



**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/City Planner

**DATE:** January 16, 2003

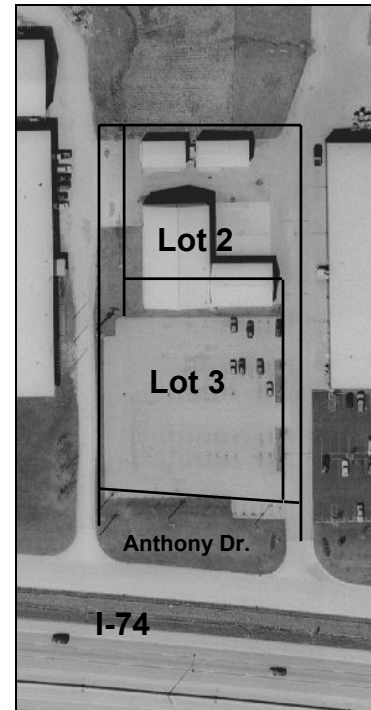
**SUBJECT:** Plan Case No. 1847-M-02: Request by Dennis Ohnstad to rezone 406 East Anthony Drive from IN, Industrial to B-3, General Business.

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**Introduction & Background**

Dennis Ohnstad and John North are requesting a Zoning Map Amendment to rezone two parcels of property, totaling 2.5 acres, located at 406 East Anthony Drive from IN, Industrial to B-3, General Business.

The parcels are referred to as Lot 2 and Lot 3 in the *Replat of Lot 1 and Lot 2 of the Harry Gill Second Subdivision* recorded in 1994. The owner intends to establish a Modular Home Sales Center on Lot 3 which is currently vacant. At this time, nothing new is proposed on Lot 2, although the rezoning is requested for future commercial redevelopment. The Urbana Zoning Ordinance permits *Mobile Home Sales* only in the B-3, General Business Zoning District and not in the IN, Industrial Zoning District. The sales center would function similar to the existing Riley Manufactured Homes site on North Cunningham Avenue although it would be a separate business.



The property is located on the north side of Anthony Drive approximately 700 feet west of Willow Road and approximately 2,500 feet west of Cunningham Avenue. Lot 2 contains a building formerly used by American Software and Hardware Distributors. A small wholesale distribution business named Array Distribution now occupies a small portion of the existing building while the rest of the building is vacant. Lot 3 is vacant but has previously been used for parking.

Surrounding the site are industrial uses to the west (Twin City Tent and Awning), Offices and Industrial uses to the east and north (Flex-N-Gate), and Interstate 74 to the south. Although industrial zoning surrounds the site on the west, north and east, there is commercial zoning at the northwest corner of Anthony Drive and Willow Road. The site is also in close proximity to the interchange of I-74 and Cunningham Avenue where adjacent property was recently rezoned to B-3 to allow for the development of O'Brien's University Auto Park.

On January 9, 2003, the Urbana Plan Commission reviewed the request for Case 1847-M-02 and recommended unanimously (8-0) that the Urbana City Council approve the rezoning. For further information on the case, please refer to the staff memorandum to the Plan Commission dated January 3, 2003.

## **Issues and Discussion**

The property is located in an area of Urbana that has changed considerably in the past few years. With the opening of the new Farm and Fleet store and the site development of the anticipated University Auto Park relocation, the area has become less industrial and more commercial in appearance. Considerable roadway improvements to North Cunningham Avenue, O'Brien Drive and Anthony Drive have also assisted in this transformation. The development of the North Cunningham Avenue corridor as a revitalized commercial corridor is encouraged by the Cunningham Avenue Corridor Redevelopment Plan, which was adopted in December 2001, and is being implemented through the City's Tax Increment Finance District No. 4.

The close proximity of this property to the interstate interchange and the visibility from Interstate 74 make commercial zoning more desirable than industrial zoning. The B-3, General Business Zoning District would allow for a much broader range of uses than the IN, Industrial Zoning District. This should help facilitate redevelopment that will ultimately be positive for the community, both in terms of offering new commercial uses and generating sales tax revenues for the city.

In considering the zoning map amendment for the subject property, the City must consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City's Comprehensive Plan and zoning law decisions in the Illinois Courts provide a framework for this consideration. Relevant Comprehensive Plan goals, objectives, and policies are identified in the Plan Commission Memorandum.

The Plan Commission Memorandum also addresses the factors for evaluating the legal validity of a zoning classification, as identified in the case of *La Salle National Bank v. County of Cook*. These are summarized as follows:

1. *The existing land uses and zoning of the nearby property.*

The proposed rezoning to B-3, General Business would be generally consistent with existing IN and B-3 zoning designations in the vicinity. Although all immediately adjacent properties are zoned industrial, the site is located near the interchange of Interstate 74 and Cunningham Avenue which contains highway-oriented commercial uses and zoning.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

The subject site is located in an area that is well-suited for commercial development because it is near the Interstate interchange and because it has good visibility from the Interstate. Interchanges to major interstates are valuable locations for commercial property since there is great opportunity to market to a large group of consumers. Urbana contains two interstate interchanges, Lincoln Avenue and Cunningham Avenue. Since the Lincoln Avenue interchange contains primarily industrial uses on its north side, the Cunningham Avenue interchange offers the best opportunity for new commercial development. This is also evidenced by the success of the current commercial uses at the interchange. Considering these factors, industrially zoned property at this location would hold less value than property zoned commercial.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*

4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

The current industrial zoning does not present any significant benefits to the public welfare of the community. Lot 3 of the site is also vacant which does not contribute to the communities' tax base as well as a commercial development would. The proposed commercial development will contribute to the welfare of the community by offering convenient access to goods and services. Overall, the proposal serves the community better than vacant property zoned industrial.

5. *The suitability of the subject property for the zoned purposes.*

As stated above, this property is located in an area that is ideal for commercial development. The specific feature for this property is its close proximity to a key interchange of Interstate 74 and the visibility evident with the location. The subject parcel is in a fully developed portion of Urbana and is adequately served by public streets and utilities. Significant improvements to Cunningham Avenue in this area have greatly improved the public safety for access to this site. Considering the development pattern of commercial uses in the immediate vicinity, the subject property is well suited for the proposed zoning district.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The subject site actually contains two separate parcels of land. The southern parcel, Lot 3, has remained vacant for a significant amount of time although has been used for parking. The northern parcel, Lot 2, has been used as office / wholesale distribution uses. A portion of the existing building is vacant. This shows the value of a commercial use in this area over an industrial use.

## **Summary of Findings**

On January 9, 2003, the Plan Commission adopted the following findings:

1. The proposed B-3, General Business zoning district for the subject site would be consistent with the current IN and B-3 zoning in the general vicinity.
2. The location of the site near the Interstate 74 and Cunningham Avenue interchange as well as its visibility from the interstate makes it appropriate for commercial development.
3. The petitioner's request would help accommodate proposed development that would be generally compatible with commercial uses in the vicinity.
4. The proposed rezoning to the B-3, General Business zoning district would allow for the commercial redevelopment of the property which would be a benefit to the community and contribute to the tax revenues of the city.
5. The proposed rezoning would not be detrimental to the public health, safety or general welfare.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.

## Options

The City Council has the following options in Plan Case 1847-M-02:

- a. approve the rezoning of 406 East Anthony Drive from IN, Industrial to B-3, General Business.
- b. deny the rezoning of 406 East Anthony Drive from IN, Industrial to B-3, General Business.

## Recommendation

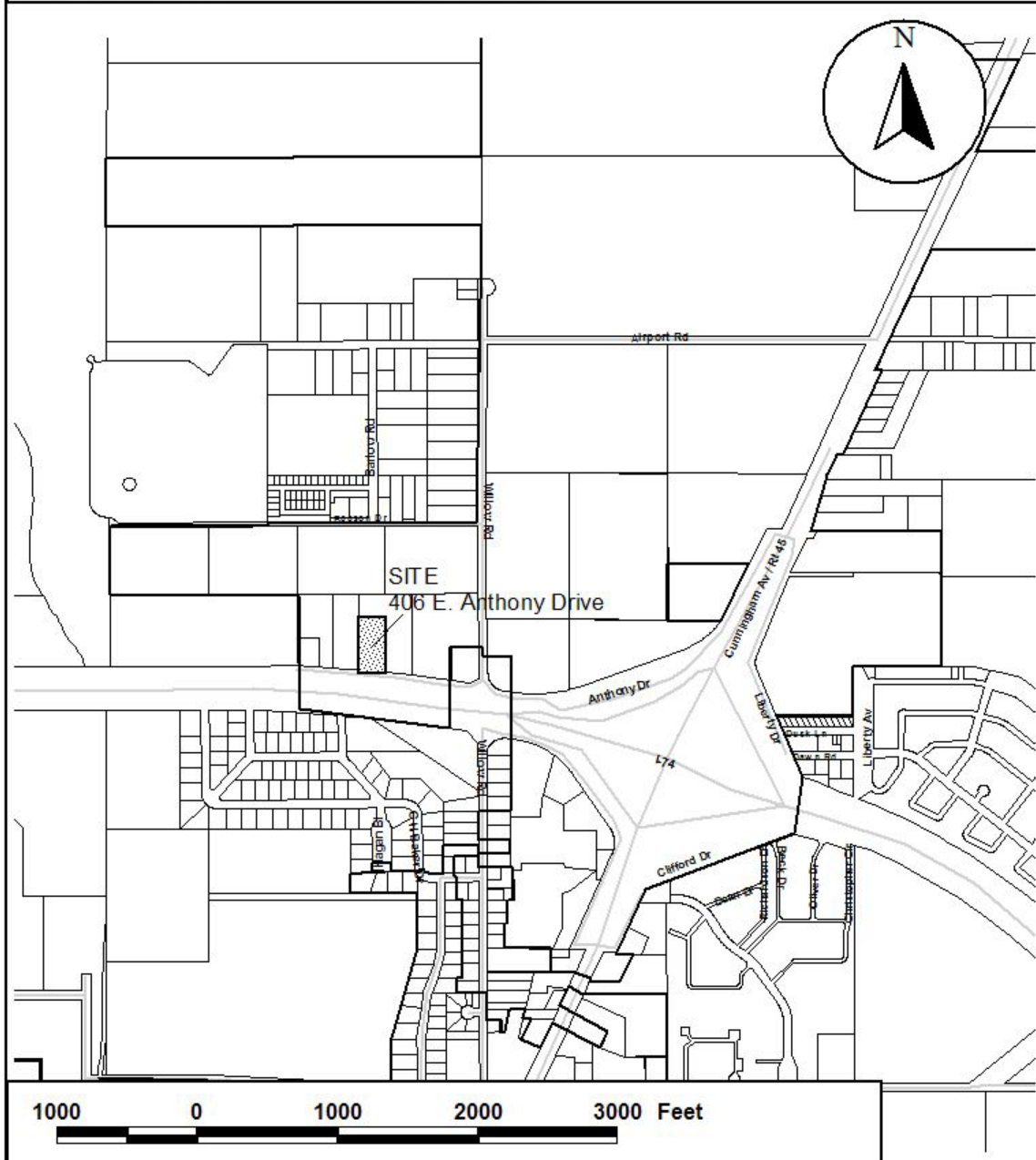
At its meeting on January 9, 2003, the Plan Commission recommended that the City Council **grant approval** of the requested rezoning based on the findings summarized above. Staff concurs with this recommendation.

c: Dennis Ohnstad, P.O. Box 566, Urbana, IL 61803

Attachments:      Location & Zoning Maps  
                         Draft Ordinance Amending the Zoning Map  
                         Excerpt Draft Minutes from January 9, 2003 Plan Commission meeting

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# Exhibit "A": Location Map

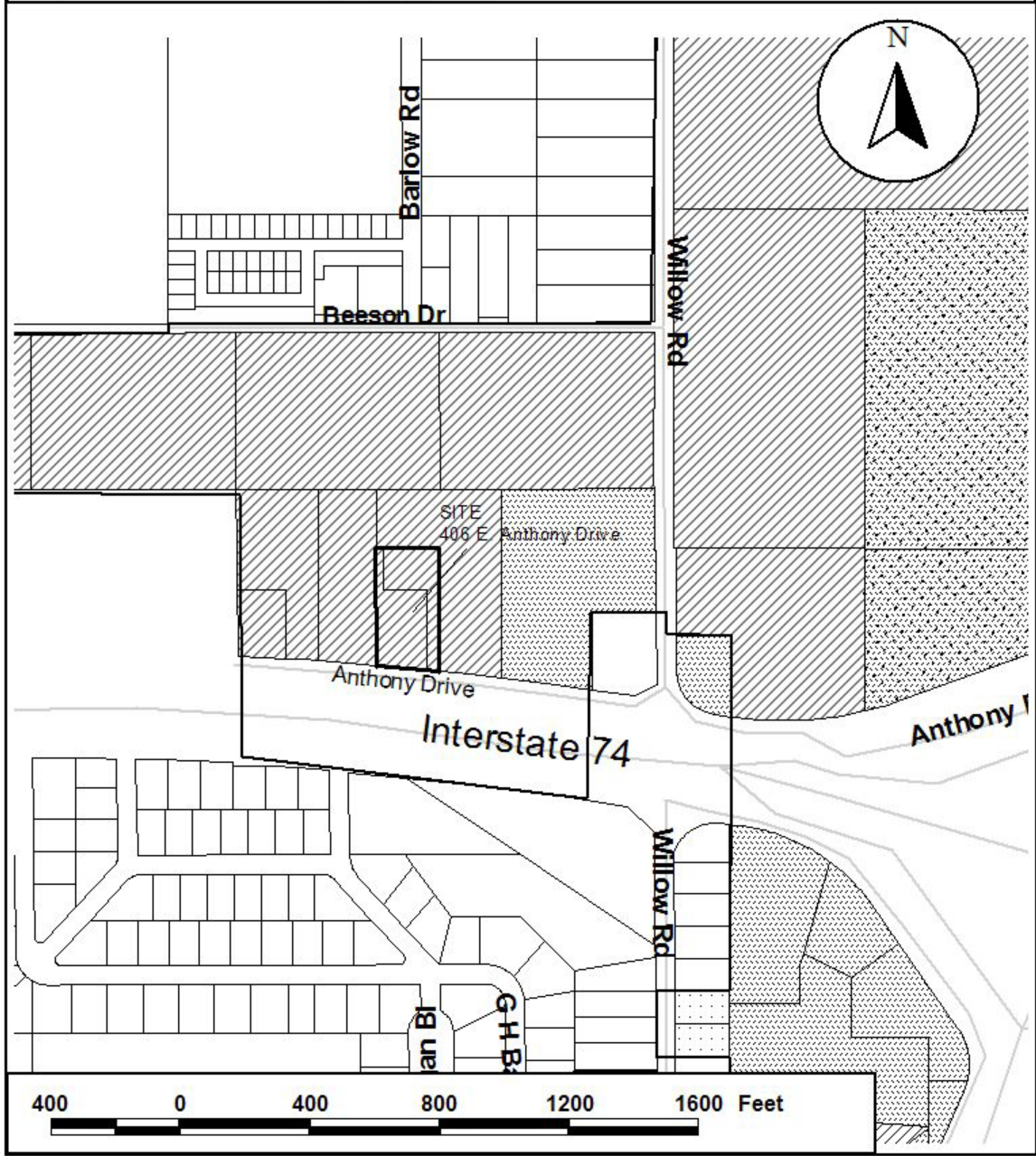


Plan Case: 1847-M-02  
Rezoning 406 East Anthony Drive

Prepared December 31, 2002 by Community Development Services - rgk

- City Boundary
- Area of Rezoning
- Streets

# Exhibit "B": Zoning Map

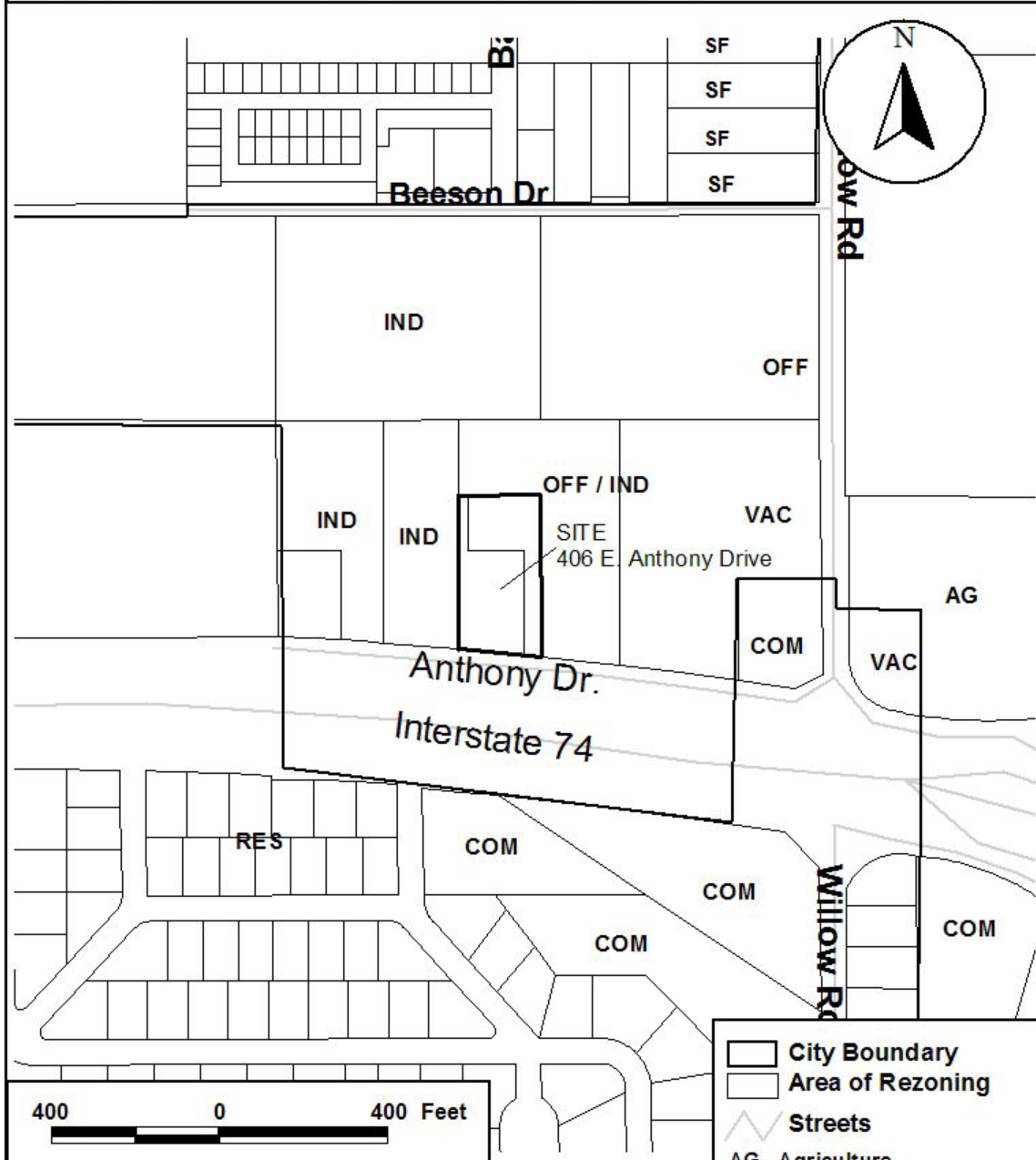


Plan Case: 1847-M-02  
 Rezoning 406 East Anthony Drive

Prepared December 31, 2002 by Community Development Services - rgk

- City Boundary
- ETJ
- B3 - General Business
- IN - Industrial
- Streets

# Exhibit "C": Current Land Use Map



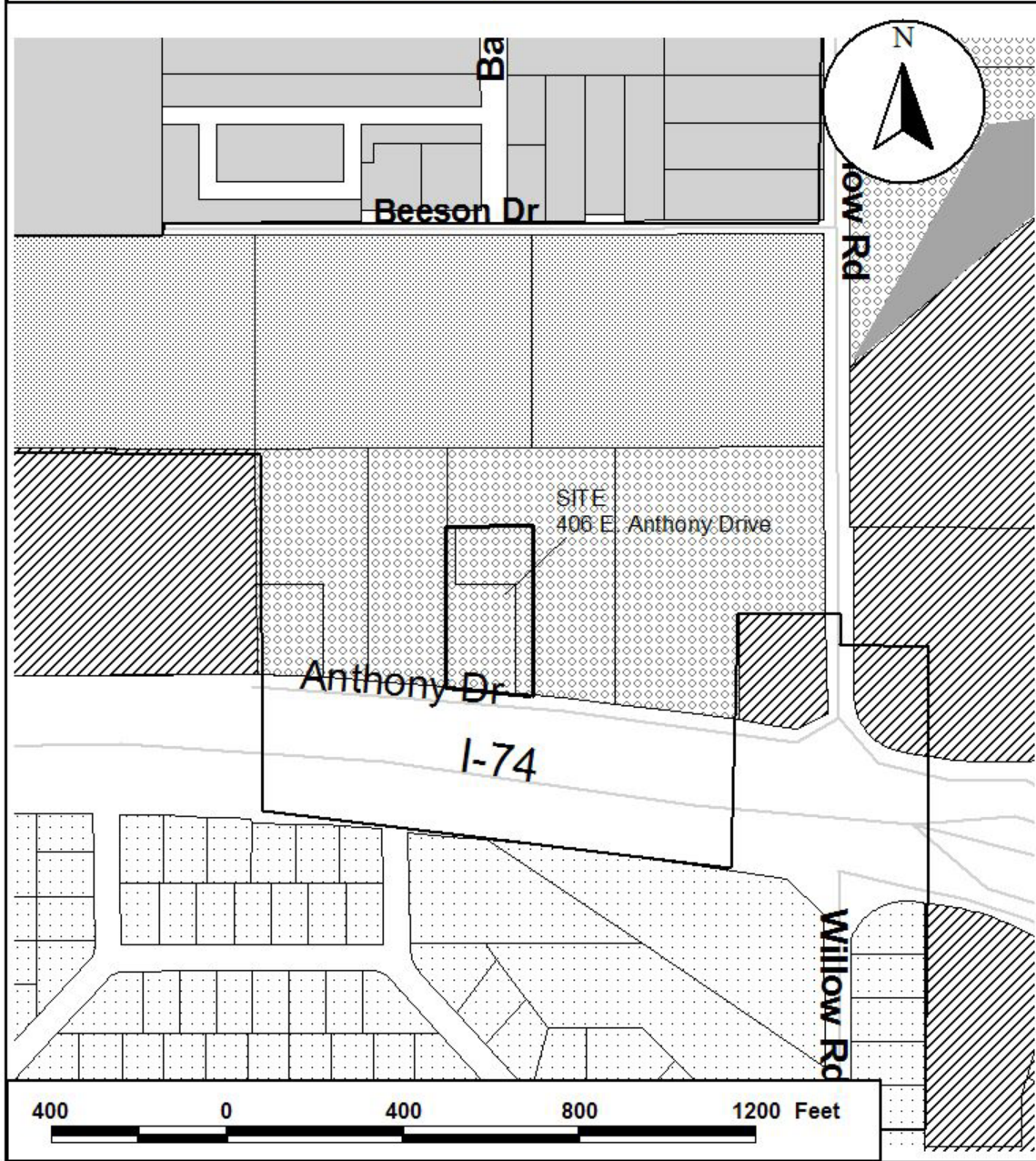
Plan Case: 1847-M-02  
 Rezoning 406 East Anthony Drive

Prepared December 31, 2002  
 by Community Development Services - rgk

- City Boundary
- Area of Rezoning
- Streets
- AG - Agriculture
- COM - Commercial
- IN - Industry
- RES - Residential
- OFF - Office
- VAC - Vacant



# Exhibit "D": Future Land Use Map



Plan Case: 1847-M-02  
Rezoning 406 East Anthony Drive

Prepared December 31, 2002 by Community Development Services - rgk

-  Commercial
-  Light Industrial
-  Low Density Residential
-  Industrial
-  City Boundary
-  Streets

# Exhibit "E": Aerial Photo



1847-M-02  
Petitioner: Dennis Ohnstad  
406 E. Anthony Drive



Prepared December 31, 2002 by Community Development Services - rgk

ORDINANCE NO. 2003-01-006

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

(Rezoning for 406 East Anthony Drive from IN, Industrial to B-3, General Business - Plan Case 1847-M-02

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on January 9, 2003 concerning the petition filed by the petitioner in Plan Case No. 1847-M-02; and

WHEREAS, the requested rezoning is 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 8 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the property herein described below and commonly known as 406 East Anthony Drive from IN, Industrial to B-3, General 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 area commonly known as 406 East Anthony Drive from  
IN, Industrial to B-3, General Business.

LEGAL DESCRIPTION:

Lots 2 and 3 in a Replat of Lot 1 and Lot 2 of Harry Gill Second Subdivision,  
as per plat recorded in Book "CC" at Page 43, situated in the City of Urbana,  
in Champaign County, Illinois. Commonly known as 406 East Anthony Drive,  
Urbana, Illinois.

PERMANENT PARCEL #: 91-21-05-277-009; 91-21-05-277-010

LOCATED AT: 406 East Anthony Drive

The said area above described being represented on the map attached hereto  
and incorporated herein by reference.

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 \_\_\_\_\_,  
\_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

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Phyllis D. Clark, City Clerk

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

\_\_\_\_\_  
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 \_\_\_\_\_, 2003, 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 406 East Anthony Drive from IN, Industrial to B-3, General Business - Plan Case 1847-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 \_\_\_\_\_, 2003, 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 \_\_\_\_\_, 2003.