



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, CAO

FROM: Elizabeth H. Tyler, AICP, Director

DATE: June 27, 2002

SUBJECT: Plan Case No. 1814-M-02: Request by the Nabor House Fraternity to rezone 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential.

Introduction & Background

The Nabor House Fraternity is requesting a change in zoning for property they own at 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential. The site is adjacent to the Nabor House Fraternity property at 1002 S. Lincoln Avenue. The Nabor House has indicated they intend to expand the existing parking lot to accommodate more parking for the fraternity. Expansion of the parking lot is essentially an expansion of the fraternity and therefore requires a zoning district that permits fraternity uses.

The case was originally heard by the Urbana Plan Commission on March 21st and April 4, 2002. At the April 4th meeting the Commission voted 4-3 to recommend denial of the request. Subsequent to the hearing, it was determined that a voting Plan Commissioner in fact had a conflict of interest. On May 9, 2002 the Plan Commission rescinded the original vote and re-voted. The result of that vote was a recommendation of approval by a vote of 4-2. Therefore, the official recommendation from the Plan Commission to the City Council is to approve the request for the rezoning.

Subsequent to the April 4, 2002 Plan Commission meeting, the Nabor House requested that Council consideration of the case be delayed for two months so they could continue to have discussions with the neighborhood regarding the proposal.

For further information on the case, please refer to the staff memorandum to the Plan Commission dated March 14, 2002.

Issues and Discussion

Downtown to Campus Plan

The property is located in the study area boundaries for the Downtown to Campus Plan. The primary goal of the plan is to “*achieve a desirable and compatible balance among the area’s diverse residential, commercial and institutional land uses in order to protect the historical, architectural, economic and environmental character of the neighborhood.*” Further, a guiding principle of the plan is to “*balance the different and often incompatible land uses in the neighborhood.*” The Downtown to Campus Plan illustrates 805 W. Iowa Street as being appropriate for “low density residential”. The plan also states that the future land use map “*should be considered general recommendations that represent a broad guideline to direct changes in the neighborhood during the next ten years.*”

R-7, University Residential Zoning District

The R-7, University Residential Zoning District is defined as follows:

The R-7, University Residential District is intended to provide areas in proximity to the University of Illinois for dormitories and rooming houses, which are occupied primarily by students, to insure the longevity of the architectural character and use of these existing buildings, and to protect nearby low-density residential districts from incompatible developments.

The R-7 zoning district is rather limited in scope and is used primarily for existing rooming houses, fraternities, sororities and dormitories. It does not allow multi-family apartment buildings. Although the Nabor House indicates their desire to construct a parking lot on the property, if 805 W. Iowa is rezoned to R-7, it could be used for any purposes permitted in the R-7 district according to the Zoning Ordinance.

Neighborhood Input

There has been considerable neighborhood input related to this case. Most of this input has been generated through the efforts of the West Urbana Neighborhood Association (WUNA). Although WUNA has not offered an official position on behalf of the Association, many members as well as non-members who live in the area have expressed their opposition to the request. This opposition includes petition of over 150 signatures which was submitted to the Plan Commission on April 4, 2002 and a formal protest petition submitted to the City Clerk’s Office in May. The protest petition contains signatures of property owners representing forty percent of the lots within 250 feet of the property thus requiring City Council a two-thirds vote in order to approve the request.

The submitted petitions state that residents are opposed to the request because the R-7 zoning “*would alter the delicate balance that the present zoning maintains between the area’s diverse residential and institutional land uses, and thus change the character of the west Urbana neighborhood*” and that the creation of a parking lot on the site would have adverse effects to the neighborhood and be a general nuisance.

For additional public testimony offered at the hearing, please refer to the Plan Commission minutes from March 21st and April 4th.

Staff Recommendation

Staff concurs with the Plan Commission’s recommendation of approval. The site is located in an area that is zoned primarily R-7, University Residential but transitions to R-2, Single-Family Residential. Further, 805 W. Iowa contains R-7 zoning on all adjacent sides and is located in an area that is generally planned for uses of dormitories, rooming houses, fraternity and sororities. The Downtown to Campus Plan identifies this site as containing a future land use of Low-Density Residential. This creates a situation where the zoning of the lot to R-7 may be justified, but such a rezoning would contradict the future land use designation on Map #20 of the Downtown to Campus Plan. Staff does not, however, recommend a change to Map #20 of the Downtown to Campus Plan.

Although the Downtown to Campus Plan future land use map shows 805 W. Iowa designated as single-family residential, the plan also describes the R-7, University Residential district as being generally compatible with single-family neighborhoods through the overall character that the uses in this district provide. The plan also notes that it is the goal to allow uses in the University Residential District to continue while preventing the development of high-density apartment buildings.

For this reason, staff’s opinion is that the rezoning of 805 W. Iowa from R-3 to R-7 is justified based on the legal findings of the LaSalle criteria described in the Plan Commission memorandum dated March 14, 2002, and that the rezoning does not contradict the overall goal of the Downtown to Campus Plan.

Although there has been considerable debate about whether or not a parking lot is appropriate on the site, the pertinent consideration is whether or not R-7 zoning is appropriate for the site. This decision needs to be made considering the LaSalle Criteria and other factors such as adopted plans and public testimony. If it is determined that R-7 zoning is appropriate at that location, the owner is permitted to construct any use on that lot permitted under the R-7 zoning district by right. Under State Statute, the city does not have the ability to “contract zone” and approve the rezoning based on any specific conditions. For example, the City cannot approve a rezoning on condition that the lot only contain a parking lot and that it be designed in any specific manner.

Summary of Staff Findings

On May 9, 2002, the Urbana Plan Commission adopted the following findings and recommended approval of the requested rezoning to the Urbana City Council.

1. The subject property is located in an area addressed by the 1990 Downtown to Campus Plan. Although the site is included on Map #20 of the Downtown to Campus Plan which indicates a future land use of low density residential, the proposed rezoning would be generally consistent with the overall goals of the plan for the University Residential district which is to prevent the development of new high density apartment buildings near the single-family areas.
2. The proposed R-7, University Residential zoning district for the subject site would be consistent with the current R-7 zoning to the north, south, east and west.
3. The location of the site in close proximity to the University of Illinois campus makes it appropriate for the rezoning to the R-7, University Residential zoning district.
4. The proposed rezoning to R-7, University Residential would allow the Nabor House Fraternity to expand an existing parking lot at 1002 S. Lincoln Avenue in order to provide needed parking facilities in the area and achieve one of the objectives of the Downtown to Campus Plan which is to increase the supply of off-street parking in order to help alleviate resident parking problems in the area.
5. The petitioner's request would help accommodate proposed development that would be generally compatible with the development in the immediate vicinity.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

The City Council has the following options. In Plan Case 1814-M-02, the City Council may:

- a. Approve a rezoning of 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential.
- b. Deny a rezoning of 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential.

Staff Recommendation

Based on the evidence presented in the discussion above, staff concurs with the Plan Commission decision on May 9, 2002 and recommends **approval** of Plan Case No. 1814-M-02.

c: Joe Harlan, Nabor House
Larry Dallas, Nabor House
Rod Stoll, University of Illinois
Kenneth Eathington, Husch & Eppenberger, LLC
Lisa Treul, West Urbana Neighborhood Association
Liz Cardman, West Urbana Neighborhood Association

Attachments: Proposed Ordinance
March 14, 2002 Plan Commission Memorandum
March 28, 2002 Plan Commission Memorandum Update
Minutes of March 14, 2002 and April 4, 2002 Plan Commission meetings
Protest petition of residents
Formal Protest filed by John and Helene Dickel
Correspondence between Nabor House and neighboring residents

ORDINANCE NO. 2002-05-045

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

(Rezoning for 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential - Plan Case 1814-M-02)

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on March 21, 2002 and April 4, 2002 concerning the petition filed by the petitioner in Plan Case No. 1814-M-02; and

WHEREAS, the requested rezoning is consistent with the City of Urbana's Official Comprehensive Plan Map and with the goals and objectives of the City of Urbana Comprehensive Plan, as amended; and

WHEREAS, the Urbana Plan Commission voted 4 ayes and 2 nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the properties herein described below and commonly known as 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential; 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 areas commonly known as 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential.

LEGAL DESCRIPTION:

Lots 7 and 8 in Forest Park Addition to the City of Urbana, as per plat recorded in Plat Book "D", Page 62 situated in Champaign County, IL. Consisting of a total of 14,040 square feet, all situated in the City of Urbana, Champaign County, Illinois.

PERMANENT PARCEL #: 93-21-17-302-004

LOCATED AT: 805 W. Iowa Street

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 _____, 2002.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2002.

Tod Satterthwaite, 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 _____, 2002, 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 for 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential - Plan Case 1814-M-02)"

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 _____, 2002, 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 _____, 2002.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rob Kowalski, AICP, Planning Manager

DATE: March 14, 2002

SUBJECT: Plan Case No. 1814-M-02: Request by the Nabor House Fraternity to rezone 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential.

Introduction

The Nabor House Fraternity is requesting a zoning change for property they own at 805 W. Iowa Street. The request is to rezone the property from R-3, Single and Two-Family Residential to R-7, University Residential. The site is approximately 14,000 square feet and contains a vacant single-family home. The site is immediately east of 1002 S. Lincoln Avenue which is the current location of the Nabor House Fraternity.

Background

The site is technically two lots tied together to comprise 805 W. Iowa Street. As it was originally platted, each lot was 52 feet wide by 135 feet deep. The east half of 805 W. Iowa contains the vacant structure while the west half is an open space area. At some point, the two lots were tied together and purchased by the Nabor House Fraternity.

Adjacent Land Uses and Zoning Designations

The site is located on the south side of Iowa Street between Lincoln Avenue and Busey Avenue. This area is close to campus and contains a mix of residential uses, densities and zoning. The immediate area contains rooming houses, fraternities and sororities, multi-family apartments, as well as single-family homes. Since this area has a mix of land uses, there is also a mixture of zoning districts represented. The area falls under the discretion of the 1990 Downtown to

Campus Plan which recommended land use changes to the 1982 Urbana Comprehensive Plan for this area. The Downtown to Campus Plan also resulted in many rezonings to property in the area.

COMPREHENSIVE PLAN DESIGNATION, ZONING, AND LAND USE TABLE

Direction	Comprehensive Plan (1990 Downtown to Campus Plan).	Zoning	Land Uses
805 W. Iowa St.	Low-Density Residential	R-3, Single and Two-Family Residential	Vacant Single-Family Dwelling
North	Low-Density Residential, & University Residential	R-2, Single-Family R-3, Single and Two-Family R-7, University Residential R-5, Medium High Density Multi-Family Residential	Multi-Family Single-Family
East	Low-Density Residential	R-2, Single-Family Residential R-7, University Residential	Single-Family Rooming House
South	University Residential	R-7, University Residential	Rooming House
West	University Residential	R-7, University Residential	Fraternity

Issues and Discussion

Downtown to Campus Plan

The primary goal of the Downtown to Campus Plan was to “*achieve a desirable and compatible balance among the area’s diverse residential, commercial and institutional land uses in order to protect the historical, architectural, economic and environmental character of the neighborhood.*” Further, a guiding principle of the plan was to “*balance the different and often incompatible land uses in the neighborhood.*” The effort resulted in a new future land use map for the study area which replaced the recommended future land use designations of the 1982 Comprehensive Plan. The effort also rezoned several hundred properties to zoning districts that best matched the goals and the future land use of the plan. The plan also had recommendations to improve off-street and on-street parking in the area.

Prior to the Downtown to Campus Plan, 805 W. Iowa contained two zoning districts. The west half was zoned R-5 while the east side was zoned R-4. The rest of the immediate neighborhood contained a mix of multi-family zoning as well. The Downtown to Campus plan rezonings in 1991 made significant changes to the area. Most of the single-family homes were downzoned to R-2 or R-3. The fraternities, sororities and rooming houses were rezoned to R-7, University Residential, while existing multi-family uses were rezoned to R-5. The lot at 805 W. Iowa was rezoned to R-3. Due to the land uses of the immediate area, an inconsistent zoning pattern was created as 805 W. Iowa became a lot zoned for single-family residential surrounded on many sides by zoning for fraternities, sororities and rooming houses. As described in the chart on page 2, 805 W. Iowa is immediately adjacent to R-7 zoning on all four sides of the property.

R-7, University Residential Zoning District

The R-7, University Residential Zoning District was originally created in 1983 under the title of “R-7, Dormitory Residential”. The district was defined as follows:

The R-7 Dormitory Residential District is intended to provide areas for dormitories in close proximity to the University of Illinois, to insure the longevity of their architectural character and use and protect adjacent residential districts from incompatible developments.

The 1983 text amendment to create the R-7 district also amended the definitions for “dormitory” and “rooming house” to consider fraternities and sororities as types of dormitories or rooming houses. The 1983 amendment made “Dormitory” the only permitted use in the R-7 district.

The Zoning Ordinance was again amended in 1990 to make further changes to the R-7 district. This amendment changed the title of the district from R-7, Dormitory Residential to R-7, University Residential and redefined it as follows:

The R-7, University Residential District is intended to provide areas in proximity to the University of Illinois for dormitories and rooming houses, which are occupied primarily by students, to insure the longevity of the architectural character and use of these existing buildings, and to protect nearby low-density residential districts from incompatible developments.

The 1990 amendment also added to the table of permitted uses for R-7 including the addition of multi-family as a special use in the district. This change has generated significant concern among the neighborhood in recent years. The R-7 zoning district was created and defined with the intent of permitting dormitories and rooming houses in a manner that will protect nearby low density residential development. It is the opinion of staff that permitting multi-family uses in the R-7 district, albeit by special use permit, does not appear to be consistent with the original intent of the district.

It is not anticipated that the Nabor House intends to apply for a special use permit to construct a multi-family development at 805 W. Iowa Street, but the ability to do so creates apprehension on part of the surrounding neighborhood to support their request. While the anticipated intentions of the Nabor House to simply expand their parking lot may be acceptable to the neighborhood, it is not legally possible through a rezoning to R-7 to restrict uses that are otherwise permitted or permitted with a special use permit. The concern of multi-family uses permitted by special use in the R-7 district is not unique to the request at 805 W. Iowa Street, but rather a general concern within the district as a whole. For this reason, staff anticipates a future text amendment to the zoning ordinance to possibly eliminate this provision.

Regardless of future text amendments, the immediate request is to rezone 805 W. Iowa from R-3 to R-7 under its current requirements. The site is located in an area that is zoned primarily R-7, University Residential but transitions to R-2, Single-Family Residential. Further, 805 W. Iowa contains R-7 zoning on all adjacent sides and is located in an area that is generally planned for uses of dormitories, rooming houses, fraternity and sororities. The Downtown to Campus Plan identifies this site as containing a future land use of Low-Density Residential. This creates a situation where the zoning of the lot to R-7 may be justified, but such a rezoning would contradict the future land use designation on Map #20 of the Downtown to Campus Plan. Staff does not, however, recommend a change to Map #20 of the Downtown to Campus Plan.

Although the Downtown to Campus Plan future land use map shows 805 W. Iowa designated as single-family residential, the plan also describes the R-7, University Residential district as being generally compatible with single-family neighborhoods through the overall character that the uses in this district provide. The plan also notes that it is the goal to allow uses in the University Residential District to continue while preventing the development of high density apartment buildings.

For this reason, staff's opinion is that the rezoning of 805 W. Iowa from R-3 to R-7 is justified based on the findings of the LaSalle criteria described below, and that the rezoning does not contradict the overall goal of the Downtown to Campus Plan.

In considering the zoning map amendment for the subject property, the Plan Commission must consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City's Comprehensive Plan and zoning law decisions in the Illinois Courts provide a framework for this consideration.

Comprehensive Plan Goals, Objectives and Policies

The proposed Comprehensive Plan map amendment should be considered in light of other goals, objectives and policies contained in the 1982 Comprehensive Plan. The following goals and policies of the 1982 Urbana Comprehensive Plan relate to this case:

Objective 1.410

Promote the redevelopment and conservation of urbanized areas.

Goal 3.100

To organize and develop land uses and adjacent properties in a balanced and mutually compatible manner relative to the functional needs of the City.

Goal 3.110

Promote development in the City and surrounding unincorporated areas in a manner which minimizes conflicting land uses and/or adjacent development.

Goal 4.100

To increase sources of municipal revenues required to continue providing existing and future increased levels of municipal services.

Objective 4.100

Increase the proportion of land uses which produce municipal revenues equal to, or in excess of, the cost of required services.

Policy 4.111

Promote mixtures of compatible uses, improvements in services and facilities, aesthetics and public convenience, in existing commercial and industrial developments.

Goal 6.100

To increase and diversify the tax base of the City of Urbana.

Policy 6.112

Support rezoning petitions for land that has been identified as having the greatest potential within the parameters of the Plan for commercial and industrial development.

The La Salle National Bank Criteria

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

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

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

The site is located in an area with a strong mix of residential uses and zoning classifications, including fraternities, rooming houses and multi-family uses. The proposed rezoning to R-7, University Residential zoning would be consistent with existing R-7 zoning designations to the north, south, east and west of the property. The proposed zoning designation of R-7 is also consistent with the established land uses of fraternity and sororities to the west, rooming houses to the east and south, and a multi-family apartment building along with a single-family residence to the north.

Immediately west of the site along South Lincoln Avenue is the Nabor House Fraternity and other fraternities. Immediately to the east is a former single-family home that has been converted to a rooming house many years ago and is zoned R-7.

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 zoned R-3, Single and Two-Family and the value it would have if it were rezoned to R-7, University Residential to permit the proposed use.

The subject site is located in an area that contains a significant number of fraternities, sororities and rooming houses. The site is also immediately adjacent on all sides to property that is zoned R-7, University Residential and used as rooming houses and fraternities. Considering the location of the site and the zoning and land uses of the properties immediately adjacent to the property, staff's opinion is that the site unlikely to be redeveloped for single-family purposes as the current zoning permits. For this reason the value of the property is diminished by the current zoning classification.

It should be noted that City Planning and Economic Development Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*

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

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

The site is located in an area addressed by the 1990 Downtown to Campus Plan which was adopted by the Urbana City Council and which contains future land use and development

objectives considered to promote the public welfare. The plan designated this site as being suitable for a future land use of low density residential. The plan also acknowledged that parking is a significant problem in this area. The current R-3 zoning district restricts the property from being used for purposes other than low density, single and two-family residential development. The zoning change would allow the Nabor House Fraternity to expand their current parking lot at 1002 S. Lincoln Avenue. Although the R-3 zoning classification would restrict the site from being developed in any manner besides low density residential as the Downtown to Campus Plan Map #20 recommends, the R-3 zoning also precludes the owner from the ability to provide needed parking accommodations in the area.

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 specific feature for this property is its location. It is located in very close proximity to the University of Illinois campus. The R-7, University Residential zoning district encourages the type of development permitted in the R-7 district to be located close to the campus. Considering the development pattern of rooming houses, fraternities and sororities and multi-family uses in the immediate vicinity, the subject property is well suited for the proposed zoning 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 has remained vacant for several years since the single-family home has been unoccupied. It has been the desire of the property owner, the Nabor House, to improve the property for uses consistent with those immediately adjacent to the site. The current zoning restrictions of the R-3 zoning district prohibits these improvements. The site continues to remain vacant and there is apparently little interest in the property in being developed as single-family residential.

Summary of Staff Findings

1. The subject property is located in an area addressed by the 1990 Downtown to Campus Plan. Although the site is included on Map #20 of the Downtown to Campus Plan which indicates a future land use of low density residential, the proposed rezoning would be generally consistent with the overall goals of the plan for the University Residential district which is to

prevent the development of new high density apartment buildings near the single-family areas.

2. The proposed R-7, University Residential zoning district for the subject site would be consistent with the current R-7 zoning to the north, south, east and west.
3. The location of the site in close proximity to the University of Illinois campus makes it appropriate for the rezoning to the R-7, University Residential zoning district.
4. The proposed rezoning to R-7, University Residential would allow the Nabor House Fraternity to expand an existing parking lot at 1002 S. Lincoln Avenue in order to provide needed parking facilities in the area and achieve one of the objectives of the Downtown to Campus Plan which is to increase the supply of off-street parking in order to help alleviate resident parking problems in the area.
5. The petitioner's request would help accommodate proposed development that would be generally compatible with the development in the immediate vicinity.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

The Plan Commission has the following options for recommendations to the City Council. In Plan Case 1814-M-02, the Plan Commission may:

- a. forward this case to City Council with a recommendation for approval of a rezoning of 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential.
- b. forward this case to City Council with a recommendation for denial of a rezoning of 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential.
- c. continue this case to the April 4, 2002 Plan Commission meeting date in order to gather more community input.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, **staff recommends that the Plan**

Commission forward Plan Case No. 1814-M-02 to the Urbana City Council with a recommendation for approval but to continue the case to the April 4, 2002 Plan Commission hearing in order to allow an opportunity for all interested parties to offer input on the case following spring break.

c: Joe Harlan, Nabor House
Larry Dallas, Nabor House
Rod Stoll, University of Illinois
Lisa Treul, West Urbana Neighborhood Association
Liz Cardman, West Urbana Neighborhood Association

Attachments: Exhibit A, Location Map
Exhibit B, Zoning Map
Exhibit C, Existing Land Use Map
Exhibit D, Future Land Use Map
Exhibit E, Aerial Photo
Exhibit F, Additional Photos
Exhibit G, Excepts from 1990 Downtown to Campus Plan
Exhibit H, Letter to Surrounding Property Owners
Exhibit I, Rezoning Application

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DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rob Kowalski, AICP, Planning Manager

DATE: March 28, 2002

SUBJECT: Plan Case No. 1814-M-02: Request by the Nabor House Fraternity to rezone 805 W. Iowa Street from R-3, Single and Two-Family Residential to R-7, University Residential.

Update

On March 21, 2002 the Plan Commission opened the public hearing for this case and received some public testimony. The hearing was then continued to the April 4, 2002 meeting. At the hearing, some questions were raised on a variety of issues. This memo offers a response to some of those questions.

1. Taxes

It was asked at the hearing if the Nabor House and fraternities in general pay taxes. Fraternities are not tax exempt and are required to pay tax assessments. In the year 2000, the tax assessment on the Nabor House at 1002 S. Lincoln Avenue was \$8,822.22. The tax assessment on 805 W. Iowa Street in 2000 was \$2,084.80. The Cunningham Township Assessor indicates that the equalized assessed value (EAV) of 805 W. Iowa Street is \$29,800. It was the general opinion of the Assessor that the taxes assessed will not vary much if the vacant home is demolished and a parking lot is constructed. This is because the value of the vacant home will most likely be consistent with the value of an improved parking area.

2. Parking Lot Design

At the public hearing, Larry Dallas of the Nabor House presented two preliminary designs for a proposed parking lot at 805 W. Iowa. Those plans are attached to this report. The plans generated questions related to the design of a parking lot at this location. It is worth a reminder that the request from the Nabor House is approval to rezone the property to R-7, not specifically approval for a

parking lot. Should the property be rezoned to R-7, they would have the right to construct any permitted use in that zoning district, which could include an expansion of the parking lot at 1002 S. Lincoln Ave. Although a conceptual parking lot design has been submitted, the Plan Commission and City Council do not have the ability through the request to rezone to place any special conditions related to the design of a parking lot. Should the property be rezoned and the Nabor House move forward with plans to build a parking lot, they would be required to submit construction plans to the city in compliance with the zoning ordinance and to get a building permit to construct the lot. Some of the highlights of the zoning ordinance as it pertains to parking lots are as follows:

Setbacks

The Urbana Zoning Ordinance sets requirements for setbacks in the R-7 District but allows parking to encroach into those setbacks if the parking is behind the rear face of the principle use on the lot. In this case, the parking lot would be behind the principle use on the zoning lot, the Nabor House. Therefore, the parking lot could encroach into the rear setback along the east property line and the side setback along the south property line. The parking lot would be required to be setback from Iowa Street a minimum of 15 feet or the average between the setbacks of the structures on the blockface which in this case would be 801 W. Iowa and the Nabor House itself. Either way, the setback along Iowa Street could not be less than 15 feet.

Screening of Parking Area

The Urbana Zoning Ordinance requires that off-street parking in a residential zoning district which directly adjoins another residential zoning district or residential use must be screened. In this case, 805 W. Iowa would abut residential zoning on the east side, the south side and a small portion of the west property line that abuts 1004 S. Lincoln Avenue. These areas must be screened with either landscaping or a fence. The Zoning Ordinance specifies the types of plant species appropriate for screening. At a minimum, landscaping must be three feet tall.

3. Apartments in the R-7 zone

A number of people that gave testimony at the March 21, 2002 hearing stressed their concern about rezoning 805 W. Iowa Street to R-7 because they fear an apartment building would eventually be built there. Currently, apartments are permitted in the R-7, University Residential Zoning District with a special use permit. This would mean a proposal for apartments would have to achieve approval of a plan from the Plan Commission and City Council. At the April 4, 2002 Plan Commission meeting, the Urbana Zoning Administrator will be presenting a text amendment to eliminate this provision and make multi-family uses prohibited in the R-7, University Residential Zoning District. This is proposed because it is felt the intent of the R-7 district does not encompass multi-family development.

4. Additional Correspondence

Attached to this memo is correspondence that was both handed out at the March 21, 2002 meeting and submitted subsequent to that time.

c: Joe Harlan, Nabor House
Larry Dallas, Nabor House
Rod Stoll, University of Illinois
Lisa Treul, West Urbana Neighborhood Association
Liz Cardman, West Urbana Neighborhood Association

Attachments: Parking Lot Concepts
 Additional Correspondence