

COUNCIL BILL NO. 2010 - 079

A RESOLUTION  
APPROVING A SPECIAL USE PERMIT  
ALLOWING THE DEVELOPMENT OF A MIXED-USE BUILDING IN A SF1, SINGLE  
FAMILY RESIDENTIAL ZONING DISTRICT  
(411 East Park Avenue)

WHEREAS, the Plan Commission conducted a quasi-judicial public hearing regarding said request at its May 5, 2010 meeting, notice of which was published in the *News Gazette* on April 17, 2010; and

WHEREAS, at the conclusion of said May 5, 2010 quasi-judicial public hearing, the Plan Commission recommended approval of the Special Use Permit as conditioned, pursuant to finding that all of the criteria set forth in Code Section 37-268 of the Municipal Code of Champaign have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHAMPAIGN, ILLINOIS, as follows:

**Section 1.** That the Special Use Permit, as set forth in Attachment “A”, entitled “Special Use Permit”, attached hereto and incorporated by reference herein, and hereinafter referred to as “Special Use Permit”, is hereby approved, based on the findings of fact set forth in said Attachment “A”, and subject to all of the conditions and requirements set forth in said Special Use Permit and attachments thereto.

**Section 2.** That said Special Use Permit shall become effective upon recording of the Permit with the Champaign County Recorder’s Office.

**Section 3.** That the City Clerk is hereby directed to file the Special Use Permit with the Champaign County Recorder, but only after the City Attorney has approved the form of

the Special Use Permit. Recording of documents shall be conclusive evidence of the City Attorney's approval.

COUNCIL BILL NO. 2010 – 079

PASSED:

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

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**ATTACHMENT ‘A’**  
**SPECIAL USE PERMIT**

**Case PL10-0013, COUNCIL BILL NO. 2010 -  
Office Space/ Warehouse Space with Upper Story Residential in the SF1, Single Family  
Zoning District**

**411 EAST PARK STREET  
(SOUTHWEST CORNER OF FIFTH STREET AND PARK AVENUE)**

**In accordance with Section 37-270, the following is required to be included with this Special Use Permit. The following information constitutes the requirements for the construction and operation of the use as approved by the City of Champaign Plan Commission and City Council.**

**1. Legal Description:**

*Lot Fifty-eight (58) in Master-In-Chancery Subdivision of the South part of Lot One (1) of the Southwest Quarter (SW ¼) of Section Seven (7), Township Nineteen (19) North, Range Nine (9) East of Third Principal Meridian in Champaign County, Illinois*

*This property is commonly known as 411 East Park Avenue.*

PIN No. 46-21-07-329-007

**2. Type of Use:** *Mixed Use, Warehouse, and Commercial rental at the ground level with the second level being residential apartments in the SF1, Single Family Zoning District.*

**3. Findings of Fact:**

**(a) That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or unreasonably detrimental to the district in which it may be located or otherwise injurious to the public welfare.** The mixed use building was specifically designed to reduce any impacts on the surrounding neighborhood. Great care was taken in designing the site with the location of the parking lot on the south side of the development taking access from the alley. This will reduce any impacts on the surrounding uses in the neighborhood by reducing the number of vehicular traffic passing neighborhood homes.

The aesthetics of the building have also been designed to blend into the surrounding neighborhood. The building has been designed to include residential features including window treatments, siding, building height, etc.

Lastly, the tenant spaces in the building are being proposed to be limited to office uses. The hours of operation for these office uses are 7 a.m. to 6 p.m. Monday through Saturday, and no hours of operation on Sunday. For the hours that these small offices are

open, they will not generate a significant amount of traffic resulting in negative impacts on the surrounding land uses. By limiting the hours of operation and the types of businesses in the commercial space, the number of impacts on the adjacent land uses is significantly reduced.

- (b) **That the proposed use conforms to all the applicable regulations and standards of the district in which it shall be located that are reasonably possible.** The proposed mixed use building is replacing an existing underutilized depreciating warehouse building, which takes up the entire lot. The proposed renovations to the existing structure will add some features that will increase the appearance of open space at the site, bringing it closer to the existing requirements for the SF1, Single Family Residential Zoning District. However, there will not be any open space as part of the proposed development, which is consistent with the existing building at the site. By adding a rooftop terrace and balconies to each residential unit, the residential users of the site will have access to open space, even though the development does not meet the strict requirements of the ordinance.

The existing building is built to the property lines, and the proposed remodel will utilize three of the four existing walls. The proposed remodeled structure will have a zero foot front yard, side yard, and rear yard setback. It will meet the setback on the south side of the building.

Additionally, the building will not meet the maximum Floor Area Ratio of .35. The proposed F.A.R. will be approximately 1.26, which will exceed the maximum by 0.91 or around 7,500 square feet.

The proposed development will be providing off-site parking for the ground floor office uses in the Church parking lot to the west. The development has a parking demand of 22 spaces. The four apartments generate a need for four parking spaces, and the 5,450 square feet of office space generate a need for 18 parking spaces. Six parking spaces will be supplied on the lot. Four of these spaces will be for the residential uses, and the other two spaces will be for the office uses. The remaining 16 spaces will be provided by the Church parking lot to the west. The existing parking lot has 42 spaces. The church has a need for 40 spaces based upon 200 seats in the main assembly area. The church and the mixed-use development will share the parking with the mixed use development using the spaces 7 a.m. to 6 p.m. Monday through Saturday, and the church will access the 42 parking spaces during nights and on Sundays.

The proposed development will meet the landscaping requirements, bike parking requirements, and the height of the building will be in compliance. The circumstances of the existing building and the infill development warrant the flexibility from the standards of the district that the development is located in; however, given the circumstances of the development, the proposed development is meeting the standards as reasonable as possible.

- (c) **That the proposed use preserves the essential character of the district in which it shall be located.** The property is located in a residential district, which is located adjacent to the University Street Commercial Corridor. The residential district has

historically had some industrial uses in the district, and the existing warehouse building is a remnant of these historical uses. The proposed use will preserve the essential character of the residential district by architecturally adding some residential features to the building. Additionally, the building will utilize the proximity to the commercial corridor to create a space for office land uses. This will allow redevelopment of the site, while preserving the character of the district.

- (d) **That adequate measures have been or will be taken to minimize potential increases in traffic congestion or possible situations that would create poor traffic circulation, including access issues.** The site will be taking its main access from the alley, and the two curb cuts on Fifth Street will be eliminated. This will significantly improve traffic circulation in the area. This improvement will reduce the chances of a truck blocking the road while trying to access the site. By limiting the access to the site to the alley and one curb cut on Park St., it will reduce the amount of potential turning movements adjacent to the development increasing traffic flow and safety.
- (e) **That the proposed use prevents blighting influences by redeveloping a parcel or improves the compatibility of the use with the surrounding neighborhood.** The proposed use will redevelop an underutilized warehouse, which is adjacent to a residential neighborhood. The existing warehouse was unpleasing aesthetically, and the new proposed mixed use building will use a variety of materials and architectural features to visually improve the site. The redevelopment of the warehouse building will also prevent the building from becoming derelict, which would have a negative impact on the surrounding land uses. This project will be a significant reinvestment in the property and the neighborhood, and it will improve the compatibility of the use with the neighborhood.

#### **4. Flexible Requirements of the Special Use Permit:**

1. Reduction in Front Yard Setbacks from 25 feet to 0 feet.
2. Reduction in Sideyard Setbacks from 6 feet to 0 feet.
3. Allowing commercial uses in the SF1, Single Family Residential Zoning District.
4. Allowing upper story Multi-Family units in a SF1, Single Family Residential Zoning District.
5. Reducing the minimum required number of parking spaces from 22 to 6 on-site parking spaces with 16 off-site shared parking spaces.
6. Reducing the minimum open space ratio from 0.45 to 0.0.
7. Increasing the maximum Floor Area Ratio from .35 to 1.26.

#### **5. Condition attached to the permit:** The following conditions are required for the special use:

1. *Hours of Operation for the Office uses on the ground floor shall be limited to 7 a.m. to 6 p.m. Monday through Saturday.*
2. *Ground floor land uses shall be limited to Office and Warehouse uses, and upper story shall be limited to four residential units as shown on the approved site plan.*
3. *Parking for the non-residential uses at the site shall be provided through a shared parking agreement with the adjacent church to the west. A covenant shall be recorded at the Champaign County recorder's office designating the hours of parking, number of spaces, and location of shared parking spaces on the church*

*property available for the non-residential uses prior to the issuance of a building permit.*

4. *Signs shall be in compliance with the CN except that no electronic message board signs shall be allowed.*
5. *Prior to the issuance of a building permit, the property line shall be moved eight feet to the west through a legal plat of land.*
6. *Street Tree Plantings shall be approved by the City of Champaign, City Forester.*
7. *The site shall be developed in accordance with the approved site, building, and landscaping plans.*

**6. Effective Date of the Permit:** May 26, 2010

**7. Expiration Date of this Permit:** This Special Use Permit shall be in compliance at all times with Section 37-686(b) of the City of Champaign Municipal Code which states, “Any zoning approval shall become invalid if the authorized work is not commenced within six (6) months after the issuance of the permit, if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, or if the work is not completed within two (2) years after the issuance of the permit. Additionally, this Special Use Permit shall not expire at any time as long as the Special Use Permit maintains compliance with the City of Champaign Municipal Code and the requirements of this permit.

Attachments: Exhibit 1 (submitted site plan)

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**THIS SPECIAL USE PERMIT FOR CASE PL10-0003**

**OFFICE SPACE/ WAREHOUSE SPACE WITH UPPER STORY RESIDENTIAL IN  
THE SF1, SINGLE FAMILY ZONING DISTRICT  
AT 411 EAST PARK AVENUE  
IS HEREBY APPROVED**

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*Chair, Champaign Plan Commission*

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*Mayor, City of Champaign*

Todd Weger, E.A., N.CARB., A.L.A., Weger + Associates Architects 3/10/2010 10:02 AM 0901\_SD\_A-0.dwg

PUBLIC ALLEY 71.08'

ADJACENT PARKING LOT

132.00'

TRASH



BIKE RACKS

71.08'

PARK STREET

132.00'

5TH STREET



SITE PLAN

3/16" = 1'-0"



JOB NO. 0901  
SPECIAL USE PERMIT  
MARCH 18, 2010

A Study for Renovation of the

# SULLIVAN BUILDING

105 North 5th Street  
Champaign, Illinois

JOB NO. 0901	DATE MARCH 18, 2010
SCALE 3/16" = 1'-0"	REV.
DRAWN BY TAW	
CHECKED BY TAW	

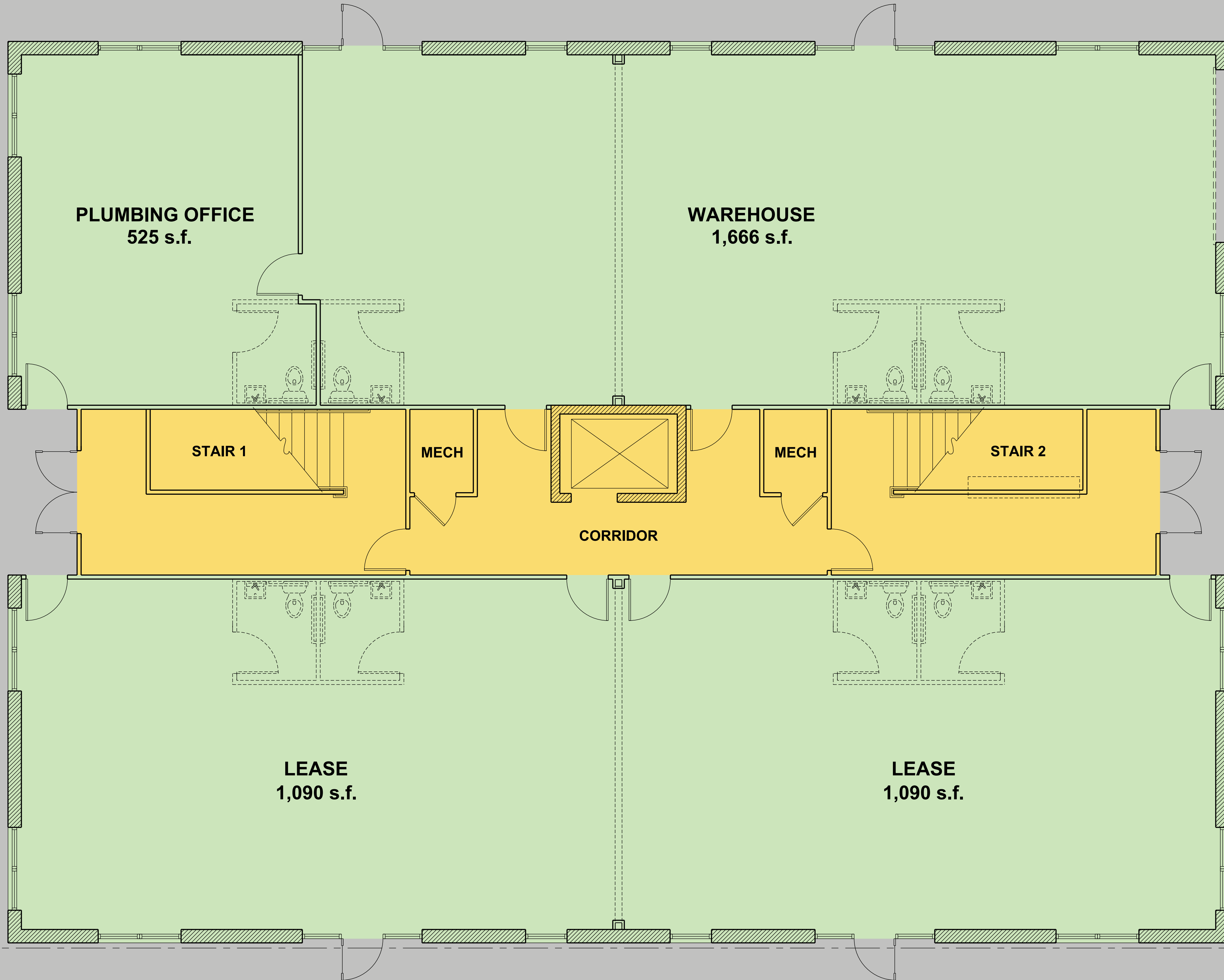
SITE PLAN

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Todd Weger, R.A., NCARB, AIA, Weger + Associates Architects



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JOB NO. 0901  
 SPECIAL USE PERMIT  
 MARCH 18, 2010

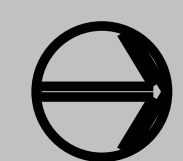
A Study for Renovation of the

# SULLIVAN BUILDING

411 East Park Street  
 Champaign, Illinois

JOB NO. 0901	DATE MARCH 18, 2010
SCALE 1/4" = 1'-0"	REV.
DRAWN BY TAW	
CHECKED BY TAW	

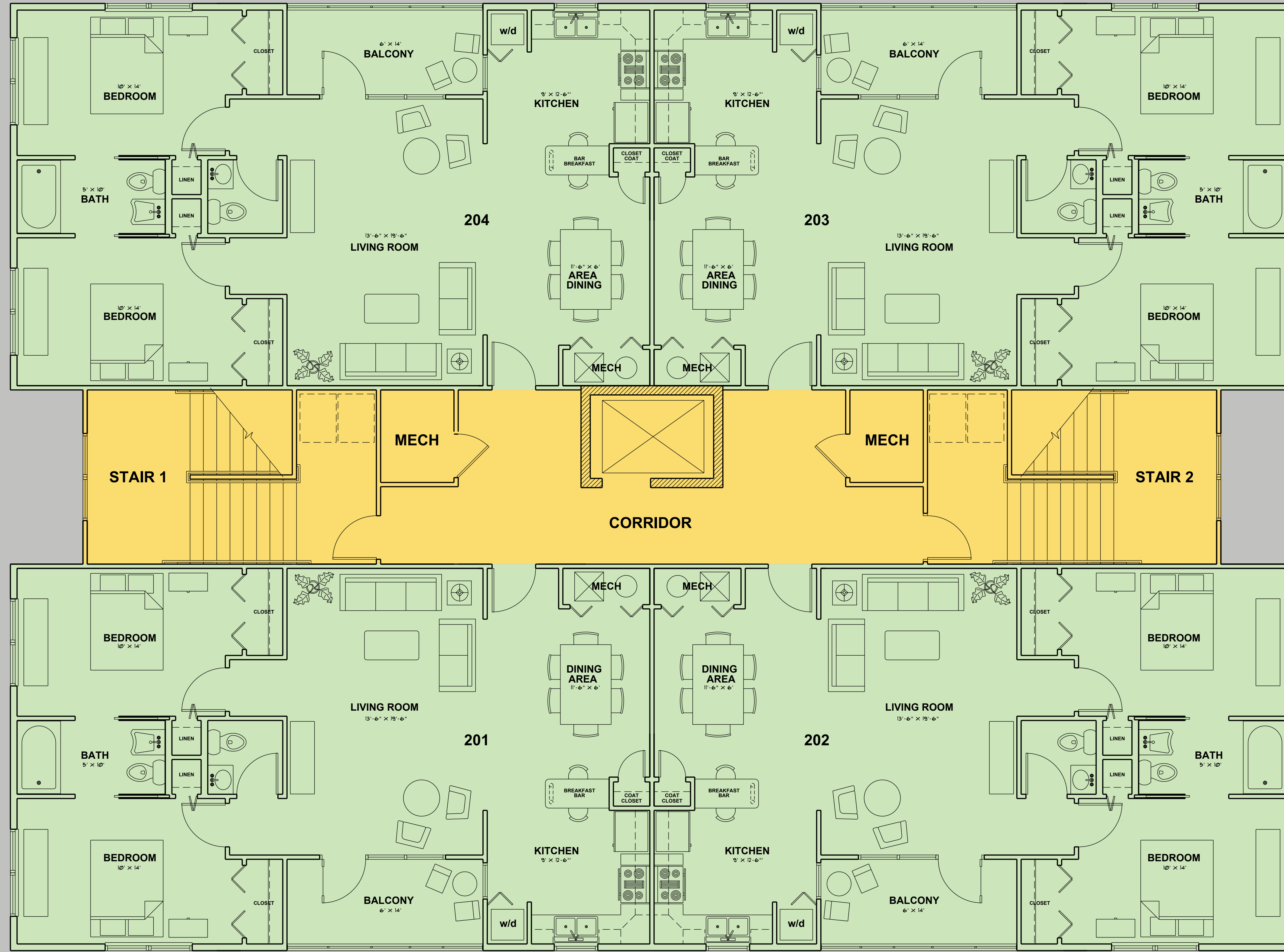
FIRST FLOOR BUILDING PLAN



## FIRST FLOOR BUILDING PLAN

1/4" = 1'-0"

5646 SF. - FIRST FLOOR



# SECOND FLOOR BUILDING PLAN

1/4" = 1'-0"

5,306 SF. - SECOND FLOOR

JOB NO. 0901  
 SPECIAL USE PERMIT  
 MARCH 18, 2010

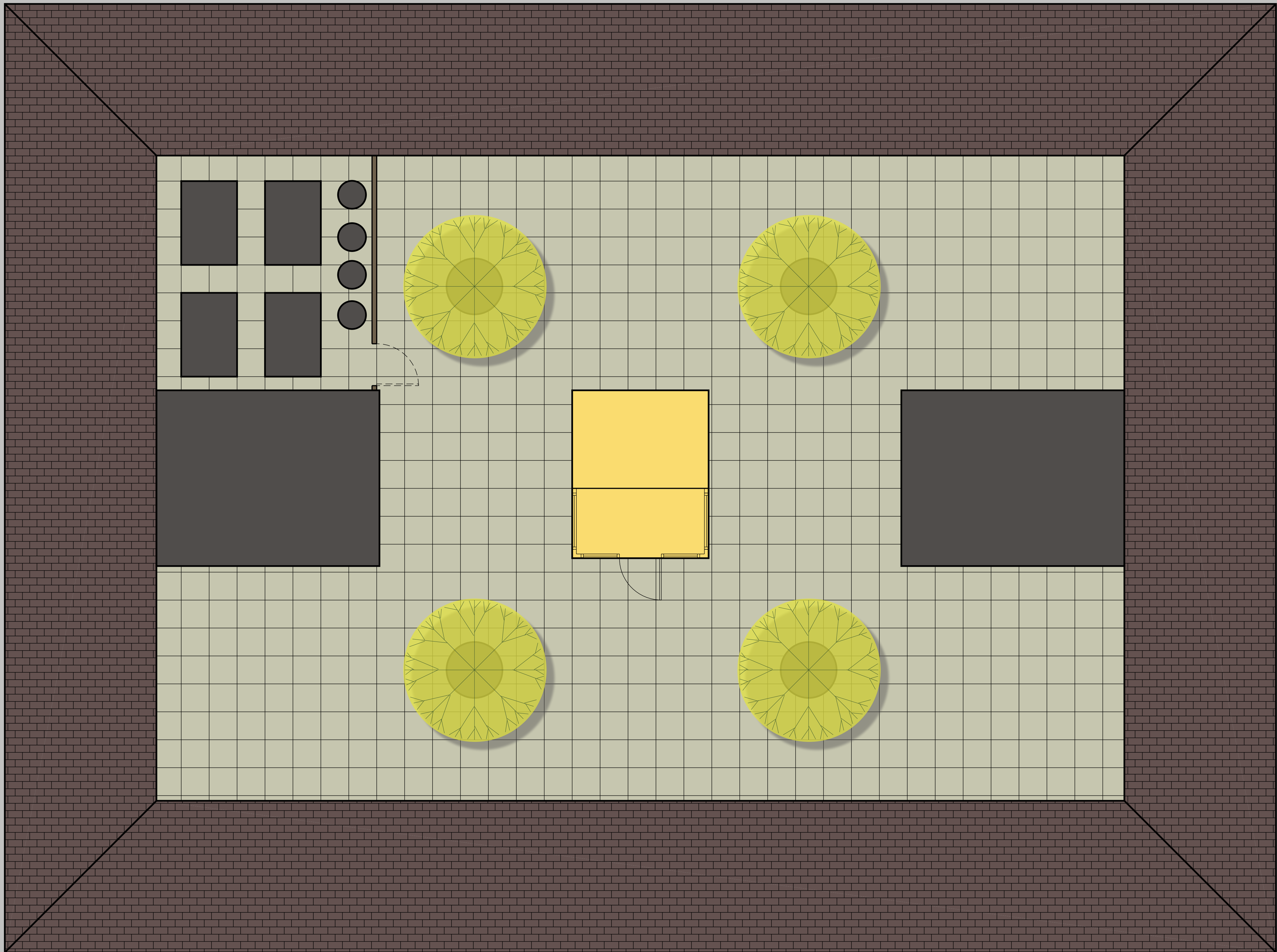
A Study for Renovation of the

# SULLIVAN BUILDING

411 East Park Street  
 Champaign, Illinois

JOB NO. 0901	DATE MARCH 18, 2010
SCALE 1/4" = 1'-0"	REV.
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SECOND FLOOR BUILDING PLAN



 **ROOF PLAN**  
1/4" = 1'-0"

JOB NO. 0901  
SPECIAL USE PERMIT  
MARCH 18, 2010

A Study for Renovation of the

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411 East Park Street  
Champaign, Illinois

JOB NO. 0901	DATE MARCH 18, 2010
SCALE 1/4" = 1'-0"	REV.
DRAWN BY TAW	
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ROOF PLAN





**EAST ELEVATION**

1/4" = 1'-0"



**NORTH ELEVATION**

1/4" = 1'-0"



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JOB NO. 0901  
SPECIAL USE PERMIT  
MARCH 18, 2010

A Study for Renovation of the

**SULLIVAN BUILDING**

411 East Park Street  
Champaign, Illinois

JOB NO. 0901	DATE MARCH 18, 2010
SCALE 1/4" = 1'-0"	REV.
DRAWN BY TAW	
CHECKED BY TAW	

BUILDING ELEVATIONS -  
EAST / NORTH





**WEST ELEVATION**

1/4" = 1'-0"



**SOUTH ELEVATION**

1/4" = 1'-0"



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JOB NO. 0901  
SPECIAL USE PERMIT  
MARCH 18, 2010

A Study for Renovation of the

**SULLIVAN BUILDING**

411 East Park Street  
Champaign, Illinois

JOB NO. 0901	DATE MARCH 18, 2010
SCALE 1/4" = 1'-0"	REV.
DRAWN BY TAW	
CHECKED BY TAW	

BUILDING ELEVATIONS -  
WEST / SOUTH









**March 18, 2010**

**Illuminated Areas:**

The South parking lot will be illuminated by two wall mounted, cut-off type lighting fixtures. These fixtures will be mounted on the South face of the building at approximately 10'-12' above finished grade. The light fixtures will be specified and installed to cast the required minimum / maximum foot candles on the parking lot only. An existing adjacent street light to the East will provide some additional light at the public right-of-way to the entrance sidewalk to the residential entrance to the building.

Additional building entrance lighting will be installed adjacent to each commercial entrance door above the proposed signage. The lighting will be a cut-off fixture illuminating the signage and concrete sidewalk at the entrance.

Additional building entrance lighting will be installed above the apartment entrance doors on the underside of the suspended steel canopies. The lighting will be a 'can' type fixture directed straight down illuminating the entrance door and concrete sidewalk.

**Building Signage:**

The building signage is shown on the elevation drawings. Approximately 24 s..f. total signage is being proposed.

The main building signage is proposed on the corner of the parking lot masonry screen wall at the South East side. The signage will be a metal cast with details and colors compatible with the building materials and style. This sign would be illuminated from light fixtures at the ground level. The fixtures would be shielded to illuminate the signage only.

Commercial tenant signage is proposed at each entrance door. Approximately 3 s.f. at each door. This signage will be a metal cast with possible interchangeable signage, details, and colors compatible with the building materials and style. A light fixture (see above) would be mounted above.







## REPORT TO CITY COUNCIL

**FROM:** Steven C. Carter, City Manager

**DATE:** May 14, 2010

**SUBJECT:** EXPLANATION OF COUNCIL BILL NO. 2010-079

**A. Introduction:** The purpose of this Council Bill is to approve a Special Use Permit to allow a mixed use development with ground floor office/warehouse uses and four upper story residential apartments in the SF1, Single Family Residential Zoning District at 411 E. Park Avenue.

**B. Recommended Action:** The Administration recommends that City Council approve this Council Bill.

**C. Previous Council Action:**

- The tract was zoned E, Retail and Commercial/ Retail Stores in 1927, which designated north 5<sup>th</sup> Street a commercial corridor.
- In 1950, the City of Champaign eliminated the Zoning District "E", and the tract was zoned R-3, Multi-Family Residential Zoning District.
- On July 15, 1952, City Council voted to approve Council Bill 960, which approved a request for this property from R-3 to I-1.
- In 1965, the block was reclassified from R-3, Multi-Family Residential to R-2, single family residential.
- In 1996, the City of Champaign City Council adopted a new Zoning Ordinance and map which reclassified the zoning on the property from R-2, to SF1, Single Family Residential Neighborhood.

**D. Summary:**

- There is an existing 8,264 square foot building at the site, which is the former location of Illini Seed Company. The building is currently owned by Sullivan Plumbing.
- The owner of the building proposes to transform the majority of the building into a mixed-use development with first floor offices and upper-story residential.
- A Special Use Permit is required to allow the development of a mixed-use building in an SF1, Single Family Residential Zoning District.
- The mixed-use building will re-use a portion of the existing structure, while adding a second story for the upper story residential uses.
- The existing warehouse use is a non-conforming use in the SF1, Single Family Residential Zoning District.

- The mixed-use building will not be able to provide on-site parking; however, the property owner has a shared parking agreement with the neighboring church.
- The mixed-use building will also need a number of waivers from the Zoning Ordinance including the open-space ratio, floor area ratio, and setbacks.
- There was a neighborhood meeting held at the neighboring church on March 18, 2010. Approximately 15 neighboring property owners attended the meeting, and no objections to the proposed development were raised at the meeting.
- Conditions of Approval are proposed to mitigate potential adverse impacts within the district including hours of operation, signage, landscaping, etc.

**E. Background:**

**1. Site Characteristics.**

Owner: Kenwood Sullivan, 3262 Greenwood Dr. Dewey, IL 61840

Purpose: To redevelop the site with ground floor office uses, and upper story residential uses.

Location: 411 East Park Avenue, Southeast corner of Park Avenue and Fifth Street

Lot Size: Approximately 8,712 square feet.

**2. Surrounding Property Characteristics.**

	Zoning	Land Use	Comprehensive Plan
<b>Subject Property</b>	SF1, Single Family Residential	Warehouse	Low Density Residential
North	SF1, Single Family Residential	Single Family Homes	Low Density Residential
East	SF1, Single Family Residential	Single Family Homes/ Vacant	Low Density Residential
South	CG, General Commercial	Commercial Retail/ Plumbing Supply Store	Commercial
West	SF1, Single Family Residential	Church	Low Density Residential

**3. Site Characteristics.** The site is approximately 8,712 square feet located at the southwest corner of Park Avenue and Fifth Street. The lot is a typical residential lot with dimensions of 66 feet wide by 132 feet deep. This lot was platted in 1854 as part of the Master in Chancery Subdivision, which is one of the oldest subdivisions in the City of Champaign. The existing warehouse building covers the entire site. The parcel is zoned SF1, Single Family Residential, which makes the warehouse use a non-conforming use. In addition, the structure is non-conforming for several of the development regulations in the SF1 Zoning District.

The property is on the north side of the University Avenue commercial corridor. There is residential zoning on the north, west, and east, and the south side of the lot is zoned CG, General Commercial. Currently, there is a church on the west side of the lot, and a vacant lot to the east of the site, with an additional church northeast of the site. To the north of the property are single family homes.

**4. Photo of Site.**



**5. History.** When the property was developed in the 1940's, both sides of Fifth Street, north of University of Avenue were zoned, "E" Commercial/Retail Zoning District. The Illini Seed Company built the warehouse for the storage of grain. This use was consistent with the surrounding uses at the time. In 1950, the tract was zoned R-3, Multi-Family Residential, and in 1965, the property was re-classified to R-2, Single Family Residential. In 1952, the Illini Seed Company applied to rezone the property from R-3, to I-1, Light Industrial. This request was approved by the City Council; however, it was never reflected on the Zoning Map. The property remained on the Zoning Map as R-2 until 1996. The R-2 Zoning District was one of two single family zoning district. The lot size allowed in the R-2 Zoning District was smaller and more dense than the R-1, Single Family Residential Zoning District. In 1996, the R-2 and R-1 Zoning Districts were combined into the SF1, Single Family Residential Zoning District, which is the current zoning.

The property is zoned SF1, Single Family Residential Zoning District which makes the structure and the use on the site non-conforming. The warehouse use is not a permitted use in the SF1 Zoning District; however, it is legal non-conforming because it was grandfathered in from the various changes in zoning over the years. With the property's location adjacent to a commercial district, extending the commercial zoning to the north may have been appropriate; however, the incremental creep of commercial zoning may also negatively impact the residential neighborhood to the north.

The non-conforming warehouse use is not the highest and best use for the site; however, the site is a difficult site to redevelop due to its size and regulations of the SF1, Single Family Residential zoning district. It was not economically feasible for someone to buy the warehouse structures to pursue the redevelopment of the site for one single family home. The proposed redevelopment will re-use the buildings at the site, while adding residential uses to the neighborhood. The proposed site design and architectural features are sensitive to the character of the surrounding neighborhood. The Special Use Permit will allow the proposed development to rehabilitate an under-utilized site, while improving the neighborhood.

**6. Proposed Development:** Currently, there is a warehouse building at the site which nearly covers the entire parcel. The proposed development will convert the building into a two-story mixed use development with ground floor offices and warehouse space, and four upper story residential apartments. Each apartment would have two bedrooms. The southern portion of the building will be removed during the construction, and a portion of the site will be returned to surface parking.

- a. Eliminating curb cuts.** There are currently two curb cuts on Fifth Street for the warehouse facility. These two curb cuts will be removed. There is an existing curb cut on the north side of the building taking access from Park Avenue. This curb cut will remain upon development of the mixed use facility.
- b. Parking.** The applicant will add 6 surface parking spaces to the site as part of this development. These six parking spaces are required for the residential portion of the development by the Champaign Municipal Code, which does not allow off-site parking for residential uses. However, the remainder of the parking required for the office uses

will be provided in the adjacent church parking lot through a shared parking covenant. The office uses require 16 additional spaces. The applicant and the church have an existing covenant to share parking; however, as part of this special use permit, they will obtain a more specific covenant outlining times, days, number of spaces, and location of spaces prior to the issuance of a building permit.

There are 42 parking spaces in the adjacent church lot. The church needs 40 spaces to fulfill its minimum parking requirement. However, the applicant and the church have an agreement that the parking lot can be shared for both the church and the proposed mixed use development. The mixed-use development will have access to all 42 parking spaces between the hours of 7 a.m. to 6 p.m. Monday through Saturday, and the church can have access to all 42 spaces during nights and on Sundays. These 42 spaces accommodate the 16 needed for the special use permit.

- c. **Ground Floor Uses.** As part of the proposed Special Use Permit, the ground floor uses are being designed for office spaces and warehouse space. The submitted site plan shows 2,705 square feet of office space. In order to reduce the potential negative impacts on the adjacent neighborhood, the Special Use Permit would not allow any commercial or retail uses at the site. Retail uses would generate additional traffic at the site placing traffic and parking pressure on the neighborhood. Office uses typically do not generate the same level of traffic commercial uses. Additionally, office uses are limited in the hours of operation. Typically office uses are Monday through Friday, 8 a.m. to 5 p.m. The proposed special use permit would limit the office uses to Monday through Saturday 7 a.m. to 6 p.m. for customer traffic.

Additionally, the site plan shows 525 square feet of the office space to be used by the property owner for an office for his plumbing business with the remaining 1,666 square feet to be used by the owner for warehouse space for the plumbing business. Warehouses generate very little employees, and this warehouse space would be serviced mainly by panel trucks. The proposed warehouse space is small enough that service from larger trucks is not anticipated.

- d. **Upper Story Residential.** The site plan shows four upper-story residential apartments. Each unit will have two bedrooms and two bathrooms. The access to the apartments will be taken from the parking lot on the south side of the building, which is taking access from the alley south of the property. Each apartment will also have a 321 square foot balcony.

The apartments will also share a roof top terrace. The roof top terrace will have a 6 foot wall surrounding it, which will prevent noise from the terrace spilling into the adjacent neighborhood.

- e. **Landscaping.** The applicant will be replacing three existing street trees at the location with four new Freeman Maples for street trees. Additionally, the proposed site plan shows the parking lot being screened from Fifth Street with a masonry wall, 2 Pagoda

Dogwoods, and 6 shrubs. Additionally, the west side of the parking lot will be screened from the Church with a row of hedges and a Pagoda Dogwood.

- f. Land acquisition.** As part of the development of this property, the property owner will be acquiring 6 to 8 feet of land from the church to the west. The existing structure has already been constructed at the property line. In order for the structure to be expanded, additional land has to be acquired to meet the building codes. This land acquisition will occur through a Certificate of Exemption, which will be required to be approved prior to the issuance of a building permit. Due to the small size of the land being acquired, the Certificate of Exemption exempts a property owner from the normal subdivision process, which requires City Council review. The Certificate of Exemption is reviewed administratively.
- g. Signage.** The proposed development plan shows an 18 square foot monument sign being proposed on the masonry wall. The proposed plan shows a metal cast sign with details and colors compatible with building materials and style. This sign would be front lit from ground mounted fixtures. Two additional wall signs are proposed on the building adjacent to the doors. These signs would be three square feet each. These signs would also be metal cast with a light fixture above each sign. The proposed Special Use Permit will require the site to be in compliance with the signage requirements of the CN, Commercial Neighborhood Zoning District.
- h. Dumpster Screening.** The site plan also shows the dumpster being screened from the public right-of-way. Currently the dumpster is in the parking lot on the south side of the building. The proposed plan shows the dumpster being screened by an opaque structure.

**7. Conditions of Approval.** Staff is recommending six conditions of approval. They are:

1. Hours of Operation for the Office uses on the ground floor shall be limited to 7 a.m. to 6 p.m. Monday through Saturday.
2. Ground floor land uses shall be limited to Office and Warehouse uses, and upper story shall be limited to four residential units as shown on the approved site plan.
3. Parking for the non-residential uses at the site shall be provided through a shared parking agreement with the adjacent church to the west. A covenant shall be recorded at the Champaign County recorder's office designating the hours of parking, number of spaces, and location of shared parking spaces on the church property available for the non-residential uses prior to the issuance of a building permit.
4. Signs shall be in compliance with the CN except that no electronic message board signs shall be allowed.
5. Prior to the issuance of a building permit, the property line shall be moved eight feet to the west through a legal plat of land.
6. Street tree plantings shall be approved by the City of Champaign, City Forester.
7. The site shall be developed in accordance with the approved site, building, and landscaping plans.

**8. Flexibility from the Zoning Ordinance.** The proposed development is requesting flexibility from the Zoning Ordinance for several different aspects of the development. This proposed infill development promotes several different goals of the Comprehensive Plan including promoting the development of underdeveloped land for which urban services are readily available, promoting economic development, promoting development which can utilize different modes of transportation including walking and bicycling, and promoting high quality urban design. In order to achieve these goals, and to re-use the existing structure at the site, the following flexibility is being requested:

1. Reduction in Front Yard Setbacks from 25 feet to 0 feet.
2. Reduction in Sideyard Setbacks from 6 feet to 0 feet.
3. Allowing commercial uses in the SF1, Single Family Residential Zoning District.
4. Allowing upper story Multi-Family units in a SF1, Single Family Residential Zoning District.
5. Reducing the minimum required number of parking spaces from 22 to 6 on-site parking spaces with 16 off-site shared parking spaces.
6. Reducing the minimum open space ratio from 0.45 to 0.0.
7. Increasing the maximum Floor Area Ratio from .35 to 1.26.

*Justification: In order to facilitate the redevelopment of the site, and achieve several different goals of the comprehensive plan, the requested flexibility will need to be met. The flexibility will not impact the health, safety, and welfare of the general population. The proposed development will improve the aesthetic design of the lot adding re-investment to the neighborhood. The cost of complying with the regulations would essentially eliminate the possibility of doing this project, and the costs would not outweigh the benefit to the general public of the reinvestment in the neighborhood.*

**9. Special Use Permits.** A special use is a use that is potentially appropriate in, and compatible with other uses in its zoning district, but due to the nature of the use, has the potential to have a negative impact on the surrounding land uses. These uses require close examination, and must meet all of the Findings of Fact outlined by the Municipal Code, which are outlined in the attached Special Use Permit. Special uses allow flexibility in an Ordinance, by allowing uses that may not normally permitted in a zoning district, and by allowing flexibility from the strict requirements of the Ordinance similar to a Planned Development. Staff's evaluation of the findings of fact is attached as Exhibit A.

In summary, the proposed use of a mixed-use development will not have an unreasonably injurious or detrimental effect on the public welfare. The additional traffic generated by the use will not have a significant impact on traffic circulation of the area. Even though the proposed development needs flexibility from the zoning ordinance, the flexibility is within reason given the goals of promoting infill development, which is compatible with the surrounding neighborhood. The proposed use preserves the essential character of the district which is transitioning between a commercial corridor and a residential neighborhood. The plan will improve the compatibility of the use with surrounding neighborhood by providing a transition from the commercial land uses to the south and the residential land uses to the north.

**10. Plan Commission.** On May 5, 2010, the Plan Commission reviewed the Special Use Permit and unanimously voted to forward the case to City Council with a recommendation for approval. At the meeting the applicant presented the details of the proposal and several members of the adjacent church attended and expressed their support. Vote: DeMuynck, Huemann, Dodson, Dudley, Fournier, Bryan, Reynolds, and Harrison all voted “yes”.

**F. Alternatives:**

1. Pass this Council Bill, which would approve the Special Use Permit with the stated conditions.
2. Defeat the Council Bill, which would deny the Special Use Permit.

**G. Discussion of Alternatives:**

**Alternative 1** approves the Special Use Permit with the stated conditions for 411 E. Park Street.

**a. Advantages**

- Meets the Findings of Fact. (Attachment A)
- Allows for a transitional use at the location from a commercial corridor use along University Avenue to a neighborhood use along Park Street.
- Allows the redevelopment of an underutilized warehouse building.
- Allows a significant reinvestment in the area.
- Promotes infill development.
- Allows the development of a tract which can be easily accessed by the community through walking, bicycling, and mass transit.
- Allows the redevelopment of a tract, which is already being serviced by the City of Champaign.
- Allows the development of an aesthetically pleasing design, which will blend into the neighborhood.

**b. Disadvantages**

- Will slightly increase traffic to the site because the current building creates little to no traffic.

**Alternative 2** would not approve the Special Use Permit for 411 E. Park Street. This alternative should be chosen if the City Council believes that one or more of the required findings of fact in bold under “Findings of Fact” in Attachment A have not been met.

**a. Advantages**

- The current use of the site does not generate any traffic.



**b. Disadvantages**

- Would not allow any reinvestment into the property.
- Would not take advantage of an infill development opportunity.
- Would not allow a better transition between a commercial corridor and the neighborhood land uses to the north.

**H. Community Input:** March 18, 2010 a neighborhood meeting was held for the proposed development. The meeting was held at AME Bethel Church; approximately 15 neighbors were in attendance. There were no objections to the proposed development raised. Many of the neighbors in attendance expressed support for the project.

Additionally, a legal notice was published once April 17, 2010 in the *News-Gazette* for the public hearing, letters were mailed to property owners within 250 feet, and a sign posted on the property. At the time of this writing, no concerns have been raised over the proposed development.

**I. Budget Impact:** Approval of this Special Use permit will allow the redevelopment of the warehouse facility at the site. This development will contribute to additional tax increment for the City. Since this is an infill project of an underutilized site, the property is already within the service area of the City of Champaign. Fire, police, and the other services will not have to extend their service areas to cover this site. The proposed development may generate additional service calls; however, the amount of service calls would be minimal, and the calls would be offset by the additional tax being generated.

**J. Staffing Impact:** Approval of this Special Use Permit will have minimum impact on the Staffing levels. Periodic inspections for conformance to the imposed condition will be required. About 5 hours worth of staff time were spent preparing this report.

Prepared by:

Reviewed by:

Jeff Marino, AICP  
Planner II

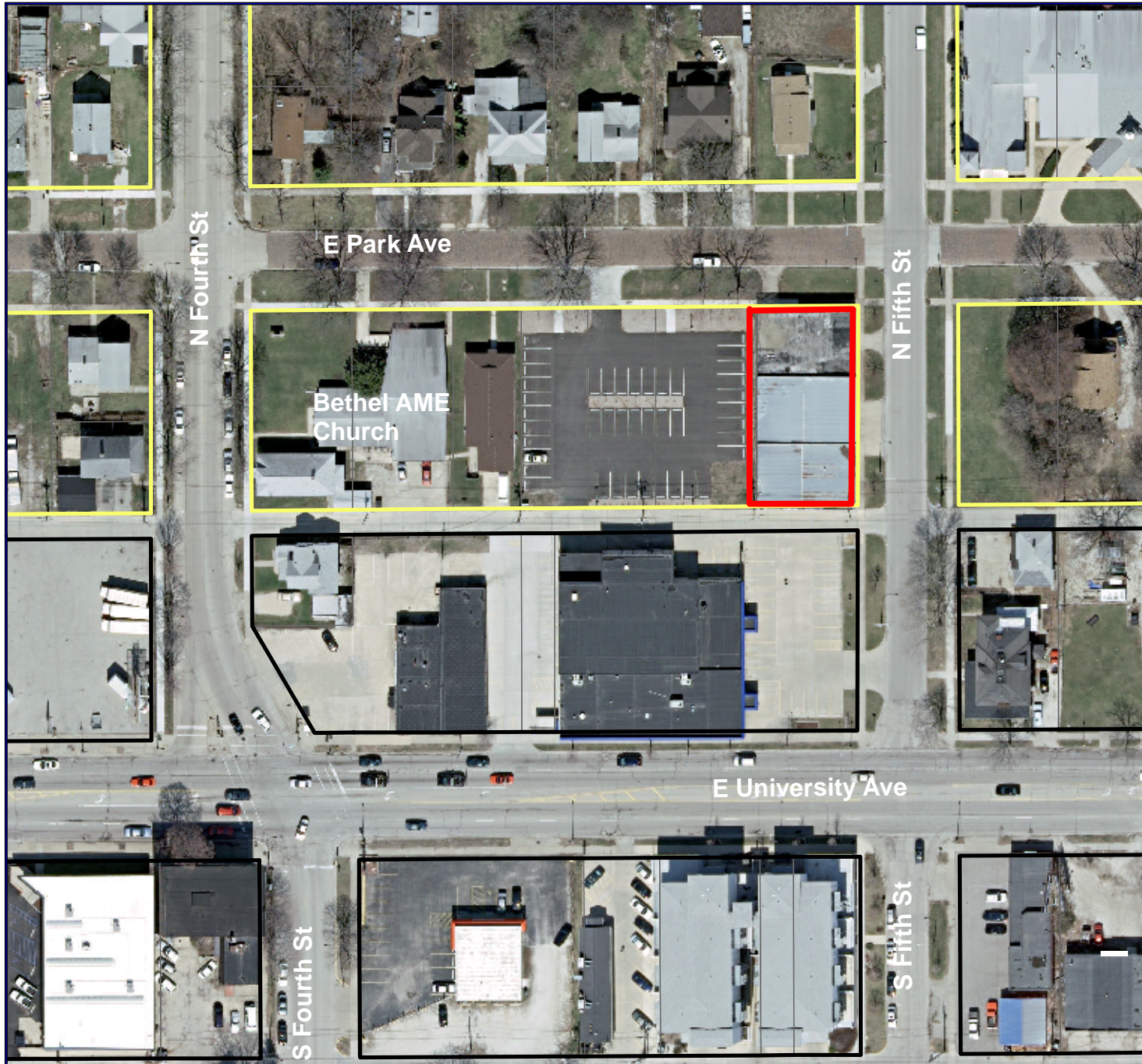
Bruce Knight, FAICP  
Planning Director

Attachments:

Location Map

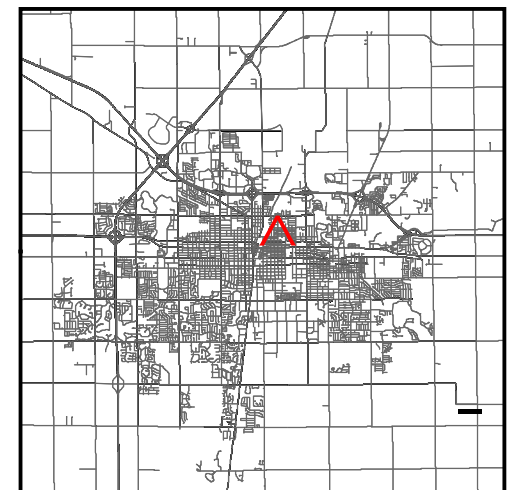
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# Location Map: Fifth and Park Special Use Permit



PL10-0013

April 16, 2010



Zoning :  Single Family  Commercial General