



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Jeff Engstrom

DATE: August 13, 2010

SUBJECT: **ZBA Case 2010-C-01** is a request by Robert DeAtley for a Conditional Use Permit to allow an “Engineering, Laboratory, Scientific and Research Instruments Manufacturing” use and more than one principal structure or building on a single parcel of land at 506 E. Anthony Drive in the B-3 District.

Introduction

Robert DeAtley has submitted a conditional use permit request for a property at 506 East Anthony Drive. The subject property is a 5.9-acre vacant lot with frontages on Anthony Drive and Willow Road. The petitioner wishes to develop the property as a research park with office, research, and product testing uses. The site will have five principal use structures, to be used for “*Engineering, Laboratory, Scientific and Research Instruments Manufacturing*”. Urbana Zoning Ordinance Section V-3.C permits the Zoning Board of Appeals to allow the establishment of more than one principal use structure or building on a single parcel of land in any zoning district under Conditional Use Permit review procedures. Urbana Zoning Ordinance Table V-1 Table of Uses states that a “*Engineering, Laboratory, Scientific and Research Instruments Manufacturing*” is permitted in the B-3 Zoning District pursuant to the approval of a Conditional Use Permit by the Urbana Zoning Board of Appeals.

Background

The subject property is adjacent to Creative Thermal Solutions, located at 2209 Willow Road. Creative Thermal Solutions is a research and testing facility for refrigeration and energy systems, and was granted a CUP for “*Engineering, Laboratory, Scientific and Research Instruments Manufacturing*” as part of the annexation agreement for 2209 Willow Road in 2004 (Ordinance number 2004-07-081). The owners of Creative Thermal Solutions own the subject property, and plan on expanding into the new buildings or leasing the space to clients and related businesses. Upon completion, the proposed development would add five new buildings to the site. The buildings and would resemble the existing Creative Thermal Solutions structure. Construction of the buildings would be phased, with a new building to be completed each year. The City is preparing a development agreement with Creative Thermal Solutions for the new development, including financial incentives and improvements to Willow Road.

The questions before the Zoning Board in Cases 2010-C-01 are:

- 1) Whether more than one principal use or structures may be located at this site; and
- 2) Whether a “*Engineering, Laboratory, Scientific and Research Instruments Manufacturing*” use may be permitted as a conditional use at this location

As in all Conditional Use Permit cases there are specific questions and criteria of review used to analyze the questions stated above. Those are addressed later in the memo.

Surrounding Properties

The subject property is located in the northern part of Urbana, with frontages on Anthony Drive and Willow Road. Creative Thermal Solutions’ existing building occupies the northwest corner of Anthony and Willow, and is surrounded by the subject property. The character of the area is mostly light industrial/office, with some retail and service uses. To the north is APL Engineered Materials, and to the west is Flex-N-Gate, both zoned IN, Industrial. South across Anthony Drive is Interstate 74, then Kenyon Road, and then Faith Community Church. To the east there is Brahler’s Trucker Supply, and north of that is a vacant lot. Michelle’s Bridal Shoppe is on the northeast corner of Willow and Anthony, and is directly across from the existing Creative Thermal Solutions building.

The following chart, along with the attached exhibits, offers a more detailed summary of the surrounding zoning and land uses.

Direction	Zoning	Existing Land Use	Future Land Use
Site	B-3, General Business	Vacant	Regional Business
North	IN, Industrial	Light Industrial/Office	Regional Business
East	IN, Industrial	Vacant, Truck Tire Sales	Regional Business
South	(Right-of-Way)	Interstate 74	(none)
	R-1, Single Family Residential	Church	Residential
West	IN, Industrial	Light Industrial/Office	Regional Business

Discussion

Creative Thermal Solutions (CTS) wishes create a research park on the site, built in harmony with surrounding light industrial and office uses. CTS will expand into one of the proposed buildings, and building space will also be leased to customers of CTS or tenants in related research fields. The site will be developed in phases over the next five years, with at least one building being completed every year. The proposed buildings will match the existing building for Creative Thermal Solutions. The buildings will be used partially for offices, but the majority of the space will be devoted to research, testing and development. The applicants estimate that the development will create up to 150 new jobs.

Development Regulations

The applicant included a preliminary site plan with the application. The configuration of Building 1 may change, as is located in a utility easement.

Access & Parking

Buildings 1, 2, 3, and 4 would be accessed off of Willow Road. Building 5 will have its own parking lot and is accessed from Anthony Drive. As a part of the upcoming development agreement, the City is utilizing state funds to make surface and drainage improvements to Willow Road. For industrial properties, one parking space is required for every 1,000 square feet of floor space. The site plan does not indicate the number of proposed parking spaces, but staff has determined that areas reserved for parking would be more than adequate to meet minimum parking requirements. The City Engineer has reviewed and preliminarily approved the site access plan and curb cuts.

Setbacks, FAR and OSR

In the B-3 zoning district the required front yard setback is fifteen feet. Required side yard and rear yard setbacks are five feet and ten feet, respectively. The site has required front yards along Willow Road and Anthony Drive. The rear yard is along the north property line, and the side yard is along the western edge. According to the site plan, all buildings and parking lots will be outside of the required yards.

The proposed development will conform to the floor area and open space ratios for the B-3 zoning District. According to Table VI-3, the maximum Floor Area Ratio (FAR) for this district is 4.0, and there is no minimum Open Space Ratio (OSR). The proposed development is well within these parameters.

Requirements for a Conditional Use Permit

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit shall demonstrate the following criteria:

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

The proposed use will allow for development of a vacant parcel in harmony with surrounding light industrial/office and retail uses. The property has convenient access to Interstate 74 and US Route 45 via the Anthony Drive frontage road, ensuring deliveries, employees, and customers will not disturb any residential areas. The use will allow for expansion of an adjacent property, Creative Thermal Solutions, in a research park setting. The proposed development will create several new jobs for the local economy.

- 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.*

There will be no burden upon surrounding uses due to the proposed use of “*Engineering, Laboratory, Scientific and Research Instruments Manufacturing*” or to the allowance for multiple buildings on the site. The proposed use is consistent and compatible with adjacent properties. Surrounding properties are mostly light industrial or office in nature, which is compatible with the research, testing, and

development that will occur at the proposed development. Allowing five buildings on the site will not be injurious to the district, as the site is almost six acres in 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-6.*

The proposed use will conform to all applicable development standards and regulations, including required yards, height limits, floor area ratio, and parking space requirements. The proposed development will be made of materials consistent with nearby buildings and will match that of the Creative Thermal Solutions building at 2209 Willow Road. The essential character of the surrounding properties will be preserved with the proposed development.

Consideration

According to Section XII-2, the Board of Zoning Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permits, and whether the proposed uses 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 Board of Zoning Appeals may also impose such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require the screening of such use by means of fences walls or vegetation;
3. Stipulate a required minimum lot size;
4. Regulate vehicular access and volume;
5. Require conformance to health, safety, and sanitation requirements as necessary;
6. Increase the required yards;
7. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

Summary of Findings

1. Creative Thermal Solutions proposes to construct a research park with five buildings at 506 East Anthony Drive, to be used as “Engineering, Laboratory, Scientific and Research Instruments Manufacturing”.
2. The proposal would not pose a detriment to the B-3, General Business zoning district.
3. The proposed conditional use will be conducive to the public convenience by allowing for the use of a vacant parcel in a location consisting of similar uses.
4. The City Engineer has reviewed and approved the site access provisions.

5. The proposal preserves the essential character of the district because this type of light industrial/office use is in keeping with other general uses in the near vicinity.
6. The development will meet or exceed all of the applicable requirements of the Urbana Zoning Ordinance. The new buildings will be located outside of the required setbacks, and the required amount of parking will be provided.
7. The proposed development is generally consistent with the 2005 Urbana Comprehensive Plan which shows the site as “Regional Business”.

Options

The Zoning Board of Appeals has the following options:

1. Grant the requested conditional use without any special conditions; or
2. Grant the requested conditional use along with any additional conditions and requirements as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance; or
3. Deny the requested conditional use.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the proposed conditional use to allow the establishment of more than one principal structure on a single parcel of land and to allow use as “*Engineering, Laboratory, Scientific and Research Instruments Manufacturing*” for the reasons articulated above and along with the following conditions:

1. That the development shall generally conform to the submitted site plan attached as Exhibit F, as it may be amended to meet the codes and regulations of the City of Urbana. Any significant deviation from the site plan may require an amendment to the Conditional Use Permit, including further review and approval by the Zoning Board of Appeals.
2. That the development shall meet all applicable standards and regulations of the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code.

Attachments:

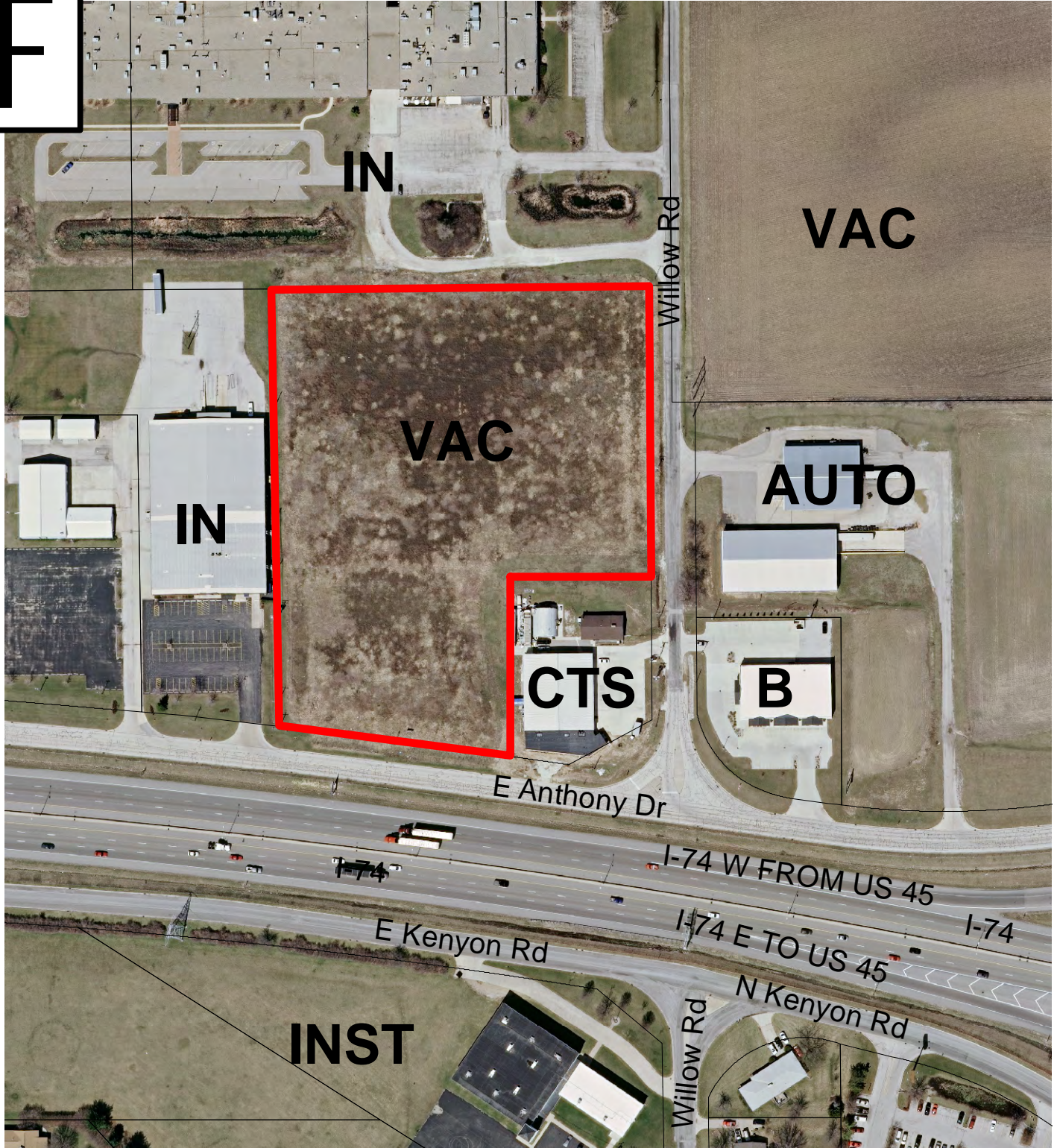
Ex. A: Location & Existing Land Use Map	Ex. D: Application for Conditional Use
Ex. B: Zoning Map	Ex. E: Site Photos
Ex. C: Future Land Use Map	Ex. F: Site Plan
	Ex. G: Proposed Building Plans

Cc: Barber & DeAtley, Inc.
 PO Box 236
 Urbana, IL 61803-0236

Archeorent LLC of Urbana
 2209 N. Willow Rd
 Urbana, IL 61802

EXHIBIT A: Existing Land Use Map

F



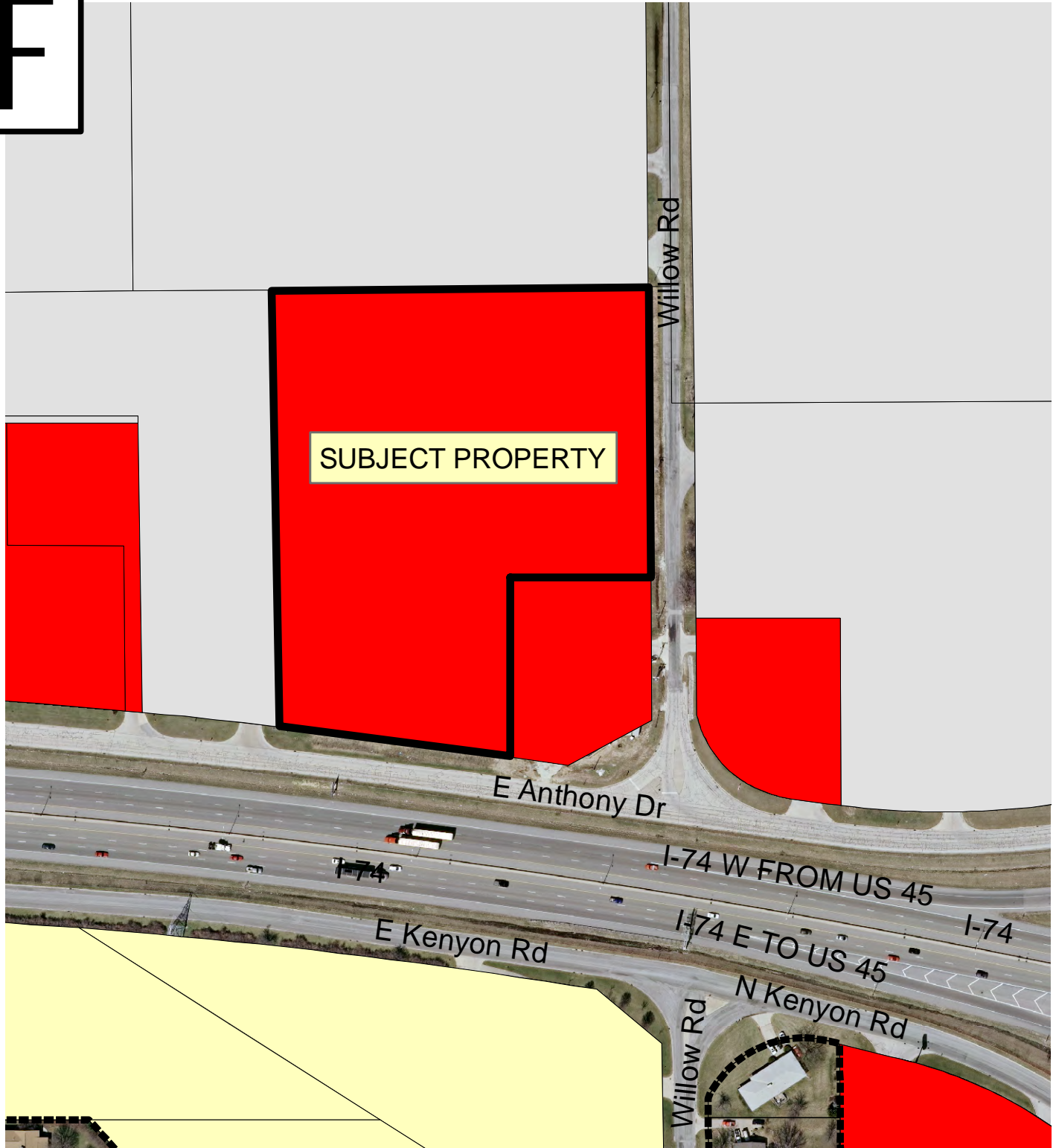
Plan Case: 2010-C-01
Petitioner: Robert DeAtley
Location: 506 E. Anthony Drive
Description: Request for a Conditional Use Permit to allow an "Engineering, Laboratory, Scientific and Research Instruments Manufacturing" Use and multiple buildings on a single lot in the B-3 District

Prepared 08/10 by Community Development Services - jme

 Subject Property

EXHIBIT B: Existing Zoning Map

F



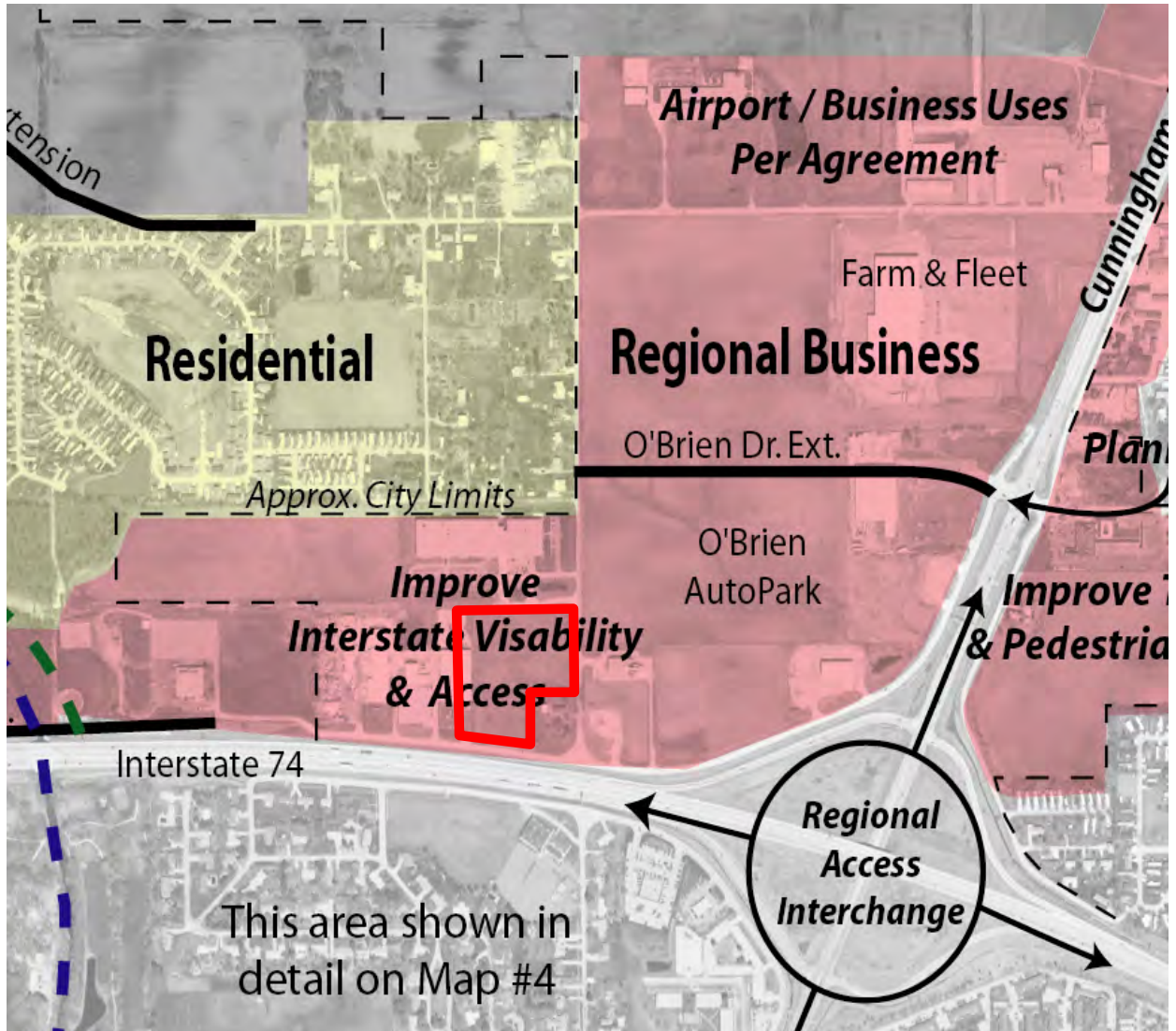
Plan Case: 2010-C-01
Petitioner: Robert DeAtley
Location: 506 E. Anthony Drive
Description: Request for a Conditional Use Permit to allow an "Engineering, Laboratory, Scientific and Research Instruments Manufacturing" Use and multiple buildings on a single lot in the B-3 District

Prepared 08/10 by Community Development Services - jme

- IN
- B3
- R1
- Urbana

EXHIBIT C: Future Land Use Map

F



Plan Case: 2010-C-01
Petitioner: Robert DeAtley
Location: 506 E. Anthony Drive
Description: Request for a Conditional Use Permit to allow an "Engineering, Laboratory, Scientific and Research Instruments Manufacturing" Use and multiple buildings on a single lot in the B-3 District

Prepared 08/10 by Community Development Services - jme

 Subject Property



Application for Conditional Use Permit

Zoning Board Of Appeals

APPLICATION FEE - \$125.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ ZBA Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A CONDITIONAL USE PERMIT is requested in conformity with the powers vested in the Zoning Board of Appeals to permit *(Insert Use or Construction Purpose)* Engineering, Laboratory, Scientific and Research Instruments Manufacturing on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Robert DeAtley, Barber & DeAtley, Inc Phone: (217) 367-5350

Address (street/city/state/zip code): 611 N. Goodwin Ave., Urbana, IL 61801

Email Address: barberdeatley@aol.com

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner's General Contractor

2. OWNER INFORMATION

Name of Owner(s): Archeorent LLC of Urbana Phone: (217) 344-7663

Address (street/city/state/zip code): 2209 N. Willow Road, Urbana IL 61801

Email Address: pega@creativethermalsolutions.com

Is this property owned by a Land Trust? Yes No

If yes, please attach a list of all individuals holding an interest in said Trust.

→ Pedrag S. Hrnjak, member of Archeorent LLC
→ and Ivana Bodulic, member of Archeorent LLC.

3. PROPERTY INFORMATION

Location of Subject Site: 506 E. Anthony Drive, Urbana, IL 61801

PIN # of Location: 91-25-05-277-003

Lot Size: 6.35 Acres ±

Current Zoning Designation: B-3 General Business

Current Land Use (vacant, residence, grocery, factory, etc): Vacant

Proposed Land Use: Engineering, Laboratory, Scientific and Research Instruments Manufacturing

Legal Description: Lot 3 in Harry Gill Second Subdivision, as per plat recorded in plat book "Z" at page 244, situated in Champaign County, IL. The Real Property or its address commonly known as 506 E. Anthony Dr., Urbana IL 61801.

4. CONSULTANT INFORMATION

Name of Architect(s): Gaylord H. Swisher, Architect Phone: (217) 398-8559

Address (street/city/state/zip code): 900 Pheasant Lane, Savoy IL 61874

Email Address: archguy2310@gmail.com

Name of Engineers(s): HDC Engineering, Inc, Chad Osterbur, PE Phone: (217) 352-6976

Address (street/city/state/zip code): 201 W. Springfield Ave, Suite 300, Champaign, IL 61820

Email Address: chad@hdc-eng.com

Name of Surveyor(s): (same as Engineer) Phone:

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

Email Address:

Name of Professional Site Planner(s): N/A Phone:

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

Email Address:

Name of Attorney(s): Phone:

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

Email Address:

5. REASONS FOR CONDITIONAL USE PERMIT

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

See Attached.

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.

See attached.

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 (except where such regulations and standards may be modified by Section VII-3 of the Urbana Zoning Ordinance, 1979).

See attached.

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.

Robert E. DeAtley Vice President, Barber + DeAtley, Inc. 7/27/10
Applicant's Signature Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

Application For Conditional Use
506 E. Anthony Drive, Urbana

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

The proposed use will develop an area of the city which has remained undeveloped even though it is surrounded by existing businesses. The proposed use on this site, Engineering, Laboratory, Scientific and Research Instruments Manufacturing, will benefit from the close proximity to Interstate 74 and US Route 45 and the proximity to Creative Thermal Solutions, a business located next door to this site. The public as a whole will benefit from the development of this parcel which will replace the existing field which has been used for dumping of trash and debris.

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 use is consistent and compatible with that of the adjacent properties. Neighboring properties are all currently zoned as Industrial except for Creative Thermal Solutions and Michele's, which are both zoned B-3. The proposed development of a phased research park will make use of metal buildings similar in design and of the same finishes as the existing structure at 2209 Willow Road, which is consistent with adjacent properties. The Engineering, Laboratory, Scientific and Research Instruments Manufacturing is consistent with adjacent uses, and there should be no additional burden on adjacent properties. As seen in the attached photographs, nearly all of the surrounding properties are metal buildings. Furthermore, this structure will be

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 (except where such regulations and standards may be modified by Section VII-3 of the Urbana Zoning Ordinance, 1979).

The proposed use will conform to all setbacks, height restrictions and other requirements as set forth in the Urbana Zoning Ordinance for B-3 Zoning, which is more strict than that of Industrial zoning. The attached elevation drawings for Buildings 2 and 3 show that the development is consistent with other materials on both the next door building and other adjacent properties. While architectural plans for buildings 1, 4, and 5 are not completed at this time, they will utilize the same finishes and design styles of buildings 2 and 3. Again, these finishes are consistent with that of neighboring properties and therefore will not change the essential character of the district in which the use will be located.

PHOTOGRAPHS OF SUBJECT PARCEL (undeveloped land)



Subject parcel in foreground. Picture taken along Anthony Dr., looking North. Existing CTS property is at far right of the photograph, behind the tree.



Subject parcel in foreground. Picture taken along Willow Rd., looking West. Photograph shows parking lot construction for building #2.

PHOTOGRAPHS OF EXISTING PROPERTIES ADJACENT TO SUBJECT PARCEL



Property immediately west of subject parcel, zoned Industrial.



East elevation of property immediately west of subject parcel.



Property east of existing CTS property, zoned B-3 General Business.



Property east of subject parcel, zoned Industrial.



Property north of subject parcel, zoned Industrial.



Property east of subject parcel, zoned Industrial.

PHOTOGRAPHS OF EXISTING CREATIVE THERMAL SOLUTIONS FACILITY



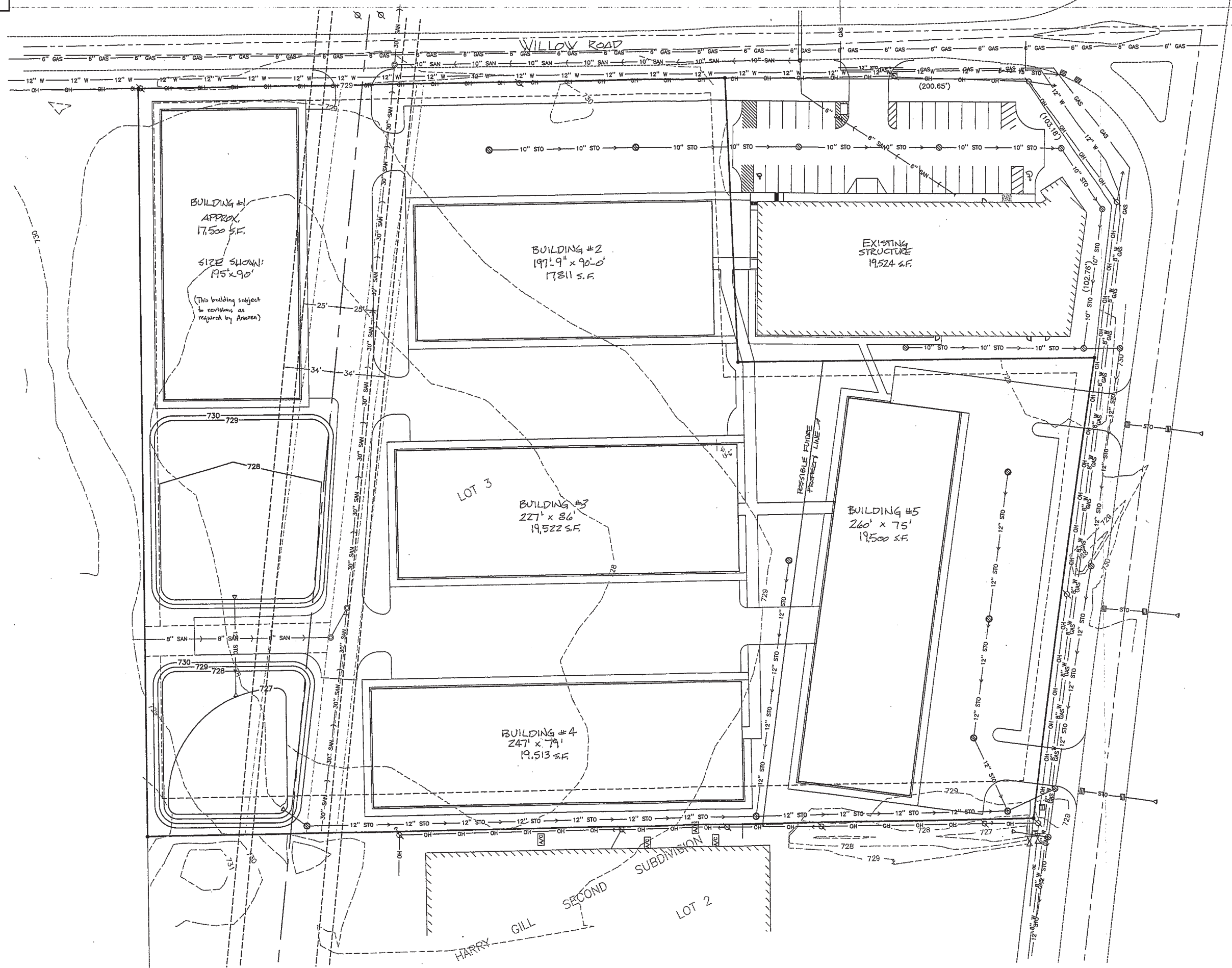
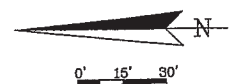
East Elevation of existing CTS property. Proposed construction will be of the same finishes as what is shown in this photograph, and of similar design.



Existing CTS development, north elevation.



Existing CTS development, close up of East elevation showing use of aluminum windows and metal siding.



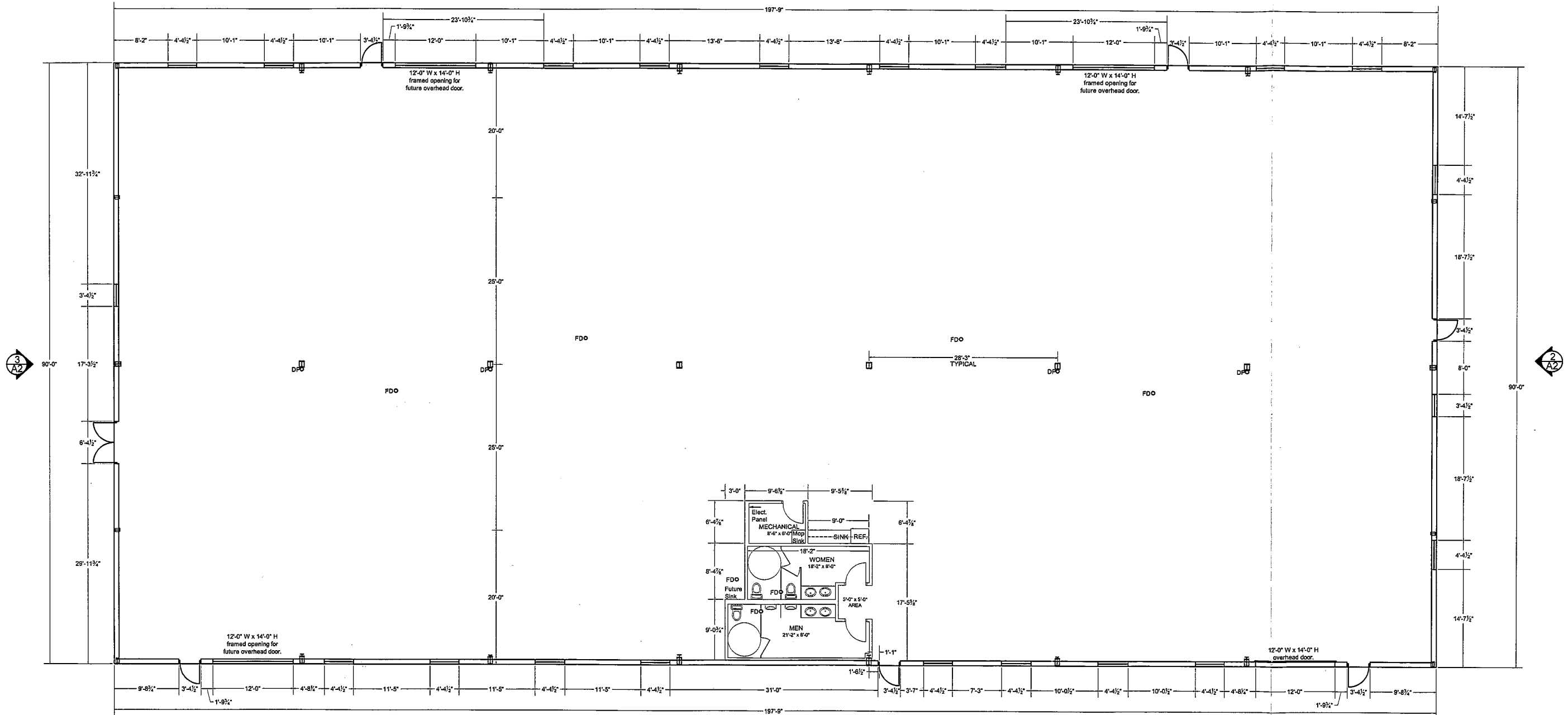
R:\01010079\SITE PLANS\1079-SITE.dwg, Layout1, 5/22/2010 9:47:46 AM, cmo



Professional Design Firm License No. 184-003223 Expires 04/30/2011
 201 West Springfield, Suite 300, P.O. Box 140, Champaign, Illinois 61824-0140
 217-532-8976 FAX 217-536-0370

SITE DEVELOPMENT PLAN

PROJECT NO.	DATE:	REV.	CHECKED
DRAWN BY:	DATE:	BY	REVISIONS
15-4-10		PRELIMINARY	



1
A1 **BUILDING 2 FLOOR PLAN**
Floor Plan Scale: 1/16" = 1'-0"

SCALE:
1/16" = 1'-0"

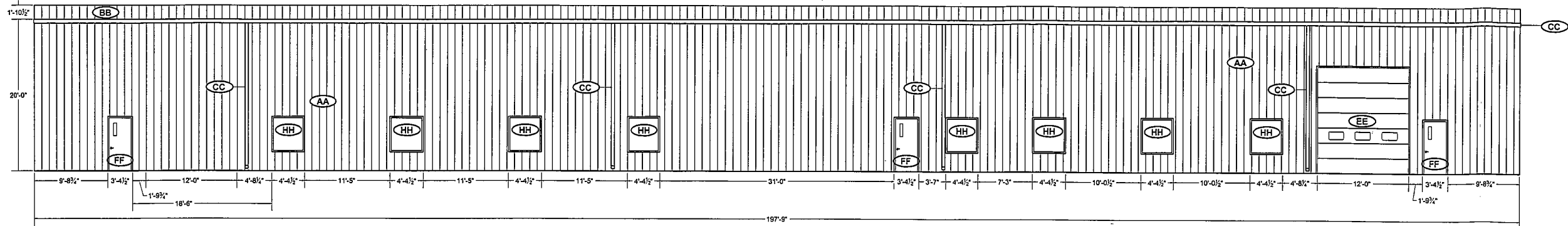
DATE:
05/05/10

BARBER & DEATLEY, INC.
GENERAL CONTRACTORS 611 N. GOODWIN P.O. BOX 236 URBANA, IL 61803-0236
TEL. (217) 367-5350 FAX (217) 367-9483

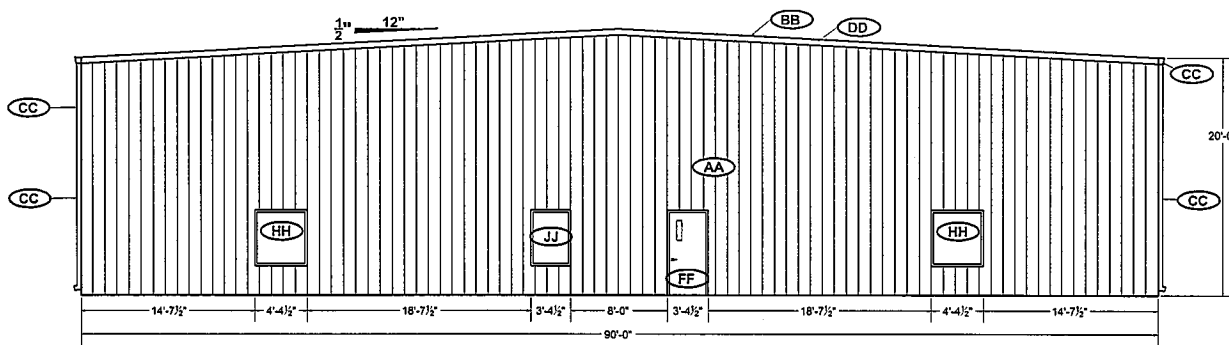
**BUILDING 2
FLOOR PLAN**

Creative Thermal Solutions
Phase 4 Expansion

A1

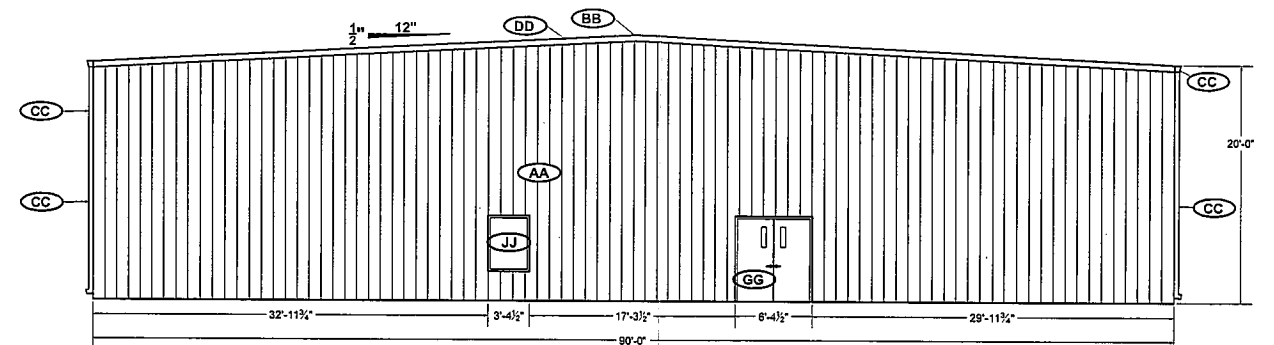


1
A2 BUILDING 2 EAST ELEVATION
Elevation Scale: 1/16" = 1'-0"

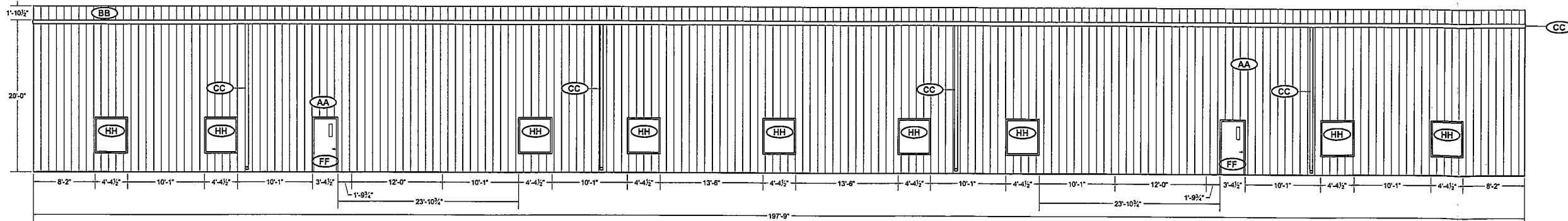


2
A2 BUILDING 2 NORTH ELEVATION
Elevation Scale: 1/16" = 1'-0"

Symbol	Description	Finish
AA	VP Metal Siding	Prefinished
BB	VP Metal Building Roofing	Prefinished
CC	VP Gutters & Downspouts	Prefinished
DD	VP Metal Building Trim	Prefinished
EE	12'-0" x 14'-0" Overhead Door & Lites	Prefinished
FF	3'-0" x 7'-0" HM Door, Frame & Lite	Painted
GG	Pair of 3'-0" x 7'-0" HM Doors with Lite & Frame	Painted
HH	4'-0" x 4'-4" D.L.O. Alum. Window	Prefinished
JJ	3'-0" x 4'-4" D.L.O. Alum. Window	Prefinished



3
A2 BUILDING 2 SOUTH ELEVATION
Elevation Scale: 1/16" = 1'-0"



4
A2 BUILDING 2 WEST ELEVATION
Elevation Scale: 1/16" = 1'-0"

SCALE:
1/16" = 1'-0"

DATE:
05/05/10

BARBER & DEATLEY, INC.
GENERAL CONTRACTORS 611 N. GOODWIN P.O. BOX 236 URBANA, IL 61803-0236
TEL. (217) 367-5350 FOUNDED 1949 FAX (217) 367-9483

BUILDING 2
ELEVATIONS

Creative Thermal Solutions
Phase 4 Expansion

A2