designation: **B-3**  
Current Land Use (*vacant, residence, grocery, factory, etc*): **Corporate Offices & Medical Clinic**  
Proposed Land Use: **Expansion of medical clinic to include testing laboratory**  
Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

### 3. CONSULTANT INFORMATION

**Name of Architect(s):** KAP Architecture LLC - B ob Kapolnek, AIA Phone: 217-351-6005

Address (street/city/state/zip code): 3019 Village Office Place, Champaign, IL 61822

Email Address: bob@kaparchitecture.com

**Name of Engineers(s):** NA

Phone:

Address (street/city/state/zip code):

Email Address:

**Name of Surveyor(s):** NA

Phone:

Address (street/city/state/zip code):

Email Address:

**Name of Professional Site Planner(s):** NA

Phone:

Address (street/city/state/zip code):

Email Address:

**Name of Attorney(s):** Greensfelder Hemker and Gale - Tracy Rin Phone:

Address (street/city/state/zip code): 10 South Broadway, Suite 2000, St Louis, MO 63102

Email Address:

### 4. REASONS FOR SPECIAL USE PERMIT

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

The proposed testing lab would be constructed within vacant warehouse area in the existing building. The lab would be used to test samples from the soon-to-be-completed Urbana clinic within the same building, as well as to receive and process samples from other Vital Skin Dermatology clinics in the region. Construction of the lab will provide a more efficient testing process beneficial to the patients. In addition, more jobs will be created as the facility becomes operational.

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.

This location will not be injurious in any sense to the adjacent businesses in this district. It is very common to have a pathology lab associated with a large sized dermatology clinic. New employees of this lab will contribute to the economic vitality of the area by patronizing nearby restaurants and retail facilities. The size of the lab will not generate excessive vehicular traffic that would interfere with existing traffic patterns or controls.

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.

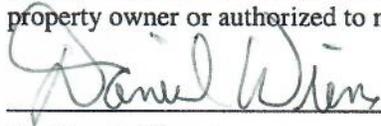
We are not requesting any changes to the current zoning requirements within this district, other than to request a special use permit to use a portion of the existing vacant warehouse as a testing laboratory. The exterior of the building has already received substantial upgrades, and will be unaffected by the inclusion of the lab.

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

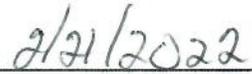
**By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.**

**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

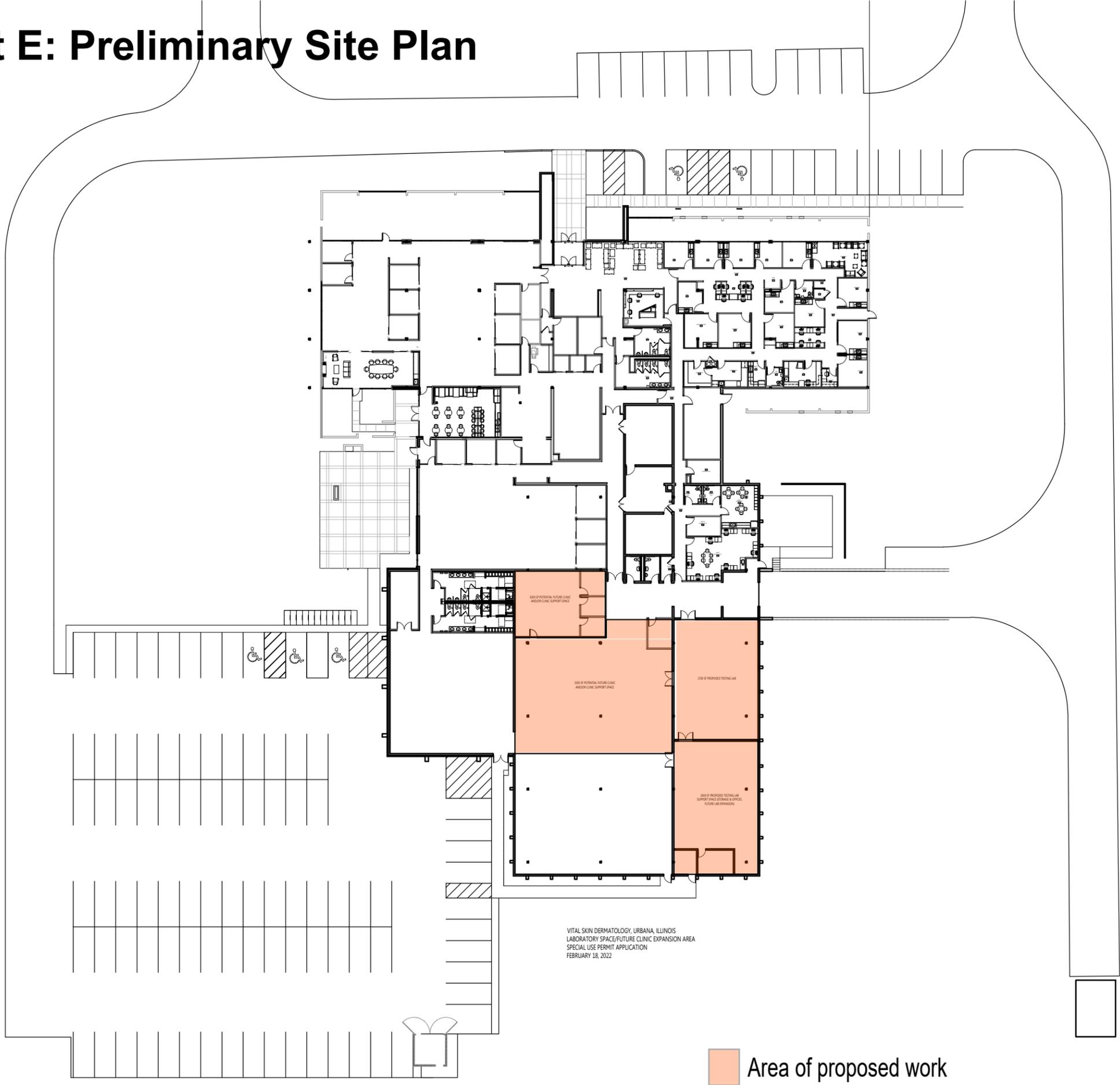


Date

**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 E: Preliminary Site Plan



VITAL SKIN DERMATOLOGY, URBANA, ILLINOIS  
LABORATORY SPACE/FUTURE CLINIC EXPANSION AREA  
SPECIAL USE PERMIT APPLICATION  
FEBRUARY 18, 2022

 Area of proposed work

# Exhibit F: Site Photos





**EXHIBIT G – Draft Plan Commission Minutes 3-24-2022**

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**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** March 24, 2022

**TIME:** 7:00 P.M.

**PLACE:** Zoom Webinar

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**MEMBERS ATTENDING**

**VIA ZOOM:** Andrew Fell, Lew Hopkins, Debarah McFarland, Chenxi Yu

**MEMBER ATTENDING**

**AT CITY BUILDING:** Dustin Allred

**MEMBERS EXCUSED:** Jane Billman, Karen Simms

**STAFF PRESENT:** UPTV Camera Operator; Kevin Garcia, Principal Planner | Zoning Administrator; Marcus Ricci, Planner II; Lily Wilcock, Planner II; Nick Olsen, Planner I

**PUBLIC PRESENT:** Kayla Baldwin, John Hall, Bob Kapolnek, James Kim, Daisy Ochoa

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**1. NEW PUBLIC HEARINGS**

**Plan Case No. 2443-SU-22 – A request by VitalSkin Dermatology for a Special Use Permit to expand a medical clinic in the existing building at 1111 West Kenyon Road in the B-3, General Business Zoning District.**

Chair Allred opened Plan Case No. 2443-SU-22. Kevin Garcia introduced Nick Olsen as the newest Planner for the City of Urbana.

Mr. Olsen presented the case to the Plan Commission. He began by stating the purpose for the special use permit application, which is to expand the existing dermatology clinic and testing area within the building by up to 7,900 square feet, for a total of 13,900 square feet. He described the subject property, noting the current location, zoning and land use. He showed the Preliminary Site Plan, indicating the area of the building that they would like to expand into. He talked about parking requirements for future expansion. He summarized staff findings, read the options of the Plan Commission and presented staff's recommendation for approval with the following condition:

Construction of additional clinic or testing space must be in general conformance with the submitted site plan (Exhibit E), which allocates up to 7,900 additional square feet to clinic and testing space.

Chair Allred asked if the Plan Commission members had questions for City staff. With there being none, Chair Allred opened the hearing for public input. He invited the applicant to speak.

Bob Kapolnek, of KAP Architecture LLC, spoke in favor of the proposed application. He stated that he was the architect for the proposed expansion. He clarified that patients would not be allowed in the lab. The lab would be used to process slides with human tissue. He noted that a future expansion would likely be for office space.

With there being no additional public input, Chair Allred declared the public input portion of the hearing closed and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Fell moved that the Plan Commission forward Plan Case No. 2443-SU-22 to the City Council with a recommendation for approval with the following condition: Construction of additional clinic or testing space must be in general conformance with the submitted site plan (Exhibit E), which allocates up to 7,900 additional square feet to clinic and testing space. Ms. McFarland seconded the motion. Roll call on the motion was as follows:

Ms. McFarland	-	Yes	Ms. Yu	-	Yes
Mr. Allred	-	Yes	Mr. Fell	-	Yes
Mr. Hopkins	-	Yes			

The motion passed by unanimous vote. Mr. Olsen noted that the case would be forwarded to City Council on April 11, 2022.

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