



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, Director, City Planner

DATE: August 17, 2006

SUBJECT: Plan Case 2007-M-06: A request to rezone 201 S. Race and 205 W. Elm from R-6, High Density Multiple-Family Residential to B-4, Central Business District

Introduction

The Urbana Zoning Administrator has requested that the parcels at 201 S. Race and 205 W. Elm be rezoned from R-6, High Density Multiple Family Residential to B-4, Central Business District. These properties are occupied by the Urbana Free Library building. The proposed rezoning will ensure the property is consistent with the 2005 Urbana Comprehensive Plan and surrounding land uses. Public libraries and accessory uses are permitted by right in the B-4 zoning district. The proposed rezoning is also consistent with the Master Plan for the Urbana Free Library and the Downtown Strategic Plan.

Background

The Urbana Free Library was founded in 1874 as one of the first tax-supported public libraries in the state of Illinois. The main library building was built in 1918 at 201 South Race Street. It was expanded in 1975, and again in 2005. The City contributed toward the recent \$8 million expansion of the Library. The original building and the 1975 addition are on the parcels which the Zoning Administrator is requesting to be rezoned.

Adjacent Land Uses and Zoning Designations

The property is surrounded by commercial uses and library property. Immediately north of the property is Busey Bank. To the west and south is the rest of the library complex. The 2005 addition to the library includes one of the parcels to be rezoned as well as the parcel immediately west of the subject parcels. There is library parking and a vacant commercial building to the south. To the east is the Historic Lincoln Hotel and Lincoln Square Village. The property is within the downtown core, most of which is zoned B-4, Central Business.

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	R-6, High Density Multiple Family Residential	Library	“Central Business”
North	B-4, Central Business	Bank	“Central Business”
South	B-4, Central Business & R-6, High Density Multiple Family Residential	Library Parking & Commercial	“Central Business”
East	B-4, Central Business	Hotel	“Central Business”
West	B-4, Central Business	Library	“Central Business”

Issues and Discussion

Public libraries are permitted in areas zoned R-6, High Density Multiple Family Residential. However, the site is not intended to be used as a residence, and will not be in the foreseeable future. The library also contains accessory uses, such as a café. Given the property’s location within the Downtown core, the appropriate zoning is B-4, Central Business. Staff chose the B-4 zoning designation over CRE, Conservation, Recreation and Education because of the site’s location in the downtown core. The CRE district requires larger setbacks which are not conducive to the type of development that belongs in the downtown area. The proposed rezoning will ensure the property’s zoning is consistent with surrounding similar uses, the existing use of the property, and the 2005 Urbana Comprehensive Plan. The Comprehensive Plan describes “Central Business” as follows:

The Central Business land use designation is exemplified by Downtown Urbana but also includes other mixed-use areas. Contains a dense, highly intensive land use pattern focusing on an urban style of development and architecture. Pedestrian, bicycle and transit access are emphasized to ensure areas are walkable. Contains a mix of land uses ranging from commercial, high-density residential, office, and well as institutional. Mixed-use developments offer residential uses above first floor commercial and office space.

The Master Plan for the Urbana Free Library block calls for the Library to acquire adjacent properties and convert them to library uses as they become available. Since most or all of the block may eventually be used by the Library, it is inconsistent to leave these parcels zoned for residential development. Likewise, the Downtown Strategic Plan recognizes the library as a community institution which creates vitality in the downtown area by drawing residents to the downtown area.

The La Salle Rezoning Criteria

In the case of *La Salle National Bank of Chicago 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.

The surrounding properties are all commercial or institutional uses, most of which are zoned B-4, Central Business. The proposed rezoning would ensure that the property’s zoning is consistent with these uses.

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 R-6, High Density Multiple Family Residential, and the value it would have if it were rezoned to B-4, Central Business, to permit the proposed use.

The B-4 District would preclude residential development on the Library property. However, residential is an extremely unlikely use for the site. Changing the zoning to B-4 will allow the Library to have accessory uses appropriate to the downtown area, which could potentially increase land values.

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.*

The Library use promotes the general welfare by providing a critical community service.

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?

The current zoning is not entirely consistent with the historic and current use of the property as a library. The current zoning is also inconsistent with the “Central Business” future land use, as identified in the 2005 Urbana Comprehensive Plan. Rezoning would not impose a hardship on the property owner.

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 proposed rezoning would not have an impact on the suitability of the property for the continued use as a library.

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 is not vacant.

Summary of Findings

1. The property is currently zoned R-6, High Density Multiple Family Residential, and has been used as a public library since 1918;
2. The proposed B-4, Central Business zoning for the subject property is consistent with the overall goals of the 2005 Urbana Comprehensive Plan and future land use designation of “Central Business” for the area;
3. The proposed rezoning is consistent with the Master Plan for the Urbana Free Library Block as well as the Downtown Strategic Plan;
4. The surrounding areas in the downtown core are already zoned B-4, Central Business;
5. The proposed rezoning would allow the continued use of the property as a library as well as permit operation of a café as an accessory use on the site; and
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

In Plan Case 2007-M-06, the City Council may:

1. Approve the rezoning.
2. Deny the rezoning.

Recommendation

At their August 10, 2006 meeting, the Plan Commission held a public hearing. After discussing the case, the Plan Commission voted 5 ayes to 0 nays to forward the case with a recommendation of approval to the City Council.

Based on the evidence presented in the discussion above, staff concurs with the Plan Commission recommendation to **APPROVE** Plan Case No. 2007-M-06.

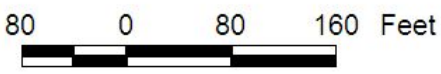
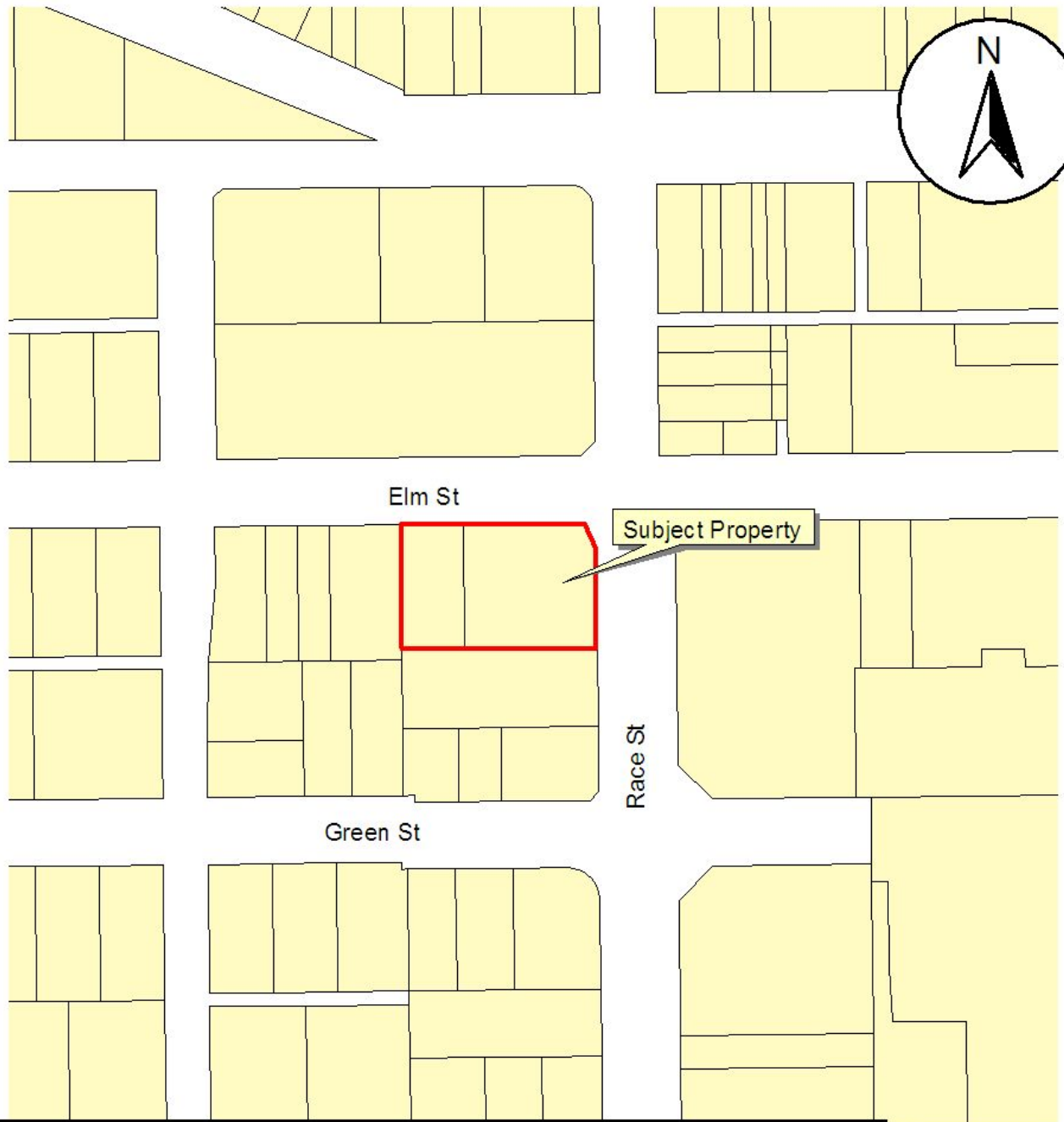
Prepared by:

Jeffrey Engstrom, 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
Petition for Zoning Map Amendment
Letter of Support from the Urbana Free Library Board of Trustees
Master Plan for the Urbana Free Library Block

Cc: Urbana Free Library Board

Exhibit A: Location Map



Plan Case: 2007-M-06
Petitioner: Urbana Zoning Administrator
Location: Corner Race and Elm Streets
Description: Rezone from R-6 to B-4

Prepared 7/7/2006 by Community Development Services - jme

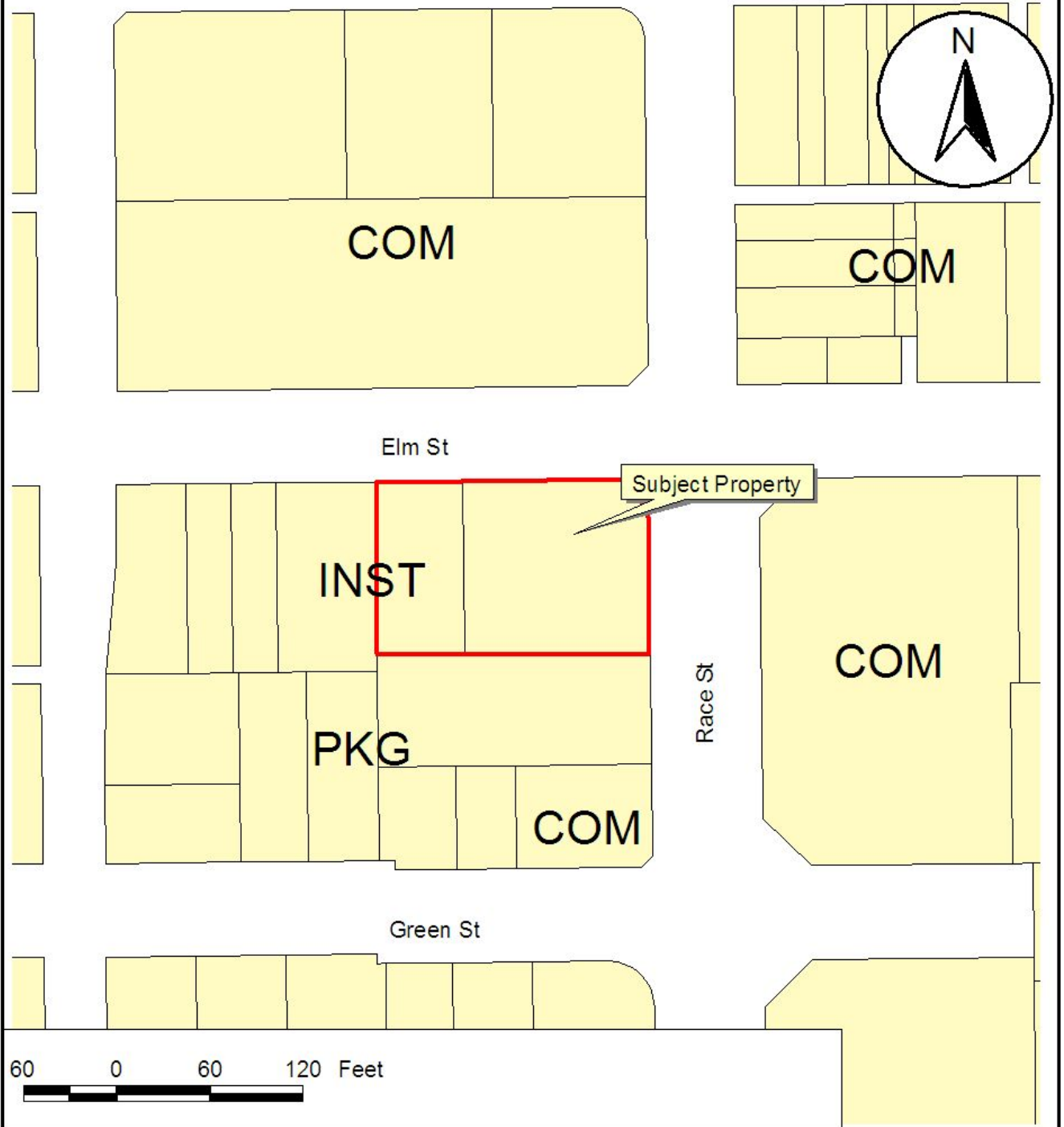
Exhibit B: Zoning Map



Plan Case: 2007-M-06
 Petitioner: Urbana Zoning Administrator
 Location: Corner of Race and Elm Streets
 Description: Rezone from R-6 to B-4

Prepared 7/7/2006 by Community Development Services - jme

Exhibit C: Existing Land Use Map

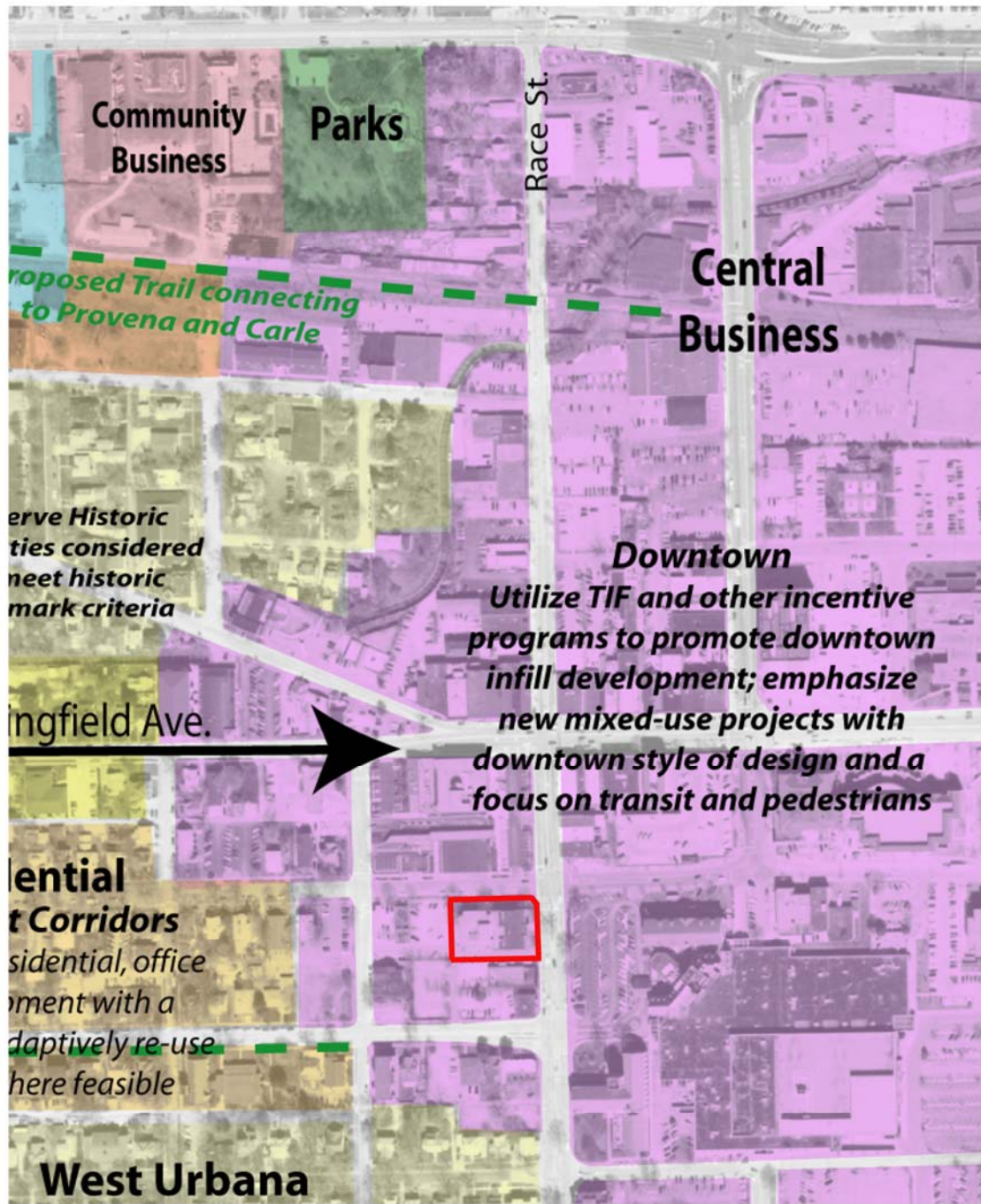


Plan Case: 2007-M-06
Petitioner: Urbana Zoning Administrator
Location: Corner of Race and Elm Streets
Description: Rezone from R-6 to B-4

Prepared 7/7/2006 by Community Development Services - jme

COM - Commercial
INST - Institutional
PKG - Parking Lot

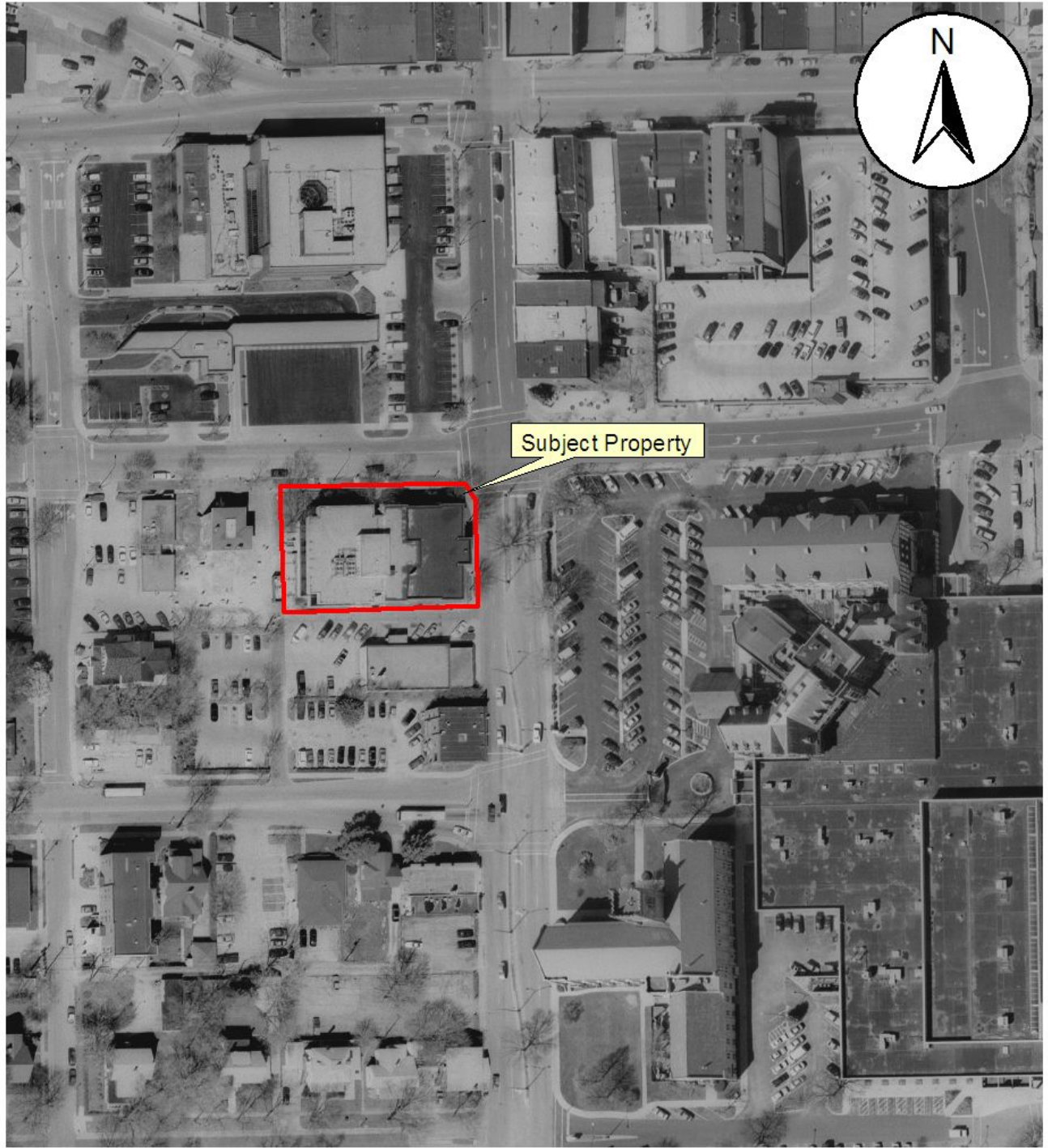
Exhibit D: Future Land Use Map



Plan Case: 2007-M-06
 Petitioner: Urbana Zoning Administrator
 Location: Corner of Race and Elm Streets
 Description: Rezone from R-6 to B-4

Prepared 7/7/2006 by Community Development Services - jme

Exhibit E: Aerial Map



Plan Case: 2007-M-06
Petitioner: Urbana Zoning Administrator
Location: Corner of Race and Elm Streets
Description: Rezone from R-6 to B-4

Prepared 7/7/2006 by Community Development Services - jme

ORDINANCE NO. 2006-08-113

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

(Rezoning of 201 S. Race St and 205 W. Elm St from R-6, High Density Multiple-Family Residential to B-4, Central Business - Plan Case 2007-M-06 / Urbana Free Library)

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 10, 2006 concerning the petition filed in Plan Case No. 2007-M-06 to rezone the properties herein described below from R-6, High Density Multiple-Family Residential to B-4, Central Business; and

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

WHEREAS, the requested rezoning is consistent with the Urbana Free Library Block Master Plan and City of Urbana Downtown Strategic Plan; and

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

WHEREAS, the Urbana Plan Commission voted 5 ayes and 0 nay to forward the case to the Urbana City Council with a recommendation to approve the rezoning request; 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-6, High Density Multiple-Family Residential District to B-4, Central Business District.

LEGAL DESCRIPTION:

Lots 6 and 7 of the James T. Roe's First Addition to the City of Urbana, except of said lots as is now used as a part of Elm Street, 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 _____, 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** (Rezoning of 201 S. Race St and 205 W. Elm St from R-6, High Density Multiple-Family Residential to B-4, Central Business - Plan Case 2007-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.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: August 10, 2006
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Ben Grosser, Lew Hopkins, Bernadine Stake, James Ward, Don White

MEMBERS EXCUSED: Jane Burris, Michael Pollock, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Matt Wempe, Planner II; Jeff Engstrom, Planner I; Becca Bicksler, Community Development Associate; Teri Andel, Planning Secretary

OTHERS PRESENT: Fred Schlipf, Susan Taylor

NEW PUBLIC HEARINGS

Plan Case No. 2007-M-06 – A request to rezone 201 South Race Street and 205 West Elm Street from R-6, High-Density Multiple Family Residential, to B-4, Central Business Zoning District.

Jeff Engstrom, Planner I, gave the staff report for this case to the Plan Commission. He began with a brief introduction and history of the proposed property. He described of the proposed site, pointing out the adjacent land uses and zoning designations. He talked about the Master Plan for the Urbana Free Library and summarized the La Salle National Bank Criteria as they pertain to the proposed rezoning request. He went through the summary of findings and read the options of the Plan Commission. He presented staff's recommendation, which is 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 this public hearing, staff recommended that the Plan Commission forward Plan Case No. 2007-M-06 to the Urbana City Council with a recommendation for approval.

Mr. Grosser pointed out that there are currently four buildings on the block that are zoned R-6, High Density Multiple-Family Residential. He understood why the Fejes and the Auler properties were not being proposed to be rezoned. However, the parking lot along Green Street

is currently used as a parking lot for the library. So, why isn't it part of this proposal? Mr. Engstrom believed it is an oversight. The property is owned by the library. Mr. Myers added that City staff considered directly the library itself. They did not take into account the parcel to the south of the subject property. If the Plan Commission recommended that this parcel be rezoned, then City staff could look at it in the future. Mr. Grosser commented that if the City is looking at cleaning up the zoning, then maybe staff should look at this in the future.

Ms. Stake moved that the Plan Commission forward this case to the City Council with a recommendation for approval. Mr. Grosser seconded the motion.

Mr. Myers added that an alternative zoning classification might be CRE, Conservation-Recreation-Education Zoning District. However, the CRE zoning classification has setback requirements of 25 feet for front-yard setbacks, 15 feet for side-yard setbacks, and 25 feet for rear-yard setbacks. The B-4, Central Business Zoning District, does not have any required front, side or rear-yard setbacks. Thus, City staff thought it would be more appropriate to rezone the proposed site to B-4 in order to reflect what is in the 2005 Urbana Comprehensive Plan.

Mr. Hopkins inquired if the Plan Commission could include rezoning the other parcel that is not included in the proposed rezoning in their recommendation to the City Council. Mr. Myers explained that the Plan Commission could not enlarge the area to be rezoned due to the notification process. Mr. Hopkins suggested that City staff rezone this parcel in conjunction with some other cleanup zoning like this, so as to not make an unnecessary case.

He went on to say that he understood the reason for the proposed rezoning is to legalize the café, which is already opened in the library. Mr. Myers commented that it is pretty standard for cafes to be part of libraries these days.

Roll call was taken and was as follows:

Ms. Stake	-	Yes	Mr. Hopkins	-	Yes
Mr. Grosser	-	Yes	Mr. White	-	Yes
Mr. Ward	-	Yes			

The motion was passed by unanimous vote.