



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: August 15, 2002

SUBJECT: Plan Case No. 1833-M-02: Request by Family Video Movie Club, Inc. to rezone 801 and 803 N. Lincoln Avenue from R-2, Single-Family Residential to B-1, Neighborhood Business. .

Introduction & Background

The Family Video Movie Club, Inc. is petitioning the City of Urbana for a rezoning of two lots totaling approximately 0.34 acres at 801 and 803 North Lincoln Avenue. The request is to rezone the two properties from R-2, Single-Family Residential to B-1, Neighborhood Business. The rezoning is requested in order to redevelop the two lots plus the existing property to the north, zoned B-1, for a new video rental / retail store.

On August 8, 2002, the Plan Commission voted 5-1 to recommend approval of the rezoning. The motion to approve the request was based primarily on the finding that R-2, Single-Family Residential is no longer viable at that location due to recent changes in the area, specifically the widening of Lincoln Avenue, and that B-1, Neighborhood Business would be more appropriate.

For further information on the case, please refer to the staff memorandum to the Plan Commission dated August 2, 2002.

Issues and Discussion

B-1, Neighborhood Business

The B-1, Neighborhood Business Zoning District is designed to be less intense than the B-3, General Business Zoning District which encompasses the majority of businesses in Urbana. While the B-3 district can accommodate a wide range of commercial uses varying in intensity from small-scale retail stores to intense, large-scale commercial shopping centers, the B-1

district allows a much more limited range of uses. The level of intensity for any use will always vary depending on its scale, design and operation, but in general the uses permitted in the B-1 zone are considered to be those that would most likely benefit adjacent neighborhoods by offering nearby services without requiring residents to drive to more intense commercial areas. The August 2, 2002 Plan Commission memorandum contains a zoning description sheet for the B-1, Neighborhood Business Zoning District.

Recent Zoning History

Several zoning requests related to the area are mentioned in the August 2, 2002 staff memorandum to the Plan Commission. Specifically, two previous requests to rezone 801 and 803 North Lincoln Avenue had been proposed. In 1992 and again in 1996, rezoning requests to B-1 for these two properties were recommended for approval by staff and the Plan Commission but were eventually denied by the City Council. The request in 1996 was not related to any specific intended use of the property. Neighbors opposed the request and submitted a petition to the City Council prior to final consideration. The petition indicated the desire for more residential uses and that commercial development could impact King School.

For the current case, neighbors within 250-feet of the property have been notified, notice has been published in the News-Gazette and signs have been posted on the property. There has been no written or verbal opposition related to the request.

Family Video

Family Video Movie Club, Inc. has a contract to purchase 801 and 803 North Lincoln Avenue as well as the vacant University Orthopedics building to the north which is already zoned B-1. They would demolish the two homes and the Orthopedics building to construct a 7,000 square foot video store with parking. A preliminary sketch plan was submitted with the rezoning application and shows their intention to locate the building where the two homes are currently and then locate the parking in the area where the Orthopedics building now stands.

At the August 8, 2002 Plan Commission meeting, the petitioner explained the need to rezone 801 and 803 North Lincoln Avenue and combine those lots with the University Orthopedics site to the north which is currently zoned B-1. The University Orthopedics site currently contains two access easements for the neighboring property to the west. These easements cannot be built upon. Also, redevelopment of the site would require compliance with the Urbana Zoning Ordinance for setbacks and parking. Since it is a corner lot, there is a minimum 15-foot setback along both Fairview and Lincoln Avenues. Given these two constraints and considering the size of the lot, the petitioner explained that it would be very difficult to redevelop just the University Orthopedics site for a commercial use without acquiring additional property.

Although the submitted application includes a sketch plan, the consideration for a rezoning should be based on the appropriateness of the zoning district at that location and not necessarily the layout of the anticipated development. Any development will be required to meet the current standards of the Urbana Zoning Ordinance or request the appropriate variances.

King Park Plan (1989-2001)

The King Park Plan (1989-2001) includes a proposed future land use map which was adopted and superseded the land use recommendations of the 1982 Comprehensive Plan. The map recommended areas for residential, commercial, public and recreational uses and is used as a general guide for determining land use and zoning decisions. The map identifies 801 and 803 North Lincoln Avenue as having a future land use of low-density residential. Although the proposal for neighborhood business zoning on these two lots is not consistent with the proposed map and relevant policies of the plan, it is staff's opinion that specific conditions in the area have changed since the adoption of the King Park Neighborhood Plan 13 years ago that justify the request. These changes are discussed below.

North Lincoln Avenue

North Lincoln Avenue was improved and widened to four lanes in 1997. A signal was also installed at Lincoln and Fairview Avenues to help manage traffic and improve an intersection that has historically witnessed a significant number of accidents. The improvement has had a number of effects on the area. Most importantly, it has made properties such as 801 and 803 North Lincoln Avenue less desirable and more dangerous as residential uses. When Lincoln Avenue was improved it took seven feet of property from 801 and 803 North Lincoln and created a situation where those homes are now non-conforming for setback and only 10 feet from the right-of-way. Considering the traffic and activity on Lincoln Avenue, this creates an unsafe situation and a public concern about children and others playing in the front yard situated so close to a major arterial roadway that is one of the main arteries into the city and designated as the entrance to the University of Illinois campus. For these reasons, neighborhood business zoning at this location may be more appropriate.

Condition of Buildings

Although not specific to the rezoning request, the University Orthopedic building to the north has been vacant and deteriorating for several years now. The property has been actively marketed for the redevelopment of a neighborhood business use. The lot size, lot configuration and condition of the existing building have not proved to be marketable for redevelopment. For this reason, potential buyers have inquired about combining the lot with 801 and 803 N. Lincoln Avenue for complete redevelopment. Until the area is redeveloped, it will continue to show the early signs of urban blight.

Desire for Neighborhood Businesses

Recent Comprehensive Plan neighborhood workshops held throughout Urbana have demonstrated that more residents desire neighborhood businesses in close proximity to their homes to reduce the need to drive to larger commercial nodes in Urbana and elsewhere. In particular, at the neighborhood workshop held at King Park School in October of 2001, some residents indicated that a weakness of the area was the lack of any neighborhood business services within easy walking distance. It was noted that many residents are either elderly or unable to drive and it is difficult to get services.

Summary of Staff Findings

On August 8, 2002, the Urbana Plan Commission adopted the following findings and recommended approval of the requested rezoning to the Urbana City Council.

1. The Neighborhood Business designation seems appropriate for the site, given its proximity to compatible uses in the general area. The zoning would also be consistent with the adjacent property currently zoned B-1, Neighborhood Business.
2. The site is located in an area that would be appropriate for B-1, Neighborhood Business which is intended *“to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly of frequently.”*
3. The widening and improvement of Lincoln Avenue the immediate proximity of the homes to the busy, arterial roadway does not serve the public interest and may create a hazardous situation making neighborhood business redevelopment of the site appropriate.
4. The proposed B-1 zoning for the subject property will enable redevelopment to make better use of the property as well as better use of the property to the north which has been vacant for several years.
5. The proposed zoning change appears to be generally consistent with the goals of the Comprehensive Plan.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

The City Council has the following options. In Plan Case 1833-M-02, the City Council may:

- a. Approve a rezoning of 801 and 803 N. Lincoln Avenue Street from R-2, Single-Family Residential to B-1, Neighborhood Business.
- b. Deny a rezoning of 801 and 803 N. Lincoln Avenue Street from R-2, Single-Family Residential to B-1, Neighborhood Business.

Staff Recommendation

Based on the evidence presented in the discussion above, staff concurs with the Plan Commission decision on August 8, 2002 and recommends **approval** of Plan Case No. 1833-M-02.

c: Dave Knall, 4407 Pickfair Road; Springfield, Illinois 62703

Attachments: Proposed Ordinance
 Location Map
 Rezoning Application
 Minutes of August 8, 2002 Plan Commission meeting

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA,
ILLINOIS**

(Rezoning for 801 and 803 N. Lincoln Avenue from R-2, Single-Family Residential to B-1, Neighborhood Business - Plan Case 1833-M-02)

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 8, 2002 concerning the petition filed by the petitioner in Plan Case No. 1833-M-02; and

WHEREAS, the requested rezoning is generally consistent with the City of Urbana's Official Comprehensive Plan Map and with the goals and objectives of the City of Urbana Comprehensive Plan, as amended; and

WHEREAS, the Urbana Plan Commission voted 5 ayes and 1 nay to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the properties herein described below and commonly known as 801 N. Lincoln Avenue and 803 N. Lincoln Avenue from R-2, Single-Family Residential to B-1, Neighborhood Business; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request 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. The Zoning Ordinance and Zoning Map of the City of Urbana, Illinois, are herewith and hereby amended to change the zoning classification of the following described areas commonly known as 801 N. Lincoln Avenue and 803 N. Lincoln Avenue from R-2, Single-Family Residential to B-1, Neighborhood Business.

LEGAL DESCRIPTION:

Lot 39 and 40 of Sarah A Sim's Addition to the City of Urbana except the North 3.4 feet, situated in Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-07-428-021

LOCATED AT: 801 N. Lincoln Avenue

PERMANENT PARCEL #: 91-21-07-428-020

LOCATED AT: 803 N. Lincoln Avenue

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this _____ day of _____, 2002.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
2002.

Tod Satterthwaite, Mayor

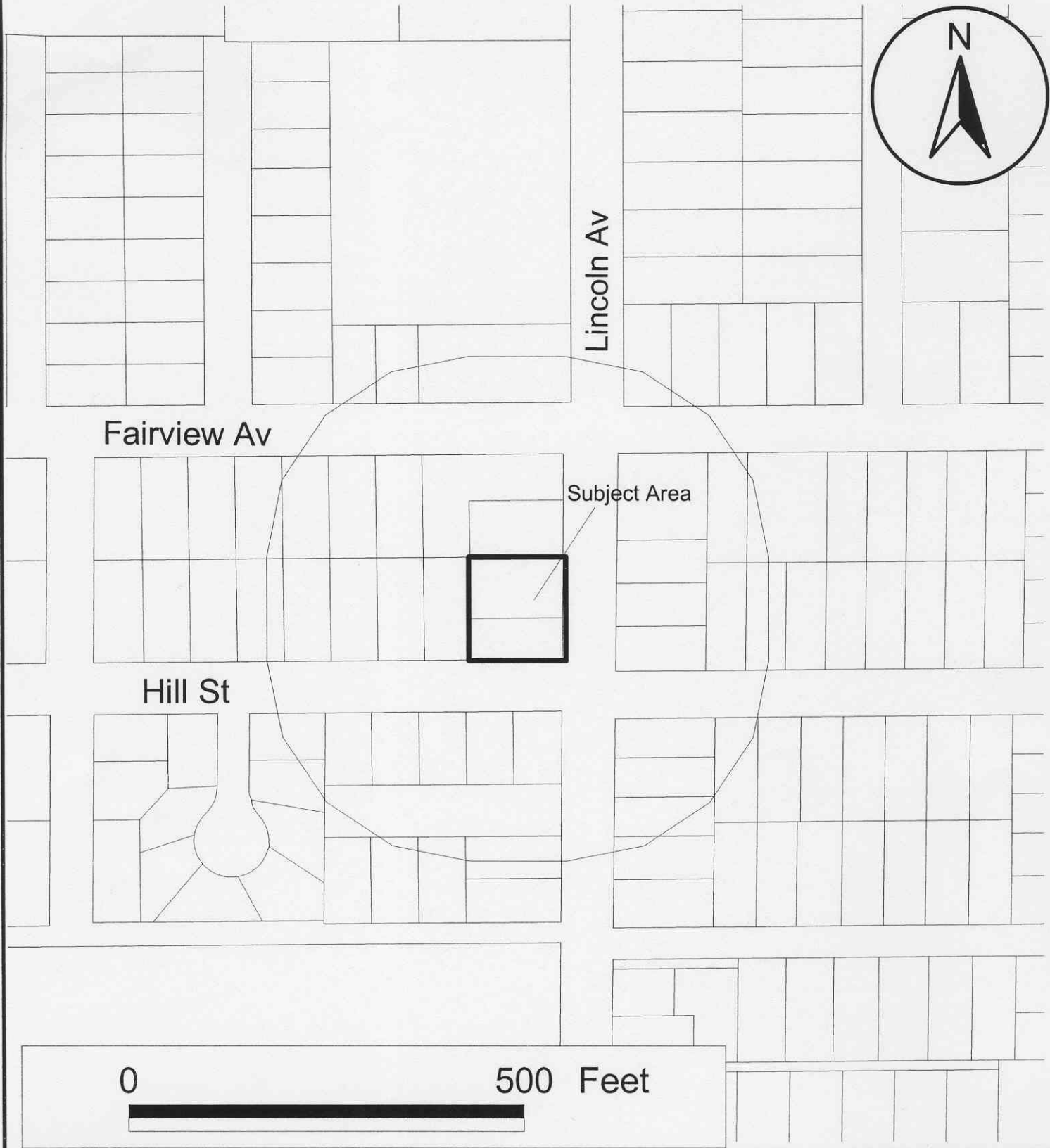
CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

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 _____, 2002, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS (Rezoning for 801 and 803 N. Lincoln Avenue from R-2, Single-Family Residential to B-1, Neighborhood Business - Plan Case 1833-M-02)" 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 _____, 2002, 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 _____, 2002.

Exhibit "A": Location Map



Family Video Movie Club, Inc.
801 & 803 N. Lincoln Av
1833-M-02

Prepared July 18, 2002 by Community Development Services - mrb