



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

FROM: John A. Schneider, MPA, Manager, Community Development Services Department

DATE: May 17, 2018

SUBJECT: **An Ordinance Approving a Special Use Permit** (1007 West University Avenue / Green Street Realty – Plan Case 2343-SU-18)

Introduction

Green Street Realty has applied for a Special Use Permit to establish a mixed-use commercial and multi-family residential building at 1007 West University Avenue. The Urbana Zoning Ordinance requires a Special Use Permit for multi-family residential uses in the B-3, General Business district. The commercial use is allowed by right. The property is currently home to Niro's Gyros, a one-story drive-through/take-out restaurant. The applicant would like to replace the existing building with a five-story building with commercial space on the ground floor and apartments above.

At the May 10, 2018, meeting, the Plan Commission voted unanimously to forward the case to the City Council with a recommendation to approve the Special Use Permit with conditions. The City Council must approve, approve with certain conditions, or deny the application.

Background

Description of the Site and Surrounding Properties

The property is approximately 18,000ft² (or just over 0.4 acres), and is located on the south side of University Avenue between Goodwin Avenue and Lincoln Avenue. It is directly across University Avenue from the Campus Circle apartments, another mixed use residential and commercial building, which is also zoned B-3. Campus Circle was granted a Special Use Permit in May, 2014, to allow multi-family residential in the B-3 district.¹ Most other nearby parcels along University Avenue are auto-oriented (drive in) businesses, with the exception of two University of Illinois-owned parking lots to the west. To the south are high-density apartment buildings. Within a few blocks of the site, to the west and southwest, is the University of Illinois campus.

¹ Ord. Nos. 2012-10-097 and 2014-05-050 (to renew the previous SUP, which had lapsed).

The following chart identifies the current zoning and existing land uses of the site and surrounding properties (see Exhibits A and B).

Direction	Zoning	Existing Land Use
Site	B-3, General Business	Drive-through Restaurant
North	B-3, General Business	Mixed-use (Apartment/Retail)
East	B-3, General Business	Drive-through Restaurant
South	B-3U, General Business – University	Apartment
West	B-3, General Business	Parking Lot

Proposed Uses

The proposed uses of the site are 1,739ft² of commercial space on the ground floor, plus four additional stories each with six apartments (24 units total). The apartments would be a mix of single-bedroom (4) and two-bedroom (20) units.

Exhibit D contains a preliminary site plan and building elevations. The plans include parking for 30 cars and 14 bikes. All bike parking will be covered, as will the two required handicapped parking spaces and four other parking spaces. Access to the site will come from University Avenue and from the alley to the south. While landscaping is not shown on the preliminary site plan, the final development, if approved, must conform to the screening requirements of the Urbana Zoning Ordinance. Staff recommends that a landscape plan be submitted and adhered to as a condition of the Special Use Permit.

Plan Commission Meeting

The Plan Commission held a public hearing on the Special Use Permit request at the May 10, 2018, meeting. The Plan Commission discussed the site plan, including the building location, drive aisles, parking, screening, and landscaping. While the proposed plans do not include a long enough drive through lane or enough parking to meet the Zoning Ordinance requirements for a drive through restaurant (such as Niro’s Gyros), the Plan Commission recommended a condition to leave the option open should the applicant choose to pursue it. No members of the public spoke for or against the proposal.

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.*

The property is located in an area that is both commercial and residential. Other high-density residential apartments are located to the south and north, and businesses line University Avenue. Adding more housing to the area is conducive to the public convenience. It would add more residents to the area, which would benefit the surrounding businesses. It is also very close to northern part of the University of Illinois campus, which would benefit potential tenants.

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 use will not be unreasonably injurious or detrimental to the district or to the public welfare. The uses are highly compatible with the surrounding area and the B-3 district in general. As the building would be located on the south side of University Avenue, tenants would not need to cross a busy arterial street to reach the University of Illinois. As stated above, the addition of residents will be beneficial, rather than detrimental, to the area.

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 character of the B-3, General Business District will be preserved with the proposed special use. All development regulations of the B-3 district are met by the proposed site plan.

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

In addition, the City Council may impose 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 uses;
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, minimum 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;
8. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

Staff initially proposed three conditions to the Plan Commission for their consideration, which addressed screening, landscaping, and general compliance with the proposed site plan. After discussion, the Plan Commission recommended three different conditions, which are similar to those proposed by staff, but add flexibility to allow alternative site plans that match the spirit of the proposed plans. Specifically, the conditions would require roughly the same number of residential units and the same building height as the proposed plans, but otherwise allow flexibility for the final site layout.

Summary of Findings

1. Green Street Realty requests a Special Use Permit to establish a mixed-use commercial and multi-family residential building at 1007 West University Avenue in the B-3, General Business District. The multi-family use requires a Special Use Permit in the B-3 zoning district.
2. The proposed use is conducive to the public convenience at this location, and is located in an area that already contains high-density residential and business uses.
3. The proposed use would not be unreasonably injurious or detrimental to the district in which it shall be located.
4. The proposed use conforms to the regulations and standards of, and preserves the essential character of the B-3 district in which it shall be located.
5. The Plan Commission voted unanimously (nine to zero) to forward the case to City Council with a recommendation for approval with conditions.

Options

The City Council has the following options:

1. Approve the Special Use Permit without any conditions.
2. Approve of 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.
3. Deny the Special Use Permit.

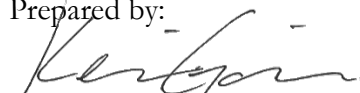
Recommendation

At its May 10, 2018, meeting, the Plan Commission voted with nine ayes and zero nays to forward the Special Use Permit request to the City Council with a recommendation for APPROVAL with the following CONDITIONS:

1. That the site plan achieves the standards and conditions of the Zoning Ordinance (including for screening and parking).
2. That residential use be permitted in substantial compliance with the proposed number of units and building height.
3. That the site plan be configured in a way to enable a variance for a restaurant or fast food use.

Staff concurs with this recommendation.

Prepared by:



Kevin Garcia, AICP, Planner II

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Application for Special Use Permit
Exhibit D: Preliminary Site Plan and Elevations
Exhibit E: DRAFT Meeting Minutes from May 10, 2018, Plan Commission

CC: Chris Saunders (Green Street Realty)
Jacob Unzicker (Mode 3 Architecture)

ORDINANCE NO. 2018-05-036

An Ordinance Approving a Special Use Permit

(1007 West University Avenue / Green Street Realty – Plan Case 2343-SU-18)

WHEREAS, Green Street Realty has petitioned the City for approval of a Special Use Permit to allow the establishment of a Dwelling, Multifamily use in a mixed use building in the B-3, General Business Zoning District; and

WHEREAS, the Urbana Zoning Ordinance requires a Special Use Permit for Dwelling, Multifamily in the B-3, General Business Zoning District; and

WHEREAS, the proposed use is conducive to the public convenience at this location and is located in an area that already contains high-density residential and business uses; and

WHEREAS, the proposed use would not be unreasonably injurious or detrimental to the district in which it shall be located; and

WHEREAS, the proposed use conforms to the regulations and standards of, and preserves the essential character of the B-3, General Business Zoning District in which it shall be located; and

WHEREAS, after due publication. the Urbana Plan Commission held a public hearing on May 10, 2018, and voted with nine (9) ayes and zero (0) nays to forward Plan Case 2343-SU-18 to the Urbana City Council with a recommendation to approve the request for a Special use Permit, subject to the conditions specified in Section 1 herein; and

WHEREAS, approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Procedures, and with the general intent of that Section of the Ordinance; and

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 a Dwelling, Multifamily in the B-3, General Business Zoning District with the following conditions:

1. That the site plan achieves the standards and conditions of the Zoning Ordinance (including for screening and parking)
2. That residential use be permitted in substantial compliance with the proposed number of units and building height.
3. That the site plan be configured in a way to enable a variance for a restaurant or fast food use.

Legal Description:

Lots Four (4) and Five (5) of Jonathon N. Howser's Heirs Subdivision of Lot Twenty-four (24) and the East 251 feet of Lot Twenty-five (25) of M. W. Busey's Heirs Addition to Urbana, and Lots One (1), Two (2), and Three (3) of Block Forty-four (44), and Lot Six (6) in Block Forty-five (45) of Seminary Addition to Urbana, as per plat recorded in Plat Book "A", at Page 340, in Champaign County, Illinois.

PIN: 91-21-07-480-017, Address: 1007 West University Avenue

Section 2. 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. 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.

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 _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Charles A. Smyth, City Clerk

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

Diane Wolfe Marlin, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Charles A. Smyth, 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 _____, 2018, the City Council of the City of Urbana passed and approved Ordinance No. _____, entitled “An Ordinance Approving a Special Use Permit (1007 West University Avenue / Green Street Realty – Plan Case 2343-SU-18)” 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 _____, 2018, 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 _____, 2018.

Exhibit A: Location & Existing Land Use Map

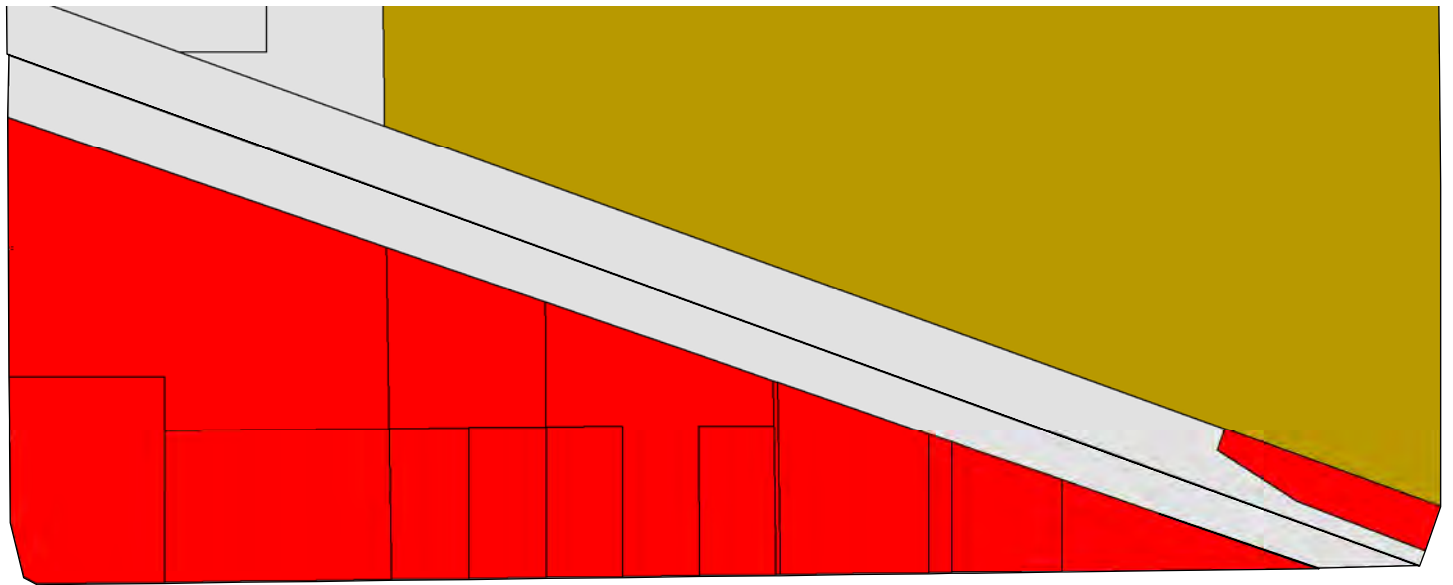


Case: 2343-SU-18
Subject: Special Use Permit
Location: 1007 West University Avenue
Petitioner: Green Street Realty

 Subject Property

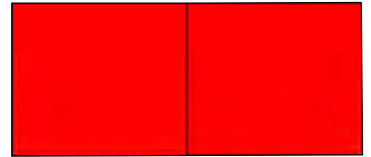
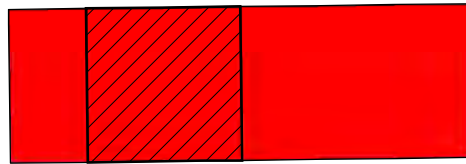
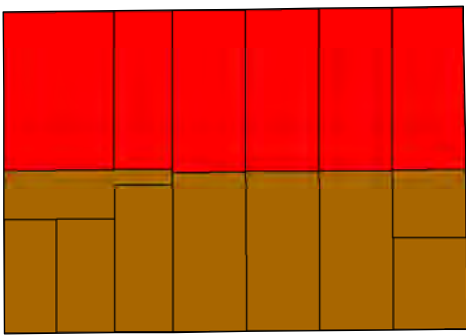


Exhibit B: Zoning Map



W University Ave

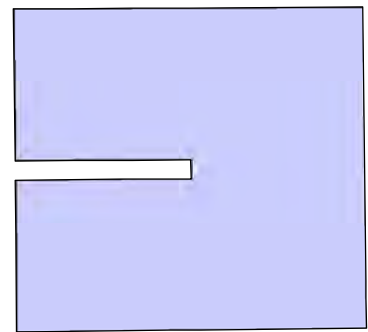
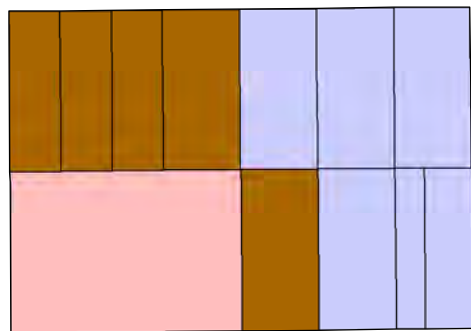
N Goodwin Ave



Harvey St

Clark St

N Gregory St



0 125 250 500 Feet

W Main St



Case: 2343-SU-18
 Subject: Special Use Permit
 Location: 1007 West University Avenue
 Petitioner: Green Street Realty

	IN-1		B3U
	B1		R4
	B3		R5
	Subject Property		



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 4/20/2018 Plan Case No. 2343-SU-18
Fee Paid - Check No. 1404 Amount \$200.00 Date 4/20/18

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A SPECIAL USE PERMIT is requested in conformity with the powers vested in the Plan Commission to recommend to the City Council under Section VII-4 of the Urbana Zoning Ordinance to allow *(Insert proposed use)* Multi-Family Residential on the property described below.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Green Street Realty Phone: 217-356-8750
Address (street/city/state/zip code): 510 S Neil St, Champaign, IL 61820
Email Address: chris@greenstrealty.com

2. PROPERTY INFORMATION

Address/Location of Subject Site: **1007 West University Avenue**
PIN # of Location: **91-21-07-80-017**
Lot Size: **17,964 sf**
Current Zoning Designation: **B3**
Current Land Use (vacant, residence, grocery, factory, etc): **fast food drive-thru restaurant**
Proposed Land Use: **Mixed Use Retail with Multi-Family Residential**

Legal Description (If additional space is needed, please submit on separate sheet of paper):

Lots Four (4) and Five (5) of Jonathon N. Howser's Heirs Subdivision of Lot Twenty-four (24) and the East 251 feet of Lot Twenty-five (25) of M. W. Busey's Heirs Addition to Urbana, and Lots One (1), Two (2), and Three (3) of Block Forty-four (44), and Lot Six (6) in Block Forty-five (45) of Seminary Addition to Urbana, as per plat recorded in Plat Book "A," at Page 340, in Champaign County, Illinois.

3. CONSULTANT INFORMATION

Name of Architect(s): Mode 3 Architecture (Jacob Unzicker) Phone: 217.355.8731

Address (street/city/state/zip code): 301 N Neil St. Suite 400, Champaign, IL 61820

Email Address: jacob@mode3arch.com

Name of Engineers(s): BKB Engineering (Bryan Bradshaw) Phone: 217.531.2971

Address (street/city/state/zip code): 301 N Neil St. Suite 400, Champaign, IL 61820

Email Address: bbradshaw@bkbeng.com

Name of Surveyor(s): BKB Engineering (Bryan Bradshaw) Phone: 217.531.2971

Address (street/city/state/zip code): 301 N Neil St. Suite 400, Champaign, IL 61820

Email Address: bbradshaw@bkbeng.com

Name of Professional Site Planner(s): Phone:

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

Email Address:

Name of Attorney(s): Rick Aeilts Phone: 217-351-4040

Address (street/city/state/zip code): 411 W University Ave, Champaign, IL 61820

Email Address: RAeilts@erwinlaw.com

4. REASONS FOR SPECIAL USE PERMIT

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

We are applying for a special use permit to build a 5 story building with multifamily residential on the top four floors of the building. We believe that proximity to the University of Illinois campus and hospitals will be an ideal location for residential use.

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.

The proposed designed building will fit well into this district, as many of the surrounding buildings are either multifamily or mixed used buildings.

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.

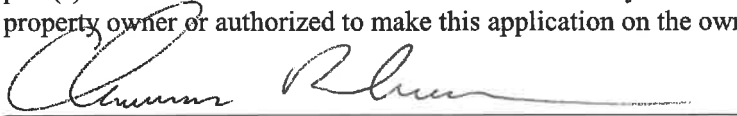
The proposed designed building will conform to the standards of the district by preserving retail on the first floor like the other properties in the district. We will be significantly enhancing the district with this building.

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.



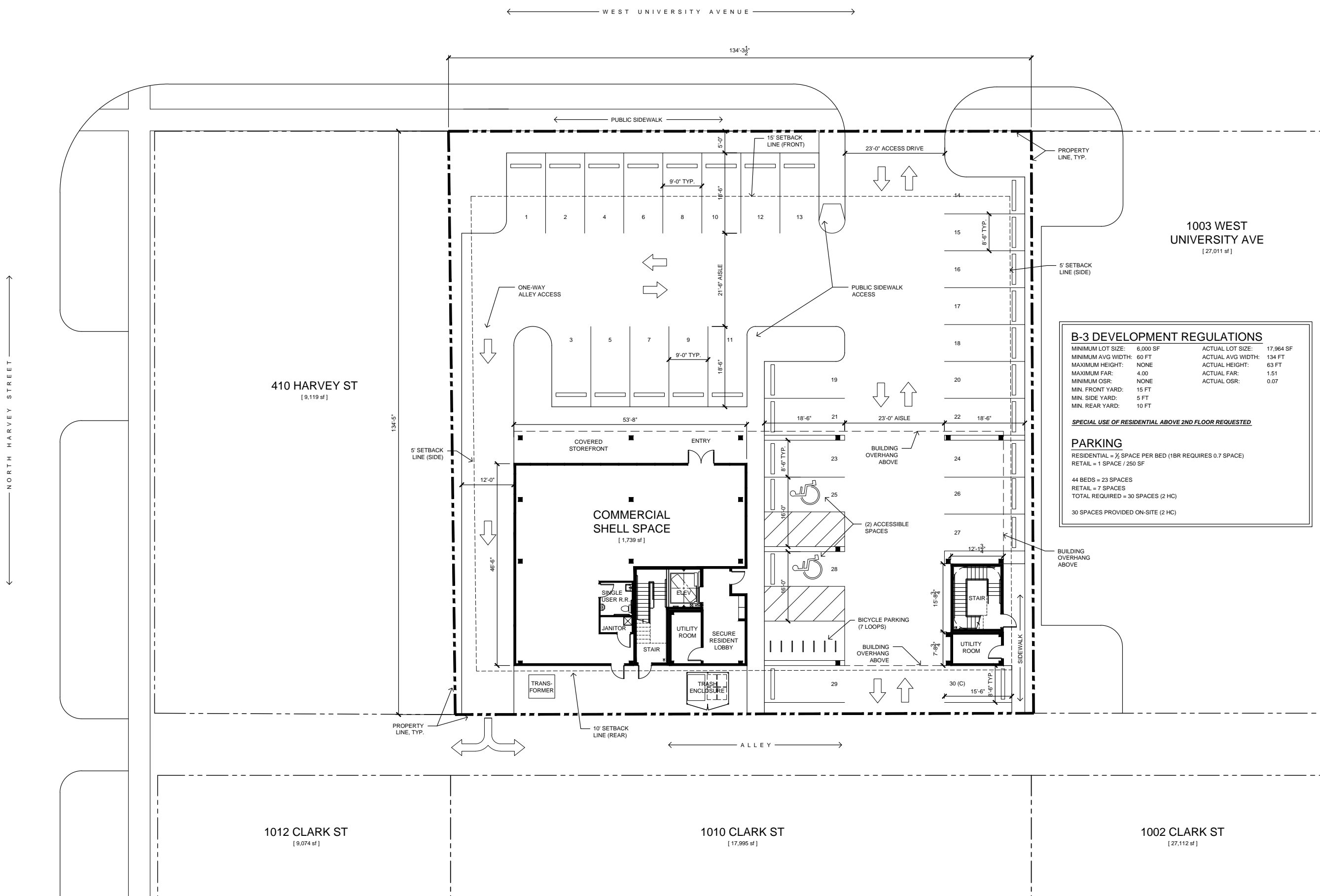
Applicant's Signature

4-20-18

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



B-3 DEVELOPMENT REGULATIONS

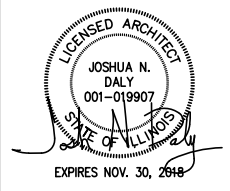
MINIMUM LOT SIZE:	6,000 SF	ACTUAL LOT SIZE:	17,964 SF
MINIMUM AVG WIDTH:	60 FT	ACTUAL AVG WIDTH:	134 FT
MAXIMUM HEIGHT:	NONE	ACTUAL HEIGHT:	63 FT
MAXIMUM FAR:	4.00	ACTUAL FAR:	1.51
MINIMUM OSR:	NONE	ACTUAL OSR:	0.07
MIN. FRONT YARD:	15 FT		
MIN. SIDE YARD:	5 FT		
MIN. REAR YARD:	10 FT		

SPECIAL USE OF RESIDENTIAL ABOVE 2ND FLOOR REQUESTED

PARKING
 RESIDENTIAL = 1/2 SPACE PER BED (1BR REQUIRES 0.7 SPACE)
 RETAIL = 1 SPACE / 250 SF

44 BEDS = 23 SPACES
 RETAIL = 7 SPACES
 TOTAL REQUIRED = 30 SPACES (2 HC)
 30 SPACES PROVIDED ON-SITE (2 HC)

PROJECT TITLE:
 1007 UNIVERSITY DEVELOPMENT
 DESIGN REVIEW APPLICATION

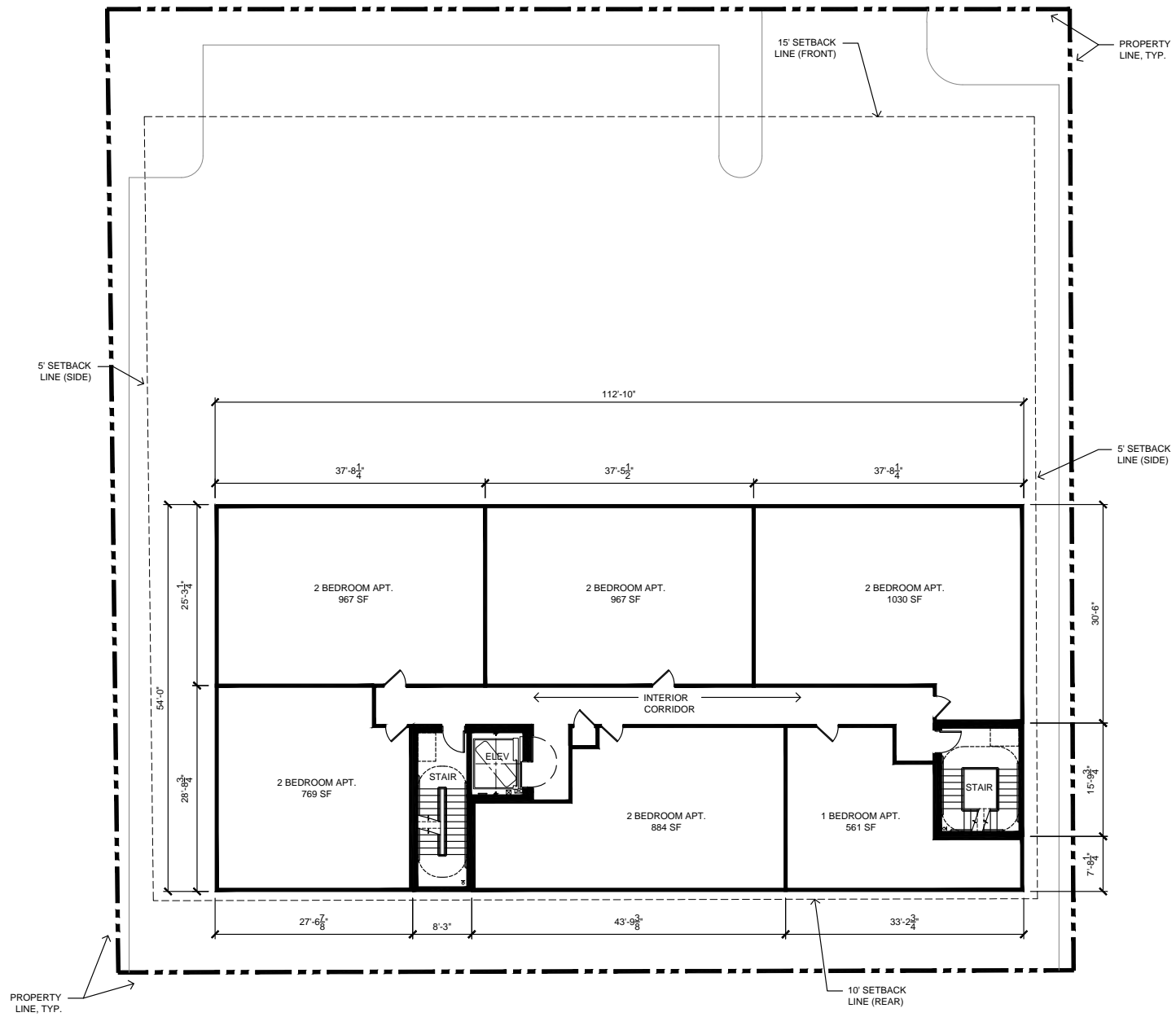


DESIGN REVIEW APPLICATION
 REVISIONS OR ADDED SHEETS

No.	DATE	DESCRIPTION

A
A1.0 SITE PLAN + GROUND FLOOR PLAN
 SCALE: 1" = 10'-0" 0 10 20

SIGNATURE INDICATING APPROVAL OF THIS SITE PLAN
 [CHAIRMAN OF THE DESIGN REVIEW BOARD]



A
A1.1

SECOND - FIFTH FLOOR PLAN

SCALE: 1" = 10'-0"
0 10 20



M O D E 3
ARCHITECTURE
301 N. NELL STREET SUITE 400
CHAMPAIGN, IL 61820
PH: 217-355-8731 EMAIL: josh@mod3arch.com
IL. PROF. DESIGN FIRM #184,006897
©2018 MODE 3 ARCHITECTURE INC.

PROJECT TITLE:
1007 UNIVERSITY DEVELOPMENT
DESIGN REVIEW APPLICATION

DESIGN REVIEW APPLICATION		
REVISIONS OR ADDED SHEETS		
No.	DATE	DESCRIPTION

SHEET TITLE

SECOND - FIFTH FLOOR PLAN

DATE: APRIL 17, 2018

A1.1

SHEET #



A
A1.3 AERIAL VIEW LOOKING SW WEST ABOVE UNIVERSITY



B
A1.3 PERSPECTIVE VIEW LOOKING SW WEST ALONG UNIVERSITY



C
A1.3 PERSPECTIVE VIEW LOOKING SE EAST ALONG UNIVERSITY

M O D E 3
ARCHITECTURE
301 N. NELL STREET SUITE 400
CHAMPAIGN, IL 61820
PH: 217-355-8731 EMAIL: josh@mode3arch.com
IL. PROF. DESIGN FIRM #184,006697
©2018 MODE 3 ARCHITECTURE INC.

PROJECT TITLE:
1007 UNIVERSITY DEVELOPMENT
DESIGN REVIEW APPLICATION

DESIGN REVIEW APPLICATION REVISIONS OR ADDED SHEETS		
No.	DATE	DESCRIPTION

SHEET TITLE

EXTERIOR
PERSPECTIVES

DATE: APRIL 17, 2018

A1.3

SHEET #

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: May 10, 2018

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Nancy Esarey Ouedraogo, David Trail, Daniel Turner, Chenxi Yu

STAFF PRESENT: Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Teri Anel, Administrative Assistant II

OTHERS PRESENT: Tim Aden, Josh Daly, Christine Gunther, Dale Rex, Chris Saunders, Jacob Unzicker

NEW PUBLIC HEARINGS

Plan Case No. 2343-SU-18 – A request by Green Street Realty for a Special Use Permit to establish a Mixed Use Retail and Multi-Family Residential building at 1007 West University Avenue in the B-3, General Business Zoning District.

Chair Fitch opened the public hearing for this case.

Kevin Garcia, Planner II, presented the staff report for the case. He began by explaining that the requested special use permit is to allow a residential use component to the proposed mixed-use building. He stated the location for the subject property noting the zoning, existing land use and future land use designation of the site as well as for the adjacent surrounding properties. He described the proposed development and reviewed the requirements for a special use permit according to Section VII-4.A of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented City staff's recommendation for approval with the following conditions:

- 1) That the applicant submits a landscape plan prior to issuance of any building permit to ensure that proposed landscaping and screening conforms to the City of Urbana Zoning Ordinance standards for screening and required landscape buffers.

- 2) That the parking underneath the building be screened from view by a wall to the north and east.
- 3) That the development shall be constructed in general conformance with the Preliminary Site Plan and an approved landscape plan.

Chair Fitch asked if the Plan Commission members had questions for City staff.

Mr. Fell asked if parking is allowed in a front-yard setback in the B-3 Zoning District. Mr. Garcia said yes. Parking is allowed 10 feet into the required 15-foot front yard setback if screening is provided.

Mr. Fell questioned how City staff calculated the number of parking spaces that would be required. Mr. Garcia stated that the City recently amended the requirements for parking. He explained that 0.7 parking space would be required per bedroom. For this case, the Planning staff multiplied the number of single-bedroom units by 0.7 and rounded up to the next whole number.

Mr. Trail asked for clarification on where the City staff was requesting walls in Condition #2. Mr. Garcia referred to Exhibit A1.3 and indicated where the walls would be constructed. Mr. Trail wondered what purpose the walls would serve since parking would surround the building on the east and the north. Mr. Garcia said it would help screen some of the parking under the building. Over a period of time when the area would be redeveloped, hopefully there would be more aesthetically pleasing buildings constructed, and it would not be a sea of asphalt.

With no further questions for City staff, Chair Fitch reviewed the procedure for a public hearing. He, then, opened the hearing for public input.

Christine Gunther, owner of 1010 West Clark Street located directly behind the subject property, approached the Plan Commission to speak. She asked if there were any plans to make improvements to the alley. Mr. Garcia stated that there are no improvements planned at this time. Mr. Fitch pointed out that her concern would be part of the record for this meeting. She could also address the City Council at their next meeting about her concerns for improving the alley.

With no further input from the audience, Chair Fitch closed the public input portion of the hearing and opened the hearing for Plan Commission discussion and/or motions.

Mr. Fell inquired about the car-stacking rule behind a drive-through. Mr. Garcia explained that for a fast food use there must be 90 feet from the drive-up window, which essentially means there must be enough space for five cars. The applicant was trying to construct a building that Niro's Gyros could go back into; however, because of the stacking rule and parking requirements, the applicant was not able to make it work. If the applicant wanted to pursue a drive through, then they would need to ask for variances for the stacking lane.

Mr. Trail questioned why the building was designed in the back of the lot and the parking in the front. He wondered if City staff requested it to be designed this way. Mr. Garcia said no. City

staff did not request it, and the applicant could speak as to why they designed the building to be constructed on the back of the lot.

Ms. Billman commented that she prefers the building in the back of the lot. While a parking lot is not attractive, having the building on the back of the lot makes it feel less crowded.

Mr. Trail asked what the requirements would be for landscaping the front of the property. Mr. Garcia stated that the applicant would have to provide 1 tree and 3 shrubs for every 40 feet of linear frontage or a fraction thereof.

Mr. Turner stated that he also had the same question about the location of the proposed building on the lot. Mr. Ackerson added that he did as well. Chair Fitch invited the applicant to address the Plan Commission's concern.

Chris Saunders, applicant, approached the Plan Commission to speak. He explained that the design was based on the parking requirements of the City of Urbana. They constructed a building on the same size lot in the City of Champaign with 17 parking spaces, 52 bedrooms and a 4,000 square foot insurance agency on the first floor. They have 100% occupancy with no issues. He talked about the difficulty of providing the required parking for "restaurant use" and the required space for stacking for a drive through to allow Niro's Gyros to remain or for any restaurant on the subject property. They even tried purchasing the adjacent lot, but the University of Illinois Foundation was not willing to sell.

With the difficulty in being able to have a restaurant use and if the City requires the walls to be built, they will have to redesign the location of the proposed building in order to provide the required number of parking spaces. Constructing the walls would take the space of some of the parking spaces they planned to provide in the Site Plan.

Mr. Hopkins wondered since the applicant was talking about redesigning the layout of the property, could the Plan Commission approve the proposed permit request without an accurate Site Plan? Another concern is that there are many other buildings having difficulty in renting out office space in the nearby area, would it be viable to offer more office space? Mr. Saunders felt it would be difficult. They originally planned to provide space for Niro's Gyros to continue operating at the site; however, again, there are problems with providing enough parking and space for stacking.

Chair Fitch thanked the applicant for answering their questions and addressing their concerns. He opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Hopkins preferred the building to be located in the back of the lot for the following reasons: 1) There are many unrented office spaces along University Avenue. The likelihood of the first floor being rented would increase if the parking was located in front closer to the street. 2) He did not feel that the Plan Commission could recommend approval of the Special Use Permit as proposed if the applicant plans to redesign the layout because the new design may not be in substantial conformity with the submitted Site Plan.

Mr. Ackerson stated that the issue before the Plan Commission is whether they would allow a residential component of the proposed mixed-use development. He felt that the overall proposal is a good plan. It is a shame that the parking requirements is keeping the existing Niro's Gyros use or any other fast food restaurant from occupying the first floor space. The residential component is located in a good area that has high density, is close to the University of Illinois campus and is on the south side of University Avenue. He felt the proposed development fit into what the City wants for the area. So, he did not want to hang up the progress of the development based on whether the building is located in the back or front of the lot.

Mr. Garcia stated that the staff typically requests the condition that "the development shall be constructed in general conformance with the Site Plan" as a way to ensure that a developer will do things discussed at the public hearing. He, then, reviewed the other conditions that the Plan Commission could consider.

Mr. Fell wondered if approving the proposed special use permit with the condition that the development shall be constructed in general conformance of the Site Plan negate the applicant's ability to request a variance for the parking requirements or space for stacking to allow a restaurant use. Mr. Garcia said no. The applicant would be able to seek a variance.

Ms. Billman asked about the timeline for construction. Mr. Saunders hoped to start building this fall and available to rent for the 2019-2020 school year.

Ms. Yu inquired if there was any review of the exterior design of the proposed building. Chair Fitch said no. There is no design overlay for the area the subject parcel is located. He felt that the applicant would build an attractive building so that they could attract tenants.

Ms. Yu asked if it would look similar to the building the applicant constructed in the City of Champaign on Fifth Street and University Avenue. Chair Fitch asked the applicant to re-approach the Plan Commission to address the question. Mr. Saunders came up to the speaker's table and said yes; however, the proposed development would have a lot more glass.

Mr. Trail wondered what the expected life span of the proposed building. Mr. Saunders replied a long time because they planned to use high quality materials and there are a lot of building codes.

Mr. Fell questioned if the applicant would be allowed to have a second curb cut on the west side of the property that would provide enough space for stacking for a drive through. Vehicles would then exit the property via the alley to the south. Mr. Garcia replied that there is already a second curb cut which is narrower than the curb cut to the east; however, the Site Plan shows it as being closed.

Mr. Hopkins moved that the Plan Commission forward Case No. 2343-SU-18 to the City Council with a recommendation for approval with the following conditions:

- 1) That the site plan achieve the standards and condition of the Zoning Ordinance (screening and parking requirements);
- 2) That the residential be permitted at the proposed number of units and building height;

- 3) That the commercial space be in the configuration that could enable a variance for a restaurant/fast food use.

Mr. Fell seconded the motion.

Mr. Hopkins stated that his intent for Condition #3 was to allow any variance request for parking, stacking, setback, and screening sufficient to enable a restaurant use otherwise the City is encouraging developers/property owners to build spaces that are difficult to rent. The conditions in his motion would allow the applicant to apply for variances needed to allow him to have a restaurant/fast food use or any rentable commercial space.

Chair Fitch asked if the motion intended to keep Conditions 1 and 2 as recommended by City staff. Mr. Hopkins said no. His motion and conditions were intended to replace the conditions recommended by City staff.

Ms. Billman asked if the applicant would still be required to follow the landscape plan. Ms. Pearson replied yes. The applicant would need to follow the Zoning Ordinance, which states the landscaping requirements.

Mr. Garcia suggested instead of Condition #3 referring to commercial space it would refer to the Site Plan. Mr. Hopkins and Mr. Fell agreed to the amended language in Condition #3 of the motion.

Ms. Pearson suggested adding language in Condition #2 to read as such, "*That the residential be permitted in substantial compliance of the proposed number of units and building height.*" This amended language would allow the applicant some flexibility when reconfiguring the layout. Mr. Hopkins and Mr. Fell agreed to the amended language in Condition #2 of the motion.

Mr. Turner questioned whether they should include a condition requiring the construction of the wall to screen the parking. Mr. Hopkins stated that he purposely left the condition out because a wall poses security problems for residential tenants entering/exiting the building, especially in the proposed layout. The residential stairway is located in the back of the building. The applicant could design the columns to look better than walls.

Mr. Trail felt like the Plan Commission was bending over backwards to try to allow a drive through. Would they still be making the extra effort if it were a different business? Mr. Hopkins responded by saying that his logic has nothing to do with Niro's Gyros. It has to do with the City requiring the applicant to build what he considers an unrentable first floor office space. Food service is a better market use along University Avenue. Mr. Trail believed that it was the City's way of trying to encourage walk up services, but the City does not do anything else to encourage walking traffic. If we design buildings with drive up for cars and not provide for pedestrian traffic, then the City will be stuck with those decisions for the next 40 to 50 years.

Mr. Ackerson agreed with Mr. Hopkin's thoughts. He believed that a food service use would be a better fit whether it was Niro's Gyros or another business. There may be some other types of business uses that would successfully occupy that space. Mr. Saunders noted that Niro's has not

entered into a lease agreement. They have only expressed interest in staying in this location in the new proposed development. A restaurant that needs a lot of parking would not fit into this space. He would also be happy if the City would allow him to have residential on the first floor because he knows that he could rent the space. His opinion is that designs of all current developments are driven by the parking requirements. They are not driven by pedestrians walking and biking or people riding buses.

Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Ms. Ouedraogo	-	Yes	Mr. Trail	-	Yes
Mr. Turner	-	Yes	Ms. Yu	-	Yes
Mr. Ackerson	-	Yes			

The motion was approved by unanimous vote. Mr. Garcia noted that this case would be forwarded to City Council on Monday, May 21, 2018.