



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

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

DATE: December 7, 2006

SUBJECT: Plan Case 2024-M-06: A request to rezone 1405 N. Lincoln Avenue from R-5, Medium High Density Multiple-Family Residential to B-3, General Business

Introduction

The Girl Scouts Green Meadow Council has requested that their property at 1405 N. Lincoln Avenue be rezoned from R-5, Medium High Density Multiple-Family Residential District to B-3, General Business District. The subject property is developed as an office which is currently vacant. The petitioner has relocated their operation and is actively marketing the subject property for sale. The rezoning request would be more consistent with the long-standing office use of the site, and would logically help the petitioner sell the subject property. In recent years, real estate financing has begun to include zoning conformity as part of its due diligence, such that improper zoning can impede or even block successful property or reuse marketing efforts.

Background

The petitioner has owned the property since 1979 and constructed the existing building at that time. At the time of development the subject property was in the R-5 Zoning District. "Professional Offices" are currently permitted as a conditional use in the R-5 Zoning District. The subject property has remained largely unchanged despite development in the surrounding area. This past year, the petitioner relocated to a new building and is currently marketing the subject property for sale.

Adjacent Land Uses and Zoning Designations

The subject property is surrounded by commercial, residential, and institutional uses. Immediately north of the subject property is Urbana Fire Station #3, as well as an Illinois-American Water Company wellhead and water softening facility. At the southwest corner of Bradley and Lincoln is a gas station, convenience store and a vacant property zoned B-3, General Business. To the west is the Lincoln View (formerly University Commons) apartment complex which extends west to Goodwin Avenue. Additional property zoned B-3, General Business, which is part of the Lincoln View apartment complex, is immediately south of the subject property. The Vineyard Church and Atrium Apartments are located east across Lincoln Avenue.

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-5, Medium High Density Multiple-Family Residential	Office	Institutional
North	R-2, Single-Family Residential B-3, General Business	Fire Station Gas Station and Convenience Store	Institutional Community Business
South	R-4, Medium Density Multiple-Family Residential B-3, General Business	Apartments Vacant Land	Multi-Family Residential Community Business
East	R-4, Medium Density Multiple-Family Residential County R-4, Multiple Family Residence	Church Apartments	Institutional Multi-Family Residential
West	R-4, Medium Density Multiple-Family Residential	Apartments	Multi-Family Residential

Issues and Discussion

The North Lincoln corridor has experienced significant new development and expansion of residential, hotel and industrial uses over the past decade. A number of commercial uses exist in the corridor, including gas stations and vehicle sales centers. The 2005 Urbana Comprehensive Plan recognized the need for commercial uses that could serve adjacent residents and travelers, and identified areas where such uses would be desired. Commercial development is taking place in the vicinity, as evidenced by the recent development of the Marathon/Quiznos property at Bradley and Lincoln.

The 2005 Urbana Comprehensive Plan identifies the future land use for the subject property as “Institutional”. The plan defines Institutional as: “areas that may include governmental, education, medical, religious or university facilities, ranging from a single building to campuses.” Examples of properties designated as Institutional include all Urbana School District #116 facilities, Carle Hospital, the Champaign County government campus, and all City-owned land. It is likely that staff and the Comprehensive Plan Steering Committee considered the Girl Scouts a type of institutional use when the map was developed. The future land uses in the 2005 Urbana Comprehensive Plan are meant as a generalized depiction and are not expected to follow parcel-specific boundaries. Future Land Use Map #3 includes an annotation to “Promote commercial uses that serve the immediate area – especially apartment / hotel development.” The subject property is adjacent to a number of apartment complexes, hotels and other commercial uses. The proposed rezoning would be consistent with the City’s desire to

see this area develop as community business, as identified in the 2005 Urbana Comprehensive Plan. Additionally, the proposed rezoning would be consistent with the existing office use.

Plan Commission Discussion

The Plan Commission will hold a public hearing for the proposed map amendment on Thursday, December 7, 2006. A summary of the discussion and any public input will be provided to Council members at or before the City Council meeting on Monday, December 11, 2006.

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 surrounding area has a number of different uses, including a fire station, gas station and convenience store, public utility, and several larger apartment complexes. The existing residential zoning of the subject property is inconsistent with the long time office use. The 2005 Urbana Comprehensive Plan calls for commercial uses along the west side of Lincoln Avenue that can serve the immediate area. The B-3 Zoning District allows a greater breadth of uses compared to the R-5 Zoning District, and would allow the petitioner to better market their property for commercial uses. The site is located along Lincoln Avenue, which leads to an I-74 interchange one-half mile north.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

This is the difference in the value of the property as R-5, Medium High Density Multiple-Family Residential and the value it would have if it were rezoned to B-3, General Business.

The R-5 Zoning District is inconsistent with the current and desired future use of the property. The B-3 Zoning District offers a wider breadth of commercial and office uses than the R-5 Zoning District. If the property is rezoned, a wider variety of uses are possible on the property, thus realizing a wider market potential. This would presumably make the site more valuable to the petitioner.

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 long time use of the subject property as an office is inconsistent with the current zoning. A R-5 Zoning District for the subject property does not promote the general welfare of the public because it is not protecting a residential use. In addition, the current zoning is not consistent with the City's desire to see this area develop as community business, as identified in the 2005 Urbana Comprehensive Plan.

5. *The suitability of the subject property for the zoned purposes.*

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The location of the property (near several larger apartment complexes and one of the two highway exits in Urbana) lends the site to commercial uses. Lincoln Avenue is designated as "the gateway" to the University of Illinois, and experiences significant traffic volumes. The area has developed uses that serve the adjacent uses, such as larger student apartment buildings, hotels, a convention complex, and a church. In addition to the apartment complex proximity, the area has developed uses that are consistent with the proximity to the highway, including hotels, a restaurant, and gas stations.

The Lincoln Avenue corridor offers an ideal location to serve the needs of students and travelers without the need to travel to the North Prospect area.

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 petitioner is not claiming that the property has remained vacant due to the current zoning. Rather, the proposed zoning is intended to prevent an extended period of vacancy due to the difficulty of marketing a site where the zoning does not match the intended use.

Summary of Staff Findings

1. The petitioner has owned the property since 1979 and constructed the existing building at that time. At the time of development the subject property was in the R-5 Zoning District.
2. The long time use of the subject property as an office is inconsistent with the current zoning of R-5, Medium High Density Multiple-Family District.
3. The 2005 Urbana Comprehensive Plan recognized the need for commercial uses that could serve adjacent residents and travelers and identified areas where such uses would be desired.
4. The location of the site in close proximity to several larger apartment complexes, hotels, a convention center, and a church, one of two interstate exits in Urbana, and larger traffic counts makes the subject property desirable for commercial uses to serve the daily needs of students and travelers.

5. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

In Plan Case 2024-M-06, the City Council may:

1. Approve the request in Plan Case 2024-M-06
2. Deny the request in Plan Case 2024-M-06

Recommendation

Based on the evidence presented in the discussion above and without the benefit of considering additional evidence that may be presented at the meeting, staff recommends that the City Council **APPROVE** Plan Case No. 1964-M-05. The Plan Commission will consider this case at their December 7, 2006 meeting and their recommendation will be forwarded to the City Council at or before the December 11, 2006 City Council meeting.

Prepared by:

Matt Wempe, Planner II

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

CC: Girl Scouts Green Meadow Council
Attn: Darlene Johnson
701 Devonshire
Champaign, IL 61820

Traci Nally
Nally, Bauer, Feinen, Bullock & Mann, P.C.
309 W. Clark
Champaign, IL 61820

ORDINANCE NO. 2006-12-146

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

(Rezoning of 1405 N. Lincoln Avenue from R-5, Medium High Density Multiple-Family Residential to B-3, General Business - Plan Case 2024-M-06)

WHEREAS, The Girl Scouts Green Meadow Council has petitioned the City for a Zoning Map Amendment to rezone the property at 1405 N. Lincoln from R-5, Medium High Density Multiple-Family Residential to B-3, General Business; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on December 7, 2006 concerning the petition filed in Plan Case No. 2024-M-06; and

WHEREAS, the requested rezoning is consistent with the goals and objectives, and the 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 __ ayes and __ nay to forward the case to the Urbana City Council with a recommendation to _____ the rezoning request of the properties herein described below from R-5, Medium High Density Multiple-Family Residential to B-3, General Business; and

WHEREAS, the findings of the Plan Commission indicate that _____ 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 R-5, Medium High Density Multiple-Family Residential District to B-3, General Business District.

LEGAL DESCRIPTION:

The North 103 feet of the East 248 feet of the Southeast quarter of the Northeast quarter of the Northeast quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, 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 _____, 2006.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2006.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of December, 2006, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: "**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of 1405 N. Lincoln Avenue from R-5, Medium High Density Multiple-Family Residential to B-3, General Business - Plan Case 2024-M-06), which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2006, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2006.

Exhibit A: Location Map



Bradley Av

Subject Property

Lincoln Av

Sunset Dr

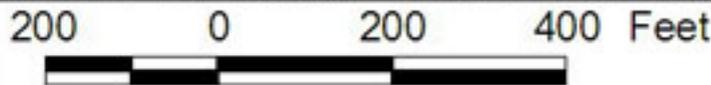
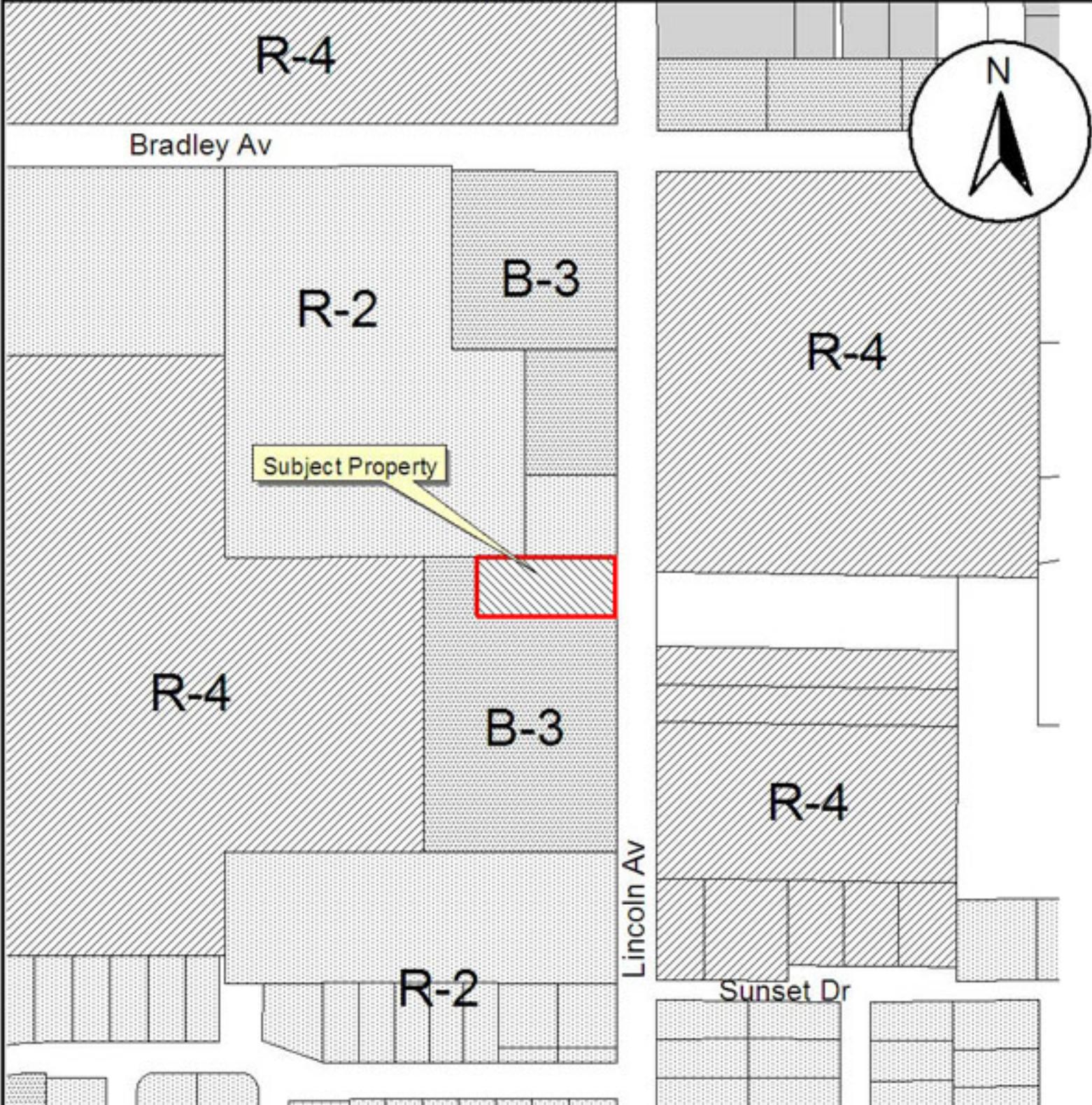
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Plan Case: 2024-M-06
Petitioner: Girl Scouts of America
Location: 1405 N. Lincoln Av, south of Bradley Av
Description: Rezone from R-5 to B-3

Prepared 11/17/2006 by Community Development Services - mhw

Exhibit B: Zoning Map

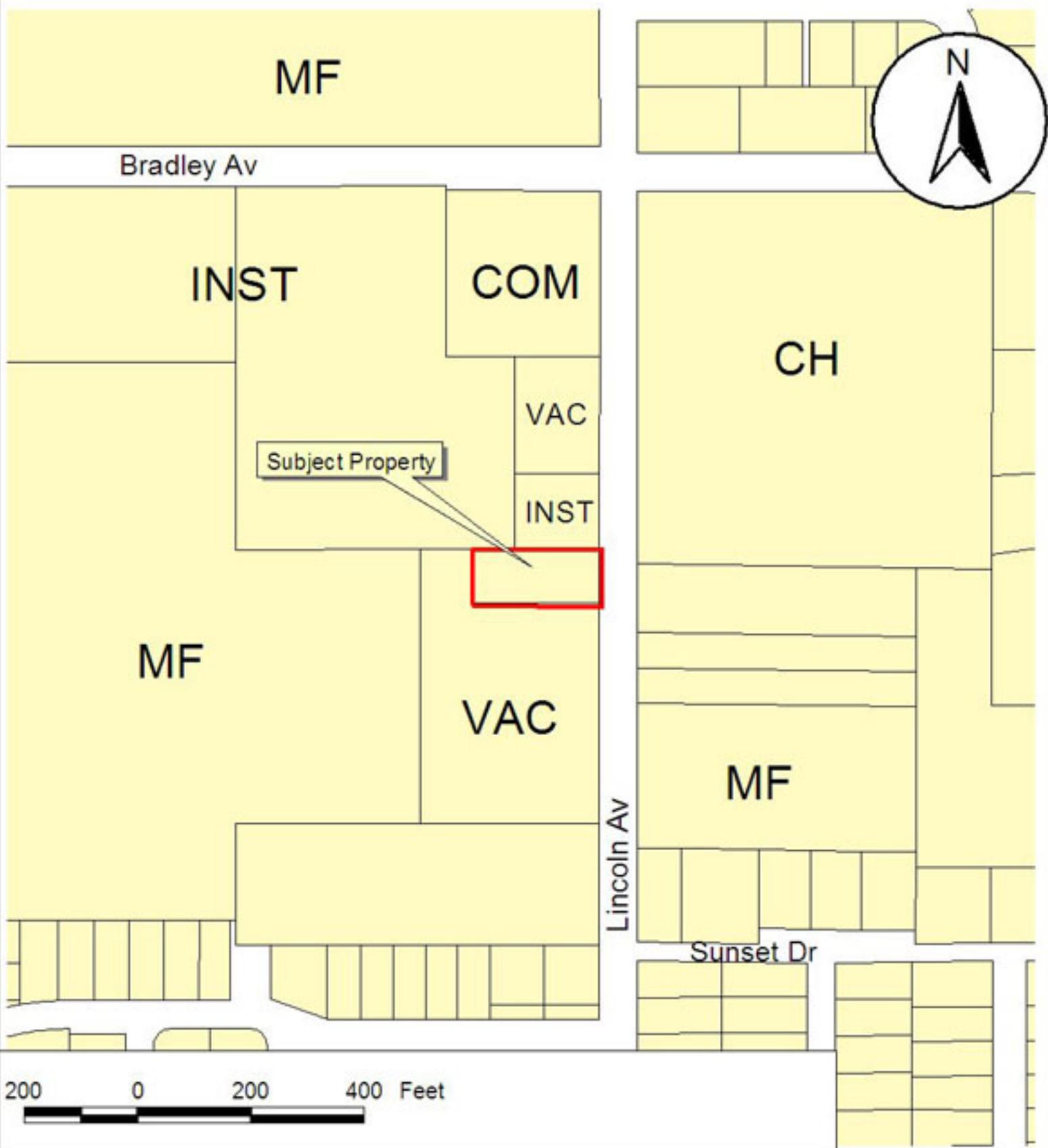


-  B3 - General Business
-  R2 - Single Family
-  R4 - Medium Density Multiple-Family



Plan Case: 2024-M-06
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Exhibit C: Existing Land Use Map

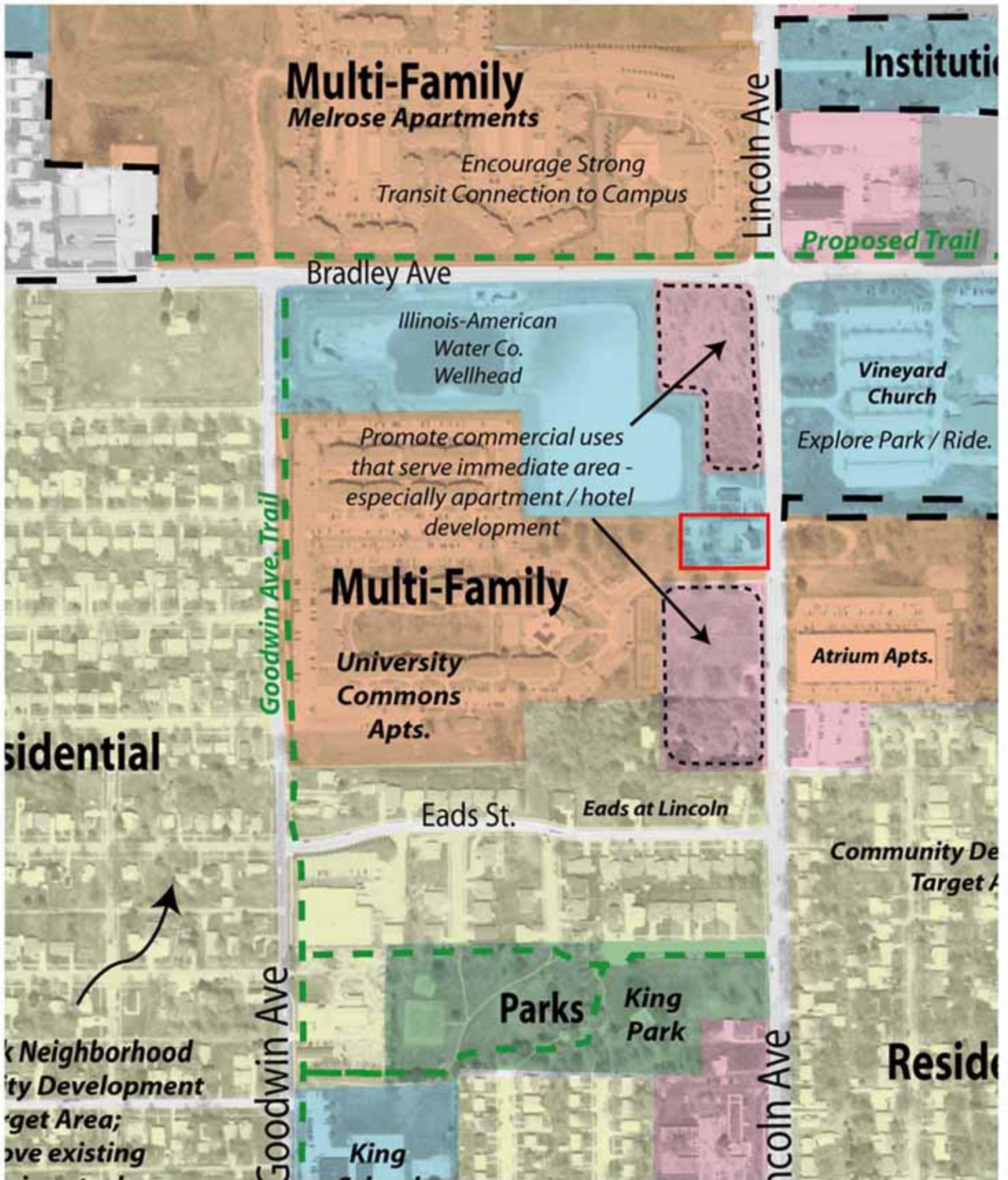


Plan Case: 2024-M-06
Petitioner: Girl Scouts of America
Location: 1405 N. Lincoln Av, south of Bradley Av
Description: Rezone from R-5 to B-3

Prepared 11/17/2006 by Community Development Services - mhw

PARK - Parks and Recreation
COM - Commercial
INST - Institutional

Exhibit D: Future Land Use Map



Plan Case: 2024-M-06
 Petitioner: Girl Scouts of America
 Location: 1405 N. Lincoln Av, south of Bradley Av
 Description: Rezone from R-5 to B-3

Exhibit E: Aerial Map



Plan Case: 2024-M-06
Petitioner: Girl Scouts of America
Location: 1405 N. Lincoln Av, south of Bradley Av
Description: Rezone from R-5 to B-3