



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: September 16, 2010

SUBJECT: Plan Case 2132-M-10: A request to rezone a parcel located north of Anthony Drive and east of Willow Road from IN, Industrial to B-3, General Business.

Introduction and Background

Rodney Schweighart, co-owner of Michelle's Bridal, has submitted a petition to rezone a parcel located north of Anthony Drive and east of Willow Road from IN, Industrial Zoning District to B-3, General Business Zoning District in order to allow for an expansion of Michelle's Bridal Shoppe. The parcel is directly to the east of Michelle's Bridal Shoppe, approximately 192 feet east of Willow Road and is currently being used for agricultural purposes. The parcel totals approximately 0.71 acres. It is currently part of a larger parcel, 2306 N Willow Road, owned by BRC Enterprises and occupied by Brahler's Truckers Supply. A subdivision application is simultaneously being processed for the BRC Enterprises property to split it into two parcels to enable the sale to Michelle's Bridal Shoppe. The petitioner is under contract to buy the subject parcel, contingent on the parcel being rezoned to allow for an expansion of Michelle's Bridal Shoppe.

At their September 9, 2010 meeting, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to City Council with a recommendation for approval.

Adjacent Land Uses, Zoning, and Comprehensive Plan Designations

The subject property has frontage on Anthony Drive, which is parallel and adjacent to Interstate 74. There is a mixture of zoning and land uses in the surrounding area, including industrial and regional business. The property to the west is zoned B3, General Business and is occupied by Michelle's Bridal Shoppe. Further west, across Willow Road, also zoned B3 is Creative Thermal Solutions (CTS). On August 18, 2010, the Zoning Board of Appeals granted a Conditional Use Permit for CTS to construct a research park with five buildings. The property to the north and east is zoned IN, Industrial, and is occupied by Brahler's Truckers Supply Co. and an agricultural field. Further east along Anthony Drive, zoned B3 is O'Brien Auto Park. Just north of O'Brien Auto Park, also zoned B3, General Business, is Farm & Fleet. The property to the south, on the south side of Interstate 74, is zoned B3 and is occupied by Cracker Barrel Old Country Store and Restaurant.

Following is a summary of zoning, existing land uses and Comprehensive Plan future land use designations for the subject site and surrounding property. Exhibits A, B and C further illustrate this information.

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	IN, Industrial	Vacant, Agricultural Use	Regional Business
North	IN, Industrial	Brahler’s Truckers Supply	Regional Business
South	B-3, General Business	Cracker Barrel Old Country Store and Restaurant	Regional Business
East	IN, Industrial	Vacant, Agricultural Use	Regional Business
West	B-3, General Business	Michelle’s Bridal Shoppe	Regional Business

Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the subject site as well as the surrounding property as “Regional Business.” The Comprehensive Plan defines “Regional Business” as follows:

Regional Business centers are intended to serve regional as well as local demand. Typically located in a high-visibility area that offers convenient access and parking. The intensity of development may range from large-scale “big box” uses to smaller-scale buildings supporting outlot business opportunities. Although Regional Business areas are typically oriented primarily to automobile traffic, their design should include adequate facilities for pedestrians, bicyclists and public transit.

Rezoning the subject property to B-3 is consistent with the designation of the site in the Comprehensive Plan as B-3 is the most appropriate zoning district for regional businesses. The following Comprehensive Plan Goals and Objectives also support the rezoning:

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

18.1 Plan for new growth and development to be contiguous to existing development where possible in order to avoid “leapfrog” developments.

Goal 18.0 Promote infill development.

Objectives

18.2 Promote the redevelopment of underutilized property using techniques such as tax increment financing, redevelopment loans/grants, enterprise zone benefits, marketing strategies, zoning incentives, etc.

Goal 25.0 Create additional commercial area to strengthen the city’s tax base and service base.

Objectives

25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.

- 25.4 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

Goal 31.0 Retain and expand existing businesses and industries.

Objectives

- 31.1 Develop a systematic approach to business retention, expansion and attraction.

Tax Increment Financing District 4 and Enterprise Zone Goals and Policies

The subject property is located in Urbana’s Tax Increment Finance (TIF) District 4. TIF districts are designed to facilitate redevelopment and business attraction and expansion. The expansion of Michelle’s Bridal Shoppe as well as the Creative Thermal Solutions expansion are consistent with the TIF 4 Redevelopment Plan.

The subject property is also located in Urbana’s Enterprise Zone. Enterprise Zones are specially-designated areas in which tax incentives and direct financial assistance are provided to firms locating or expanding within the boundaries.

Discussion

According to the Urbana Zoning Ordinance, the intent of the Industrial Zoning District is

“to provide areas for manufacturing and industrial uses, where they will have the necessary services and facilities, and minimize obtrusion on or by adjoining uses and districts. Light industrial uses, which are unlikely to cause undesirable effects, are permitted by right; more intensive industrial uses which may have wider-reaching environmental effects are permitted as special uses, which provide the Urbana Plan Commission and City Council the opportunity to review the uses and impose needed conditions. In order to minimize conflict among incompatible uses, most non-industrial uses are not allowed in the IN Industrial District.”

The intent of the B-3, General Business District, on the other hand, is “to provide areas for a range of commercial uses wider than that of B-1 Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City.” Zoning Description Sheets for both the IN and B-3 Zoning Districts are attached in Exhibit D. Since the subject property is in an area with businesses that serve the community, rezoning the subject property to B-3 would be consistent with the intent of the B-3 Zoning District. In addition, rezoning of the subject property would be consistent with the zoning of other commercial properties in the surrounding area including that of the existing Michelle’s Bridal Shoppe.

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 subject site, zoned IN, Industrial, is currently vacant and being used for agricultural purposes, which is allowed under the existing zoning but is not consistent with the intent of the Industrial zoning district. The petitioner is under contract to purchase the subject property contingent upon the rezoning and has plans to use the land for retail commercial purposes. The petitioner is proposing to expand Michelle's Bridal Shoppe onto the subject property. The proposed zoning district would be consistent with the proposed use.

Nearby businesses include Brahler's Truckers Supply, Creative Thermal Solutions, O'Brien Auto Park and Farm & Fleet. These businesses, like Michelle's Bridal Shoppe, serve the region and are appropriately located adjacent to Interstate 74. The proposed zoning district would be consistent with these nearby uses.

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

This is the difference in the value of the property as IN and the value it would have if it were rezoned to B-3, General Business.

Under the current zoning, the business expansion would not be allowed, as *Clothing Store* is not an allowed use in IN, Industrial. It is assumed that the proposed rezoning would increase the value of the property as there is a contract buyer for the property if it is successfully rezoned to B-3, General Business. In addition, the proposed rezoning would be consistent with the Comprehensive Plan.

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.*

Questions 3 and 4 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 rezoning of the property should not jeopardize the health, safety, morals or general welfare of the public. Rezoning the subject property will allow for the expansion of Michelle's Bridal Shoppe, the business located to the west. Michelle's Bridal Shoppe is a retail business that serves the community as well as the region and is a type of business envisioned for the area in the Comprehensive Plan designation of Regional Business. Should the rezoning be denied, there would be no relative gain to the public.

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 subject property is well suited for the B-3 Zoning District as it is located in one of the City's TIF districts as well as the City's Enterprise Zone, both of which are economic development tools to assist with business location and expansion. The B-3 Zoning District is consistent with the Regional Business land use designation for the area in the Comprehensive Plan. In addition, the subject property is located adjacent to an Interstate and so provides high visibility for businesses. The area is well served by utilities.

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.

There is no evidence that the lot has remained vacant for any period of time due to the zoning.

Summary of Findings

1. On August 20, 2010, the City of Urbana received a petition to amend the Urbana Zoning Map for the subject property from IN, Industrial to B-3, General Business in order to allow the expansion of Michelle's Bridal Shoppe.
2. The subject property is currently designated by the 2005 Urbana Comprehensive Plan as Regional Business.
3. The subject property is currently zoned IN, Industrial.
4. The proposed zoning map amendment to B-3, General Business would be consistent with the proposed land use and with the commercial uses and zoning in the surrounding area.
5. The proposed zoning map amendment is consistent with the 2005 Urbana Comprehensive Plan.
6. The proposed zoning map amendment appears to generally meet the LaSalle Case criteria.
7. At their September 9, 2010 meeting, the Urbana Plan Commission in a vote of 6 ayes and 0 nays recommended that City Council approve the proposed rezoning.

Options

The Urbana City Council has the following options regarding Plan Case 2132-M-10:

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

Recommendation

Based on the analysis and findings presented herein, the Urbana Plan Commission and staff recommend that the City Council approve the proposed rezoning.

Prepared by:

Rebecca Bird, Planner I

Attachments: Draft Ordinance Amending the Zoning Map of the City of Urbana, IL
Exhibit A: Location Map 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
Draft Minutes of September 9, 2010 Plan Commission Hearing

cc: Rodney Schweighart, 2210 N. Willow Rd, Urbana, IL, 61802

ORDINANCE NO. 2010-09-079

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

(Rezoning of a 0.71-acre parcel located north of Anthony Drive and approximately 192 feet east of Willow Road from IN, Industrial, to B-3, General Business - Plan Case 2132-M-10)

WHEREAS, Rodney Schweighart has petitioned the City for a Zoning Map Amendment to rezone a 0.71-acre parcel located north of Anthony Drive and approximately 192 feet east of Willow Road from IN, Industrial, to B-3, General Business; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on September 9, 2010 concerning the petition filed in Plan Case No. 2132-M-10; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

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

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays 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 IN, Industrial, to B-3, General Business; 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 IN, Industrial to B-3, General Business District.

LEGAL DESCRIPTION:

A PART OF LOT 1 OF REINHOLD-LINDEMAN SUBDIVISION, AS SHOWN ON A PLAT RECORDED AUGUST 23, 1988 IN PLAT BOOK "AA" AT PAGE 237 IN THE OFFICE OF THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 19 NORTH OF THE BASE LINE, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 00 DEGREES 43.1 MINUTES EAST (S00°43.1'E), 2254.30 FEET ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE N89°57.3'E, 40.54 FEET, TO A SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE CONTINUING, N89°57.3'E, ALONG A SOUTHERLY LINE OF SAID LOT 1, 168.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING N89°57.3'E, 121.90 FEET; THENCE S00°43.7'E, ALONG A LINE PARALLEL WITH AND 121.89 FEET EASTERLY OF A WEST LINE OF SAID LOT 1, 257.99 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF ANTHONY DRIVE; THENCE WESTERLY 122.46 FEET ON THE NORTH LINE OF ANTHONY DRIVE ON A NON-TANGENT CIRCULAR CURVE, CONCAVE NORTH, WITH A RADIUS OF 1090.00 FEET AND A CHORD BEARING N85°31'59"W AND A CHORD LENGTH OF 122.39 FEET, TO THE INTERSECTION OF THE WESTERLY LINE OF SAID LOT 1 WITH SAID NORTHERLY RIGHT OF WAY LINE OF ANTHONY DRIVE; THENCE N00°43.7'W, ALONG SAID WESTERLY LINE OF LOT 1, 248.36 FEET, TO THE TRUE POINT OF BEGINNING, ENCOMPASSING 0.712 ACRES (31,000.133 S.F.), ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this _____ day of _____, ____.

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

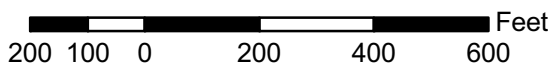
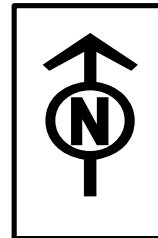
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: "**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of a 0.71-acre parcel located north of Anthony Drive and approximately 192 feet east of Willow Road from IN, Industrial, to B-3, General Business - Plan Case 2132-M-10), 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

Exhibit A: Location & Existing Land Use Map



Plan Case: 2132-M-10
 Subject: A request by Rodney Schweighart to rezone a parcel from IN to B-3
 Location: North of Anthony Drive and approx. 192 feet east of Willow Road
 Petitioner: Rodney Schweighart

Prepared 8/25/2010 by Community Development Services - rlb



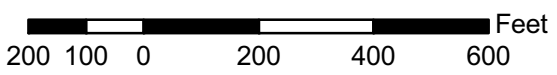
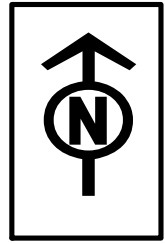
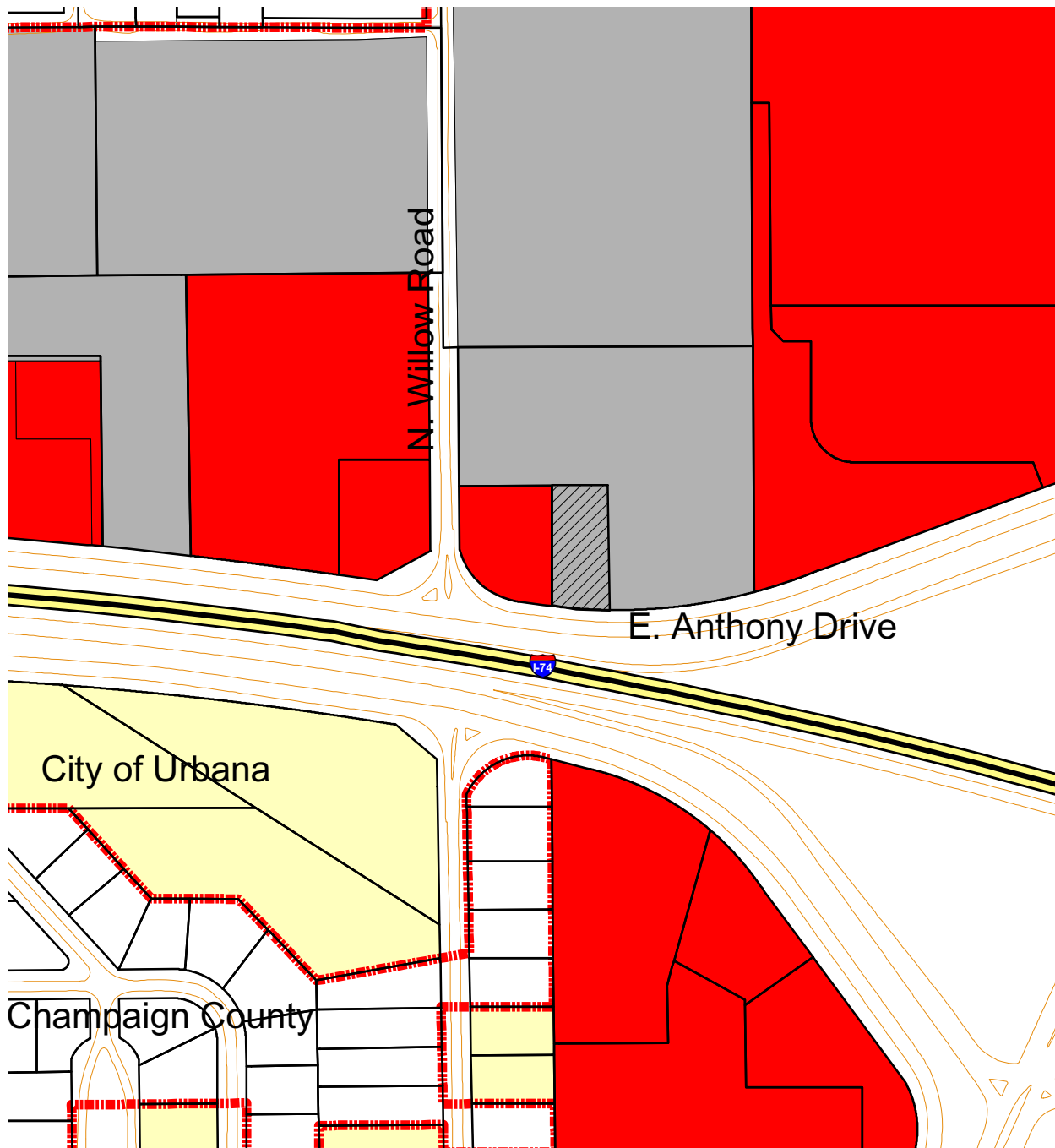
-  Subject Property
-  Urbana Corporate Limits
- COM Commercial
- UNDPV Undeveloped
- REL Religious Inst.
- IND Industrial
- H / M Hotel / Motel

Exhibit B: Zoning Map



Plan Case: 2132-M-10
 Subject: A request by Rodney Schweighart to rezone a parcel from IN to B-3
 Location: North of Anthony Drive and approx. 192 feet east of Willow Road
 Petitioner: Rodney Schweighart





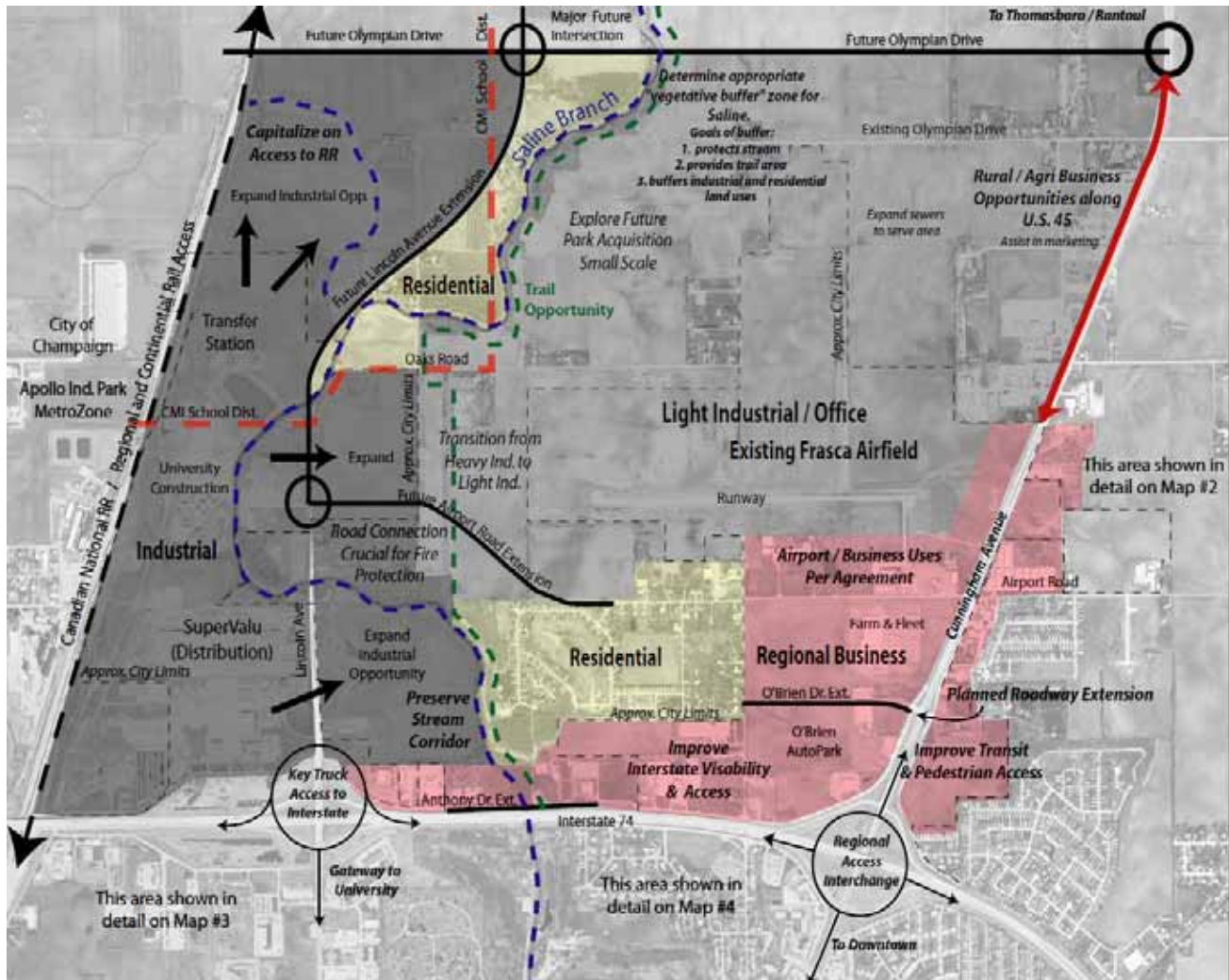
-  Subject Property
-  B3, General Business
-  IN, Industrial
-  R1, Single-Family Residential

Exhibit C: Future Land Use Map

2005 Comprehensive Plan Future Land Use Map #1



Plan Case: 2132-M-10
 Subject: A request by Rodney Schweighart to rezone a parcel from IN to B-3
 Location: North of Anthony Drive and approx. 192 feet east of Willow Road
 Petitioner: Rodney Schweighart

Prepared 8/25/2010 by Community Development Services - rlb



IN – INDUSTRIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

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

"The *IN, Industrial District* is intended to provide areas for manufacturing and industrial uses, where they will have the necessary services and facilities, and minimize obtrusion on or by adjoining uses and districts. Light industrial uses, which are unlikely to cause undesirable effects, are permitted by right; more intensive industrial uses which may have wider-reaching environmental effects are permitted as special uses, which provide the Urbana Plan Commission and City Council the opportunity to review the uses and impose needed conditions. In order to minimize conflict among incompatible uses, most non-industrial uses are not allowed in the IN Industrial District.

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the IN 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
Farm Chemicals and Fertilizer Sales Including
Incidental Storage and Mixing of Blending
Fertilizer

Business - Food Sales and Services

Wholesale Produce Terminal

Business - Miscellaneous

Aviation Sales, Service or Storage
Construction Yard
Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)
Kennel
Lawn Care and Landscaping Service
Mail Order Business (*Less than 10,000 square feet of gross floor area*)
Mail Order Business (*Greater than 10,000 square feet of gross floor area*)
Radio or TV Studio
Self-Storage Facility
Shopping Center – Convenience
Shopping Center - General
Warehouse
Wholesale Business

Business - Personal Services

Ambulance Service
Medical Carrier Service

Residential

Dwelling, Multiple-Unit, Common-Lot-Line

Business - Professional and Financial Services

Bank/ Savings and Loan Association
Check Cashing Service
Express Package Delivery Distribution Center
Professional and Business Office

Business - Retail Trade

Building Materials Sales (*All Indoor Excluding Concrete or Asphalt Mixing*)
Heat, Ventilating, and Air Conditioning Sales and Services
Photographic Studio and Equipment Sales and Service

Business - Transportation

Motor Bus Station
Railroad Yards and Freight Terminal
Truck Terminal/ Truck Wash

Business - Vehicular Sales and Services

Automobile, Truck, Trailer or Boat Sales
Automobile/ Truck Repair
Gasoline Station
Towing Service
Truck Stop

Public and Quasi-Public

Electrical Substation
Municipal or Government Building
Non-Profit or Governmental, Educational and Research Agencies
Park
Police or Fire Station
Principle Use Parking Garage or Lot
Public Maintenance and Storage Garage
Utility Provider

PERMITTED USES CONTINUED:**Industrial**

Bookbinding
 Building Paper, Paper Containers and Similar Products Manufacturing
 Confectionery Products Manufacturing and Packaging
 Electrical and Electronic Machinery, Equipment and Supplies Manufacturing
 Electronics and Related Accessories-Applied Research and Limited Manufacturing
 Engineering, Laboratory, Scientific and Research Instruments Manufacturing
 Grain Mill Products Manufacturing and Packaging
 Household and Office Furniture Manufacturing
 Jewelry, Costume Jewelry, Novelties, Silverware and Plated Ware Manufacturing and Processing
 Light Assembly Manufacturing (*50,000 gross square feet or less*)
 Light Assembly and Manufacturing (*Greater than 50,000 gross square feet*)
 Manufacturing and Processing of Apparel and Related Finished Products Manufacturing
 Manufacturing and Processing of Athletic Equipment and Related Products
 Mechanical Measuring and Controlling Instruments Manufacturing
 Miscellaneous Finished Products Manufacturing Including Home Products, Canvas Products, Decorative Textiles, Luggage, Umbrellas and Similar Products

Motion Picture Production Studio
 Musical Instruments and Allied Products Manufacturing
 Office and Artists Materials Manufacturing (*Except Paints, Inks, Dyes and Similar Products*)
 Optical Instruments and Lenses Manufacturing
 Photographic Equipment and Supplies Manufacturing
 Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing
 Signs and Advertising Display Manufacturing
 Surgical, Medical, Dental and Mortuary Instruments and Supplies Manufacturing
 Theoretical and Applied Research, Development and Prototype Light Manufacturing of the following: Drugs, Chemicals, Food Products, Rubber and Petroleum Products, Light Fabricated Metal Products, Electrical Products, Physical and Aerospace Sciences, Wood and Wood Products, Non-electrical Machinery, Textiles, Glass Ceramic Products
 Watches, Clocks and Clockwork Operated Devices Manufacturing
 Wool, Cotton, Silk and Man-Made Fiber Manufacturing

SPECIAL USES:**Business - Transportation**

Heliport

Business – Vehicular Sales and Service

Automobile Salvage Yard (*Junkyard*)

Industrial

All Other Industrial Uses
 Recycling Center

Public and Quasi-Public

Correctional Institution or Facility

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

Commercial Planned Unit Development

Industrial

Industrial Planned Unit Development

CONDITIONAL USES:**Business - Personal Services**

Dry Cleaning or Laundry Establishment

Business - Professional and Financial Services

Vocational, Trade or Business School

CONDITIONAL USES CONTINUED:**Agriculture**

Artificial Lake of one (1) or more acres
 Commercial Breeding Facility
 Farm Equipment Sales and Service
 Grain Storage Elevator and Bins
 Livestock Sales Facility and Stockyards
 Mineral Extraction, Quarrying, Topsoil Removal
 and Allied Activities

Business - Miscellaneous

Day Care Facility (*Non-Home Based*)
 Veterinary Hospital - Large and Small Animal

Business - Transportation

Air Freight Terminal

Business - Vehicular Sales and Services

Car Wash

Public and Quasi-Public

Public or Commercial Sanitary Landfill
 Radio or Television Tower and Station
 Sewage Treatment Plant or Lagoon
 Water Treatment Plant

DEVELOPMENT REGULATIONS IN THE IN 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)
IN	10,000	90	None	1.00	None	25	None	None

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

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, IL 61801
 (217) 384-2440
 (217) 384-2367 fax
www.city.urbana.il.us



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 B-1 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
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

Business - Vehicular Sales and Service

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

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

Electrical Substation
 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
 Bookstore
 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
 Pet Store
 Photographic Studio and Equipment Sales and
 Service
 Shoe Store
 Sporting Goods
 Stationery, Gifts, or Art Supplies
 Tobacconist
 Variety Store
 Video Store

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

Towing Service
 Truck Stop

Residential

Dwelling, Multifamily

Public and Quasi-Public

Church, Temple or Mosque
 Correctional Institution or Facility

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*)
Veterinary Hospital (*Small Animal*)

Public and Quasi-Public

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

Residential

Home for the Aged
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	None	4.00	None	15	5	10

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

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, IL 61801
(217) 384-2440
(217) 384-2367 fax
www.city.urbana.il.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 08-20-2010 Plan Case No. 2132-M-10
 Fee Paid - Check No. 38085 Amount \$175.00 Date 08-20-2010

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Rodney J. Schweighart** Phone: (217) 840-6029
 Address (street/city/state/zip code): **2210 N. Willow Road, Urbana, IL 61802**
 Email Address: **rodschweighart@yahoo.com**
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Contract Buyer**

2. OWNER INFORMATION

Name of Owner(s): **BRC Enterprises** Phone: (217) 245-9062
 Address (street/city/state/zip code): **21 Harold Cox Drive, Jacksonville, IL 62650**
 Email Address: **rwb2@brahlers.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

Location of Subject Site: **2200 Block of N. Willow Road, Urbana, IL**
 PIN # of Location: **Part of 91-21-04-151-001**
 Lot Size: **31,000 Square Feet**
 Current Zoning Designation: **IN - Industrial**
 Proposed Zoning Designation: **B-3 General Business**
 Current Land Use (vacant, residence, grocery, factory, etc): **Agricultural**
 Proposed Land Use: **Expansion of Michelle's Bridal Shoppe**

Present Comprehensive Plan Designation: **Industrial**

How does this request conform to the Comprehensive Plan? **Site is directly adjacent to B-3 General Business Zoning**

Legal Description: See Exhibit A attached
hereto and incorporated by
reference herein

4. CONSULTANT INFORMATION

Name of Architect(s): **N/A** Phone:

Address (street/city/state/zip code):

Email Address:

Name of Engineers(s): **N/A** Phone:

Address (street/city/state/zip code):

Email Address:

Name of Surveyor(s): **Robert A. Moore** Phone: **(217) 379-2212**

Address (street/city/state/zip code): **Moore Surveying & Mapping**
101 W. Ottawa, P.O. Box 291, Paxton, IL 60957

Email Address:

Name of Professional Site Planner(s): **N/A** Phone:

Address (street/city/state/zip code):

Email Address:

Name of Attorney(s): **Patrick T. Fitzgerald** Phone: **(217) 352-1800**

Address (street/city/state/zip code): **Meyer Capel**
306 W. Church Street, Champaign, IL 61820

Email Address: **pfitzgerald@meyercapel.com**

5. REASONS FOR MAP AMENDMENT:

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

Zoning map currently contemplates an industrial use on this site.

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

Adjacent business would like to expand its use onto this site.

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

The proposed site is directly adjacent to existing business which is

already zoned B-3 General Business. Further, the proposed site has

extensive interstate visibility and is in close proximity to other general business uses. Finally, the City of Urbana Comprehensive Plan shows this area as "Regional Business" and the subject rezoning will be in conformity with this designation.

What other circumstances justify the zoning map amendment? The proposed amendment is consistent with the City of Urbana's stated goal of promoting economic development. Additionally, the Owner would like to avoid split zoning on his expanded property.
Time schedule for development (if applicable). Applicant would like to commence development as soon as reasonably possible.

Additional exhibits submitted by the petitioner. _____

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.

Rodney J. Schweighart
Applicant's Signature **RODNEY J. SCHWEIGHART**

8-13-10
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

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: September 9, 2010

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake

MEMBERS EXCUSED: Jane Burris, Ben Grosser, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Rebecca Bird, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Susan Taylor

NEW PUBLIC HEARINGS

Plan Case No. 2132-M-10: A request by Rodney Schweighart to rezone a 0.71-acre parcel, located north of Anthony Drive and approximately 192 feet east of Willow Road, from IN, Industrial District, to B-3, General Business Zoning District.

Rebecca Bird, Planner I, presented this case to the Plan Commission. She began with a brief introduction explaining the purpose for the proposed rezoning request. She described the subject and adjacent properties noting their current land use, zoning and comprehensive designation. She discussed how the 2005 Comprehensive Plan relates to the proposed rezoning and cited pertinent goals in the plan. She also talked about the goals and objectives in the Tax Increment Financing (TIF) District No. 4 and in the Enterprise Zone plans pertaining to the proposed rezoning case. She reviewed the La Salle National Bank criteria for rezoning cases. City staff recommends approval with the findings provided in the written staff report.

Mr. Fell asked if the parcel that the petitioner wants to rezone will conform with the minimum lot width requirements for this zoning district. He is concerned because if the petitioner does not end up building on that parcel and decides to sell it instead, it may be a non-conforming lot. Ms. Bird replied that the minimum lot width required for a lot in the B-3 Zoning District is 60 feet. She believed that the proposed lot is more than 60 feet wide. Robert Myers, Planning Manager, pointed out that there is a minor subdivision plat currently under review that would combine the

proposed lot with the Michelle's Bridal Shoppe lot. The minor subdivision plat is in tandem with the rezoning.

Mr. Fell asked if the minor subdivision plat does not get approved, will the Plan Commission have created a non-conforming lot if they approve the rezoning? Mr. Myers replied no.

Mr. Fell inquired about the lot to the east of the proposed site. If the Trucker's Supply Company sells off part of the remaining parcel to the east, will it create an odd shaped lot where their entry drive onto Anthony Drive is a little sliver of land? Ms. Bird stated that the Trucker's Supply Company's main access is off of Willow Road. She is sure that they would want to also keep their access drive off of Anthony Drive, and that there is enough land to the east to sell without causing an issue with regards to the access drive. Mr. Myers added that any new lot must meet the minimum road frontage requirements. Since the front of the Trucker's Supply Company is along Willow Road, they could have a narrow portion of the lot extend down to Anthony Drive if necessary. When Sunnycrest Mall was replatted a few years ago several of the lots have narrow extensions to S. Philo Road, and these lots meet the minimum requirements for road frontage.

With no further questions for City staff, Chair Pollock opened the hearing for public input. There was none so Chair Pollock closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Ms. Stake moved the Plan Commission forward Plan Case No. 2132-M-10 to the Urbana City Council with a recommendation for approval. Mr. Hopkins seconded the motion. Roll call was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes

The motion was approved by unanimous vote. Mr. Myers announced that this case would be forwarded along with the Plan Commission's recommendation to the Urbana City Council on September 20, 2010.