



## 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, Community Development Services

**DATE:** July 13, 2006

**SUBJECT:** Plan Case 2003-M-06: A request by Five Points Realty to rezone the south 55 feet of a parcel located at 604 N Broadway Avenue from CRE, Conservation-Recreation-Education to B-3, General Business District as part of The Gateway Shops at Five Points.

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### **Introduction**

Five Points Realty, LLC has petitioned the City to rezone the south 55 feet of a parcel located at 604 N Broadway Avenue from CRE, Conservation-Recreation-Education District to B-3, General Business District. The property to be rezoned was part of a recent land exchange between Five Points Realty and the Urbana Park District. The land exchange has provided Five Points Realty with a small yet important area to be included as part of a new retail development being called Gateway Shops at Five Points. The Gateway Shops site is located at the northwest quadrant of University Avenue and N Cunningham Avenue. The site is now occupied by O'Brien Automotive, and this business is in the process of relocating to a larger site in Urbana at I-74 and N Cunningham Avenue. Five Points Realty and the City of Urbana have jointly signed a development agreement to formalize the responsibilities and expectations of each party for redevelopment of the O'Brien site. This 55 foot wide strip of land is to be rezoned to accommodate the main commercial building planned for The Gateway Shops. This rezoning plan case (2003-M-06) has two companion cases on the same agenda: Plan Case No. 2003-S-05, consideration of a Preliminary and Final Plat for Gateway Subdivision, and Case No. 2003-SU-06, a Special Use Permit for Gateway Shops.

### **Background**

The area petitioned for rezoning is the south 55 feet of a parcel located at 604 N Broadway Avenue. This parcel is owned by the Urbana Park District and is periodically used for overflow parking for Park District events. This property is located directly across Broadway Avenue from Crystal Lake Park. The property in question has been zoned CRE (Conservation-Recreation-Education) in recognition of Park District ownership but does not reflect use as an actual park.

The Park District recently transferred the south 55 feet of their parcel to Five Points Realty to include as part of Five Point’s planned Gateway Shops commercial center. (In this exchange the Park District increased their parcel size by an equal amount of land in depth.) Although the area to be rezoned is only 0.56 acres in area, it is an important part of Five Points Realty’s commercial redevelopment of the 6+ acre O’Brien Automotive site. O’Brien Automotive is relocating to an expanded site at I-74 and N Cunningham Avenue and has agreed to vacate their current location by the end of July 2006. Five Points Realty is committed to beginning redevelopment of the O’Brien site as The Gateway Shops as soon as necessary development approvals are received, including approval of zoning and a Special Use Permit.

Redevelopment of this site is also a key project to fulfill Urbana’s Tax Increment Financing (TIF) District No. Two Plan as well as the Downtown Strategic Plan.

**Adjacent Land Uses and Zoning Designations**

The area to be rezoned is a relatively long strip of land which lies between a commercial site ready for redevelopment (O’Brien Automotive) and an institutional land holding (the Urbana Park District). The area to be rezoned is also across Broadway Avenue from the southeast corner of Crystal Lake Park.

**Zoning and Land Use Table**

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

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>2005 Comprehensive Plan – Future Land Use</b>
<b>Subject Property</b>	CRE (Conservation-Recreation-Education)	Undeveloped. Periodically used for overflow parking by the Park District. Currently used to store dirt for anticipated construction	“Regional Business”
<b>North</b>	CRE (Conservation-Recreation-Education)	Undeveloped. Periodically used for overflow parking by the Park District. Currently used to store dirt for anticipated construction.	“Regional Business”
<b>South</b>	B-3 (General Business District)	O’Brien Automotive	“Regional Business”
<b>East</b>	B-3 (General Business District)	O’Brien Automotive	“Regional Business”
<b>West</b>	CRE (Conservation-Recreation-Education)	Crystal Lake Park (across Broadway Ave.)	“Parks”

The City of Urbana 2005 Comprehensive Plan, Future Land Use Map 4, designates the future land use of the property in question as “Regional Business”. At the northwest corner of University and N. Cunningham Avenues, this map further denotes “Promote 5-Points Redevelopment to new commercial uses. Auto Park Relocation to I-74”.

## Issues and Discussion

### Rezoning Criteria

In evaluating the legal validity of a zoning classification for a particular property, the City of Urbana uses a standard set of factors developed from a 1957 Illinois Supreme Court ruling in the case *La Salle National Bank of Chicago v. County of Cook* (the “La Salle case”). 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 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.

Rezoning this 55 foot wide strip of land from CRE (Conservation-Recreation-Education) to B-3 (General Business District) would be compatible with the existing B-3 zoning to the south and east. CRE zoning, which could include uses as diverse as parks, athletic training facilities, schools, and university facilities, is not inherently incompatible with B-3 zoning. Adjacent uses under each zoning classification can be compatible neighbors given proper site planning and separation. In this case the project will be developed following the Special Use Permit requirements which means the City and the public will have greater control of the outcome of the project. Also, rezoning from CRE to B-3 would not change the fact that these two zoning districts already adjoin each other at this location. In essence approval of the rezoning application would move the existing boundary between CRE and B-3 north by 55 feet. At the July 6<sup>th</sup> Plan Commission meeting, an Urbana Park District representative stated that they support this project and the rezoning.

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 CRE (Conservation-Recreation-Education District) and the value it would have if it were rezoned to B-3 (General Business District) to permit the proposed use.

Presumably rezoning will lead to increased property values for the petitioner’s property. The Urbana Zoning Ordinance allows a much broader range of uses in B-3 zoning districts than in CRE districts. Additionally uses allowed in B-3 districts are typically income-generating, meaning that land values under this zoning classification are typically higher. Due to immediate plans to include this property as part of the much larger Gateway Shops commercial development, there is no need to speculate as to future use of this strip of land or the rest of the redevelopment site.

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.*

Although the area to be rezoned is only 0.56 acres in area, this rezoning is an important part of a larger redevelopment of a deteriorating and functionally obsolete property located at one of Urbana's most important intersections. Rezoning and redevelopment would promote the general public welfare in terms of economic and community character benefits. Redevelopment is also expected to provide additional tax revenues which will be used for public benefit. Additionally, rezoning and redevelopment of the O'Brien site is a key project to implement Downtown Urbana's Tax Increment Financing District No. 2 Plan and the Downtown Strategic Plan.

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?

No hardship is being imposed on the property owner by rezoning from CRE to B-3. The petitioner for the rezoning represents the property owners' interests, and their request for rezoning and anticipation of commercial development demonstrates that rezoning would be beneficial to them rather than a hardship.

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 this strip of land – being adjacent to a planned commercial development at the northwest quadrant of a major commercial intersection -- lends the property to commercial use. The 2005 Comprehensive Plan and Downtown Tax Increment Finance District No. 2 Plan both explicitly support rezoning and redevelopment of this property.

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

The petitioners have made no claims that this property has remained vacant because of the current zoning.

## **Summary of Staff Findings**

1. The proposed B-3, General Business District zoning for the subject property is consistent with the 2005 Urbana Comprehensive Plan's future land use designation of "Regional Business" for the property.
2. Adjacent properties to the south and east which are also owned by the petitioner are currently zoned B-3, General Business District.
3. The location of the site in proximity to the intersection of University Avenue and N Cunningham Avenue, being one of Urbana's major intersections and community gateways, makes the subject property desirable for commercial use.
4. This 0.56 acre property is adjacent to a larger commercial tract to be redeveloped by the petitioner as The Gateway Shops at Five Points. Redevelopment of this site is a key project for implementing the Downtown Tax Increment Finance District No. 2 Plan.
5. The proposed rezoning appears to generally meet the LaSalle Case criteria.

## **Options**

The City Council has the following options. In Plan Case 2003-M-06, the City Council may:

1. Approve this rezoning request.
2. Deny this rezoning request.

## **Recommendation**

At their July 6, 2006, the Plan Commission recommended unanimously that the City Council **APPROVE** the application in Plan Case No. 2003-M-06 with the following conditions. City staff likewise recommends approval as submitted.

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: Five Points Realty, LLC  
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Champaign, IL 61821

Vicki Mayes  
Urbana Park District  
303 West University Avenue  
Urbana, IL 61801

ORDINANCE NO. 2006-07-104

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

(Rezoning of the South 55 feet of 604 N. Broadway Avenue from CRE, Conservation-Recreation-Education to B-3, General Business District - Gateway Shops at Five Points - Plan Case 2003-M-06)

WHEREAS, the subject property is planned to be incorporated in a shopping center redevelopment of the site known as Gateway Shops at Five Points West; and

WHEREAS, the location of the site in close proximity to the City's two highest volume traffic ways supports rezoning to B-3, Central Business District; and

WHEREAS, the rezoning would be consistent with the B-3 zoning designation of the property immediately to the south; and

WHEREAS, the property is located in an area adjacent to downtown that has a continuing need for high quality mixed commercial uses, as set forth in the City of Urbana's Downtown Strategic Plan; and

WHEREAS, the proposed Gateway Shops shopping center property is considered a key redevelopment site in the City of Urbana's Tax Increment Finance District No. 2 Plan; 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 rezoning criteria; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on July 6, 2006 concerning the petition filed in Plan Case No. 2003-M-06; and

WHEREAS, the Urbana Plan Commission voted 7 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 from CRE, Conservation-Recreation-Education to B-3, General Business District; 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 CRE, Conservation-Recreation-Education to B-3, General Business District.

LEGAL DESCRIPTION:

THE SOUTH 55 FEET OF LOT 2 OF SHELBY'S REPLAT OF PART OF LOTS 1, 2, 3, 4, 5 AND 6 OF THE BELLE BARR SURVEY, URBANA AND PART OF LOT 6 OF BELLE BARR SURVEY, CHAMPAIGN COUNTY, ILLINOIS, AS PER PLAT RECORDED IN PLAT BOOK AA AT PAGE 218, AS DOCUMENT 1988R13872, IN THE OFFICE OF THE RECORDER SITUATED IN CHAMPAIGN COUNTY, ILLINOIS

Common Address: 604 N. Broadway Avenue, Urbana, Illinois

Parcel Index Number: a part of 91-21-08-405-028

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 \_\_\_\_\_, 2006.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

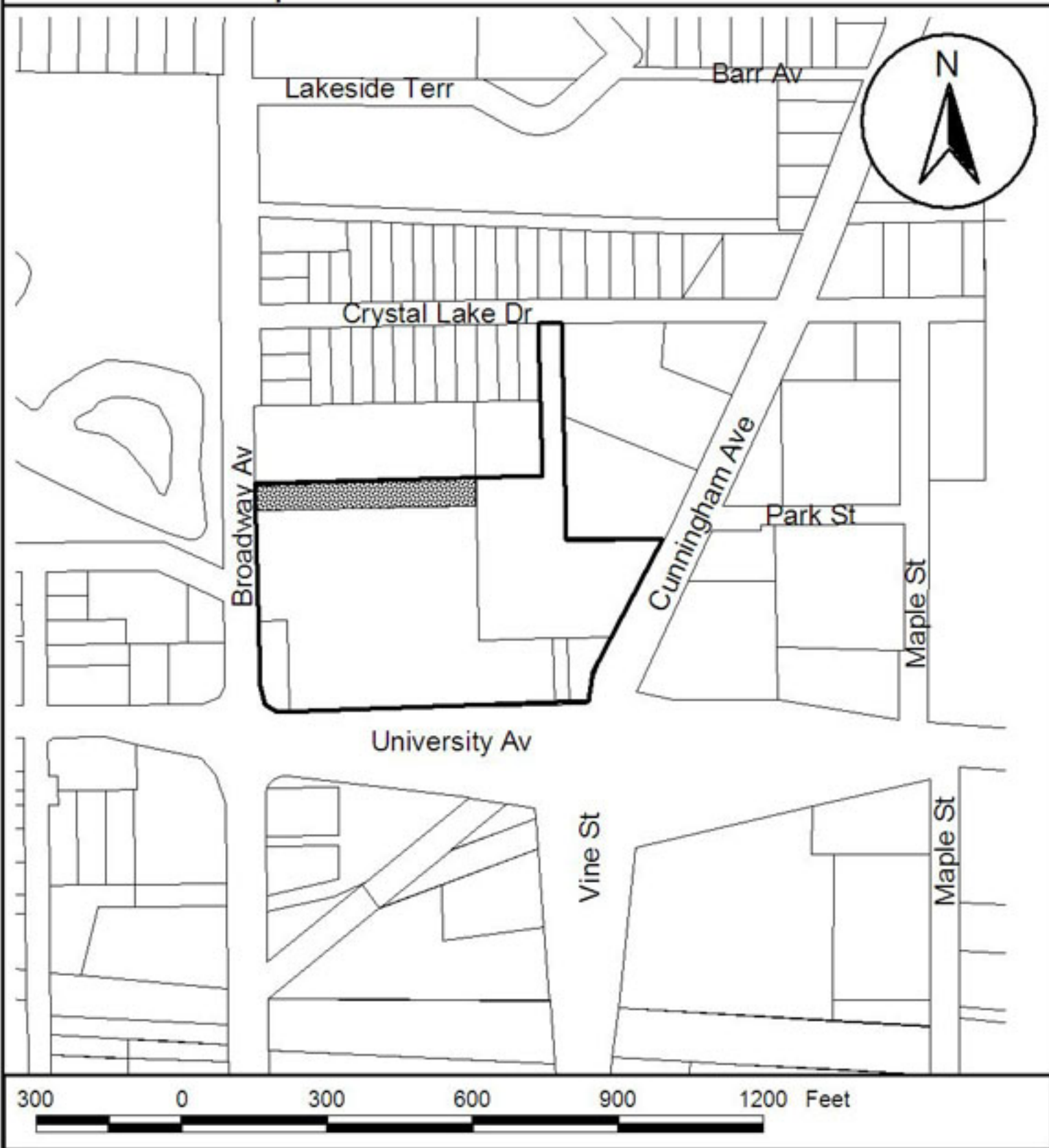
CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

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 \_\_\_\_\_, 2006, 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 ((Gateway Shops at Five Points - Rezoning of the South 55 feet of 604 N. Broadway Avenue from CRE, Conservation-Recreation-Education to B-3, General Business District - Plan Case 2003-M-06))"**, 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 \_\_\_\_\_, 2006, 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 \_\_\_\_\_, 2006.

# Location Map

# Exhibit "A"

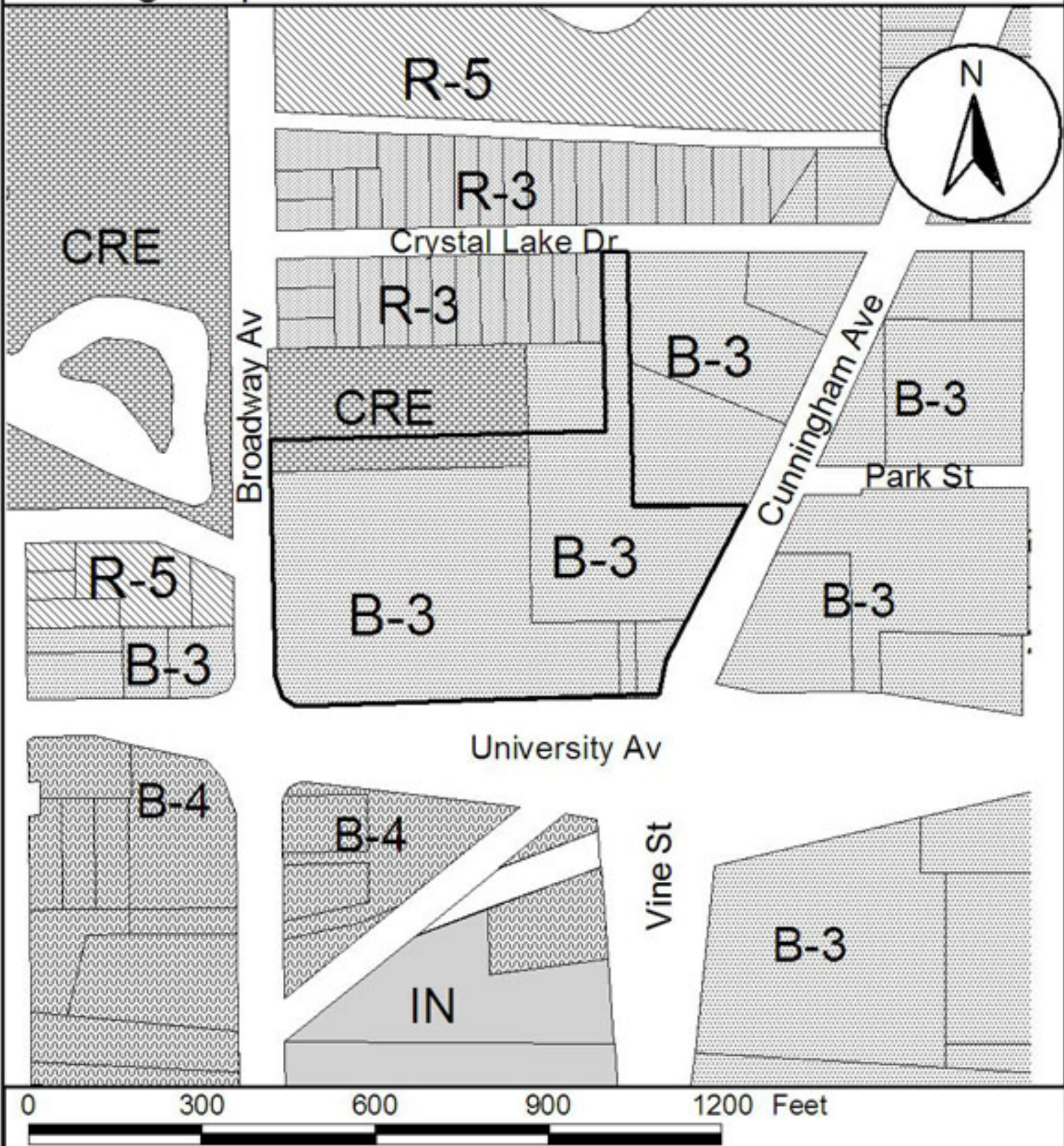


Plan Cases:  
2003-M-06, Gateway Shops:  
Rezone part of a lot from CRE, Conservation-Recreation-Education  
to B-3, General Business  
2003-SU-06, Gateway Shops:  
Special Use Permit to allow a shopping center / PUD in the B-3 zone  
Petitioner: Five Points Realty, LLC  
Location: North West corner of Cunningham Ave and Vine Street  
Zoning: B-3, General Business and CRE

-  Subject Property
-  Rezoning Area

# Zoning Map

# Exhibit "B"



Plan Cases:  
 2003-M-06, Gateway Shops:  
 Rezone part of a lot from CRE, Conservation-Recreation-Education to B-3, General Business  
 2003-SU-06, Gateway Shops:  
 Special Use Permit to allow a shopping center / PUD in the B-3 zone  
 Petitioner: Five Points Realty, LLC  
 Location: North West corner of Cunningham Ave and Vine Street  
 Zoning: B-3, General Business and CRE

R3 - Single- and Two-Family  
 R5 - Medium High Density Multiple-Family  
 B3 - General Business  
 B4 - Central Business  
 CRE - Conservation-Recreation-Education

 Subject Property

# Existing Land Use w Aerial Photo

# EXHIBIT "C"



**Plan Cases:**

**2003-M-06, Gateway Shops:**

Rezone part of a lot from CRE, Conservation-Recreation-Education to B-3, General Business

**2003-SU-06, Gateway Shops:**

Special Use Permit to allow a shopping center / PUD in the B-3 zone

**Petitioner:** Five Points Realty, LLC

**Location:** North West corner of Cunningham Ave and Vine Street

**Zoning:** B-3, General Business and CRE

*Prepared 6/19/06 by Community Development Services - pa*

COM – Commercial

SF – Single Family

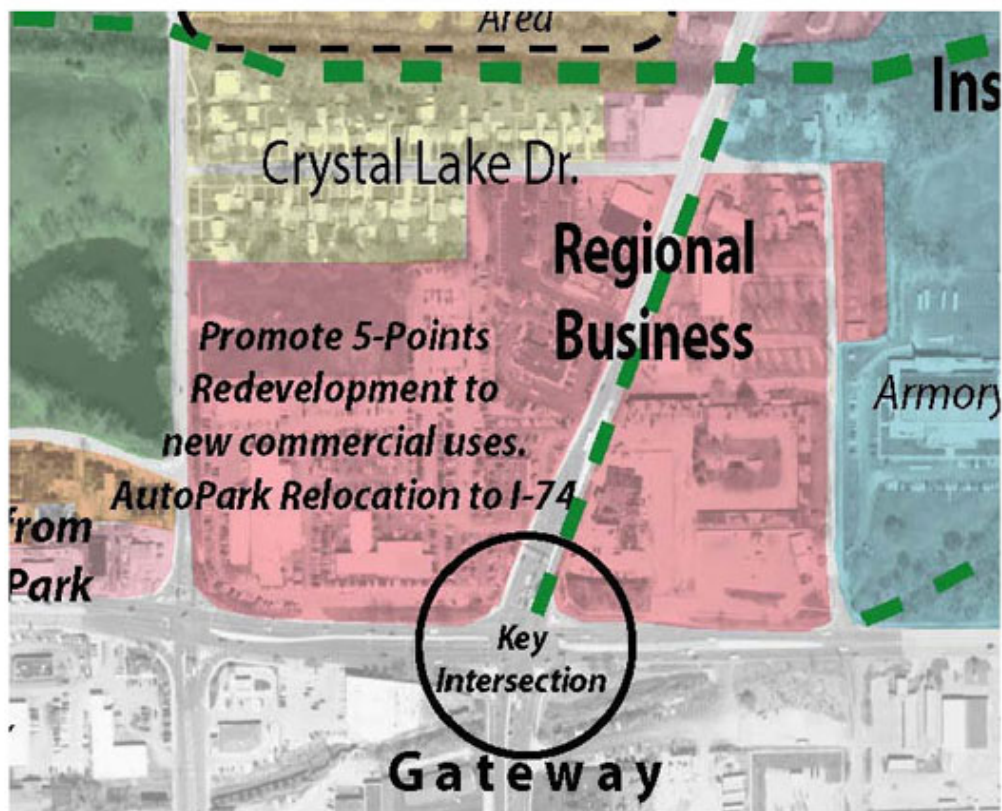
MF – Multi Family

VAC - Vacant

# Future Land Use

# EXHIBIT "D"

Source: Comprehensive Plan Future Land Use  
Map # 4, p.75 – Detailed Section



**Plan Cases:**

**2003-M-06, Gateway Shops:**  
Rezone part of a lot from CRE, Conservation-Recreation-Education to B-3, General Business

**2003-SU-06, Gateway Shops:**  
Special Use Permit to allow a shopping center / PUD in the B-3 zone

**Petitioner:** Five Points Realty, LLC

**Location:** North West corner of Cunningham Ave and Vine Street

**Zoning:** B-3, General Business and CRE

*Prepared 6/19/06 by Community Development Services - pal*