



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

MEMORANDUM

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: April 14, 2005

SUBJECT: Plan Case No. 1927-M-05: A request for a rezoning of a portion of 1607 High Cross Road / IL Route 130 from the R-4, Medium Density Multiple-Family Residential Zoning District to the B-3, General Business Zoning District.

Introduction & Background

Chris Creek of C&C Properties has submitted a petition to rezone a portion of 1607 South High Cross Road / IL Route 130 from the R-4 Medium Density Multiple Family Zoning District to the B-3, General Business Zoning District. The request is for a 12.8-acre portion of a larger 40-acre tract commonly referred to as the "Diener Property". The 12.8 acres represents the tracts frontage along High Cross Road / IL Route 130. The petitioner intends to purchase the entire 40 acres from Willard Diener and develop the property with a mix of residential uses on the western 27.2 acres and a combination of community serving business and office uses on the eastern 12.8 acres.

On April 7, 2005 the Urbana Plan Commission conducted a public hearing to consider the request and recommended by a unanimous vote of 6-0 that the Urbana City Council approve the rezoning. For further information on the case and public hearing, please refer to the staff memorandum to the Plan Commission dated April 1, 2005 as well as the minutes of the meeting attached to this memorandum.

Issues and Discussion

The 40-acre parcel is located on the west side of High Cross Road / IL Route 130 which contains a mix of zoning districts from U.S. Route 150 south to Windsor Road including industrial, commercial, single-family residential and multiple-family residential. The site is located east of Stone Creek Subdivision and north of TK Wendls. The property is currently used for agricultural purposes although there has been development interest on this and neighboring property for the past several years.

The 2005 Comprehensive Plan identifies the entire 40 acre parcel as being appropriate for a mixture of residential uses with community serving business along High Cross Road particularly at the future Florida Avenue / High Cross Road/IL Route 130 intersection.

In order for the entire 40-acre Diener tract to develop as envisioned, Florida Avenue will need to be extended from its current terminus at Savannah Green Subdivision east to High Cross Road / IL Route 130. Right-of-way dedication and roadway construction would typically be the responsibility of landowners developing their property. In this case, the Diener tract represents only 25% of the Florida Avenue frontage. The remaining 75% of the frontage is along property owned by the Pfeffer family. At this time the family is involved in a private legal process to determine the value of their property and ultimately what to do with several hundred acres of land owned by the family heirs. It is evident that only after this process is settled will the Pfeffers be ready to discuss plans for right-of-way dedication and roadway construction. This creates a timing issue for development of the 40 acre Diener tract. Access from High Cross Road / IL Route 130 is under the jurisdiction of the Illinois Department of Transportation (IDOT). It is likely that a portion of the proposed 12.8 commercial frontage can be developed without the full Florida Avenue improvement but with a secondary collector level access road on High Cross Road / IL Route 130 south of where the Florida Avenue interchange will be located.

Summary of Staff Findings

On April 1, 2005, the Urbana Plan Commission adopted the following findings and recommended approval of the requested rezoning to the Urbana City Council:

1. The proposed rezoning is consistent with the 2005 Comprehensive Plan that identifies the area along the High Cross Road / IL Route 130 and Florida Avenue extended as Community Business.
2. The proposed rezoning would allow for the limited commercial and office development along the High Cross Road / IL Route 130 corridor which would serve nearby residential uses.
3. The proposed B-3, General Business zoning district for the subject site would be consistent with other similarly zoned parcels in the vicinity of the site.
4. The proposed rezoning would not be detrimental to the public health, safety or general welfare and would be a benefit to the public because it will create the opportunity for commercial uses on a major arterial in close proximity to residential neighborhoods.
5. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

The City Council has the following options. In Plan Case 1927-M-05, the City Council may:

- a. Approve the rezoning from R-4, Medium Density Multiple Family Residential to B-3, General Business.
- a. Deny the rezoning from R-4, Medium Density Multiple Family Residential to B-3, General Business.

Staff Recommendation

Based on the evidence presented in the discussion above, staff concurs with the Plan Commission decision on April 1, 2005 and recommends **APPROVAL** of Plan Case No. 1927-M-05.

Attachments: Proposed Ordinance
 Location Map
 Zoning Map
 Aerial Photo
 April 1, 2005 Plan Commission Minutes

Cc: Dave Atchley, HDC Engineering
 Chris Creek, C&C Properties

Prepared By:

Rob Kowalski, Planning Manager

ORDINANCE NO. 2005-04-057

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

(Rezoning of a portion of 1607 South IL Route 130 / High Cross Road
from R-4, Medium Density Multiple Family Residential to B-3, General
Business - Plan Case 1927-M-05)

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on April 7, 2005 concerning the petition filed by the petitioner in Plan Case No. 1927-M-05; and

WHEREAS, the requested rezoning is consistent with the goals and objectives and future land use maps of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle criteria; and

WHEREAS, 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 rezoning request of the properties herein described below from R-4, Medium Density Multiple Family Residential 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 from R-4, Medium Density Multiple Family Residential to B-3, General Business.

LEGAL DESCRIPTION:

A portion of the East One-Half of the Northeast Quarter of Section 22, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Beginning at the Northwest corner of the East One-Half of the Northeast Quarter of said Section 22; thence North 89° 13' 26" East 1249.66 feet along the North line of said East One-Half of the Northeast Quarter to a point on the Westerly Right-of-Way line of Illinois Route 130 (High Cross Road); thence South 01° 41' 44" East 45.01 feet along said Westerly Right-of-Way line to the South Right-of-Way line of Florida Avenue being the True Point of Beginning. Thence continue South 01° 41' 44" East 768.89 along the said West Right-of-Way line of Illinois Route 130; thence South 00° 10' 12" East 616.49 feet along the said West Right-of-Way line; thence South 89° 03' 26" West 400.04 feet; thence North 00° 10' 12" West 462.28 feet; thence North 01° 41' 44" West 926.06 feet to the South Right-of-Way line of Florida Avenue; thence South 89° 45' 50" East 100.88 feet along the said South Right-of-Way line; thence North 89° 13' 26" East 303.32 feet to the True Point of Beginning, encompassing 12.39 acres, more or less, in Champaign County, Illinois.

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 _____, 2005.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2005.

Tod Satterthwaite, Mayor

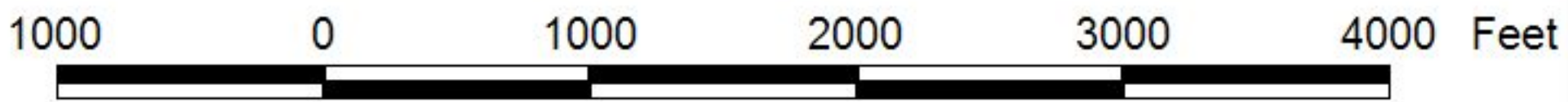
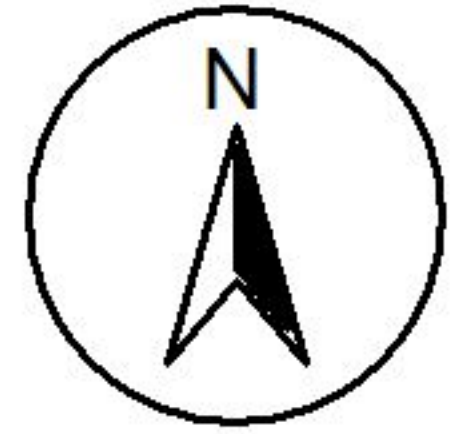
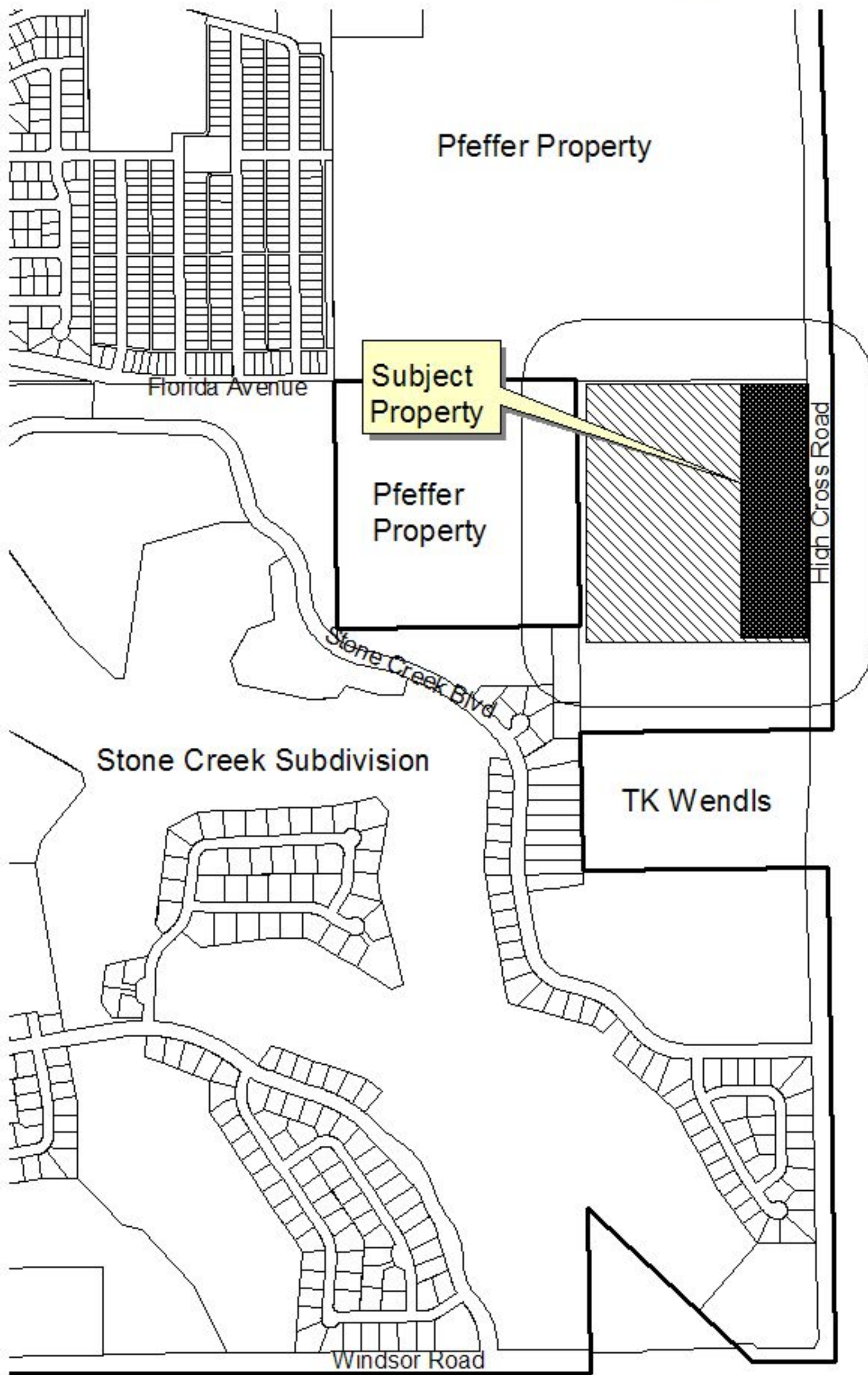
CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

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 _____, 2005, 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 of a portion of 1607 South IL Route 130 / High Cross Road from R-4, Medium Density Multiple Family Residential to B-3, General Business - Plan Case 1927-M-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.

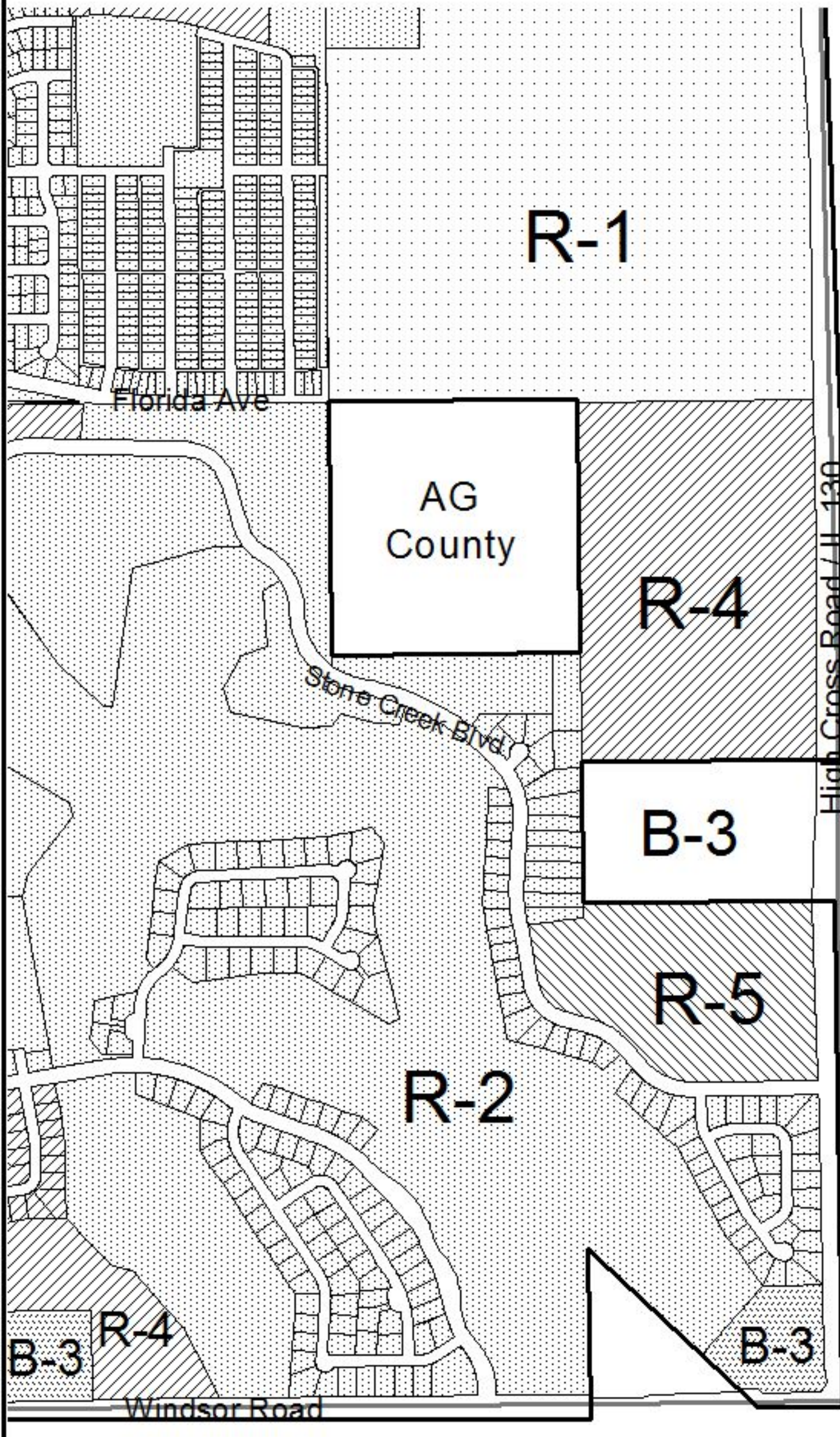
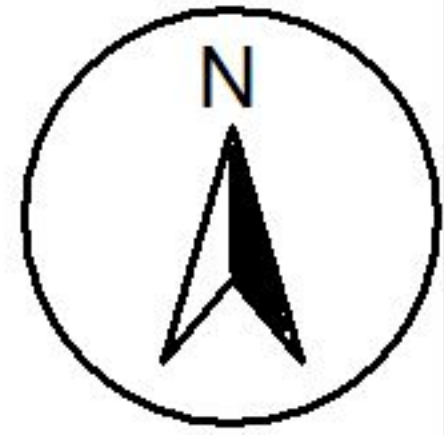
Exhibit "A": Location Map



Plan Case No. 1927-M-05
Rezone from R-4, Medium Density Multiple Family Residential
to B-3, General Business
Location: 1607 S. High Cross Road
Petitioner: Chris Creek

Prepared 3/23/05 by Community Development Services - pal

Exhibit "B": Zoning Map



AG (County)



Plan Case No 1927-M-05
 Rezone from R-4, Medium Density Multiple Family Residential
 to B-3, General Business
 Location: 1607 S. High Cross Road
 Petitioner: Chris Creek

Prepared 03/28/05 by Community Development Services - mhw

- AG - Agriculture
- R1 - Single Family
- R2 - Single Family
- R4 - Medium Density Multiple-Family
- R5 - Medium High Density Multiple-Family
- B3 - General Business

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: April 7, 2005

TIME: 7:30 P.M.

PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Laurie Goscha

STAFF PRESENT: Rob Kowalski, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: David Atchley, Marcus Jones, Gabe Lewis, Anita McClain, Dennis Roberts, James Simpson, Susan Taylor, Charles Wendling

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:31 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes from the March 17, 2005 meeting of the Plan Commission. Mr. Kangas seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case Number 1927-M-05 – A request for a rezoning of a portion of 1607 High Cross Road/ IL Route 130 from the R-4, Medium Density Multiple-Family Residential Zoning District to the B-3, General Business Zoning District.

Rob Kowalski, Planning Manager, presented this case to the Plan Commission. He began by describing the site and the surrounding properties noting their land uses and zoning designations. He talked about the issues of extending Florida Avenue to High Cross Road. He discussed the goals and objectives in the proposed 2005 Comprehensive Plan, stating that the proposal would be consistent with those goals and objectives. He reviewed the La Salle National Bank criteria that pertained to the rezoning request. He summarized staff findings, read the options of the Plan Commission, and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission forward this case to the Urbana City Council with a recommendation for approval.

Mr. Kowalski pointed out that the developer, Chris Creek, intended to build smaller scaled businesses on the proposed property if the rezoning request was approved by the Plan Commission and the City Council. He introduced David Atchley, who was present to speak on behalf of Mr. Creek and answer any questions that the Plan Commission may have.

Ms. Stake requested that Mr. Kowalski point out on the map where the drainage ditch was located on the property. Mr. Kowalski stated that there was a drainage ditch located on the neighboring property owned by the Pfeffer family. However, there was not a drainage ditch that ran through the proposed property. As with any development proposal, there would need to be consideration for a detention of stormwater depending on what the developer would propose to build on the site.

Mr. Kangas asked if the Plan Commission and City Council approved the proposed rezoning request, would the developer need to bring site plans, engineering and stormwater plans back to be reviewed by the City. Mr. Kowalski said yes. Those plans may or may not come before the Plan Commission. It depended on what the developer proposed.

Mr. Hopkins questioned if the proposed parcel was part of the Regional Stormwater planning for East Urbana that the City was currently involved in. Mr. Kowalski said no.

Ms. Stake wondered what type of development would not require further review of the Plan Commission and City Council. Mr. Kowalski replied that if a use would be proposed to be built that was permitted by right in the zoning district, then the owner would only need to submit their site plan to request a building permit. However, if the owner proposed to build something that was allowed in the zoning district but only with a special use permit, then the proposed development would be brought before the Plan Commission and the City Council for their approvals.

Ms. Stake commented that the Plan Commission and the City Council would be voting on the proposed case without knowing what the owner has planned for the site and without knowing anything about the drainage. Mr. Kowalski responded by saying that they would be voting on the appropriateness of the zoning for the proposed site with the understanding of what the Zoning Ordinance would allow in the proposed zoning district. He explained that they do not know anything about the drainage yet, because they do not have a site plan or development plan that had been assembled and proposed by the developer or owner. When a site plan or development plan was assembled, it would be reviewed by the City Engineer and Engineering staff. The developer and owner would then be required to provide appropriate holding areas for water and meet the City's codes.

Ms. Upah-Bant inquired about the undeveloped 14 acres to the south of the proposed site. Mr. Kowalski stated that the undeveloped 14-acre tract is owned by Chuck Wendling. The parcel is zoned R-4, Medium Density Multiple Family Residential and is inside City limits.

Ms. Upah-Bant recalled that T.K. Wendl's was planning to make some big changes this summer. Mr. Kowalski noted that the 14-acre tract was not part of T.K. Wendl's. T.K. Wendl's was recently annexed into the City within the last month, and the owner was planning to scale back some of the outdoor activities, such as the rodeos and concerts, etc. The owner was also proposing some changes to the restaurant and bar to make it more family-oriented.

Ms. Upah-Bant stated that she was trying to figure out how this would relate to the proposed retail site. Mr. Kowalski believed that the rezoning request for the proposed site would fit in more appropriately with T.K. Wendl's. T.K. Wendl's would still have outdoor sports facilities, but it would fit in better with the area and the neighborhoods around it. Because of the changes to T.K. Wendl's, the City had become more interested in annexing the property.

Mr. White clarified that the developer would build half of the Florida Avenue extension to High Cross Road. Mr. Kowalski explained that Mr. Creek would be responsible for dedication of half of the right-of-way and construction of half of the road. This did not mean that there would be half of a street built. The whole road would need to be built together. Staff was currently discussing with the developer and the Illinois Department of Transportation (IDOT) of how to get the full portion of the road could get built sooner than later. The only way to do this would be to get property from the Pfeffer family, and the Pfeffer family was not in a position to do this at this time.

Mr. White asked if the developer would be required to get a bond for the extension of Florida Avenue. How would the developer guarantee that there would actually be a road built? Mr. Kowalski replied that typically the developer would need to bond for the road.

Ms. Stake inquired if T.K. Wendl's had experienced any drainage problems on their property. Mr. Kowalski replied no, not that he was aware of.

Ms. Stake questioned how many access roads would the developer cut in along High Cross Road into the proposed property. Mr. Kowalski stated that IDOT had some pretty strict requirements for access along IL Route 130. In fact, IDOT had predetermined where they would allow access drives. They would allow for two access points for the frontage of the proposed property and the 14-acre tract. One would be in the middle of the frontage along IL Route 130, and the other would be a full intersection at Florida Avenue, which would be a signalized intersection.

Mr. White moved that the Plan Commission recommend approval of the proposed rezoning case to the Urbana City Council. Mr. Kangas seconded the motion. Roll call was as follows:

Mr. Hopkins	-	Yes	Mr. Kangas	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote. Mr. Kowalski noted that this case would be heard by the City Council on April 18, 2005.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Kowalski reported on the following:

- **2005 Comprehensive Plan Update:** He noted the changes that the City Council had proposed in addition to adopting the changes proposed by the Plan Commission. He talked about the unresolved issues, which he felt confident that the City Council would work out and vote on the plan at their next scheduled meeting.

11. STUDY SESSION

There was none.

April 7, 2005

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 8:02 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission