



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, Ph.D., FAICP, Community Development Director

DATE: March 12, 2015

SUBJECT: Plan Case 2255-M-15 – A request by Joshua Creek to rezone the 7.38 acre parcel at 1505 E Florida Ave from B-3, General Business District to R-5, Medium High Density Multiple-Family Residential.

Introduction and Background

Joshua Creek has submitted an application to rezone a parcel at 1505 E Florida Avenue from B-3, General Business District to R-5, Medium High Density Multiple-Family Residential District. The property contains the Pointe at U of I apartment complex, which has 168 residential units. The lot is 7.38 acres and is located adjacent to the Philo Road Business District on the former K-Mart site.

Prior to the construction of the Pointe and the adjacent commercial development, the site had been vacant since July 2003, when K-Mart filed for bankruptcy. The City of Urbana actively sought to redevelop the site into uses that would be compatible with the surrounding area, and in 2005 entered into a development agreement with CTC Properties, LLC, to redevelop the site with a mix of commercial and residential uses. According to the agreement, the commercial area would front Philo Road and the residential area would front E Florida Avenue. In 2007, the development agreement was amended to allow the development of fewer residential units and a smaller commercial structure than the original agreement called for. In 2008, the Pointe at U of I apartments and the commercial structure at 1720 Philo Road were constructed. The current rezoning request would apply only to the Pointe at U of I apartments at 1505 E Florida Avenue, and would not affect the commercial property at 1720 Philo Road (see Exhibit A). (Hereafter, when referring to “the property”, “the subject property” or “the Pointe”, the reference is to the residential property at 1505 E Florida only unless otherwise noted.)

Multi-family residential uses are allowed in the B-3, General Business District as a Special Use and require a Special Use Permit. However, when the original development agreement was reached between the City and CTC Properties in 2005 and initial permits were pulled, a Special Use Permit was not required. At that time, multi-family residential uses were permitted by right in the B-3 district.¹ The Pointe therefore exists as a legally non-conforming use. The applicant would like to bring their property into compliance with the City of Urbana’s current zoning regulations and requests that the property be rezoned from B-3, General Business to R-5, Medium High Density Multiple-Family

¹ See the section on Ord. No. 2006-04-040 under “Related Documents” on Page 2 for more on the Zoning Ordinance amendment that changed multi-family residential use requirements in the B-3 district.

Residential. Bringing the property into compliance would make it easier for the property owner to obtain insurance and financing to maintain and improve the property. The rezoning request was prompted by these factors.

The Urbana Plan Commission held a public hearing on the proposed rezoning at their March 5, 2014 meeting. City staff presented the case and answered questions from the Plan Commission regarding the suitability of the property to be rezoned as proposed, including questions about how the rezoning would affect adjacent existing and future businesses, screening and landscape buffer requirements for existing B-3 properties, what the advantages of rezoning would be, and whether this rezoning would make future rezonings in the area easier. After these questions were answered by staff, the applicant then spoke. He stated that there are no plans to redevelop the site, and that the purpose of the rezoning request is solely to bring the property into compliance with the current Urbana Zoning Ordinance. After a brief discussion, the Plan Commission voted to recommend approval of the rezoning by a vote of 4 ayes to 1 nay.

Related Documents

2005-07-115 AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT INCENTIVE AGREEMENT WITH CTC PROPERTIES, LLC

In August 2005, the City of Urbana and CTC Properties entered into a development agreement with CTC Properties to redevelop the former K-Mart site into a mixed use commercial and residential facility with a minimum of 30,000 square feet of retail space and 300 residential units. The agreement was passed by the Urbana City Council by a vote of 6 ayes to 0 nays on August 8, 2005.

2006-04-040 AN ORDINANCE TO REPEAL THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS AND TO ADOPT A RESTATEMENT OF THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

In April, 2006, the Urbana City Council passed Ordinance 2006-04-040, approving an omnibus text amendment to the Urbana Zoning Ordinance that included a change requiring Special Use Permits for multi-family residential uses in the B-3, General Business District. Prior to that time, multi-family uses were permitted by right in B-3 districts (see Plan Case 1979-T-06).

2007-01-005 AN ORDINANCE AMENDING A DEVELOPMENT INCENTIVE AGREEMENT WITH CTC PROPERTIES, LLC

In January 2007, the original development agreement between the City of Urbana and CTC Properties was amended to state that the mixed use commercial and residential facility would have approximately 12,000 square feet of retail space and 190 residential units. The agreement was passed by the Urbana City Council by a vote of 6 ayes to 0 nays on January 16, 2007.

Adjacent Land Uses, Zoning, and Comprehensive Plan Designations

The Pointe is located on the south side of Florida Avenue, just east of Philo Road. To the west and south of the Pointe is the Philo Road Business District. To the east are the Sunnycrest and Stone Ridge Square Apartments, and to the north are single-family homes, two duplexes, and the Florida House Apartments. The Pointe is currently zoned B-3; the adjacent apartment complexes are zoned R-5

(Florida House) and R-4 (Sunnycrest and Stone Ridge Square). The residential area to the north is zoned R-3, while the properties to the west and south are zoned B-3 as part of the Philo Road Business District.

The following table summarizes the zoning, existing land uses, and future land use designations from the Comprehensive Plan for the Pointe and surrounding properties. Exhibits A, B and C illustrate these for the larger surrounding area.

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	B-3, General Business	High-Density Apartments	Community Business*
North	R-5, Medium High Density Multiple-Family Residential R-3, Single- and Two-Family Residential	High-Density Apartments Single-Family Homes Duplexes	Residential
South	B-3, General Business	Self-Storage Facility	Community Business*
East	R-4, Medium Density Multiple-Family Residential	Medium-Density Apartments	Multi-Family Residential
West	B-3, General Business	Retail, Fast Food, Veterinary Office	Community Business

*Area identified as Community Business, but also for potential other redevelopment uses (see below).

Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the site as well as the areas to west and south as “Community Business.” The Comprehensive Plan also identified most of the commercial area on the east side of Philo Road, including the subject property, as an area to “study potential for alternative land uses for redevelopment” (see Exhibit C).

The Comprehensive Plan defines “Community Business” as follows:

Community Business centers are designed to serve the overall community as well as the immediate neighborhood but are less intense than regional commercial centers. Located along principal arterial routes or at major intersections. Community Business centers contain a variety of business and service uses at scales and intensities that make them generally compatible with surrounding neighborhoods. Encourage planned-unit developments to create a variety of uses, and to transition intensities to adjoining neighborhoods. Design facilities to permit pedestrian, bicycle, and transit access as well as automobile traffic.

The following Comprehensive Plan Goals and Objectives also pertain to the rezoning:

Goal 1.0 Preserve and enhance the character of Urbana’s established residential neighborhoods.

Objectives

- 1.5 Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

Goal 4.0 Promote a balanced and compatible mix of land uses that will help create long-term, viable neighborhoods.

Objectives

4.3 Encourage development patterns that offer the efficiencies of density and a mix of places.

Goal 18.0 Promote infill development.

Goal 19.0 Provide a strong housing supply to meet the needs of a diverse and growing community.

Objectives

19.1 Ensure that new residential development has sufficient recreation and open space, public utilities, public services, and access to commercial and employment centers.

Goal 49.0 Avoid development patterns that can potentially create an over-dependency on the automobile.

Objectives

49.2 Increase land use densities to promote availability of transit service and walkability.

Discussion

The existing B-3 District is intended to provide areas for a range of commercial uses that meet the general needs of the City. The property had been used for that purpose when it was a K-Mart, but had been vacant for two years before it was redeveloped by CTC Properties. While the 2005 Comprehensive Plan designates the properties as Community Business, the plan also indicates that the area should be studied for other land uses. The Philo Road Business District Revitalization Action Plan, published in 2005, identified the site as having good commercial potential, with “possible mixed-use”.² The redevelopment of the K-Mart site into the Pointe and the adjacent commercial space at 1720 Philo Road has been successful. Rezoning to bring the residential portion into compliance with current zoning regulations is desirable to facilitate improvements to the apartments, by making it possible to obtain financing for such improvements.

Based on the current development that exists on the site, the R-5 Zoning District would be the most appropriate district. The following table outlines the development regulations and purposes of the R-5 district, and compares the actual dimensions of the Pointe to the R-5 regulations. The Pointe meets all development regulations of the R-5 district. In addition, Zoning Description Sheets that outline permitted uses in both the B-3 and R-5 districts can be found in Exhibit D.

² See Appendix H of the Philo Road plan.

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum FAR	Minimum OSR	Required Yards (In Feet)		
						Front	Side	Rear
R-5	6,000	60	35	0.9	0.30	15	5	5
The Pointe	321,552	585	35	0.75	0.35	20	20	15
	The R-5 Zoning District is intended to provide areas for multiple-family dwellings at densities ranging up to medium high.							

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 existing use of the subject property as a medium-density apartment complex is highly compatible with the existing land uses and zoning of the surrounding properties. Multi-family residential uses are well-suited for areas adjacent to busier commercial districts, like the Philo Road Business District. They provide a customer base for adjacent businesses, and help to smooth the transition between more intense commercial areas and less intense single-family districts. Higher-density residential uses next to commercial areas also promote walking and biking as viable transportation options for residents.

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-5, Medium High Density Multiple-Family Residential.

Properties that legally conform to zoning and land use regulations are more likely to be viewed as safe and attractive investments for money lenders, insurers, and real estate agents. While it is uncertain whether the current B-3 zoning would directly diminish the value of the property, rezoning the property to R-5 to bring it into compliance with current zoning regulations would make financing and insuring the property easier to obtain. Some lenders and insurers may require that properties conform to local zoning regulations.

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 current zoning of the property confers no additional public benefits to health, safety, morals, or general welfare than if the property were to be rezoned as proposed. In addition, the current zoning restrictions impose a hardship on the property owner by making it more difficult to obtain financing and insurance for the property due to its existence as a legal, non-conforming use. The proposed rezoning would eliminate this hardship by making the property conform to current zoning regulations.

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.

As the table in the Discussion section above indicates, the Pointe conforms to all development regulations in the R-5 Zoning District. It meets minimum lot size, minimum lot width, maximum height, maximum floor-area-ratio, minimum open space, and front, rear, and side yard setbacks of the R-5 district.

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 currently vacant. However, prior to the Pointe at U of I and commercial property at 1720 Philo Road being developed, the property had been vacant for more than two years while zoned B-3.

Summary of Findings

1. The City of Urbana received a petition to amend the Urbana Zoning Map for the property at 1505 E Florida Avenue from B-3, General Business, to R-5, Medium High Density Multiple-Family Residential.
2. The subject property is generally located east of Philo Road and south of Florida Avenue.
3. The 2005 Urbana Comprehensive Plan future land use map designates the future land use of the property as “Community Business”, but suggests that the area be studied for potential other uses.

4. The subject property was developed as part of a larger development that was subject to a 2005 development agreement between the City of Urbana and CTC Properties, LLC.
5. The development agreement was amended in 2007 to permit less intense development than the original.
6. The Zoning Ordinance Amendment enacted by Ord. No. 2006-04-040 changed multi-family residential uses from being permitted by right in the B-3 district to requiring a Special Use Permit, thereby making the Pointe at U of I a legal, non-conforming use.
7. The proposed rezoning would generally conform to the LaSalle Criteria, in particular as the current use is appropriate to the surrounding area and the R-5 district
8. The subject property is appropriate for multi-family residential zoning due to its location on Florida Avenue, adjacent to the Philo Road Business District and other multi-family residential uses.
9. The R-5 zoning district has development standards and allowable uses that are appropriate for areas adjacent to multi-family residential and general business uses, and close to duplex and single-family residential neighborhoods.
10. The proposed rezoning to R-5, Medium High Density Multiple-Family Residential would continue to allow the existing use of multi-family apartment buildings to be permitted by right.
11. The proposed rezoning would allow the property owner to obtain more favorable insurance rates and financing to improve the property.

Options

The Urbana City Council has the following options regarding Plan Case 2255-M-15:

1. Approve the rezoning request as presented herein; or
2. Deny the rezoning request.

Recommendation

On March 5, 2015, the Urbana Plan Commission recommended **APPROVAL** of the proposed rezoning in Case No. 2255-M-15, as presented herein, by a vote of 4 ayes and 1 nay. Staff likewise recommends approval.

Prepared by:

Kevin Garcia, AICP
Planner II

Attachments: Draft Ordinance
Draft Plan Commission Minutes 3/5/2015
Exhibit A: Location and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Zoning Description Sheets
Exhibit E: Petition for Zoning Map Amendment

CC: Joshua Creek, The Pointe at U of I, LLC 1601 E Florida Ave, Urbana IL 61801

ORDINANCE NO. 2015-03-028

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

(Rezoning of a 7.38-acre parcel at 1505 East Florida Avenue from B-3, General Business to R-5, Medium High Density Multiple-Family Residential - Plan Case 2255-M-15 / The Pointe at U of I Rezoning)

WHEREAS, Joshua Creek has petitioned the City of Urbana to amend the Urbana Zoning Map to rezone one parcel comprising 7.38 acres, and located at 1505 East Florida Avenue, from B-3, General Business Zoning District to R-5, Medium High Density Multiple-Family Residential Zoning District; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on March 5, 2015 concerning the petition filed in Plan Case No. 2255-M-15; and

WHEREAS, the 2005 Urbana Comprehensive Plan future land use map designates the future land use of these properties as "Community Business", but suggests that the area be studied for potential other uses; and

WHEREAS, the subject property was developed as part of a larger development that was subject to a 2005 development agreement between the City of Urbana and CTC Properties, LLC; and

WHEREAS, the 2005 development agreement was amended in 2007 to permit less intense development than the original agreement required; and

WHEREAS, Ord. No. 2006-04-040 changed multi-family residential uses from being permitted by right in the B-3 district to requiring a Special Use Permit, thereby making the Pointe at U of I a legal, non-conforming use; and

WHEREAS, the proposed rezoning generally conforms to the La Salle case criteria, in particular as the current use is appropriate to the surrounding area and the R-5 Zoning District; and

WHEREAS, the subject property is appropriate for multiple-family residential zoning due to its location on Florida Avenue, adjacent to the Philo Road Business District and other multi-family residential uses; and

WHEREAS, the R-5 Zoning District has development standards and allowable uses that are appropriate for areas adjacent to multi-family residential and general business uses, and close to duplex and single-family residential neighborhoods; and

WHEREAS, the proposed rezoning to R-5, Medium High Density Multiple-Family Residential would continue to allow the existing multi-family apartment building to be permitted by right; and

WHEREAS, the subject property currently meets all development requirements of the R-5, Medium High Density Multiple-Family Residential Zoning District; and

WHEREAS, the Urbana Plan Commission voted 4 ayes and 1 nay to forward the case to the Urbana City Council with a recommendation of approval of the request to rezone the property herein described below from B-3, General

Business Zoning District to R-5, Medium High Density Multiple-Family Residential Zoning 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 properties from B-3, General Business Zoning District to R-5, Medium High Density Multiple-Family Residential Zoning District.

The subject properties are more accurately described as follows:

LEGAL DESCRIPTION:

Part of the Northeast Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, more particularly described as follows:

Lot 2 of CTC Subdivision, per Final Plat of Subdivision recorded February 15, 2007 as Document Number 2007R03674, situated in Champaign County, Illinois.

Commonly known as 1505 E Florida Avenue, Urbana, Illinois 61802

PIN: 93-21-21-201-013

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 _____, ____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

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 _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: "**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of a 7.38-acre parcel at 1505 East Florida Avenue from B-3, General Business to R-5, Medium High Density Multiple-Family Residential - Plan Case 2255-M-15 / The Pointe at U of I Rezoning), 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 _____, _____, 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 _____, _____.

(SEAL)

Phyllis D. Clark, City Clerk

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: March 5, 2015

TIME: 7:30 P.M.

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

MEMBER PRESENT: Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

MEMBERS EXCUSED: Corey Buttry, Maria Byndom

STAFF PRESENT: Jeff Engstrom, Interim Planning Manager; Kevin Garcia, Planner II; Christopher Marx, Planner I; Teri Andel, Planning Administrative Assistant I

OTHERS PRESENT: Joshua Creek

NOTE: Andrew Fell recused himself from Plan Case No. 2250-T-15 and Plan Case No. 2255-M-15 due to conflicts of interest for each case.

NEW PUBLIC HEARINGS

Plan Case No. 2255-M-15 – A request by Joshua Creek to rezone an area totaling 7.38 acres located on East Florida Avenue from B-3, General Business Zoning District, to R-5, Medium-High Density Multiple-Family Residential Zoning District.

Chair Fitch opened this item on the agenda. Kevin Garcia, Planner II, presented this case to the Plan Commission. He presented a brief history of the subject property and stated the purpose of the proposed rezoning is to bring the property into conformity. He described the subject property as well as the adjacent properties noting their current land uses, zoning and future land use designations. He reviewed the goals and objectives of the Comprehensive Plan and the La Salle National Bank criteria that pertain to the proposed rezoning. He read the options of the Plan Commission and presented City staff's recommendation for approval. He stated that he would answer any questions the Plan Commission may have and noted that the applicant was also available to answer questions.

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Mr. Stohr asked if there would be a tax advantage for rezoning the property to R-5. Mr. Engstrom did not believe that the rezoning would change the tax in anyway.

Mr. Trail stated that multi-family residential was once a permitted use in the B-3, General Business Zoning District and it is now a special use. Was it changed to discourage residential in the B-3 Zoning District or did the City only want to encourage certain types of multi-family in the B-3 Zoning District. He wondered how incompatible or non-conforming multi-family residential is in the B-3 Zoning District. Mr. Engstrom replied that it was changed so that when apartments are built in the B-3 Zoning District that they fit into the context appropriately and so that developers do not pave over all of the City's business corridors with apartments. So, it is not that they are entirely inappropriate but just to make sure that the apartments are more appropriate.

Mr. Trail asked what the advantages are for rezoning the property. Mr. Engstrom stated that City staff's intent for the area is that it remains stable. When it was a former K-Mart site, it was not very stable. Now that the site has been developed with a viable use, City staff would like to see the use continued. Since the property has been subdivided, it no longer fronts on Philo Road, so City staff felt that residential zoning would be appropriate.

Mr. Trail stated that it leaves the B-3 zoned properties with a narrow and shallow frontage area along Philo Road. He wondered if this does not restrict the potential uses for these properties. Mr. Engstrom replied that it might restrict them but the businesses located on these properties are successful and seem to be operating fine with their current lot configurations.

Mr. Otto asked if the proposed rezoning would impact what can be done by right on the commercial lots. Mr. Garcia said no. The B-3 zoned commercial lots would retain all associated rights that they have had since the property was developed.

Mr. Stohr wondered if rezoning the subject property to R-5 would discourage business to develop on the vacant lots or make them more likely to be converted to multi-family residential too. Mr. Engstrom explained that the only practical effect is more buffering and screening requirements are required between B-3 and R-5 Zoning Districts.

Mr. Otto inquired if any screening would be required if the property remained zoned B-3 and a developer wanted to build on an adjacent B-3 lot. Some uses allowed by right in the B-3 Zoning District, such as a gasoline plaza, would be less desirable to be located next to a residential unit, even if the residential unit was located in an adjacent B-3 Zoning District, such as in this case. Mr. Engstrom stated that the landscaping and screening requirement between B-3 and R-5 would be a depth of five feet, so in a sense it would impact the development of adjacent B-3 properties if the proposed rezoning is approved. However, there would be no new requirements of the existing B-3 properties unless they were to be redeveloped.

There were no further questions for City staff. Chair Fitch reviewed the process for a public hearing. He, then, opened the hearing up for public input.

Joshua Creek, applicant, approached the Plan Commission to speak. He explained the purpose of the proposed rezoning is to simply comply with the City code.

Mr. Stohr asked if there is a tax or assessor difference in the way it is currently zoned to the proposed zoning. Mr. Creek replied not to his knowledge.

Mr. Otto inquired whether Mr. Creek still owns the adjacent commercial outlots along Philo Road. Mr. Creek said no.

Chair Fitch asked for clarification as to whether they intend to build or redevelop any more at this time. Mr. Creek replied no.

There was no further public input. Chair Fitch closed the public input portion of the hearing. He opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Otto asked if the other property owners between the subject property and Philo Road were notified of the proposed rezoning. Did City staff hear anything from the neighbors? Mr. Garcia said that it is correct. City staff notified those property owners and did not receive any communication from them.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2255-M-15 to the City Council with a recommendation for approval. Mr. Otto seconded the motion.

Mr. Hopkins felt it would be in the City's best interest to rezone the subject property as requested. It is roughly consistent with what was planned in the Comprehensive Plan. At the time when K-Mart was built at this location, the original zoning for business from the depth of Philo Road was closer to the East Urbana Regional Shopping District, which is where what we now call big-boxed stores were located. This has not been the case since roughly 2000 when K-Mart began to fail and Meijer bought the property at the corner of Windsor and Philo Roads. So, the quantity of land zoned for business between Florida Avenue and Colorado Avenue is still too much. The vacant land behind the old Piccadilly's has been vacant forever. He would not be surprised if the City wanted to rezone even more of this area so it becomes a more reasonably focused community commercial node rather than a mile of failing, obsolete depth of commercial along Philo Road.

Mr. Trail wondered if the remaining business zoned properties along Philo Road were still viable for the purposes that one would normally see in the B-3 Zoning District. Mr. Hopkins replied that the vacant property behind CVS should probably be rezoned to residential. He did not think that the City wanted or that it was viable to have commercial off Colorado Avenue. The old Kroeger site is still largely vacant, so that site might no longer be viable as commercial.

Mr. Otto stated that at looking at the area in question, the apartment building is fairly new and not going away for at least a generation or more. There are viable businesses in the other lots. There is no reason not to approve it. The big-box stores are out of fashion now. Chair Fitch commented that they are not out of fashion but would not locate here anymore. They would locate either on High Cross Road or by Meijer. Mr. Hopkins added that he would not want a

commercial enterprise to locate here due to the current evolution of the land use pattern. Therefore, the subject parcel no longer being available as B-3 is desirable.

Mr. Stohr asked if office use is allowed in the B-3 Zoning District. Chair Fitch stated that almost any use is allowed in the B-3 Zoning District except multi-family. Mr. Stohr commented that he hated to see the loss of some business zoning. There might be some other type of business besides big-box stores that want to locate in this area. Once it is zoned residential, then the City will lose an area where business could be located someday.

Roll call on the motion was as follows:

Mr. Trail	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Mr. Stohr	-	No			

The motion was passed by a vote of 4-1. Mr. Engstrom noted that this case would be forwarded to City Council on March 16, 2015.

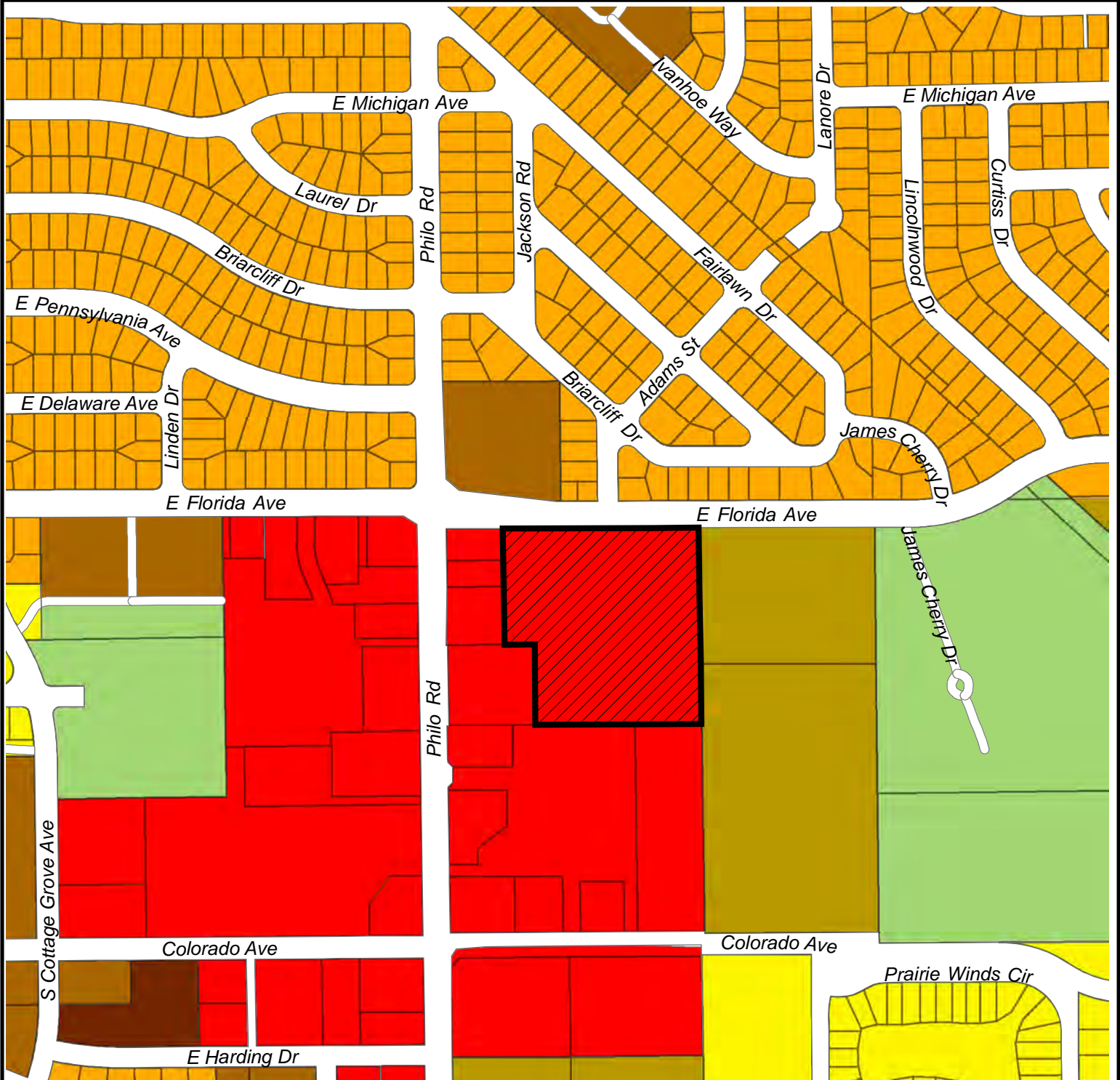
Exhibit A: Location & Existing Land Use Map



Case: 2255-M-15
 Subject: Rezoning
 Location: 1505 E Florida Ave
 Petitioners: Joshua Creek

1505 E Florida Ave
 1720 Philo Rd

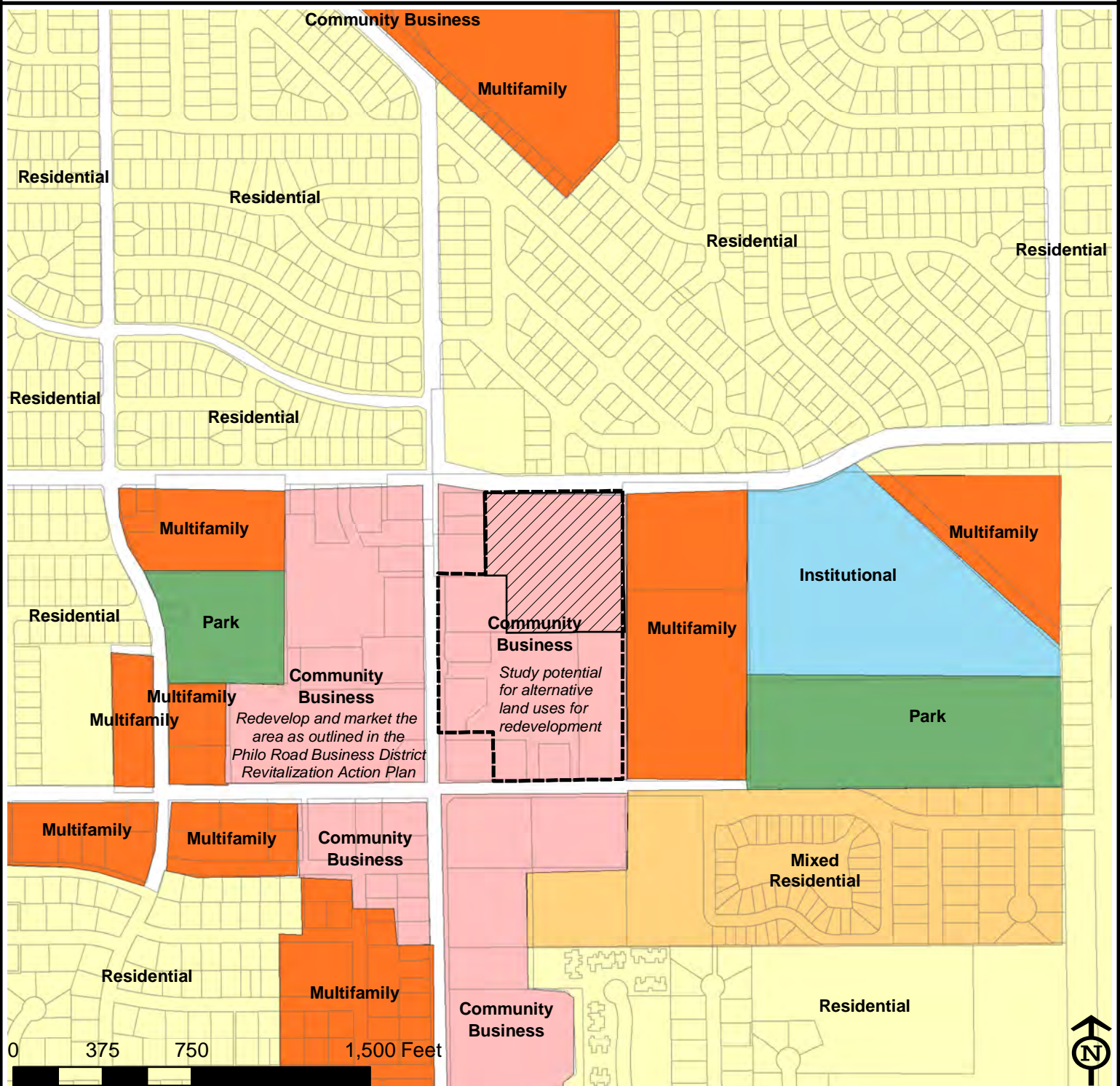
Exhibit B: Zoning Map










Case: 2255-M-15
 Subject: Rezoning
 Location: 1505 E Florida Ave
 Petitioners: Joshua Creek

- B3
- R3
- R6
- CRE
- R4
- R2
- R5
- Subject Property

Exhibit C: Future Land Use Map



Case: 2255-M-15
 Subject: Rezoning
 Location: 1505 E Florida Ave
 Petitioners: Joshua Creek

- | | | | |
|---|--------------------------|---|---------------|
|  | Residential |  | Institutional |
|  | Mixed Residential |  | Park |
|  | Multi-Family Residential | | |
|  | Community Business | | |
|  | Subject Property | | |



B-3 – GENERAL BUSINESS ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3 Zoning District is as follows:

"The B-3, *General Business District* is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-3 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Farm Equipment Sales and Service
Feed and Grain (*Sales Only*)
Garden Shop
Plant Nursery or Greenhouse
Roadside Produce Sales Stand

Business - Adult Entertainment

Adult Entertainment Uses

Business - Food Sales and Services

Bakery (*Less than 2,500 square feet*)
Café or Deli
Confectionery Store
Convenience Store
Fast-Food Restaurant
Meat and Fish Market
Restaurant
Liquor Store
Supermarket or Grocery Store
Tavern or Night Club

Business - Miscellaneous

Auction Sales (*Non-Animal*)
Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)
Lawn Care and Landscaping Service
Mail Order Business
Radio or TV Studio
Shopping Center – Convenience
Shopping Center – General
Wholesale Business

Business - Personal Services

Ambulance Service
Barber/ Beauty Shop
Dry Cleaning or Laundry Establishment
Health Club/ Fitness
Laundry and/or Dry Cleaning Pick-up
Massage Therapist
Medical Carrier Service
Mortuary
Movers
Pet Care/ Grooming
Self-Service Laundry
Shoe Repair Shop
Tailor and Pressing Shop

Business - Professional and Financial Services

Bank/ Savings and Loan Association
Check Cashing Service
Copy and Printing Service
Packaging/ Mailing Service
Professional and Business Office
Vocational, Trade or Business School

Business - Transportation

Motor Bus Station
Taxi Service

Business - Vehicular Sales and Service

Automobile Accessories (*New*)
Automobile, Truck, Trailer or Boat Sales or Rental
Automobile/ Truck Repair
Car Wash
Gasoline Station
Mobile Home Sales
Truck Rental

PERMITTED USES CONTINUED:**Business - Recreation**

Athletic Training Facility
 Bait Sales
 Bowling Alley
 Dancing School
 Driving Range
 Lodge or Private Club
 Miniature Golf Course
 Outdoor Commercial Recreation Enterprise (*Except Amusement Park*)
 Pool Hall
 Private Indoor Recreational Development
 Theater, Indoor

Public and Quasi-Public

Church, Temple or Mosque
 Electrical Substation
 Farmer's Market
 Hospital or Clinic
 Institution of an Educational or Charitable Nature
 Library, Museum or Gallery
 Methadone Treatment Facility
 Municipal or Government Building
 Park
 Police or Fire Station
 Principle Use Parking Garage or Lot
 Public Maintenance and Storage Garage
 University/ College
 Utility Provider

Residential

Bed and Breakfast Inn
 Bed and Breakfast Inn, Owner Occupied
 Dwelling, Community Living Facility, Category II or Category III
 Dwelling, Home for Adjustment
 Dwelling, Loft
 Hotel or Motel

Business - Retail Trade

Antique or Used Furniture Sales and Service
 Appliance Sales and Service
 Art and Craft Store and/or Studio
 Bicycle Sales and Service
 Building Material Sales (*All Indoors Excluding Concrete or Asphalt Mixing*)
 Clothing Store
 Department Store
 Drugstore
 Electronic Sales and Services
 Florist
 Hardware Store
 Heating, Ventilating, Air Conditioning Sales and Service
 Jewelry Store
 Monument Sales (*Excluding Stone Cutting*)
 Music Store
 Office Supplies/ Equipment Sales and Service
 Pawn or Consignment Shop
 Pet Store
 Photographic Studio and Equipment Sales and Service
 Shoe Store
 Sporting Goods
 Stationery, Gifts, or Art Supplies
 Tobacconist
 Variety Store
 Video Store
 All Other Retail Stores

SPECIAL USES:**Business – Vehicular Sales and Service**

Towing Service
 Truck Stop

Public and Quasi-Public

Correctional Institution or Facility
 Hospital or Clinic

Residential

Dwelling, Multifamily

Retail

Firearm Store

Residential

Dwelling, Multifamily

PLANNED UNIT DEVELOPMENT USES:**Business – Miscellaneous**

Commercial Planned Unit Development
 Mixed-Use Planned Unit Development

CONDITIONAL USES:

Business - Miscellaneous

Crematorium
 Day Care Facility (*Non-Home Based*)
 Self-Storage Facility
 Veterinary Hospital (*Small Animal*)

Public and Quasi-Public

Nonprofit or Governmental, Educational and
 Research Agencies
 Radio or Television Tower and Station

Residential

Assisted Living Facility
 Nursing Home

Industrial

Bookbinding
 Confectionery Products Manufacturing and
 Packaging
 Electronics and Related Accessories - Applied
 Research and Limited Manufacturing
 Engineering, Laboratory, Scientific and Research
 Instruments Manufacturing
 Motion Picture Production Studio
 Printing and Publishing Plants for Newspapers,
 Periodicals, Books, Stationery and Commercial
 Printing
 Surgical, Medical, Dental and Mortuary Instruments
 and Supplies Manufacturing

DEVELOPMENT REGULATIONS IN THE B-3 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
B-3	6,000	60	None³	4.00	None	15	5	10

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

Footnote³ – In the AG, CRE, B-1, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.F.3 and Section VI-5.G.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings. However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

For more information on zoning in the City of Urbana call or visit:

City of Urbana

Community Development Services Department

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone / (217) 384-2367 fax

www.urbanaininois.us



R-5 – MEDIUM HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-5 Zoning District is as follows:

"The R-5, *Medium High Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at densities ranging up to medium high."

The following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the R-5 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Agriculture, Cropping

Business - Recreation

Country Club or Golf Course
Lodge or Private Club

Public and Quasi-Public

Church, Temple or Mosque
Elementary, Junior High School or Senior High School
Institution of an Educational or Charitable Nature
Library, Museum or Gallery
Municipal or Government Building
Park

Residential

Assisted Living Facility
Boarding or Rooming House
Dormitory
Dwelling, Community Living Facility, Category I, Category II and Category III
Dwelling, Duplex
Dwelling, Duplex (*Extended Occupancy*)
Dwelling, Home for Adjustment
Dwelling, Multifamily
Dwelling, Multiple-Unit Common-Lot-Line
Dwelling, Single Family
Dwelling, Single Family (*Extended Occupancy*)
Dwelling, Two-Unit Common-Lot-Line
Nursing Home

SPECIAL USES:

Public and Quasi-Public

Hospital or Clinic
Methadone Treatment Facility
Police or Fire Station
Principal Use Parking Garage or Lot

PLANNED UNIT DEVELOPMENT USES:

Business – Miscellaneous

Mixed-Use Planned Unit Development

Residential

Residential PUD

CONDITIONAL USES:

Agriculture

Artificial Lake of One (1) or More Acres

Business – Personal Services

Mortuary

Business – Miscellaneous

Day Care Facility (*Non-Home Based*)

Business – Professional and Financial Services

Professional and Business Office

CONDITIONAL USES CONTINUED:

Public and Quasi-Public

Electrical Substation

Residential

Bed and Breakfast, Owner Occupied

DEVELOPMENT REGULATIONS IN THE R-5 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
R-5	6,000	60	35	0.90	0.30	15⁹	5	5

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

Footnote⁹ – In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Sec. VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Sec. VI-5.D.1. (Ord. No. 9596-58, 11-20-95)(Ord. No. 9697-154) (Ord. No. 2001-03-018, 03-05-01)

For more information on zoning in the City of Urbana call or visit:

City of Urbana

Community Development Services Department

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone / (217) 384-2367 fax

www.urbanaininois.us



Application for Zoning Map Amendment

Plan Commission

APPLICATION FEE - \$175.00

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 2/10/15 Plan Case No. 2235-M-15
 Fee Paid - Check No. 1009 Amount \$25 Date 2/10/15
1287 150

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Joshua Creek Phone: 217-337-3901
 Address (street/city/state/zip code): 1601 E Florida Ave Urbana, IL 61802
 Email Address: josh@pointe-vi.com
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Executive Director for Property

2. OWNER INFORMATION

Name of Owner(s): The Pointe at U&I LLC Phone: 217-337-3901
 Address (street/city/state/zip code): 1601 E Florida Ave Urbana, IL 61802
 Email Address: josh@pointe-vi.com
 Is this property owned by a Land Trust? Yes No
 If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Address/Location of Subject Site: 1505 E Florida Ave Urbana, IL
 PIN # of Location: see attachment (93-21-21-201-013)
 Lot Size: see attachment
 Current Zoning Designation: B-3
 Proposed Zoning Designation: R-5
 Current Land Use (vacant, residence, grocery, factory, etc): Multi-family
 Proposed Land Use: Multi-family
 Present Comprehensive Plan Designation: Multi-family

How does this request conform to the Comprehensive Plan?

Legal Description: see attachment

4. CONSULTANT INFORMATION

Name of Architect(s): Andrew Fell Phone: 217-363-2890

Address (street/city/state/zip code): 302 W. Hill St #201 Champaign, IL 61826

Email Address: andrewfell@comcast.net / design@soltec.net

Name of Engineers(s): Dave Atchley Phone: 217-352-6976

Address (street/city/state/zip code): 201 W Springfield Champaign, IL 61820

Email Address: datchley@msa-ps.com

Name of Surveyor(s): MSA Phone: 217-352-6976

Address (street/city/state/zip code): 201 W Springfield Champaign, IL 61820

Email Address: datchley@msa-ps.com

Name of Professional Site Planner(s): MSA Phone: 217-352-6976

Address (street/city/state/zip code): 201 W Springfield Champaign, IL 61820

Email Address: datchley@msa-ps.com

Name of Attorney(s): Steve Isaacson Phone: 847-934-2525 x112

Address (street/city/state/zip code): 1564 W. Algouin Rd Hoffman Estates, IL 60192

Email Address: steve@sbi-law.com

5. REASONS FOR MAP AMENDMENT:

What error in the existing Zoning Map would be corrected by the Proposed Amendment?

change from B-3 to R-5

What changed or changing conditions warrant the approval of this Map Amendment?

Compliance

Explain why the subject property is suitable for the proposed zoning.

Compliance

What other circumstances justify the zoning map amendment? N/A

Time schedule for development (if applicable). N/A

Additional exhibits submitted by the petitioner. Alta Survey

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

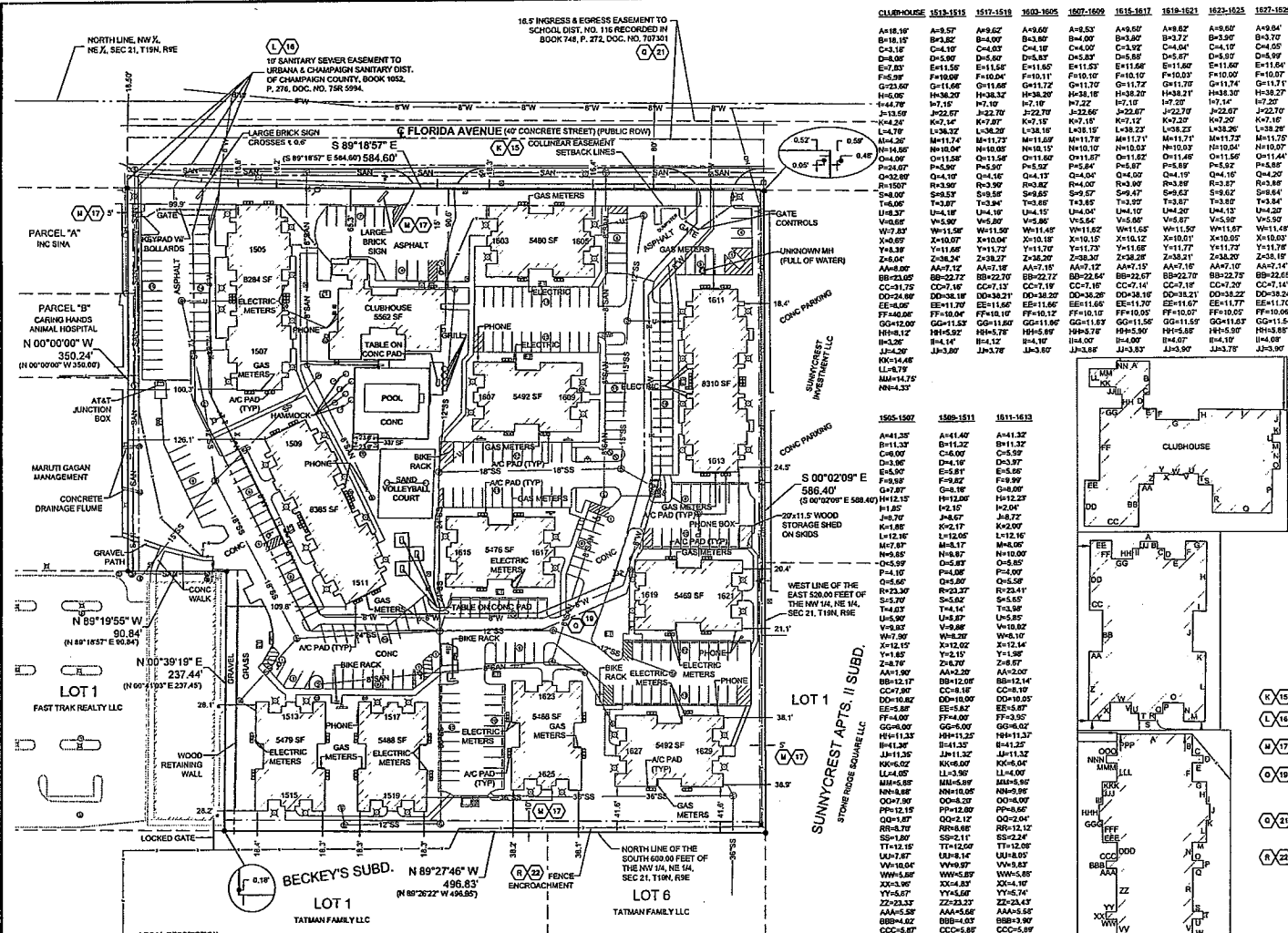
I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

[Handwritten Signature]
Applicant's Signature

2/10/15
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367



Legend

- Found Iron rod
- Set 1/2" x 20" Iron rod with plastic cap "MISA"
- ⊕ Sign
- ⊖ Water valve
- ⊕ Fire hydrant
- ⊕ Telephone pedestal
- ⊕ Transformer
- ⊕ Electric meter
- ⊕ Storm manhole
- ⊕ Sanitary manhole
- ⊕ Light pole
- ⊕ Clean out
- ⊕ Mail box
- ⊕ Gas valve

ALTA NOTES

1. This professional service complies with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys as established by members of the American Land Title Association. This professional service also complies with the State of Illinois "Minimum Standards of Practice" for ALTA/ACSM Land Title Surveys.
2. Bearings used on this ALTA/ACSM Plat of Survey are on an assumed bearing datum.
3. Boundary corner monuments, as found or set, are shown on this ALTA/ACSM Plat of Survey.
4. The surveyor has not made a search of the records for encumbrances on this tract of land. All encumbrances shown are from title insurance commitment noted on this ALTA/ACSM Plat of Survey.
5. The surveyor did not make an examination or consider environmental subsurface conditions as part of this ALTA/ACSM Survey.
6. The locations of underground utilities as shown on this ALTA/ACSM Plat of Survey are based on above-ground structures and drawings provided to the surveyor.
7. The surveyor did not make excavations during the progress of the survey to verify existence, exact location, size, depth, or condition of any buried utilities or structures.
8. The tract of land as shown on the ALTA/ACSM Plat of Survey encompasses 7,392.42, more or less.
9. The address for the tract of land as shown on this ALTA/ACSM Plat of Survey is: 1505 South 1629th E, Florida Avenue, Urbana, IL.
10. On the date field work was performed for this ALTA/ACSM Survey, the surveyor did not observe evidence of current encroachment, building construction, or building additions.
11. The surveyor is not aware of proposed changes in street Right-of-Way (R/W) information from the Jurisdiction controlling adjacent street Right-of-Ways. On the date field work was performed for this ALTA/ACSM Survey, the surveyor did not observe evidence of recent street or sidewalk construction or repairs.
12. On the date field work was performed for this ALTA/ACSM Survey, the surveyor did not observe evidence of the site used as a solid waste dump, sump, or landfill.

1505-1509

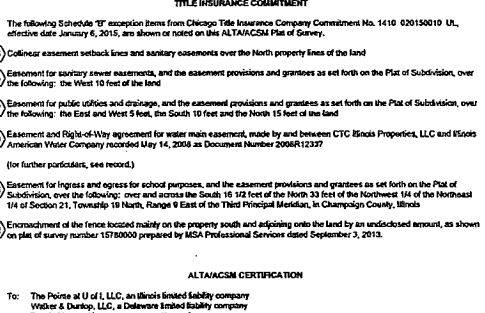
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1509-1511

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1511-1513

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LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, more particularly described as follows:

Lot 2 of CTC Subdivision, per Final Plat of Subdivision recorded February 16, 2007 as Document Number 2007103474, situated in Champaign County, Illinois.

FLOOD ZONE CLASSIFICATIONS

This tract of land is located within Zone X areas outside the 0.2% annual chance flood plain. Flood Insurance Rate Map (FIRM) Number 17010C0407D, effective date October 2, 2013. Identified for the City of Urbana, Illinois, by the Federal Emergency Management Agency (FEMA), National Flood Insurance Program.

ZONING

This tract of land is zoned B3 (General Business), by the City of Urbana. Building restrictions and requirements for this zoning classification are:

Front yard building setback	15'
Side yard building setback	5'
Rear yard building setback	10'
Building height	none
Lot area	4,000 SF
Lot width	min. 40'
Floor area ratio	none
Open space ratio	none

PROJECT NO.	REVISION	DATE	BY	APP'D.
151700001	1	01/28/2015	DA	

SCALE	DATE	BY	APP'D.
AS SHOWN	01/28/2015	DA	

MSA
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301 W. Springfield Ave., Champaign, IL 61820
217.335-4976 Fax: 217.336-0778
Web: www.msa-pro.com
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ALTA/ACSM LAND TITLE SURVEY

THE POINTE AT U OF I
1505 E. FLORIDA AVENUE
URBANA, ILLINOIS

FILE NO. 15780003
SHEET 1

ALTA/ACSM CERTIFICATION

To: The Pointe at U of I, LLC, an Illinois limited liability company
Wesker & Durkin, LLC, a Delaware limited liability company
Facile Home and its successors and assigns
Chicago Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a) and (b), 7(a), 8, 9, 10, 11(a), 13, 15, and 21 of Table A thereof. The field work was completed on January 28, 2015.

Signed and Sealed this 28th day of January, 2015.

David E. Atzberg, PE, PLS
Illinois Professional Land Surveyor No. 2750
License Expires 11/30/2015

