



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, City Planner, Director

**DATE:** September 2, 2005

**SUBJECT:** Plan Case No. 1949-SU-05, Request by Canaan Baptist Church for a special use permit to establish an “accessory” parking lot within 600 feet of the R-1, R-2, or R-3 Zoning District.

---

**Introduction**

Canaan Baptist Church is requesting a special use permit for a 16-space accessory parking lot at 306 W. Locust. The parking lot was constructed in 2001, but did not obtain necessary building permits. Consequently, the lot does not currently meet the requirements of the Urbana Zoning Ordinance. The church has subsequently worked with the City to bring the lot into compliance, which now includes the requirement to obtain a special use permit. A brief history of the case is provided below.

In 1999 Canaan Academy, the church’s elementary school was constructed. One of the requirements for the approval of the school was to provide the 34 required parking spaces per the zoning ordinance. The original site plan for the school indicated parking would be provided at two locations (see Exhibit F). At the time, a temporary occupancy permit was issued on the condition that the church would construct the parking lots by June 2000.

In October 2001, the Building Safety Division was alerted to various ordinance violations created by the construction of a parking lot at 306 W. Locust. This location was not included in the previously approved site plan. The required building permits were not obtained by the contractor for the church when the lot was constructed in Fall 2001. Building Safety contacted the church to arrange a meeting to discuss how to bring the parking lot into compliance. During this time, the elementary school was still being occupied without a final certificate of occupancy. A timeframe of December 2001 was set for all improvements to be made.

In February 2002 a new temporary occupancy permit was issued and set to expire June 30, 2002. The permit was conditioned on the completion of the parking lot improvements in accordance with the previously approved plan. The improvements were scheduled to be completed by May 30, 2002.

In June 2003, Community Development Services notified the church that it was in violation of their temporary certificate of occupancy and that the required parking must be completed or the church would have to cease use of the elementary school and the parking lot. Code violations for the parking lot were still not addressed, and the elementary school did not have the required amount of parking. Because of the continued failure of the church to address these problems, Community Development Services referred the case to the Legal Division. In June 2005, the City filed a legal complaint requesting that the church be required to complete all site work and apply for a permanent certificate of occupancy. In light of this complaint, the City and the church are working together on a course of remedial action with a set time table for all parties (See Exhibit H).

Meanwhile, in an unrelated attempt to address parking lot concerns in Urbana, the City Council passed an amendment to the zoning ordinance in February 2005 requiring a special use permit for all “accessory” parking lots within 600 feet of the R-1, R-2, or R-3 residential zoning districts. Although the parking lot at 306 W. Locust was constructed prior to this amendment, the lot was never considered legally conforming because of the zoning violations. Since the lot was not granted legally non-conforming status, the church must meet all provisions of the current zoning ordinance, including acquiring a special use permit for the parking lot.

## Background

### Description of the Site and Surrounding Properties

The property is surrounded by a mixture of rental and owner-occupied residences. A retail art studio is located north of the parking lot. The immediate area is zoned R-5, Medium High Density Multiple Family Residential. Further east of the property are areas zoned B-4, Central Business. The 2005 Urbana Comprehensive Plan denotes expansion of the Central Business district, but designates the property as Residential.

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-5, Medium High Density Multiple Family Residential	Parking Lot	Residential
North	B-1, Neighborhood Business	Retail (Art/Pottery)	Residential
East	R-5, Medium High Density Multiple Family Residential	Residential	Central Business
South	R-5, Medium High Density Multiple Family Residential	Residential	Residential
West	R-5, Medium High Density Multiple Family Residential	Residential	Residential

## **Changes in Progress**

The church has submitted revised site plans to the Building Safety Division for review. The plans call for several major changes to the lot to bring it into compliance with the zoning ordinance:

- *Removal of Excess Asphalt:* All asphalt within the required side and front yards will be cut and removed. This will restore a 10-foot side yard setback and a 15-foot front yard setback. The remainder of the parking lot will be properly striped and curbstops will be installed along the western edge of the lot. A total of 16 parking spaces will be provided.
- *Install Required Screening:* A mixture of shrubs and trees will be planted along the western and eastern borders of the lot to provide screening for adjacent properties. All plantings will conform with spacing and height requirements. Existing street trees in front of the lot along Locust Street will be preserved. No screening is required along the north side of the parking lot since it abuts an alley.
- *Provide Drainage Facilities:* The natural topography of the site causes runoff to flow towards the southeast of the parking lot. A curb will be installed along the eastern and southern borders of the lot to direct runoff into a drainage inlet. An additional drainage inlet will be installed at the base of the access drive to prevent excessive runoff flowing into the street.

## **Schedule of Complaint Abatement**

The parking lot at 306 W. Locust will not provide enough spaces to meet the parking requirements for Canaan Academy. Approximately 18 additional parking spaces will be required within 600 feet of the school property in order to provide the required 34 spaces. According to the Schedule for Complaint Abatement (Exhibit H) the church will submit a site plan to accommodate the additional parking by October 31, 2005, along with a special use permit application if necessary. All improvements to the parking lot at 306 W. Locust are required to be completed by October 31, 2005.

## **Plan Commission Discussion**

On August 18, 2005, the Plan Commission voted 6-0 to recommend approval of the Special Use Permit with conditions as set forth in the staff memorandum. There was no public testimony during the public hearing, but there was extensive discussion among the commissioners. Several questioned why Planning Staff was presenting a case that would ultimately result in only partial compliance with parking requirements. Other commissioners noted that this has been an on-going zoning enforcement case, and that the Plan Commission was being asked to approve only one part of the negotiated solution. Planning Staff noted that the City and church would continue to work together per the Schedule of Complaint Abatement, attached as Exhibit H. A motion to add a condition to the Special Use Permit that would require the 16 parking spaces to be constructed by the end of the year was defeated 2-4, on the reasoning that a timeline had already been negotiated in good faith between the city and the church. However, the Plan Commission did wish to convey their understanding that if Canaan Baptist Church does not complete the required improvements by October 31, 2005, then the Special Use Permit becomes null and void, and the church would need to go through the Special Use Permit process again.

For more information regarding this case, please refer to the August 12, 2005 staff memorandum to the Plan Commission and to the minutes of the August 18, 2005 Plan Commission Meeting.

## **Discussion**

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

According to Section VII-6 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.*

Urban churches can be a positive influence in a neighborhood, and the city has been supportive of them in the past. The city wants to work with our urban churches to ensure that they have adequate means to grow within the context of the neighborhood. This includes the realization that parking is a necessity. The proposed use will follow all regulations regarding parking lots, such as screening and setbacks, in order to minimize the impact on surrounding properties.

- 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 zoning ordinance details a number of provisions that intend to minimize the impact of parking lots. This includes adequate screening, setbacks from property lines, and appropriate paving materials. The church is working with the city to correct deficiencies in the lot design per an updated site plan. Once the site plan is approved and subject to approval of this Special Use Permit, all changes will be made by October 31, 2005.

- 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.*

Churches may be considered somewhat in between a residential and non-residential use. A parking lot is one of the elements that is not strictly consistent with the surrounding properties. However, the zoning ordinance has provisions to minimize the impacts of parking lots in residential areas. The church will construct the parking lot to these standards so as to create a lot that will not overly impact the urban neighborhood character.

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

In addition to the procedures and requirements of Section VII-6, an application for an “accessory” parking lot Special Use Permit shall also demonstrate the following:

- 1. Protection of adjacent residences from lighting in conformance with Section VIII-2.1*

The site plan does not indicate that any lighting will be constructed. Auto headlights should be properly screened by the shrubs and trees that will be planted per the approved site plan and zoning ordinance requirement.

*2. Provision of adequate drainage facilities as required in the Urbana Subdivision and Land Development Code*

A curb will be installed along the eastern and southern border of the parking lot to route runoff to an inlet in the southeast corner of the lot. An additional inlet would be provided at the base of the access drive to prevent runoff onto the street. The inlets connect to the City Stormwater sewer lines.

*3. Conformance with landscape buffering and/or fencing requirements per Section VIII-2.F*

The updated site plan indicates significant shrub and tree planting along the western and eastern property lines, as required by the zoning ordinance. Existing street trees along Locust Street will be preserved. No screening is required on the northern property line since it faces a public alley

*4. Provision of safe traffic access*

The parking lot can be accessed from either Locust Street via an access drive or from an alley on the northern border of the property. There will be no plants, fences or other material to impair the visibility of drivers exiting the parking lot.

## **Summary of Findings**

1. The improved parking lot is conducive to the public convenience at this location. It would allow the church to provide more parking spaces to meeting parking demand during school and church services.
2. The improved parking lot would not pose a detriment to the district in which it is proposed to be located. Drainage and access considerations have been addressed, and should not create problems for surrounding properties.
3. The improved parking lot will meet all applicable standards and regulations of the district in which it is located. A church is an appropriate use in Residential zoning districts, and parking is required to support this use.
4. The improved parking lot will be adequately screened with landscaping materials to minimize the impact on surrounding properties.
5. The improved parking lot will be generally compatible with the existing land use pattern of the subject site and the surrounding area.

## Options

The City Council has the following options. In Plan Case 1949-SU-05, the City Council may:

1. Approve the request for a special use permit without any additional conditions.
2. Approve the request for a 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 request for a special use permit.

## Recommendation

Based on the evidence presented in the discussion above, the Plan Commission and staff recommend that the City Council APPROVE Plan Case No. 1949-SU-05 with the following CONDITIONS:

1. That the updated site plan shall be revised to address any remaining concerns or comments from the Building Safety Division.
2. That the layout of the parking lot shall closely resemble site plans approved by the City of Urbana per the July 27, 2005 Schedule for Complaint Abatement attached as Exhibit H. Any significant deviation from this site plan will require an amendment to the Special Use Permit, including further review by the Plan Commission and approval by City Council.
3. That all improvements to the parking lot be made by October 31, 2005

Prepared by:

---

Matt Wempe, Planner I

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Existing Land Use Map  
Exhibit D: Future Land Use Map  
Exhibit E: Aerial Map  
Exhibit F: Previously Approved Site Plan  
Exhibit G: Updated Site Plan (Under Review)  
Exhibit H: July 27, 2005 Schedule for Complaint Abatement  
Exhibit I: Temporary Certificate of Occupancy (February 2002)  
Exhibit J: Circuit Court Complaint filed by the City  
Exhibit K: August 18, 2005 Plan Commission meeting minutes

CC: Reverend BJ Tatum

ORDINANCE NO. 2005-09-135

**An Ordinance Approving A Special Use Permit  
(Request to establish an accessory parking lot at 306 W. Locust within 600 feet  
of the R-1, R-2, or R-3 Zoning District - Plan Case No. 1949-SU-05)**

WHEREAS, the subject property is located near the corner of Locust Street and Central Avenue and identified as 306 W. Locust; and

WHEREAS, the subject property is zoned R-5, Medium High Density Multiple Family Residential according to the Official Zoning Map for the City of Urbana; and

WHEREAS, Canaan Baptist Church has requested a Special Use Permit to establish an accessory parking lot within 600 feet of the R-1, R-2, or R-3 Zoning District; and

WHEREAS, the Urbana Zoning Ordinance identifies an *accessory parking lot* within 600 feet of the R-1, R-2, or R-3 Zoning District as being permitted with the granting of a Special Use Permit; and

WHEREAS, Canaan Baptist Church has petitioned the Urbana Plan Commission in Case No. 1949-SU-05 to consider a request to establish an accessory parking lot within 600 feet of the R-1, R-2, or R-3 Zoning District; and

WHEREAS, all applicable development regulations will be met, including those involving setbacks, signage, parking, drainage, and vehicular access considerations; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the impact of the proposed development on surrounding properties; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 18, 2005 concerning the petition filed by the petitioner in Plan Case No. 1949-SU-05; and

WHEREAS, on August 18, 2005, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions as outlined in Section 1 herein; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the special use permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the establishment of an accessory parking lot within 600 feet of the R-1, R-2 or R-3 Zoning Districts with the following conditions upon approval:

1. That the updated site plan shall be revised to address any remaining concerns or comments from the Building Safety Division.
2. That the layout of the parking lot shall closely resemble site plans approved by the City of Urbana per the July 27, 2005 Schedule for Complaint Abatement attached as Exhibit H. Any significant deviation from this site plan will require an amendment to the Special Use Permit, including further review by the Plan Commission and approval by City Council.
3. That all improvements to the parking lot be made by October 31, 2005

LEGAL DESCRIPTION:

Lot 20 of S.T. Busey's Addition to Urbana, as per plat recorded in Deed Record 19 at page 285 in Champaign County, Illinois.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver, and the City Clerk of the



City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Annexation Agreement, for and on behalf of the City of Urbana, Illinois.

Section 3. The City Clerk is directed to record a certified copy of this Ordinance and the Annexation Agreement herein approved, as amended, with the Recorder of Deeds of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds of the members of the Corporate Authorities of the City of Urbana, Illinois, then holding office, at a regular meeting of said Council.

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

AYES:

NAYS:

ABSTAINS:

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

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

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

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

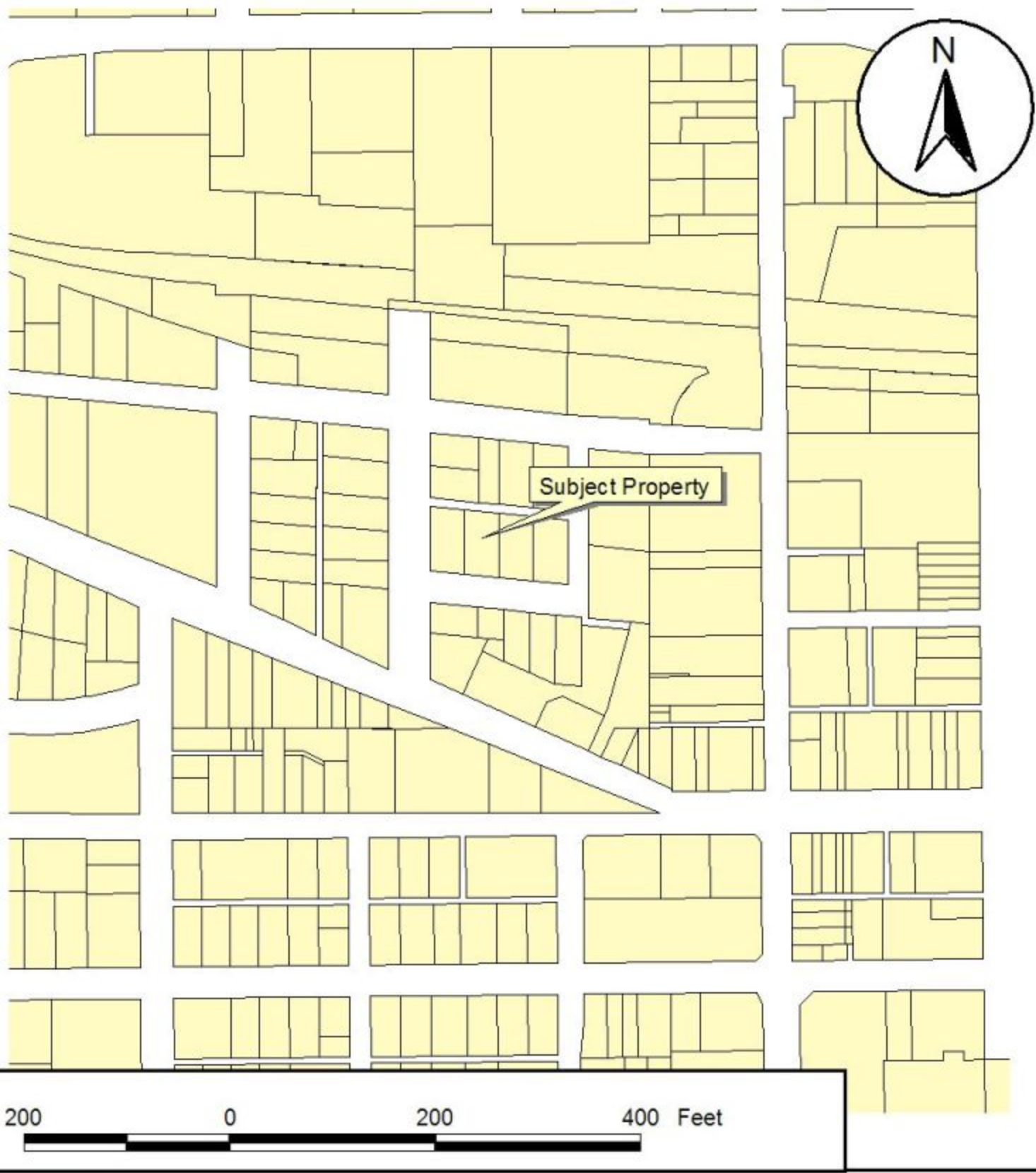
I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, the corporate authorities of the City of Urbana passed and approved Ordinance No.

\_\_\_\_\_, entitled "AN ORDINANCE APPROVING A SPECIAL USE PERMIT (Request to establish an accessory parking lot within 600 feet of the R-1, R-2, or R-3 Zoning District - Plan Case No. 1949-SU-05) 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 \_\_\_\_\_, 2005, 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 \_\_\_\_\_, 2005.

# Location Map

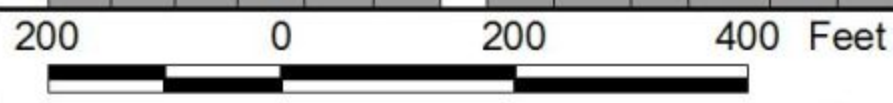
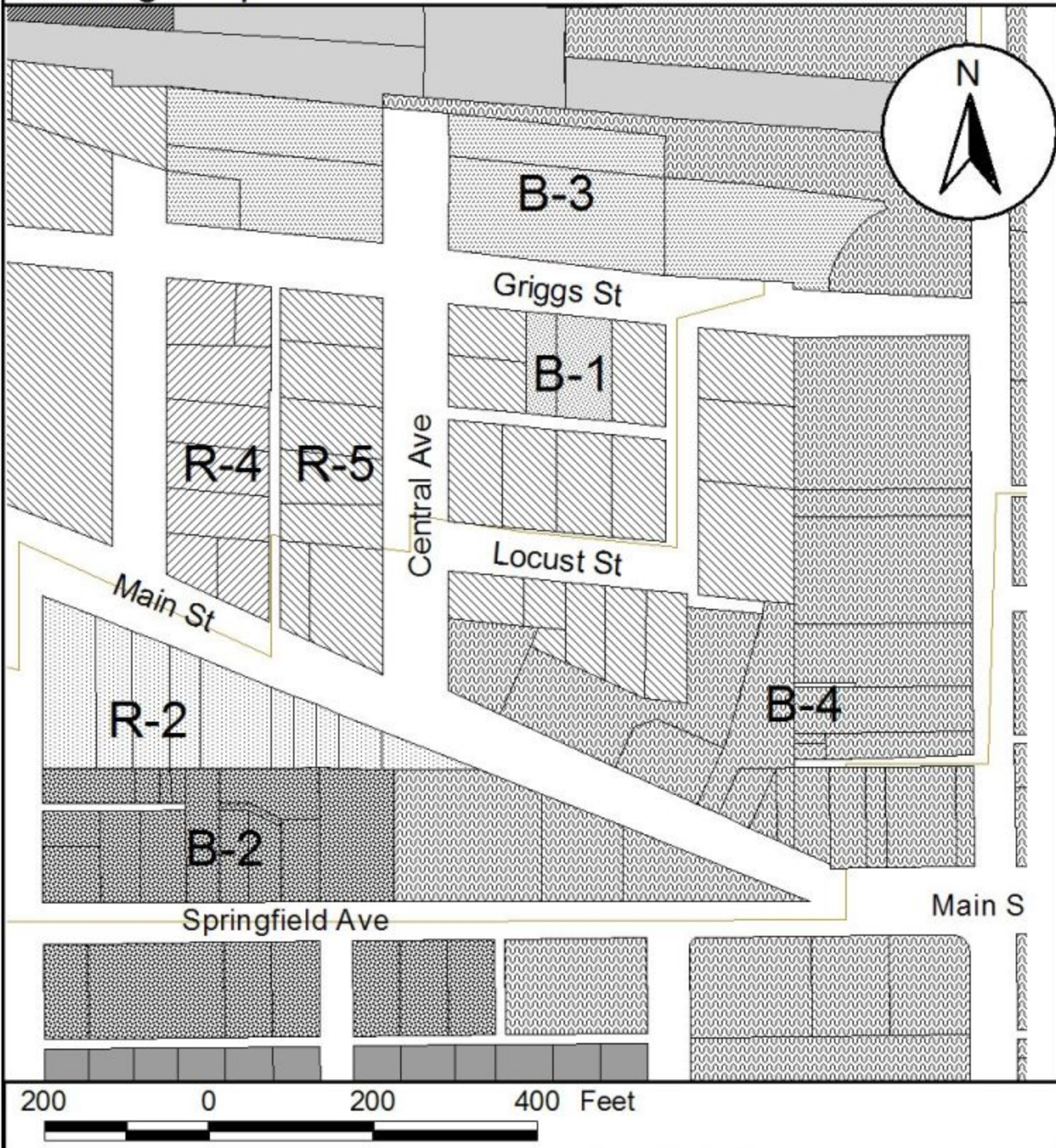
# Exhibit "A"



Plan Case: 1949-SU-05  
Petitioner: Canaan Baptist Church  
Location: 306 W. Locust  
Description: Request to allow an "accessory" parking lot within 600 feet of an R-1, R-2, or R-3 zoning district.

# Zoning Map

# Exhibit "B"



Plan Case: 1949-SU-05  
 Petitioner: Canaan Baptist Church  
 Location: 306 W. Locust  
 Description: Request to allow an "accessory" parking lot within 600 feet of an R-1, R-2, or R-3 zoning district.

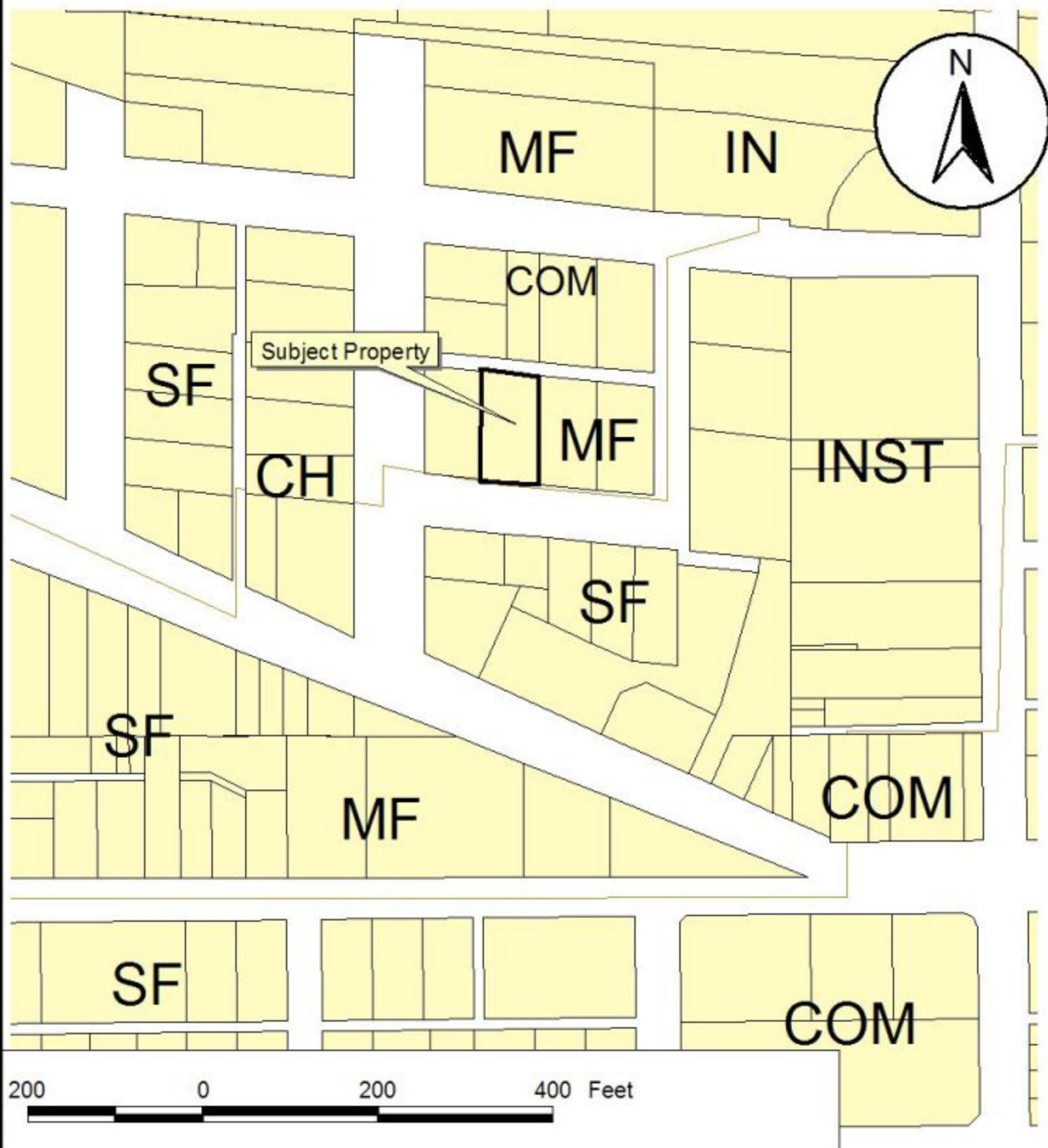
- R2 - Single Family
- R4 - Medium Density Multiple-Family
- R5 - Medium High Density Multiple-Family
- B1 - Neighborhood Business
- B2 - Neighborhood Business-Arterial
- B3 - General Business
- B4 - Central Business

Note: Some properties in Boneyard Creek District



# Existing Land Use Map

# Exhibit "C"



Plan Case: 1949-SU-05  
Petitioner: Canaan Baptist Church  
Location: 306 W. Locust  
Description: Request to allow an "accessory" parking lot within 600 feet of an R-1, R-2, or R-3 zoning district.

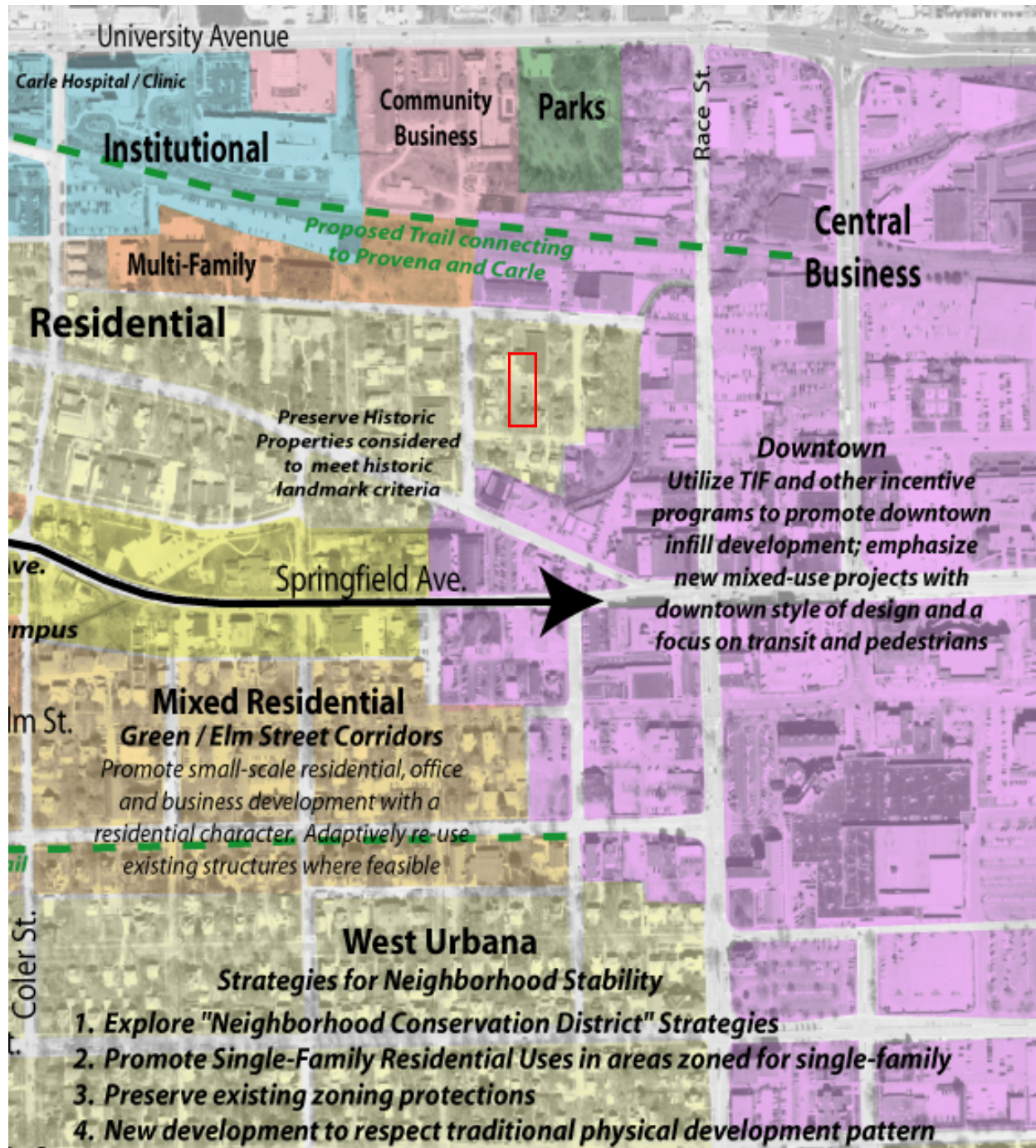
Prepared 8/12/05 by Community Development Services - mhw

SF - Single Family  
MF - Multi-Family  
CH - Church  
COM - Commercial  
IN - Industrial  
INST - Institutional

# Future Land Use

# EXHIBIT "D"

Source: Comprehensive Plan Future Land Use Map # 8, p.79



**Plan Case:** 1949-SU-05  
**Petitioner:** Canaan Baptist Church  
**Location:** 306 W. Locust  
**Description:** Request to allow an "accessory" parking lot within 600 feet of an R-1, R-2, or R-3 zoning district

Prepared 8/12/05 by Community Development Services - mhw





Plan Case: 1949-SU-05  
Petitioner: Canaan Baptist Church  
Location: 306 W. Locust  
Description: Request to allow an "accessory" parking lot within  
600 feet of an R-1, R-2, or R-3 zoning district.