



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, AICP, Director of Community Development Services

DATE: June 14, 2007

SUBJECT: Plan Case 2042-M-07: A request to rezone a portion of 1907 N. Cunningham Avenue from B-3, General Business to R-4, Medium Density Multiple-Family Residential

Introduction

Eastland Suites Hotel and Conference Center has requested that a 0.19-acre portion of their 11.5-acre property at 1907 N. Cunningham Avenue be rezoned from B-3, General Business District, to R-4, Medium Density Multiple-Family Residential District. The subject property is split by two zoning designations: R-4 on the south side and B-3 on the north side. The owners plan to redevelop the south portion of their property into new efficiency apartments. A small portion of the southern half is zoned B-3, and the owner is requesting it be rezoned so that apartments can be built on it.

The Plan Commission held a public hearing on this case at their June 7, 2007 meeting. Commissioners inquired about the nature of the development to be constructed, and how close to the adjoining property line the new building would be. Staff clarified that the applicant could construct a building within 10 feet of the property line in either the B-3 or R-4 zoning districts. The commission voted 9 ayes to 0 nays to forward the case to the City Council with a recommendation for approval.

Background

The site was originally developed as a Howard Johnson motel and restaurant. Currently, Eastland Suites is a hotel and conference center on North Cunningham Avenue (US 45), adjacent to the Interstate 74 interchange. The site consists of two areas. The northern area has a hotel and conference center. The southern area contains apartments, which are also owned by Eastland Suites, and are planned to be demolished and replaced with new efficiency apartments. They plan to build four new apartment buildings, each with 28 units, as shown in Exhibit "G", Site Plan. A portion of one building will extend into the area to be rezoned.

Adjacent Land Uses and Zoning Designations

The subject property adjoins both commercial uses and single-family homes. Immediately north of the subject property is a portion of the Eastland Suites complex, north of which are the Cracker Barrel and Steak-N-Shake restaurants. To the west and southwest of the subject property are several single-family residences which front on Willow Road. A gas station is located to the southeast. East of the subject property is the remainder of the Eastland Suites site, beyond which Route 45.

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-4, Medium High Density Multiple-Family Residential B-3, General Business	Efficiency Apartments Motel and Conference Center	Multi-Family Residential Regional Business
West	R-1, Single-Family Residential	Single Family Homes	Single-Family Residential
East	B-3, General Business	Gas Station and Convenience Store	Regional Business
South	R-1, Single-Family Residential B-3, General Business	Single Family Homes Gas Station and Convenience Store	Single-Family Residential
North	B-3, General Business	Restaurants	Regional Business

Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the portion of the site to be rezoned as both “Regional Business” and “Multi-Family Residential”. Regional Business is defined as:

Intended to serve regional as well as local demand. Typically located in a high-visibility

area that offers convenient access and parking. Although Regional Business areas are typically oriented preliminarily to automobile traffic, their design should include adequate facilities for pedestrians, bicyclists and public transit.

The Comprehensive Plan defines Multi-Family Residential as:

Areas planned primarily for apartment complexes and other multi-family buildings. Located close to major centers of activity such as business centers, downtown, and campus. May include supporting business services for convenience needs of the residents. Multi-family residential areas should allow for a density buffer when transitioning to a lower-density residential area. These areas should incorporate provisions for transit service and pedestrian access.

The proposed rezoning would allow for a transition of uses from Regional Business uses of restaurants, hotels, and gas stations to the east; to apartments; and finally to single-family homes to the west. This would be consistent with the 2005 Urbana Comprehensive Plan.

Issues and Discussion

The subject property has two zoning designations, as shown in Exhibit “B”. Most of the property is zoned B-3, General Business District. The southwest 4.5 acres of the property is zoned R-4, Medium Density Multiple-Family Residential. There is an east-west line that divides the two portions of the site into separate zoning districts. A 0.19-acre portion of the property now zoned B-3 would be rezoned R-4 in order to bring the area to be redeveloped under one zoning designation, and also to allow construction of an efficiency apartment building. The southern half of the building will be constructed on land which is already zoned R-4. The rest of the building would be on land zoned B-3. Multi-family residential buildings are only allowed in the B-3, General Business District with a Special Use Permit. In this case, rezoning the property to R-4 is preferable to avoid building across two zoning districts.

The property to be rezoned is adjacent to a single-family home fronting on Willow Road. A privacy fence separates the rear yard of the home from the Eastland Suites property. Homes exist to the south along Willow Road which are all adjacent to the R-4 portion of Eastland Suites apartments.

The La Salle 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.

The applicant states that the request “conforms with the existing uses of the adjacent property.” The site is a small 0.19-acre portion of a larger 11.5-acre parcel that has two zoning designations: B-3 and R-4. The portion considered for rezoning is surrounded by residential zoning districts to the east, west and south. To the west are single-family homes, separated from the site by a privacy fence. These surrounding districts are compatible with the proposed R-4 zoning.

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 B-3, General Business and the value it would have if it were rezoned to R-4, Medium Density Multiple-Family Residential.

The proposed rezoning would allow the petitioner to redevelop the site with new efficiency apartments. Having a building site with one uniform zoning designation of R-4 would make the property easier to develop. The proposed rezoning would not diminish the value of the property.

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. (see No. 4 below)*

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

The questions here apply 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 portion of the site to be rezoned is currently undeveloped, but under current zoning could be developed as a Regional Business use directly adjacent to the existing single-family homes. There would be no perceivable negative impact on the public welfare if the site were to be developed as multi-family housing.

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 applicant states that “the subject property will become a part of a large adjacent parcel currently used for apartments.” It is at the rear of the site, and is adjacent to single-family homes. Situated

between intense commercial uses and low-intensity residential, this site is well-suited to act as a multi-family residential buffer between the two.

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 due to the current zoning.

Summary of Staff Findings

1. The property is split by two zoning designations: B-3, General Business to the north, and R-4, Medium Density Multiple-Family Residential to the south. The portion to be rezoned is currently designated B-3.
2. The property contains a hotel and conference center, as well as apartment units.
3. The portion to be rezoned is adjoined on three sides with residential land uses and zoning.
4. The 2005 Urbana Comprehensive Plan future land use map shows this property as both Multi-Family Residential and Regional Business.
5. The portion of the site to be rezoned has would serve as a buffer between intense commercial uses to the east and lower-density residential to the west.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

The Urbana City Council has the following options in Plan Case 2042-M-07. Council may:

1. Approve the rezoning request in Plan Case 2042-M-07.
2. Deny the rezoning request in Plan Case 2042-M-07.

Recommendation

At their June 7, 2007 meeting, the Urbana Plan Commission voted 9 ayes to 0 nays to forward the case to Council with a recommendation to APPROVE Plan Case No. 2042-M-07. Staff concurs with this recommendation.

Prepared by:

Jeff 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
Exhibit F: Zoning Map Amendment Application
Exhibit G: Site Plan

CC: McLean County Land Trust #D-161
1 Brickyard Drive
Bloomington, IL 61701

ORDINANCE NO. 2007-06-058

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

(Rezoning a portion of 1907 N. Cunningham Avenue from B-3, General Business District to R-4, Medium Density Multiple-Family District - Plan Case 2042-M-07)

WHEREAS, The owner of the Eastland Suites Hotel and Conference Center has petitioned the City for a Zoning Map Amendment to rezone a portion of 1907 N. Cunningham Avenue from B-3, General Business District to R-4, Medium Density Multiple-Family District; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on June 7, 2007 concerning the petition filed in Plan Case No. 2042-M-07; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations 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 9 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 B-3, General Business District to R-4, Medium Density Multiple-Family 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 Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described

area from B-3, General Business District to R-4, Medium Density Multiple-Family District.

LEGAL DESCRIPTION:

Beginning at a point situated 163.46 feet North of and 218.22' East of the Southwest Corner of the Northwest Quarter of the Southwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, on the East line of Lot 10 in Reinhold Acres Subdivision; thence North 0° 28' 44" West, along said West line, 70.05 feet to the Northeast corner of said Lot 10; thence South 86° 16' 13" West, 68.96 feet; thence South 89° 40' 50" West 109 feet, more or less to the Point of Beginning, said parcel containing 0.190 Acres, more or less, all situated in the City of Urbana, 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 _____, 2007.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2007.

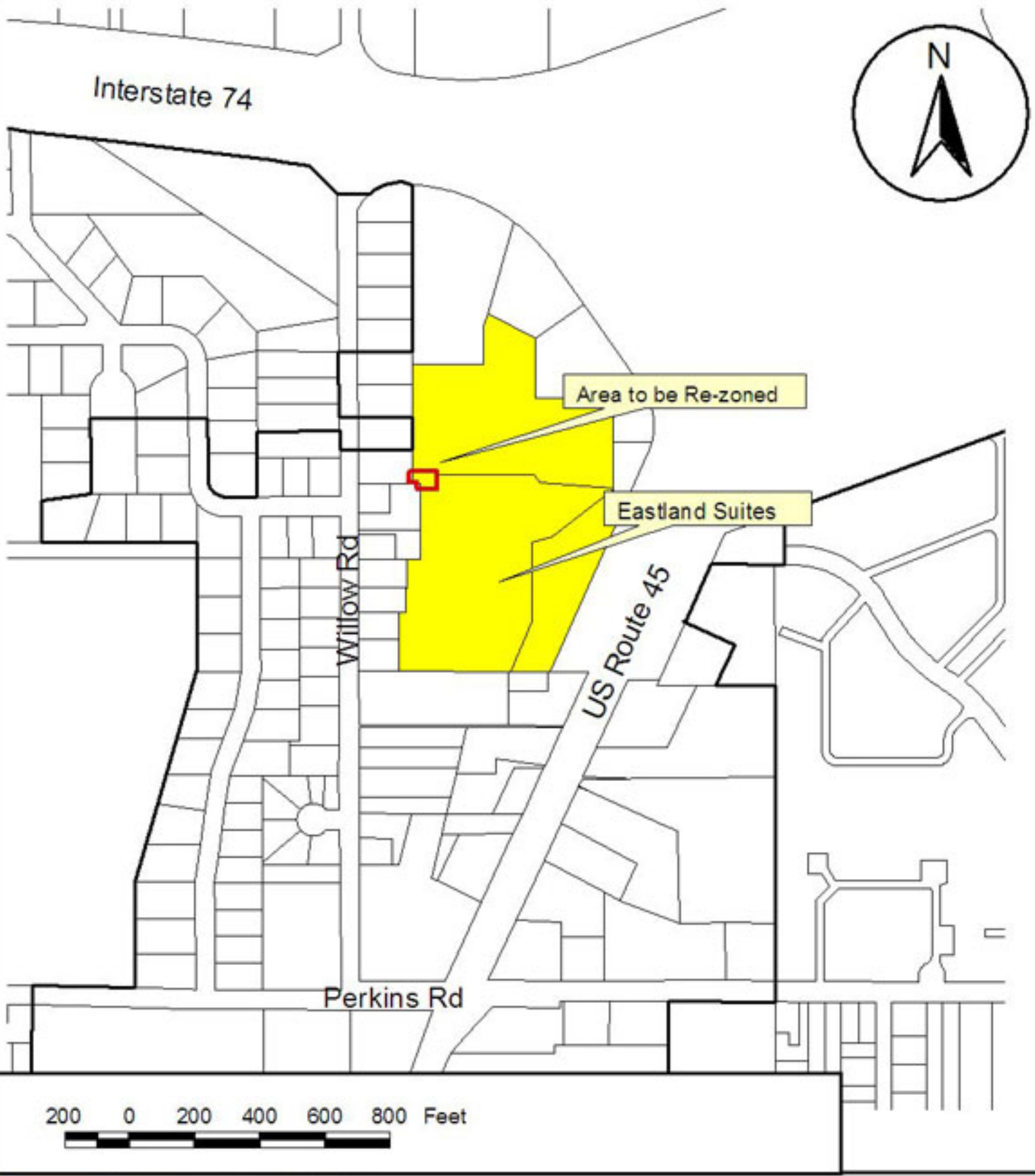
Laurel Lunt Prussing, Mayor

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 June, 2007, 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 a portion of 1907 N. Cunningham Avenue from B-3, General Business District to R-4, Medium Density Multiple-Family District - Plan Case 2042-M-07), 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 _____, 2007, 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.

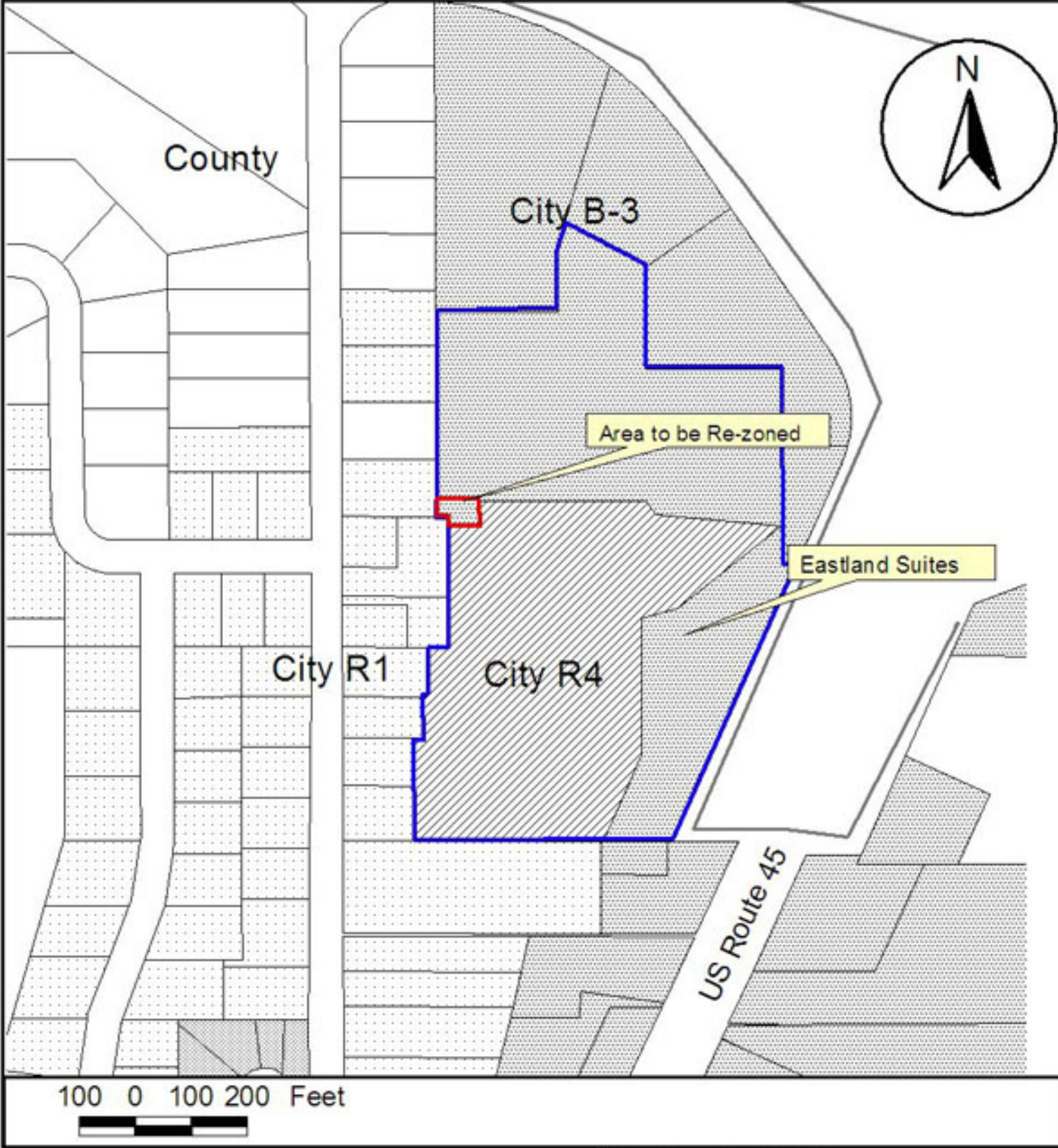
DATED at Urbana, Illinois, this _____ day of _____, 2007.

Exhibit A: Location Map



Plan Case: 2042-M-07
Petitioner: Eastland Suites
Location: South of I-74, East of US Route 45
Description: Rezone Portion of 1909 N. Cunningham
to R-4, Medium Density Multiple-Family Residential

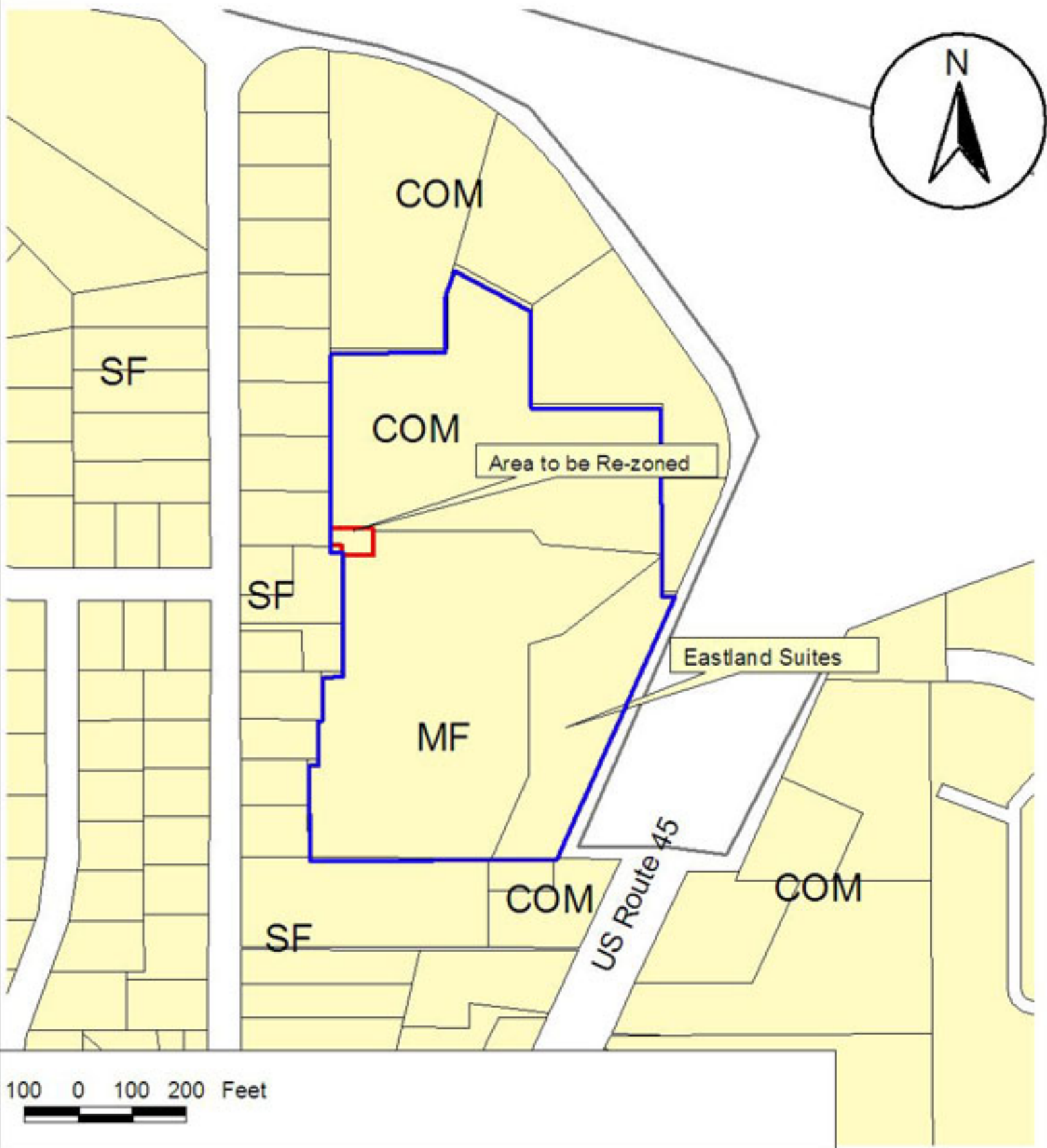
Exhibit B: Zoning Map



Plan Case: 2042-M-07
Petitioner: Eastland Suites
Location: South of I-74, East of US Route 45
Description: Rezone Portion of 1909 N. Cunningham to R-4, Medium Density Multiple-Family Residential

- County Residential
- R4 - Medium Density Multiple-Family
- B3 - General Business
- R1 - Single Family

Exhibit C: Existing Land Use Map

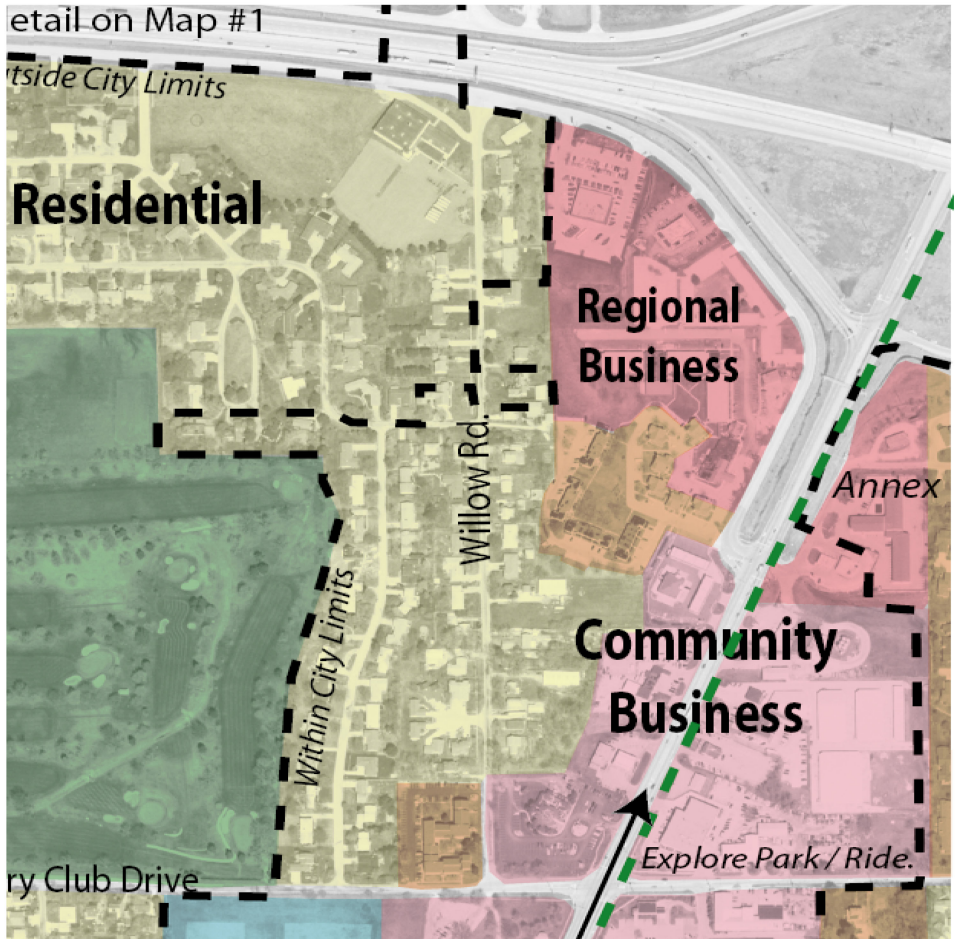


Plan Case: 2042-M-07
Petitioner: Eastland Suites
Location: South of I-74, East of US Route 45
Description: Rezone Portion of 1909 N. Cunningham to R-4, Medium Density Multiple-Family Residential

SF - Single Family
MF - Multi-Family Residential
COM - Commercial



Exhibit D: Future Land Use Map



Plan Case: 2042-M-07
Petitioner: Eastland Suites
Location: South of I-74, East of US Route 45
Description: Rezone Portion of 1909 N. Cunningham to R-4, Medium Density Multiple-Family Residential

Prepared 5/22/2007 by Community Development Services - jme

Exhibit E: Aerial Map



Plan Case: 2042-M-07
Petitioner: Eastland Suites
Location: South of I-74, East of US Route 45
Description: Rezone Portion of 1909 N. Cunningham
to R-4, Medium Density Multiple-Family Residential

Prepared 5/22/2007 by Community Development Services - jme



Petition for Zoning Map Amendment

Plan Commission

APPLICATION FEE - \$150.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 05/09/2007 Plan Case No. 2042-17-07

Fee Paid - ^{Check} ~~Receipt~~ No.: 8908 Amount: \$150.00 Date: 05/09/2007

Date Legal Notice Published _____ Newspaper _____

Date Adjacent Property Owners Notified: _____

Comments: (Indicate other actions such as continuances) _____

Plan Commission Action: _____ Date: _____

Action by Council _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

1. Name of Petitioner(s) McLean County Land Trust #D-161
2. Address 1 Brickyard Drive, Bloomington, IL 61701
3. Telephone (309) 664-1880
4. Name and address of Owner(s) (if different from Petitioner(s)) _____
5. Telephone _____
6. Location of Subject Parcel(s) _____
Number Street
7. Tax Parcel ID# 91-21-04-301-022
8. Legal Description, attach additional sheets if necessary. (Note this petition cannot be processed unless an accurate legal description of the subject parcel(s) is provided) _____

9. Area of Property (width) _____ feet x (depth) _____ feet = _____ square feet.
10. Present use of Property **Vacant**
-
11. Present Zoning of Property **B-3**
12. Proposed use of Property **Apartments with efficiency units**
13. Proposed Zoning **R-4**
14. Present Comprehensive Plan Designation **Commercial**
15. How does this request conform to the Comprehensive Plan? _____
This request conforms with the existing uses of the
adjacent property
-
16. What error in the existing Zoning Map would be corrected by the Proposed Amendment? _____
None
-
17. What changed or changing conditions warrant the approval of this Map Amendment? _____
Approving this request will create a definition of the
boundary line between the B-3 and R-4 districts
-
18. Explain why the subject property is suitable for the proposed zoning. _____
The subject property will become a part of a large
adjacent parcel currently being used for apartments. All
of the parcels are owned by the same entity.
-
19. What other circumstances justify the zoning map amendment? _____
-
20. Time schedule for development: (if applicable) **Begin construction of new**
building in Summer of 2007

21. Additional exhibits submitted by the petitioner legal description of
parcel and proposed site plan for new building

WHEREFORE, the petitioner prays that this petition be heard by the Urbana Plan Commission and the petition for change of zoning be granted.

Respectfully submitted this _____ day of _____ 20__

Signature of Property Owner [Handwritten Signature]

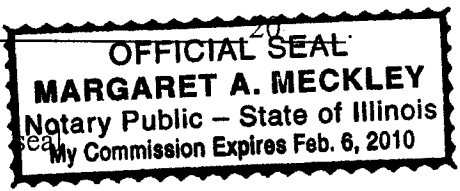
Signature of Petitioner [Handwritten Signature]

STATE OF ILLINOIS)
) SS
CHAMPAIGN COUNTY)

I, _____, being first duly sworn on oath, deposes and says, that he is the same person named in and who subscribed the above and foregoing petition, that he has read the same and knows the contents thereof, and that the matters and things set forth are true in substance and in fact as therein set forth.

Subscribed and sworn to me this _____ day of _____

Margaret A. Meckley
Notary Public



Petitioner's Attorney _____

Address _____

Phone _____

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street
Urbana, IL 61801

Or Fax to (217) 384-2367

Please call (217) 384-2440 if you have any questions.

Sodemann and Associates

Engineering / Analysis / Management

Mailing Address:

P.O. Box 557, Champaign, IL 61820

340 North Neil St., Champaign, IL 61820

Phone Number: (217) 352-7688

Fax Number: (217) 352-7922



Letter of transmittal

Date	May 8, 2007	6105
Attn:	Robert Myers, AICP	
RE:	Eastland Suites Rezoning	
	Urbana, Illinois	

TO: City of Urbana
Community Development Services
400 South Vine Street
Urbana IL 61801

We are sending you: Attached Under separate cover via _____ the following items:

- Shop Drawings
 Reproducibles
 Specifications
 Change Order
 Other...
 Plans
 Sketches
 Copy of Letter
 Calculations

Copies	Date	No.	Description
1			Application for Rezoning with attachments
1			Application fee of \$150.00 by S&A check 8908

These are transmitted as checked below:

<input checked="" type="checkbox"/> For approval	<input type="checkbox"/> Approved as noted	<input type="checkbox"/> Return ___ corrected prints
<input checked="" type="checkbox"/> For your use	<input type="checkbox"/> Returned for corrections	<input type="checkbox"/> Prints Returned After Loan To Us
<input type="checkbox"/> As requested	<input type="checkbox"/> _____	<input type="checkbox"/> FOR BIDS DUE _____
<input type="checkbox"/> For review and comment	<input type="checkbox"/> Resubmit ___ copies for approval	
<input type="checkbox"/> "No Exceptions Taken"	<input type="checkbox"/> Submit ___ copies for distribution	

Remarks:

Robert,

Here is the information for the rezoning of the small parcel at Eastland Suites. Please let me know if you need any additional copies or information, as well as when this will be scheduled before the Plan Commission. Thanks

Copy to: _____

Signed

Steven R. Sodemann, P.E.

EXHIBIT "G": SITE PLAN



MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: June 7, 2007
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: There were none.

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Lorraine Ehmen

COMMUNICATIONS

- Eastland Suites Master Site Plan

NEW PUBLIC HEARINGS

Plan Case No. 2042-M-07: A request by Eastland Suites Hotel and Conference Center to rezone a portion of 1907 North Cunningham Avenue from B-3, General Business, to R-4, Medium Density Multiple-Family Residential Zoning District.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with a brief introduction and background on the history of the subject property. He noted the zoning and land uses of the subject property and of the surrounding properties. He talked about the proposed development and referred to the Master Site Plan which was handed out prior to the start of the meeting. He discussed how the proposed development relates to the Comprehensive Plan. He reviewed the LaSalle National Bank Criteria that pertains to the proposed rezoning. He read the options of the Plan Commission and 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 the

public hearing, staff recommends that the Plan Commission forward Plan Case No. 2042-M-07 to the Urbana City Council with a recommendation for approval.

Mr. Fitch asked if No. 2 of the LaSalle National Bank Criteria, which states “*The extent to which property values are diminished by the restrictions of the ordinance*”, only applies to the property being rezoned or would it apply to the adjacent properties as well. Robert Myers, Planning Manager, replied that it is interesting to look back at this court case. The ruling on that case in 1957 or 1958 was specifically about diminishing the property value of the property being rezoned rather than for neighboring properties.

Mr. Fitch said that he asked this because the proposed structure would be closer to the adjacent residential properties. He wondered if this would affect the property values of those residential properties. Mr. Myers stated that strictly speaking the LaSalle National Bank Criteria concerns the property value of the land being rezoned.

Mr. Fitch inquired if there are any other cases applying to the adjacent properties or are there standard practices that the City would look at when considering the appropriateness of these things. Mr. Myers replied that claims are common that something being constructed would diminish property values next door. In this case, however, the side-yard and rear-yard setback requirements are the same for the current zoning as they are for the proposed zoning. The one variable would be the proposed use. It is a common concept to transition from commercial to higher density residential to lower density residential. He stated that a parking lot is located on this property now but by right the property owner could build a commercial structure that would be five to ten feet away from the homes behind there. The applicant wants to construct an apartment building instead.

Ms. Upah-Bant mentioned that there are other multi-family apartments in the area. Exhibit C shows all single-family residences. She did see an apartment building along there when driving.

Ms. Stake inquired as to what other property the petitioner owns besides the subject property. Mr. Engstrom replied that the Eastland Suites Hotel and Conference Center owns 11 ½ acres in total which is the entire area outlined in Exhibits B, C and E.

Ms. Stake wondered if the Multi-Family area in Exhibit C is already developed. Mr. Engstrom said yes. There are older apartment buildings there currently.

Ms. Stake asked if the petitioner wants to rezone only the small portion. Mr. Engstrom replied yes. Mr. Myers pointed out that the area for rezoning measures about 0.2 acres.

Mr. Ward mentioned that he understands that if the proposed rezoning is not approved and remains zoned as B-3, the property owner could ask for a special use permit to accomplish the same thing. Mr. Engstrom stated yes.

Ms. Stake moved that the Plan Commission forward Plan Case No. 2042-M-07 to the City Council with a recommendation for approval. Mr. Ward seconded the motion.

Chair Pollock remarked that he was thinking about the fence between the subject property and the adjacent residential properties and whether it belongs to Eastland Suites and who would

maintain it. The fact is that it is such a small area that perhaps overlaps two of the properties on Willow Road. Mr. Fitch said when looking closer at the map, he realized that it would only affect one property.

Roll call was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Ward	-	Yes
Mr. White	-	Yes			

The motion was approved by unanimous vote. Mr. Myers noted that this case would go before the City Council on June 18, 2007.