



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: November 18, 2005

SUBJECT: Plan Case 1964-M-05: A request to rezone 2007 N. Lincoln Avenue from IN, Industrial to B-3, General Business

Introduction

Marathon/Speedway Super America has requested that a portion of their property at 2007 N. Lincoln Avenue be rezoned from IN, Industrial to B-3, General Business. The portion of the property zoned IN, Industrial is currently occupied as a Speedway gas station, and the remainder of the property is vacant. As shown on Exhibit B, the remainder of the property is already zoned B-3, General Business.

The petitioners are in the process of relocating the gas station to the southwest corner of Killarney and Lincoln. A minor plat is currently being reviewed by staff that will join the two tracts into a single tract. The proposed rezoning would allow the parcel to have a single zoning designation that is consistent with the 2005 Urbana Comprehensive Plan. The petitioners have indicated that once the construction of the new Speedway gas station is complete, the property will be subdivided to create a lot for the gas station and another for any subsequent commercial development.

Background

The site has been a service/gas station for many years, and has always been operated by Marathon/Speedway. The property used to be part of a larger industrial tract that has since been developed as the Holiday Inn, Ramada Inn, and the existing Speedway gas station. The City rezoned a portion of the Speedway property to B-3, General Business, though the gas station remained zoned IN, Industrial.

There are two existing curb cuts along Lincoln Avenue, both of which will be utilized for future development. As part of the minor plat, the petitioners have agreed to install sidewalks along Killarney. A four-foot sidewalk already exists along Lincoln Avenue.

Adjacent Land Uses and Zoning Designations

The property is surrounded by a number of commercial, residential, and lodging uses. Immediately west and north of the property are several hotels and a convention center. To the east are a regional commercial use (Andrae's Harley-Davidson), a gas station and another hotel. Capstone Condominiums, an upscale condominium development targeted towards students, is located immediately south of the property.

The property is located immediately south of the Lincoln Avenue / I-74 interchange. The majority of properties near the interchange are currently zoned B-3.

Zoning and Land Use Table

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	2005 Comprehensive Plan – Future Land Use
Subject Property	IN, Industrial	Gas Station	Regional Business
North	B-3, General Business	Hotel	Regional Business
South	R-5, Medium High Density Multiple Family Residential	Student Condominiums	Multiple Family Residential
East	B-3, General Business	Commercial	Regional Business
West	B-3, General Business	Hotel and Convention Center	Regional Business

Issues and Discussion

The previous County zoning for this area has historically been industrial, and many of the sites along Lincoln Avenue that are still unincorporated are zoned County IN, Industrial. Over the years, many of the properties along Lincoln Avenue have been rezoned to B-3 and redeveloped (including a number of gas stations) to take advantage of proximity to the highway interchange.

The tract is currently surrounded by property owned by the petitioner that is already zoned B-3. The petitioner is platting the site into a single tract and constructing a new gas station at the southwest corner of Killarney and Lincoln. They intend to market the remaining acreage for commercial uses. This is consistent with the future land use recommendation from the 2005 Urbana Comprehensive Plan. The Plan recognized the need for commercial opportunities to serve adjacent residences and hotels, and this site is the last undeveloped property with direct frontage on Lincoln Avenue.

Plan Commission Discussion

A representative from Ramada Inn expressed several concerns about the relocation of the Speedway gas station, including limited access during construction, security concerns, relocation of Speedway's highway-oriented sign on the Ramada Inn property, and tree preservation along Killarney. Several commissioners noted these concerns, and added that they would become more important once a site plan is submitted to the City. The Plan Commission voted 6 ayes and 0 nays to recommend that the rezoning be approved by the City Council.

The La Salle National Bank Criteria

In the case of *La Salle National Bank v. County of Cook* (the "La Salle" case), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

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

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

While there are industrial uses along North Lincoln Avenue, the majority of properties immediately adjacent to the Lincoln Avenue / I-74 interchange are zoned B-3. The existing uses include hotels, restaurants, gas stations and a motorcycle dealer. Most of these businesses are aimed at taking advantage of the proximity to the highway interchange and offer commercial opportunities to both Urbana residents and travelers. The B-3 District allows a greater breadth of uses compared to the IN District, and would allow the petitioners to better market their property for commercial uses. The existing gas station would be allowed in both districts, so the zoning is primarily intended to serve as a marketing tool to attract other businesses to the property.

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

This is the difference in the value of the property as IN, Industrial and the value it would have if it were rezoned to B-3, General Business, to permit the proposed use.

The B-3 District offers a larger breadth of commercial uses than the IN District, especially when related to retail uses. If the property is rezoned, a wider variety of uses are possible on the property, thus creating a broader appeal for the site. This would presumably make the site more valuable to the petitioner.

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 of zoning on the value of the property. Therefore, any discussion pertaining to specific property values should be considered speculative.

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 question here applies to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

A gas station is permitted by right in either the IN or B-3 Districts, so there is no difference with regard to the current use. The current zoning is not consistent with the City's desire to see this land develop as regional business, as identified in the 2005 Urbana Comprehensive Plan.

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

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The location of the property (immediately off one of the two highway exits in Urbana) lends the site to commercial uses. Many of the other properties on Lincoln Avenue near the interchange have already been rezoned from IN to B-3. The area has developed uses that are consistent with the proximity to the highway, including hotels, a restaurant, and gas stations.

In addition to the highway proximity, the site is adjacent to a number of larger student apartment buildings, hotels, and a convention complex. Currently, students and travelers have no option but to drive several miles to the nearest commercial areas. The site offers an ideal location to serve the needs of students and travelers without the need to travel to other commercial areas outside of Urbana.

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.*

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

The property has been developed as a service/gas station for a number of years. The remainder of the site is currently vacant, which is more likely a result of the gas station location rather than zoning. The intention of the rezoning is to allow for development on the remainder of the site when the gas station relocates. Since the rest of the site is currently zoned B-3, it is desirable for the property to have consistent zoning.

Summary of Staff Findings

1. The property surrounding the tract, also owned by the petitioner, is already zoned B-3, General Business.

2. The proposed B-3, General Business zoning for the subject property is generally consistent with the overall goals of the 2005 Urbana Comprehensive Plan and future land use intent for the area.
3. The majority of properties adjacent to the Lincoln Avenue / I-74 interchange have been rezoned B-3, General Business to take advantage of proximity to the highway interchange.
4. The location of the site in close proximity to the highway interchange makes the subject property desirable as a commercial land use to serve travelers and adjacent hotel patrons.
5. The location of the site in close proximity to student apartment complexes makes the subject property desirable as a commercial land use to serve the daily needs of students.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.
7. The Plan Commission voted 6 ayes to 0 nays to recommend approval to the City Council

Options

In Plan Case 1964-M-05, the City Council may:

1. Approve the request in Plan Case 1964-M-05
2. Deny the request in Plan Case 1964-M-05

Staff Recommendation

Based on the evidence presented in the discussion above, the Plan Commission and staff recommend that the City Council **APPROVE** Plan Case No. 1964-M-05.

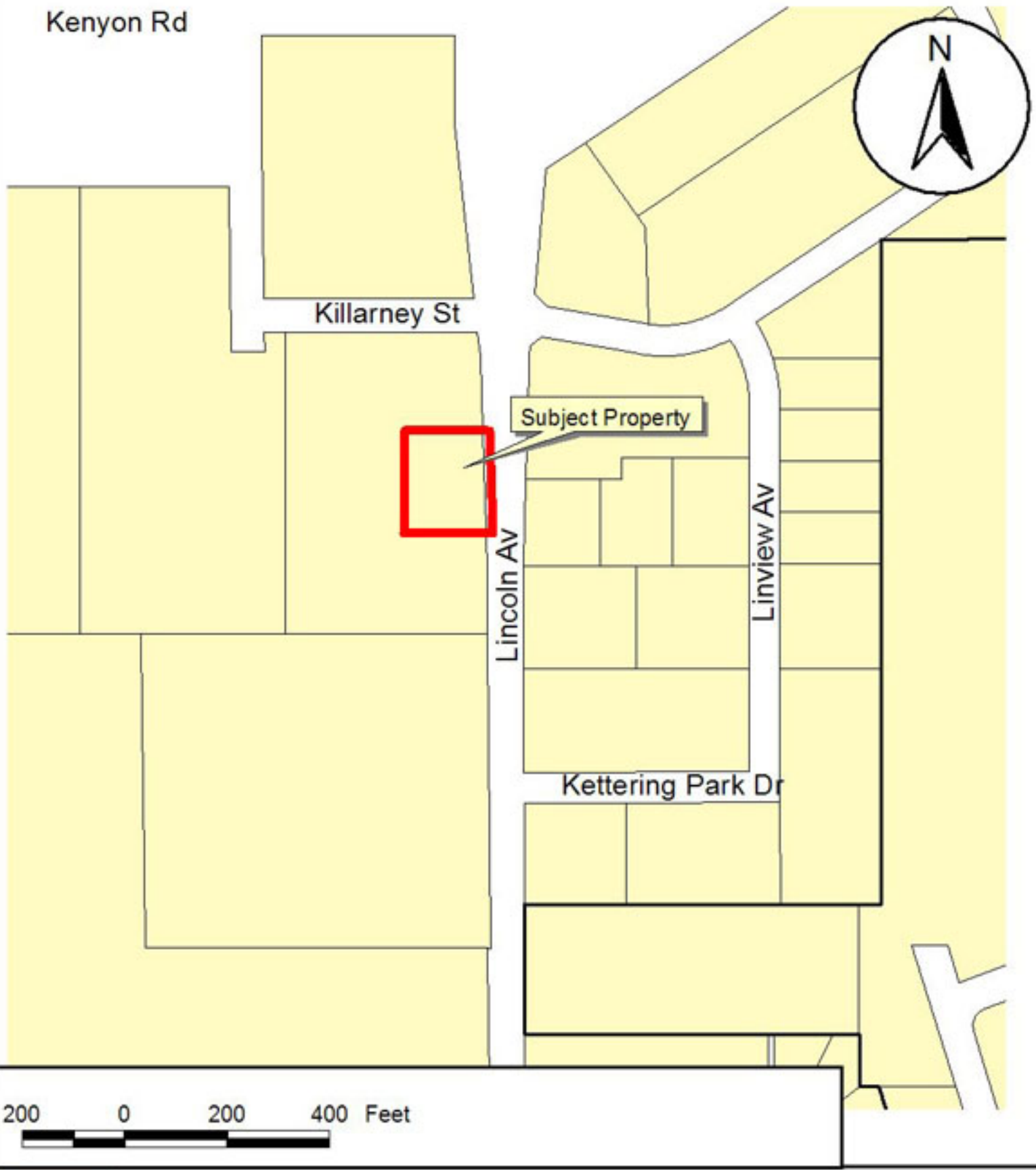
Prepared by:

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

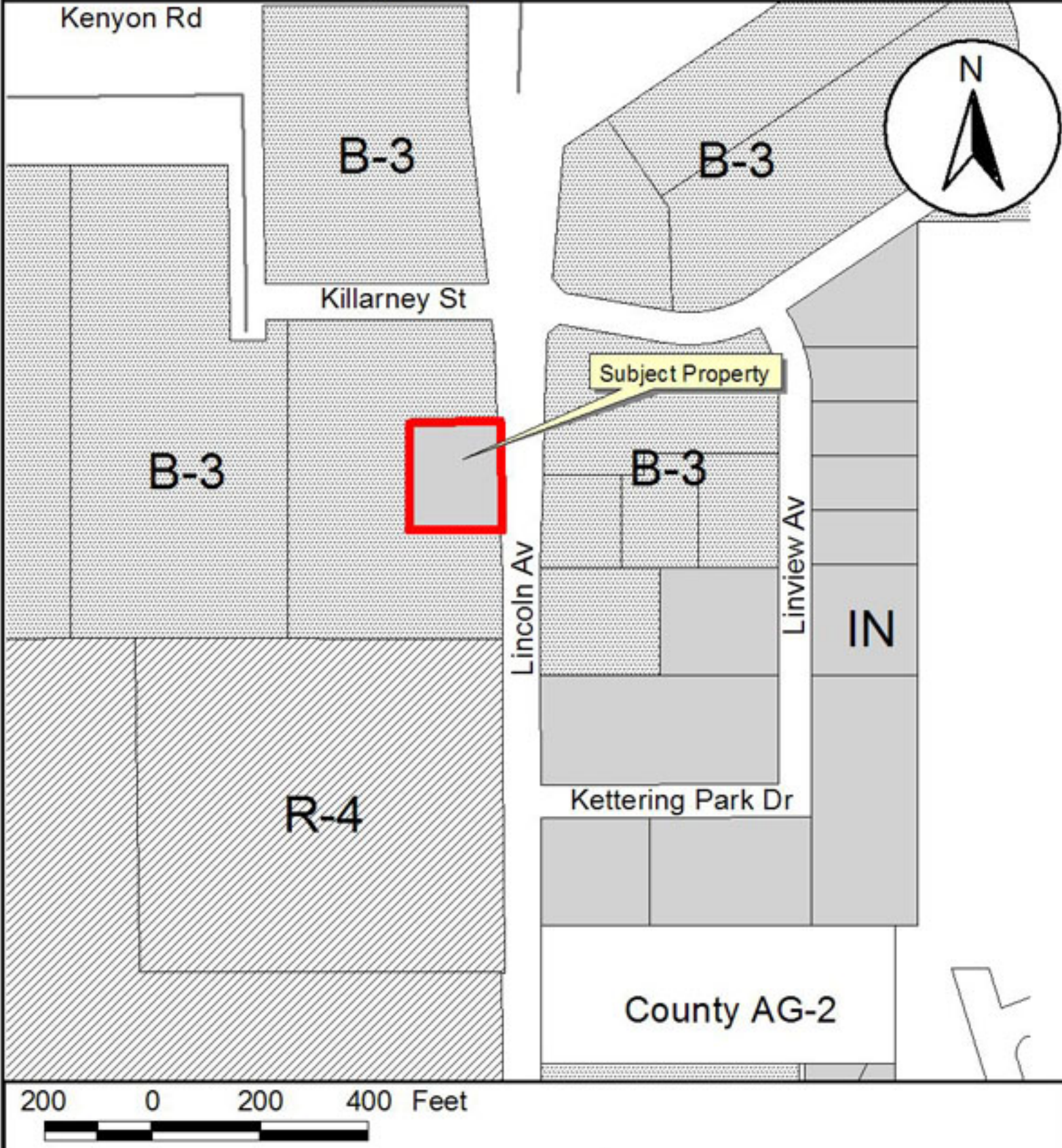
CC: Jan Fiola
Corporate Design Group
261 S. Roselle Road
Schaumburg, IL 60193

Exhibit A: Location Map



Plan Case: 1964-M-05
Petitioner: Speedway Super America
Location: SW Corner of Killarney and Lincoln
Description: Rezone from IN to B-3

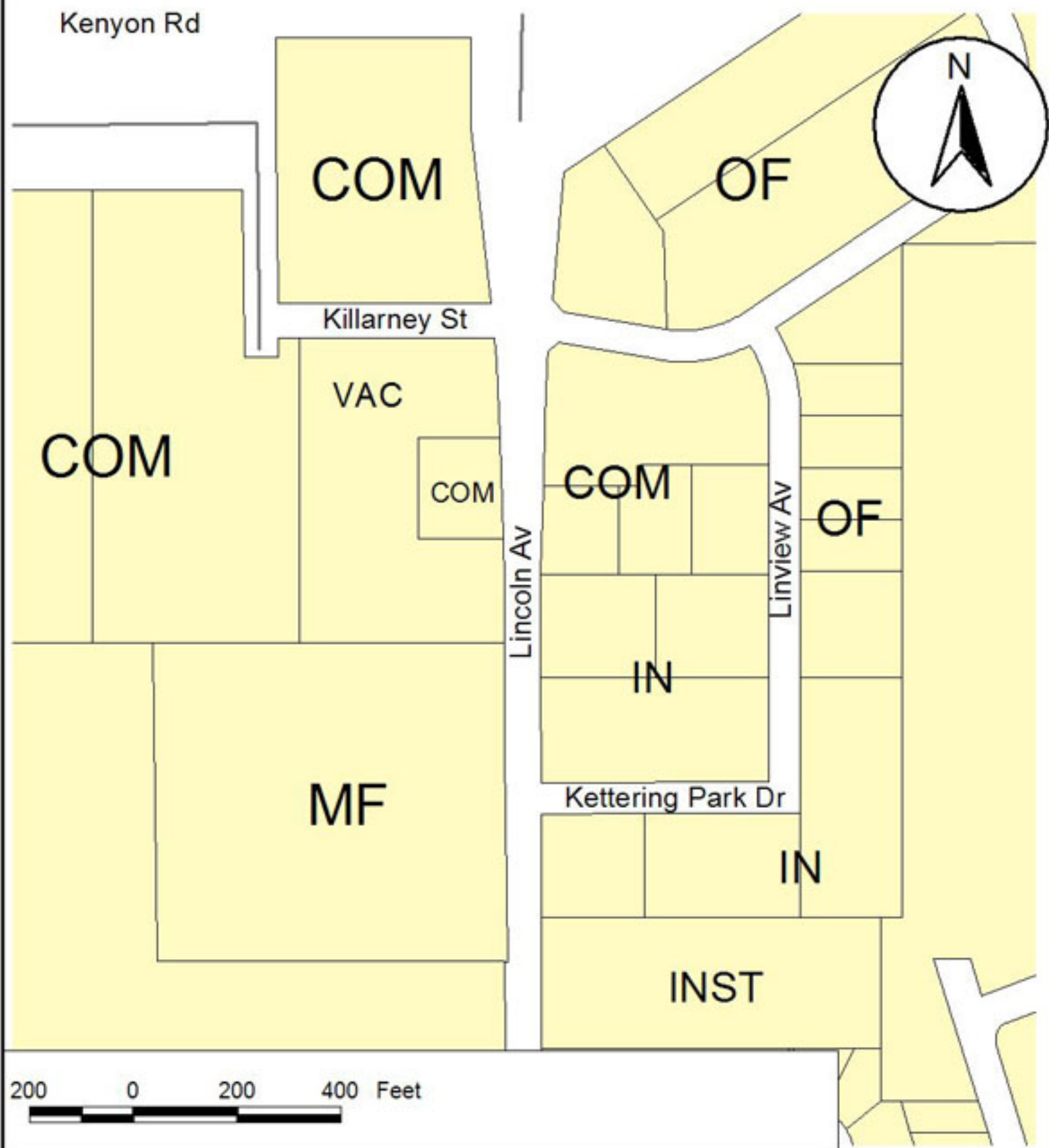
Exhibit B: Zoning Map



Plan Case: 1964-M-05
Petitioner: Speedway Super America
Location: SW Corner of Killarney and Lincoln
Description: Rezone from IN to B-3

- R4 - Medium Density Multiple-Family
- IN - Industrial
- B3 - General Business

Exhibit C: Existing Land Use Map

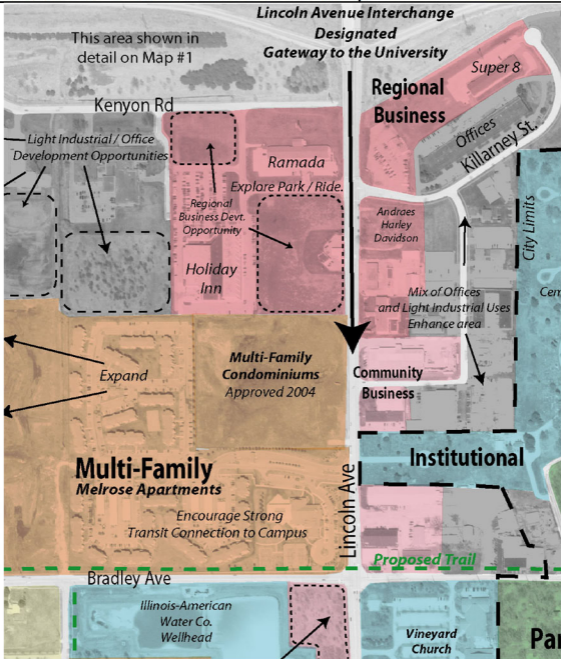


Plan Case: 1964-M-05
Petitioner: Speedway Super America
Location: SW Corner of Killarney and Lincoln
Description: Rezone from IN to B-3

Prepared 10/26/2005 by Community Development Services - mhw

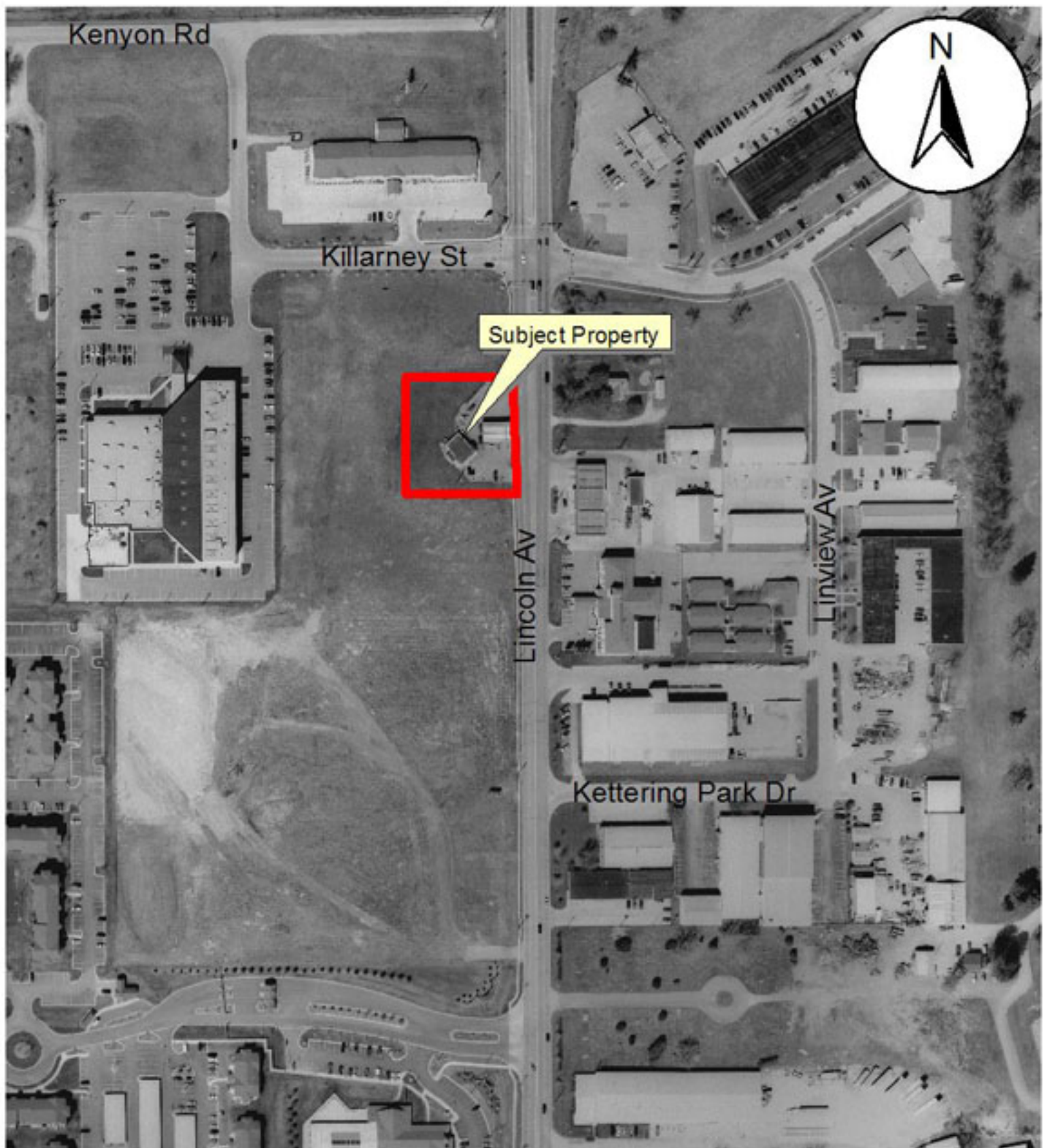
MF - Multi-Family
OF - Office
COM - Commercial
IN - Industrial
INST - Institutional

Exhibit D: Future Land Use Map



Plan Case: 1964-M-05
 Petitioner: Speedway Super America
 Location: SW Corner of Killarney and Lincoln
 Description: Rezone from IN to B-3

Exhibit E: Aerial Map



Plan Case: 1964-M-05
Petitioner: Speedway Super America
Location: SW Corner of Killarney and Lincoln
Description: Rezone from IN to B-3

Prepared 10/26/2005 by Community Development Services - mhw

ORDINANCE NO. 2005-11-172

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

(Rezoning of 2007 N. Lincoln Avenue from IN, Industrial to
B-3, General Business - Plan Case 1964-M-05)

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on November 10, 2005 concerning the petition filed in Plan Case No. 1964-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 case criteria; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nay to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the properties herein described below 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 from IN, Industrial to B-3, General Business.

LEGAL DESCRIPTION:

That part of the Southeast Corner of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian; Described and Bounded as Follows: Commencing at an Illinois Department of Transportation Brass Monument found at the Southeast Corner of Said Section 6; Thence North 00 Degrees - Minutes 48 Seconds West, 1441.60 Feet along the East Line of Said Quarter Section; Thence South 89 Degrees 57 Minutes 48 Seconds West, 40.00 Feet to the Point of Beginning; Thence South 89 Degrees 57 Minutes 39 Seconds West, 178.00 Feet; Thence North 00 Degrees 00 Minutes 48 Seconds West, 195.00 Feet; Thence North 89 Degrees 57 Minutes 39 Seconds East, 173.00 Feet; Thence South 03 Degrees 33 Minutes 12 Seconds East, 75.97 Feet; Thence North 89 Degrees 59 Minutes 12 Seconds East, 4.31 Feet; Thence South 00 Degrees 00 Minutes 48 Seconds East, 50.00 Feet; Thence South 89 Degrees 59 Minutes 12 Seconds West; 4.00 Feet; Thence South 00 Degrees 00 Minutes 48 Seconds East, 69.17 Feet to the Point of Beginning, All 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.

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 AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of 2007 N. Lincoln Avenue from IN, Industrial to B-3, General Business - Plan Case 1964-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.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: November 10, 2005
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Laurie Goscha, Lew Hopkins, Michael Pollock, Bernadine Stake, Jim Ward
MEMBERS EXCUSED: Ben Grosser, Marilyn Upah-Bant, Don White
STAFF PRESENT: Robert Myers, Planning Manager; Matt Wempe, Planner I; Teri Andel, Secretary
OTHERS PRESENT: Ruth Jackson, Susan Taylor

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

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared.

NOTE: Chair Pollock introduced and welcomed the newest member of the Plan Commission, Jane Burris. He also mentioned that there were new microphones and explained how to use them.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes from the October 20, 2005 Plan Commission meeting as presented. Mr. Ward 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 No. 1964-M-05: A request to rezone 2007 North Lincoln Avenue from IN, Industrial, to B-3, General Business Zoning District.

Matt Wempe, Planner I, presented the case to the Plan Commission. He gave a brief history and description of the proposed site. He noted the existing land uses and zoning designations of the surrounding properties. He reviewed the LaSalle National Bank Criteria that pertained to the rezoning request and summarized staff findings. He 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 during the public hearing, staff recommended that the Plan Commission forward the proposed rezoning case to the Urbana City Council with a recommendation for approval.

Mr. Pollock asked if the petitioner was thinking about marketing the entire tract and moving the Speedway gas station. Mr. Wempe answered by saying that the petitioner planned to move the Speedway gas station within the site to the southwest corner of Killarney Street and Lincoln Avenue.

Ms. Stake inquired if there would be any problems relocating next to the Capstone Apartments. Mr. Wempe replied that staff had not seen specific site plans. However, a gas station would be permitted by right in the B-3 Zoning District. Staff would discourage lighting that would shine directly on the residential area to the south.

Ms. Stake questioned if staff had sent out a notice to the nearby neighbors and/or talked to any of them. Mr. Wempe stated that staff had sent out a notice to every property within 250 feet of the proposed site. He had not heard from anyone regarding the rezoning request.

Ruth Jackson, representative of the Ramada Inn, inquired if Killarney Street would be effected by closure and for how long during the construction period. Ramada Inn's only entrance is off of Killarney Street, so they were concerned about the street being closed. Mr. Wempe stated that the City typically tries not to close streets. Presumably since the petitioner plans to build their new gas station before they develop the rest of the site, they would be able to keep construction material and equipment on their site. He could not envision a situation where they would require blocking access to the Ramada Inn.

Ms. Jackson noted that the petitioner has a huge highway sign in the middle of the Ramada Inn's property behind the existing building. Ramada Inn wanted to request that the petitioner relocate the sign to a corner of Ramada Inn's property away from the middle. Ramada Inn did not object to the signage, only to its location. Mr. Wempe made note of this concern.

Ms. Jackson pointed out that the current Speedway gas station has had several robberies in the past. Speedway also attracts an undesirable clientele because of the liquor and cigarette sales and being open late hours. Would there be more police available to patrol the area? Mr. Wempe mentioned that the proposed gas station would be built comparable to the new Marathon gas station on the corner of Bradley and Lincoln Avenues. He could not speak to the issue of whether there would be more police available to patrol the area, but he would pass this concern along to the Police Department and to the City Council.

Ms. Jackson inquired if there were any proposed lane increases of Lincoln Avenue. At 5:00 p.m. every night, Lincoln Avenue is tied up with lots of traffic. Mr. Pollock commented that he knew the City was planning to install turn lanes from the opposite directions. However, he did not know of any plans to widen Lincoln Avenue to increase the number of lanes. Mr. Wempe stated that for recent developments, such as the Capstone Apartments, the City had acquired an expanded right-of-way in excess of what the City currently has on Lincoln Avenue. As far as the access drives, typically the City's Public Works Department requires right-in, right-out access drives that are near major intersections. The Champaign County Access Management Guidelines helps the City decide where to place access drives to minimize the negative impact on adjacent areas and on traffic flows at major intersections and roads. Ms. Jackson commented that the only reason she asked about this was because she noticed that on the Future Land Use Map it designates Lincoln Avenue as the Gateway to the University of Illinois.

Ms. Jackson questioned if the petitioner would be required to build sidewalks on the north side or south side of Killarney Street. Mr. Wempe responded by saying that Speedway would only be responsible for building sidewalks on their property. The sidewalks would be on the south side of Killarney Street along the northern line of Speedway's property.

Ms. Jackson asked if the petitioner would be removing the row of trees in order to build the sidewalk. Mr. Wempe stated that there had been some discussion about relocating those trees; however, it really had not come down to a final decision yet. Anything of this nature would have to go through the City's Arborist. Some of the trees will have to be either relocated or replaced in another location on the site in order to make room for the access drive on Killarney Street.

Ms. Jackson asked the Plan Commission and staff to please note Ramada Inn's concern regarding the signage. It is their main concern, because the petitioner tears up their ground and grass every time maintenance is done on the sign. Mr. Wempe inquired as to how that sign was established. Did Ramada Inn grant an easement to Speedway? Ms. Jackson said that she did not have any details. Mr. Pollock pointed out that Ramada Inn may need to renegotiate an easement if there was one in order for Speedway to relocate the sign.

Ms. Jackson inquired if the existing sign would be grand-fathered into any new construction. Mr. Wempe replied yes, unless Speedway chose to build a new sign. In which case, the petitioner would lose any non-conforming status.

Ms. Jackson asked if there would be a height requirement if the petitioner planned to rebuild the sign. Mr. Wempe said that he believed that there was a maximum height of 75 feet with visibility for a quarter of a mile along the highway.

Mr. Myers noticed that the focus of this case had been on what use was being planned for the proposed site. He reminded the Plan Commission that the request is for a rezoning and not for the proposed use. If the rezoning is approved, Speedway's plans could fall through and any business use permitted in the B-3 Zoning District could come in and develop the site. Another issue to consider is whether it is realistic to believe that a tract of less than one acre would become a viable industrial property. It did not have rail access. Although it was located close to a highway, it was almost too close to a highway for big trucks to pull in and out. Ms. Jackson remarked that the existing property had been for sale for the last ten years. The owners have not had any strong offers or valid offers to purchase the land.

Ms. Stake asked what the Ordinance said about cutting down trees. Mr. Wempe replied that it was not that people could not cut down trees. If a tree had to be cut down as approved by the City's Arborist, then it would be in lieu of a fee or a new tree planting. He was not sure if this was in the Zoning Ordinance or in the City Code.

Mr. Ward clarified that the only issue before the Plan Commission was the rezoning of the one small plot from IN to B-3. Mr. Pollock said that was correct. Mr. Ward went on to say that while these other issues were interesting and needed to be considered, they had nothing to do with the rezoning request. Mr. Pollock also pointed out that Speedway planned to rebuild the gas station on property that was already zoned B-3. So, they could build the gas station by right without review of anything that is not already in the City Code.

Mr. Ward moved that the Plan Commission forward the proposed rezoning case to the City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

Ms. Goscha felt it was fairly straight forward. The City would just be filling in a little section that was still zone IN. It was small enough that no industrial use could really build on. Therefore, it made good sense to rezone the property to B-3.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Ms. Goscha	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Mr. Ward	-	Yes

The motion was approved by unanimous vote. Mr. Wempe noted that the case would go before City Council on Monday, November 21, 2005.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Wempe reported on the following:

- big.small.all.champaign county Visioning dialogue meetings have begun. They are very fun and informative. He encouraged everyone listening to the Plan Commission meeting to attend one of these meetings.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 8:01 p.m.

Respectfully submitted,

Elizabeth Tyler, City Planner
Urbana Plan Commission