



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: May 12, 2016

SUBJECT: Plan Case 2278-M-16: A request by Lacey's Place LLC Series Urbana to rezone a parcel totaling approximately 0.81 acres from the B-1, Neighborhood Business zoning district to the B-3, General Business zoning district located at 805 North Lincoln Avenue, Urbana.

Introduction and Background

Lacey's Place LLC has submitted an application to rezone a parcel located at 805 North Lincoln that is 0.81 acres from B-1, Neighborhood Business to B-3, General Business zoning district. The lot is occupied by an existing video rental store and a prosthetics business that shares the building. The applicant, in cooperation with the property owner, seeks to have the property rezoned for the purpose of operating a Gaming Hall in the existing building. The applicant states that the rezoning would allow the property owner to better repurpose a vacant space and contribute more tax dollars to the City of Urbana.

Pursuant to the Urbana Zoning Ordinance, City Council may either approve or deny the proposed rezoning request. At their May 5, 2016 meeting, the Urbana Plan Commission held a public hearing for the proposed Zoning Map Amendment. Several residents expressed concern about the proposed use and its proximity to a residential neighborhood. They also expressed concern about the property being opened up to the possibility of more intense uses beyond the proposed use by the applicants. A nearby business owner expressed concern about extending the possible hours of operation of businesses on the subject property from the proposed use. In their discussion, the Plan Commission noted the same concerns and voted with nine ayes and zero nays to recommend that City Council deny the proposed rezoning. The Plan Commission cited that the B-3 district characteristics of intensity, range of uses, and scale of allowable structures would be incompatible with the neighborhood.

Background

The subject property is located at the southwest corner of the intersection of Lincoln Avenue and Fairview Avenue. It is zoned B-1, Neighborhood Business and is designated as Community Business in the Comprehensive Plan. It is meant to be a space that serves the nearby residential neighborhood and a minor arterial connecting Interstate 74 with the University campus. A building to the west of the subject property is used for construction contracting and is also zoned B-1. There are single-family

homes further to the west that are zoned R-2, Single-Family Residential. Towards the south and across Fairview are more single-family homes zoned R-2, Single-Family Residential. To the east, across Lincoln Avenue, there are three single-family homes also zoned R-2, Single-Family Residential, and a small apartment building zoned R-5, Medium High Density Multiple-Family Residential. Towards the north, there is an apartment building also zoned R-5.

bordered by single-family homes to the west and two apartment buildings. The single-family homes to the west that are zoned R-2, Single-Family Residential. A house is also zoned B-1, Neighborhood Business. Towards the south and across Fairview are more single-family homes zoned R-2, Single-Family Residential. To the east, across Lincoln Avenue, there are three single-family homes also zoned R-2, Single-Family Residential, and a small apartment building zoned R-5, Medium High Density Multiple-Family Residential. The subject property is a Community Business space designated to serve a nearby residential neighborhood and a minor arterial connecting Interstate 74 with the University campus.

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	B-1, Neighborhood Business	Video Rental Store, Prosthetics Office, Vacant Office Space	Community Business
North	R-5, Medium High Density Multiple-Family Residential	Apartment Building	Community Business
South	R-2, Single-Family Residential	Single-Family Homes	Community Business
East	R-2, Single-Family Residential R-5, Medium High Density Multiple-Family Residential	Apartment Building Single-Family Homes	Residential
West	R-2, Single-Family Residential B-1, Neighborhood Business	Single-Family Homes	Community Business

Recent Area Rezoning Requests

The subject property was rezoned in 2002 from R-2, Single Family Residential to B-1, Neighborhood Business in Plan Case No. 1833-M-02 in 2002. Its last rezoning was to accommodate the video rental store.

In recent years, the City has considered similar rezoning requests for other parcels just south of the subject property. In Plan Case 2262-M-15, the property owner of 701, 705, and 707 North Lincoln Avenue petitioned the Urbana Plan Commission for a rezoning from B-2, Neighborhood Business Arterial and R-2, Single-Family Residential to B-3, General Business. Only the property at 705 North Lincoln Avenue was approved for rezoning to the lower density of B-2, Neighborhood Business Arterial. Rezoning of the other properties was not approved due to concerns about the compatibility with adjacent single-family homes.

Comprehensive Plan

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

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

Future Land Use Map No. 3 of the 2005 Comprehensive Plan includes the following notation for the properties on the west side of the Lincoln Avenue corridor between University Avenue and King Park: “Promote community business that can serve University population and immediate neighborhood.”

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

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

Objectives

- 1.2 Encourage investment in older properties to help maintain their appearance and long-term potential
- 1.5 Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

- 15.1 Plan for new growth and development to be contiguous to existing development here possible in order to avoid “leapfrog” developments.

Goal 17.0 Minimize incompatible land uses.

Objectives

- 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 18.0 Promote infill development.

Objectives

- 18.1 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.

Discussion

The applicant requests to change the zoning of the subject property from B-1, Neighborhood Business to B-3, General Business to allow the operation of a Gaming Hall at the site. According to the Table of Uses in the Zoning Ordinance, Table V-1, Gaming Halls are not permitted in the B-1 zoning district, but are allowed in the B-3, B-4, and B-4E zoning districts with liquor and gaming licenses approved by the city and state. Gaming Halls are also required to maintain a frontage-to-frontage distance of 500 feet from schools, registered daycares, places of worship, and other registered gaming halls. They must also maintain a distance of 250 feet from any other establishment with a gaming license that is not a Gaming Hall. B-1 and B-3 zoning districts are distinguished by their permitted uses and development regulations, as summarized below and in the zoning description purpose sheets in Exhibit E.

In the City's Zoning Ordinance, the B-1 district is described as follows:

"The B-1, Neighborhood Business District is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently."

Some of the permitted uses for a B-1 property include a Bed and Breakfast Inn, Barber/Beauty Shop, Church, Bakery, Confectionary Store, and other stores with a square footage of 3,500 gross square feet or less. The development regulations for the B-1 district include a Floor area ratio (FAR) that is limited to 0.30 and building height limits of 35 feet.

The B-3 district is described in the City's Zoning Ordinance as follows:

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

Some of the permitted uses for a B-3 property include Hardware Store, Automobile Rental, Gasoline Station, Jewelry Store, University/College, or Copy and Printing Service. The development regulations for the B-3 district include a Floor Area ratio (FAR) that is limited to 4.00. Building heights are only limited by setbacks and neighboring building heights. More specifically, building heights above 25 feet are restricted in proportion to the size of their respective side and rear yards.

As Exhibit E demonstrates, the B-3 district is designed to allow a wider range of uses and more intensive development than are allowed in the B-1 district. Uses within the B-3 district are intended to serve the entire city, whereas B-1 district establishments are meant to serve the surrounding neighborhood.

The subject property, as well as its neighboring properties to the north and south, are designated as *Community Business* in the City's Comprehensive Plan, with an additional note that the businesses

should serve the University population and immediate neighborhood. The Comprehensive Plan's description of the designation also specifically describes it as an area with businesses and services that "are at scales and intensities that make them generally compatible with surrounding neighborhoods."

While the proposed zoning would permit new uses that could contribute to some of the goals of the Comprehensive Plan, rezoning the property from B-1 to B-3 would allow a sizeable increase in allowed development intensity and land use permissions for the subject property. A rezoning would not create any nonconformities for the existing building or use, but it would expand the range of the property's available uses or structures that are permitted for the property. This significant increase could make it incompatible with the surrounding single-family neighborhoods and would not be consistent with the Future Land Use designation in the Comprehensive Plan.

Should a higher-intensity zoning be desired, the B-2, Neighborhood Business Arterial zoning designation would be a more appropriate designation than the proposed B-3 district. The B-2 district is intended for properties located adjacent to residential neighborhoods and arterial streets. The B-2 district is also more consistent with the Community Business designation in the Comprehensive Plan. The applicant did not request B-2 zoning, however, as Gaming Halls are not permitted use in that district.

The La Salle Criteria

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

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

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

The existing B-1 zoning and the land uses of a video rental store, medical office and vacant commercial space are compatible with the current and proposed zoning. The proposed use of a Gaming Hall would involve a more intense use with a liquor license, and could be incompatible with the surrounding neighborhood. Rezoning the subject property to the more intensive B-3 district could also be inconsistent with the 2005 Urbana Comprehensive Plan, which calls for uses at "scales and intensities that make them generally compatible with surrounding neighborhoods," and with development patterns of the area.

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

This is the difference in the value of the property as B-1, Neighborhood Business and the value it would have if it were rezoned to B-3, General Business.

Because the proposed rezoning would allow more types of uses and with a greater intensity, the property values could theoretically increase. However, residential properties to the north, west, and east of the subject property would have undetermined effects on their property values because of closer proximity to a B-3 district.

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 existing B-1, Neighborhood Business zoning is intended to allow businesses to serve the nearby area while not being too intensive for nearby residential uses. Allowing a B-3, General Business zoning would make the property available for a wider range of commercial uses that could be disruptive to the surrounding neighborhood. The requested zoning would allow a scale and intensity of uses that could also be incompatible with the surrounding neighborhood and therefore potentially inconsistent with the 2005 Comprehensive Plan.

The public would not receive any greater gain from the property existing as B-3 rather than of B-1. Any hardship to the property owner would be minimized because other commercial uses are permitted to operate in the space under current zoning.

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 located along Lincoln Avenue, a minor arterial that serves as a north-south corridor and an important route from I-74 to the University of Illinois. The current zoning of the site allows uses that serve the nearby neighborhood of primarily lower density, single-family homes. The subject property, at less than an acre in area, would have limited usefulness in one of the City's most permissive commercial districts. Its location next to an arterial makes it appropriate for a commercial district, but its size and proximity to single-family residential homes makes it inappropriate for a larger scale or for a more intensive commercial uses.

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.

Only a portion of the building is currently vacant. The other two units are occupied by existing businesses.

Summary of Findings

1. Lacey's Place LLC has filed a petition to amend the Urbana Zoning Map for the subject property from B-1, Neighborhood Business to B-3, General Business.
2. The subject property is located at 805 North Lincoln Avenue and is zoned B-1, Neighborhood Business with a Future Land Use Designation of "Community Business" in the Comprehensive Plan.
3. The applicant is requesting the rezoning for the purpose of opening a Gaming Hall on the property, a use which is not permitted in the B-1 district.
4. The proposed rezoning to B-3 would not generally conform to all of the LaSalle Criteria, as it would allow more intensive land uses than may be compatible with the surrounding neighborhood.
5. The proposed rezoning could create uses and building structures that would be inconsistent with the 2005 Comprehensive Plan.
6. The proposed rezoning would not conform to the La Salle Criteria of being compatible with the nearby residential zoning and land uses.
7. The proposed rezoning would potentially increase the subject property's value but would have undeterminable effects on the value of surrounding properties.
8. The proposed rezoning would not conform to the La Salle Criteria regarding promoting public welfare and gain compared to the hardship imposed on the property owner. The property owner does not have a hardship as the building is already occupied with existing businesses.
9. The proposed rezoning would not conform to the La Salle Criteria as far as suitability for zoned purposes. The property's characteristics, including its relatively small size and location adjacent to a residential neighborhood, favor a B-1, Neighborhood Business or B-2 zoning as opposed to a B-3, General Business designation.
10. The proposed rezoning would not conform to the La Salle Criteria as the subject property is not fully vacant, nor has the partial vacancy been longstanding.
11. At their May 5, 2016 meeting, the Urbana Plan Commission voted with nine ayes and zero nays to recommend a vote of denial to City Council citing the B-3 district's intensity, range of uses, and scale of allowable structures as being incompatible with the surrounding neighborhood.

Options

The Urbana City Council has the following options regarding Plan Case 2278-M-16:

1. Vote for **approval** of the rezoning request as presented herein; or

2. Vote for **approval of a portion**, but not all, of the area, or an **alternative zoning of a lesser intensity**; or
3. Vote for **denial** of the rezoning request as presented herein.

Recommendation

At their May 5, 2016 meeting, the Urbana Plan Commission voted with nine ayes to zero nays to forward Plan Case No. 2278-M-16 to the City Council with a recommendation of **DENIAL** for the proposed Zoning Map Amendment. Staff concurs with this recommendation.

Attachments:

Exhibit A: Location and Existing Land Use Map

Exhibit B: Existing Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: Site Pictures

Exhibit E: B-1, Neighborhood Business and B-3, General Business Zoning Description Sheets

Exhibit F: Petition for Zoning Map Amendment

CC: Lacey's Place LLC

Renee Sclafani

ORDINANCE NO. 2016-05-039

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

(Rezoning a 0.81 acre parcel at 805 North Lincoln Avenue from the B-1, Neighborhood Business zoning district to the B-3, General Business zoning district. - Plan Case 2278-M-16 / Lacey's Place LLC Series Urbana)

WHEREAS, Lacey's Place LLC Series Urbana has petitioned the City for a Zoning Map Amendment to rezone a property comprising 0.81 acres and located at 805 North Lincoln Avenue from B-1, Neighborhood Business to B-3, General Business; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on May 5, 2016 concerning the petition filed in Plan Case No. 2278-M-16; and

WHEREAS, the Urbana Plan Commission voted with 9 ayes to 0 nays to forward Plan Case No. 2278-M-16 with recommendation of denial for rezoning the subject property; and

WHEREAS, the forwarded recommendation of denial by the Urbana Plan Commission is based upon the proposed rezoning's inconsistencies with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the forwarded recommendation of denial by the Urbana Plan Commission is based upon the proposed rezoning's inconsistencies with the La Salle case criteria; and

WHEREAS, the recommendation of denial of the rezoning request was based upon the B-3, General Business district's intensity, range of uses, and scale of allowable structures being incompatible with the surrounding neighborhood.

WHEREAS, the findings of the Plan Commission indicate that the rezoning request would not 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:

Tract 1:

Lots 1, 2 and 3, and the North 3.4 feet of Lots 39 and 40 of Sarah A. Sim's Addition to Urbana, as per plat recorded in Plat Book "B" at Page 284, situated in Champaign County, Illinois, EXCEPT those parts conveyed and dedicated to the City of Urbana by document 94R 22192 recorded August 18, 1994.

Tract 2:

The South 52 feet 2 inches of Lots 39 and 40 in Sarah A. Sim's Addition to the City of Urbana, as per plat recorded in Plat Book "B" at Page 284, situated in Champaign County, Illinois, EXCEPT the East 7 feet of even width conveyed and dedicated to the City of Urbana by document 96R 11957, recorded May 17, 1996.

Tract 3:

The South 75 Feet of the North 78.4 feet of Lots 39 and 40 in Sarah A. Sim's Addition to the City of Urbana, as per plat recorded in Plat Book "B" at Page 284, situated in Champaign County, Illinois, except the East 7 feet of even width conveyed and dedicated to the City of Urbana by document 96R 11957, recorded May 17, 1996.

PIN: 91-21-07-428-023, Address: 805 North Lincoln Avenue

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

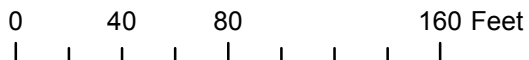
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: **"An Ordinance Amending the Zoning Map of the City of Urbana, Illinois" (Rezoning a 0.81 acre parcel at 805 North Lincoln Avenue from the B-1, Neighborhood Business zoning district to the B-3, General Business zoning district. - Plan Case 2278-M-16 / Lacey's Place LLC Series Urbana)**, 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

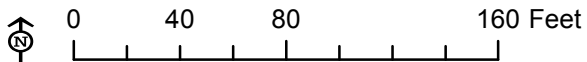
Exhibit A: Location & Existing Land Use Map



 Subject Property

Case: Plan Case 2278-M-16
Subject: Rezoning from B-1, Neighborhood Business to B-3, General Business
Location: 805 North Lincoln Avenue
Petitioners: Lacey's Place LLC Series Urbana

Exhibit B: Zoning Map



Case: Plan Case 2278-M-16
 Subject: Rezoning from B-1, Neighborhood Business to B-3, General Business
 Location: 805 North Lincoln Avenue
 Petitioners: Lacey's Place LLC Series Urbana









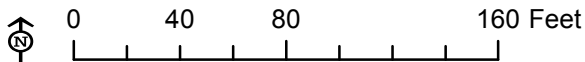
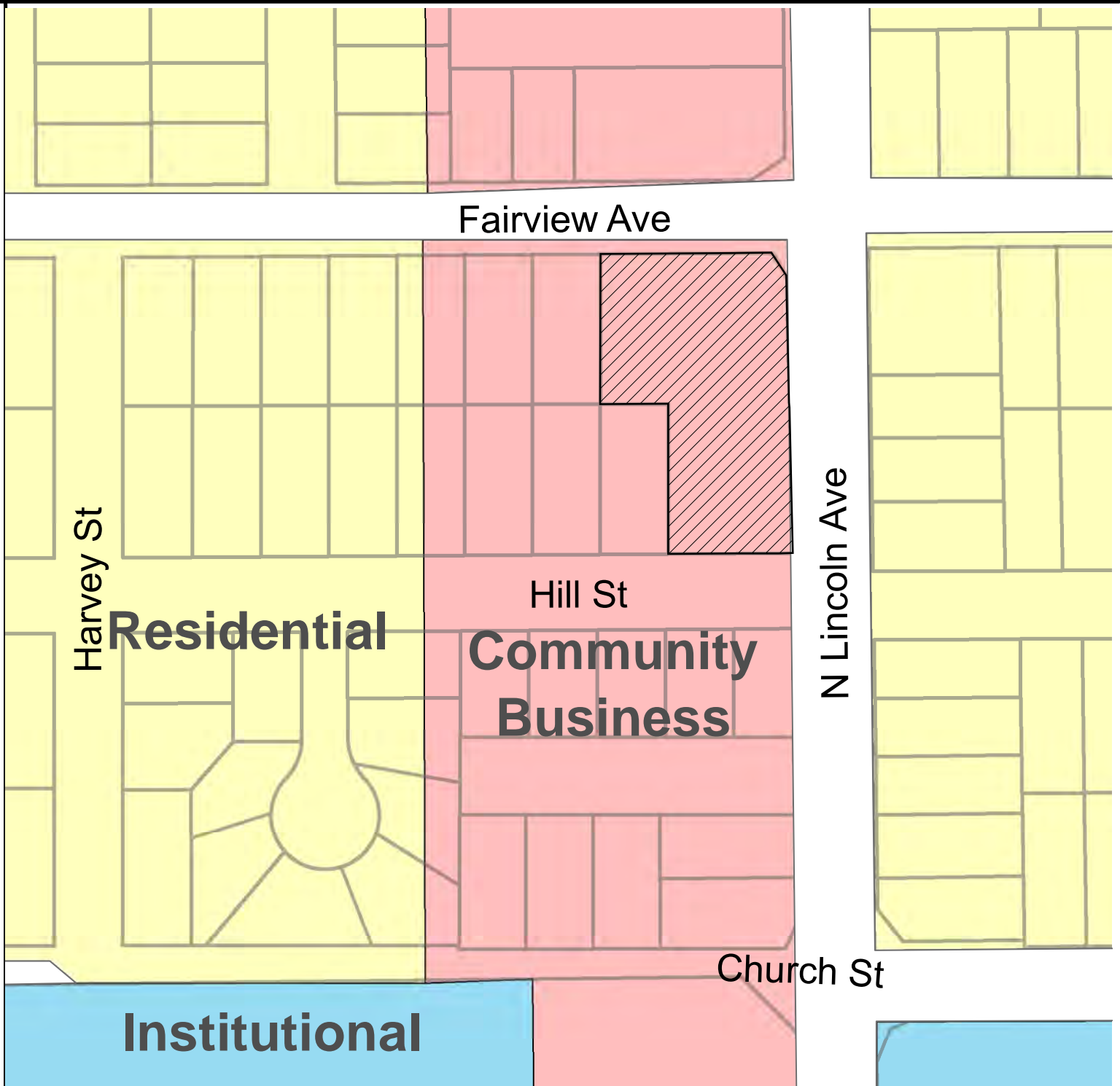
-  Subject Property
-  B1
-  B2
-  CRE
-  IN-1
-  MIC
-  R2
-  R5

Exhibit C: Future Land Use Map



Case: Plan Case 2278-M-16
 Subject: Rezoning from B-1, Neighborhood Business to B-3, General Business
 Location: 805 North Lincoln Avenue
 Petitioners: Lacey's Place LLC Series Urbana





-  Subject Property
-  Residential
-  Community Business
-  Institutional

Exhibit D: Site Pictures







B-1 – NEIGHBORHOOD BUSINESS ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-1 Zoning District is as follows:

"The B-1, *Neighborhood Business District* is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-1 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

Garden Shop

Business - Food Sales and Services

Bakery (*less than 2,500 square feet*)

Confectionery Store

Meat and Fish Market

Supermarket or Grocery Store** –

(3,500 gross square feet or less per floor)

Business - Personal Services

Barber/ Beauty Shop

Health Club/Fitness* –

(3,500 gross square feet or less per floor)

Massage Therapist

Pet Care/ Grooming

Self-Service Laundry

Shoe Repair Shop

Tailor and Pressing Shop

Business - Professional and Financial Services

Bank, Savings and Loan Association

Copy and Printing Service

Professional and Business Office

Business – Recreation

Dancing School* –

(3,500 gross square feet or less per floor)

Business - Retail Trade

Antique or Used Furniture Sales and Service* –
(3,500 gross square feet or less per floor)

Appliance Sales and Service

Art and Craft Store and/or Studio* –

(3,500 gross square feet or less per floor)

Bicycle Sales and Service* –

(3,500 gross square feet or less per floor)

Clothing Store –

(3,500 gross square feet or less per floor)

Electronic Sales & Service

Florist

Hardware Store

Jewelry Store

Music Store

Pet Store* *(3,500 gross square feet or less per floor)*

Photographic Studio and Equipment Sales and

Service* *(3,500 gross square feet or less per floor)*

Shoe Store* –

(3,500 gross square feet or less per floor)

Sporting Goods* –

(3,500 gross square feet or less per floor)

Stationery, Gifts or Art Supplies

Tobacconist

Variety Store

Video Store* –

(3,500 gross square feet or less per floor)

PERMITTED USES Continued:

Public and Quasi-Public

Church, Temple or Mosque
Institution of an Educational or Charitable
Nature
Library, Museum or Gallery
Municipal or Government Building
Park
Police or Fire Station

Residential

Bed and Breakfast Inn
Bed and Breakfast, Owner Occupied
Dwelling, Loft

SPECIAL USES:

Business - Food Sales and Services

Convenience Store
Supermarket or Grocery Store** –
(Greater than 3,500 gross square feet per floor)

Business – Miscellaneous

Shopping Center - Convenience

Business – Personal Services

Dry Cleaning or Laundry Establishment
Landry and/or Dry Cleaning Pickup

Business - Recreation

Theater, Indoor

Business - Retail Trade

Drugstore
Video Store** –
(Greater than 3,500 gross square feet per floor)
All Other Retail Stores

Business - Vehicular Sales and Services

Gasoline Station

Industrial

Motion Picture Production Studio

Residential

Dwelling, Multiple-Unit Common-Lot-Line***

PLANNED UNIT DEVELOPMENT USES:

Business – Miscellaneous Business

Mixed-Use Planned Unit Development

CONDITIONAL USES:

Agriculture

Plant Nursery or Greenhouse

Business - Food Sales and Services

Banquet Facility
Café or Deli
Catering Service
Fast-Food Restaurant
Restaurant

Business - Miscellaneous

Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)
Day Care Facility (*Non-Home Based*)
Lawn Care and Landscaping Service
Mail-Order Business –
(Less than 10,000 square feet of gross floor area)
Radio or TV Studio

CONDITIONAL USES Continued:

Business - Personal Services

Health Club/ Fitness* –
(Greater than 3,500 gross square feet per floor)
Mortuary

Business - Professional and Financial Services

Check Cashing Service
Packaging/ Mailing Service

Business - Recreation

Dancing School* –
(Greater than 3,500 gross square feet per floor)
Lodge or Private Club

Business - Vehicular Sales and Services

Automobile Accessories (New)

Public and Quasi-Public

Electrical Substation

Residential

Dwelling, Community Living Facility, Category I,
Category II, Category III
Dwelling, Duplex***
Dwelling, Duplex*** (Extended Occupancy)
Dwelling, Multi-Family
Dwelling, Single Family
Dwelling, Single-Family (Extended Occupancy)

Business - Retail Trade

Antique or Used Furniture Sales and Service* –
(Greater than 3,500 gross square feet per floor)
Art and Craft Store and/or Studio* –
(Greater than 3,500 gross square feet per floor)
Bicycle Sales and Service* –
(Greater than 3,500 gross square feet per floor)
Clothing Store* –
(Greater than 3,500 gross square feet per floor)
Heating, Ventilating, Air Conditioning Sales and Service
Pet Store* –
(Greater than 3,500 gross square feet per floor)
Photographic Studio and Equipment Sales and Service* (Greater than 3,500 gross square feet per floor)
Shoe Store* –
(Greater than 3,500 gross square feet per floor)
Sporting Goods* –
(Greater than 3,500 gross square feet per floor)

Table V-1 Notes:

- * Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Conditional Use when the gross square footage is greater than 3,500 square feet per floor.
- ** Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Special Use when the gross square footage is greater than 3,500 square feet per floor.
- *** See Section VI-3 for lot area and width regulations for duplex and common-lot line dwelling units.

DEVELOPMENT REGULATIONS IN THE B-1 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) ¹	MIN SIDE YARD (in feet) ¹	MIN REAR YARD (in feet) ¹
B-1	6,000	60	35³	0.30	None	15	7	10

FAR = Floor Area Ratio
OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

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

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

City of Urbana
Community Development Services Department
 400 South Vine Street, Urbana, Illinois 61801
 (217) 384-2440 phone / (217) 384-2367 fax
www.urbanaininois.us



B-3 – GENERAL BUSINESS ZONING DISTRICT

ZONING DESCRIPTION SHEET

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

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

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

PERMITTED USES:

Agriculture

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

Business - Adult Entertainment

Adult Entertainment Uses

Business - Food Sales and Services

Bakery (*Less than 2,500 square feet*)
Banquet Facility
Café or Deli
Catering Service
Confectionery Store
Convenience Store
Fast-Food Restaurant
Liquor Store
Meat and Fish Market
Restaurant
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
Medical Cannabis Dispensary
Radio or TV Studio
Shopping Center – Convenience
Shopping Center – General
Wholesale Business

Business - Personal Services

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

PERMITTED USES Continued:

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 - Retail Trade

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

Business - Vehicular Sales and Service

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

Business - Recreation

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

Business - Transportation

Motor Bus Station
Taxi Service

Industrial

Microbrewery

Public and Quasi-Public

Church, Temple or Mosque
Electrical Substation
Farmer's Market
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

SPECIAL USES:

Business – Retail

Firearm Store†

Public and Quasi-Public

Correctional Institution or Facility
Hospital or Clinic

Business – Vehicular Sales and Service

Towing Service
Truck Stop

Residential

Dwelling, Multifamily

PLANNED UNIT DEVELOPMENT USES:

Business – Miscellaneous

Commercial Planned Unit Development (See Section XIII-3)
Mixed-Use Planned Unit Development (See Section XIII-3)

CONDITIONAL USES:

Business - Miscellaneous

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

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

Public and Quasi-Public

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

Residential

Assisted Living Facility
Nursing Home

Table V-1 Notes:

**** See Table VII-1 for Standards for Specific Conditional Uses

† See Section VII-5.D for Standards for Firearm Stores

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) ¹	MIN SIDE YARD (in feet) ¹	MIN REAR YARD (in feet) ¹
B-3	6,000	60	None ³	4.00	None	15 ^{7f}	5 ⁷	10

FAR = Floor Area Ratio
OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

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

NOTE:

- ¶ *Section VIII.4.F.5* – In the B-3 Zoning District, parking may locate in the required side yard setback (up to within 18 inches of the property line per Section VII-4.G) if the zoning District adjacent to the setback is designated B-1, B-2, B-3, B-3U B-4, B-4E, IN-1 or MIC and if the adjacent area is also used for parking.
- ¶¶ *Section VIII.4.F.6* – Parking in the B-2, B-3, B-3U, IN-1 and IN-2 Zoning District shall be permitted to encroach 10 feet into the required front yard if the buffer yard requirements set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8 are met.

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

City of Urbana
Community Development Services Department
400 South Vine Street, Urbana, Illinois 61801
(217) 384-2440 phone / (217) 384-2367 fax
www.urbanaininois.us



Application for Zoning Map Amendment

Plan Commission

APPLICATION FEE - \$175.00

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

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ Plan Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Lacey's Place LLC Series Urbana Phone: 618 781 2893

Address (*street/city/state/zip code*): 1903 N Neil St - Ste C, Champaign, IL 61820

Email Address: highlandmanagementgroup@gmail.com

Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): Tenant

2. OWNER INFORMATION

Name of Owner(s): Family Video Movie Club, Inc. Phone: 847-904-9143

Address (*street/city/state/zip code*): 2500 Lehigh Ave. Glenview IL 60026

Email Address: Renee.sclafani@legacypro.com

Is this property owned by a Land Trust? Yes No

If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Address/Location of Subject Site: 805 N. Lincoln Avenue Urbana, IL 61801

Text

PIN # of Location: 91-21-07-428-023

Lot Size: 27,500 sf

Current Zoning Designation: B-1

Proposed Zoning Designation: B-3

Current Land Use (*vacant, residence, grocery, factory, etc.*): Retail

Proposed Land Use: Gaming

Present Comprehensive Plan Designation:

How does this request conform to the Comprehensive Plan?

Legal Description: _____

4. CONSULTANT INFORMATION

Name of Architect(s): Phone:

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

Email Address:

Name of Engineers(s): Phone:

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

Email Address:

Name of Surveyor(s): Phone:

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

Email Address:

Name of Professional Site Planner(s): Phone:

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

Email Address:

Name of Attorney(s): Phone:

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

Email Address:

5. REASONS FOR MAP AMENDMENT:

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

There is no error that is being corrected.

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

The tenant has other existing locations in Urbana and Champaign and is looking to expand this market.

The owner of the property is building a multi location portofolio with this tenant and is looking at repurposing or shrinking underperforming locations and does not want to create vacancies in their properties.

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

This tenant will be contributing \$30,000/ year in taxes per location directly to the city.

What other circumstances justify the zoning map amendment? _____

Time schedule for development (if applicable). _____

Additional exhibits submitted by the petitioner. Attached are build out illustrations. The tenant is looking to put in high end finishes to produce a warm, friendly, inviting environment for their gaming cafe.

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.



Applicant's Signature

3-16-16

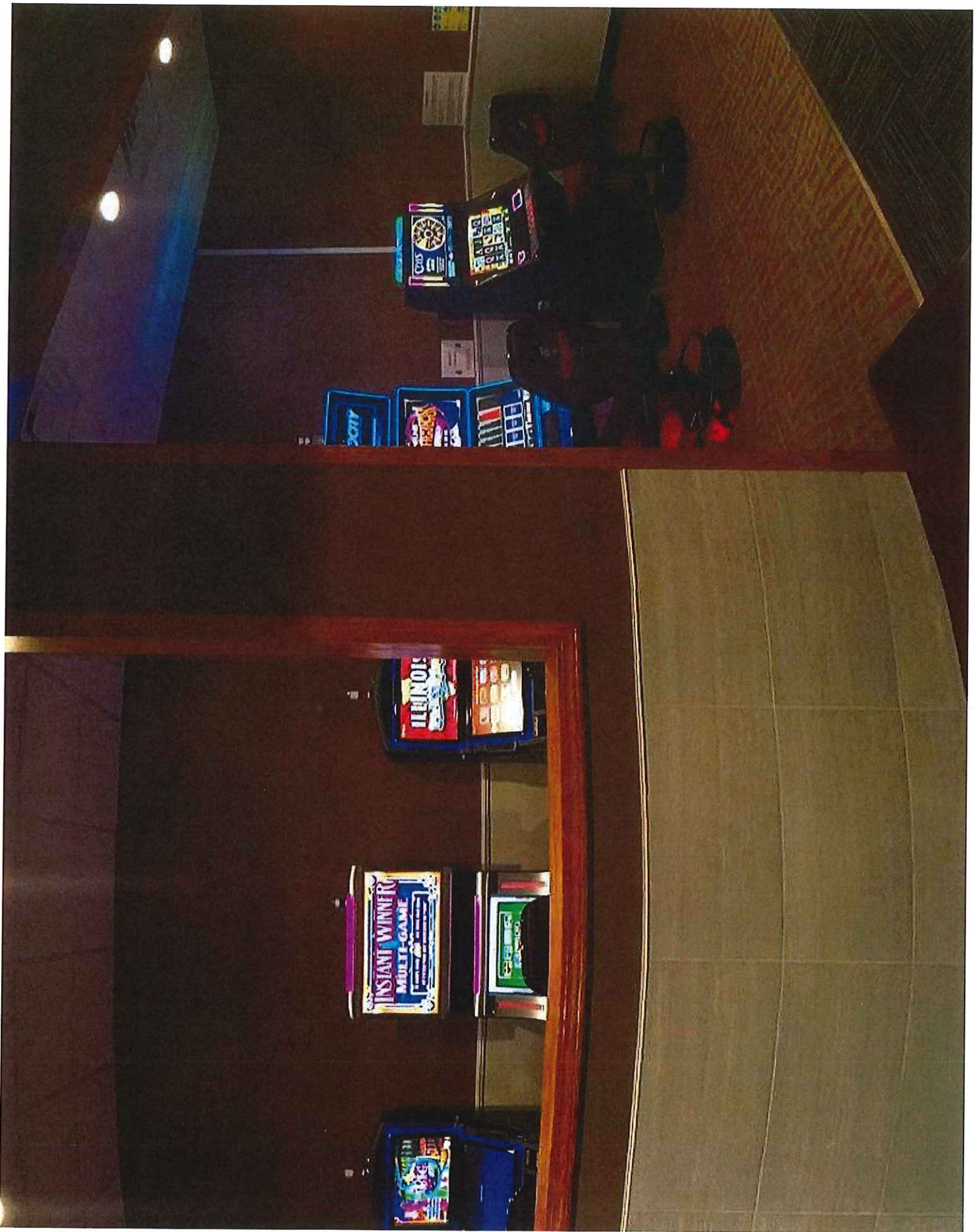
Date

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: May 5, 2016

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Maria Byndom, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail, Daniel Turner

STAFF PRESENT: Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Aaron Ammons, Dr. Bette Anderson, Luis F. Andino, Melinda Carr, Ben Frick, Louise Kuhny, Sarah McEvoy, Jeff Rehberger, Joseph Sclafani, Renee Sclafani, Reverend Dr. Evelyn B. Underwood

NEW PUBLIC HEARINGS

Plan Case No. 2278-M-16 – A request by Lacey’s Place, LLC Series Urbana to rezone a parcel totaling approximately 0.81 acres located at 805 North Lincoln Avenue from the B-1, Neighborhood Business Zoning District, to B-3, General Business Zoning District.

Chair Fitch opened the public hearing for this item on the agenda. He reviewed the procedure for a public hearing. Christopher Marx, Planner I, presented the staff report for this case to the Urbana Plan Commission. He described the proposed site noting the current zoning, existing land use and future use designation. He explained the purpose for the proposed map amendment, which is to allow the petitioner to use a portion of the building for a gaming hall use. He discussed the goals of the 2005 Comprehensive Plan that relates to the proposed rezoning. He talked about the B-3 Zoning District. He reviewed the LaSalle National Bank criteria as they pertain to the B-3 Zoning District that the applicant is proposing. He read the options of the Plan Commission and presented staff’s recommendation for denial. He noted that the applicants were in the audience to answer any questions.

Chair Fitch asked the Plan Commission if they had any questions for Planning staff. With there being none, he opened the hearing up for public input. He invited the applicants to approach the table to speak about their application.

Jeff Rehberger, representing Lacey's Place, LLC; Renee Sclafani, representing Family Video; and Joseph Sclafani, Consultant for Legacy, approached the Plan Commission to speak.

Mr. Rehberger gave a brief history of Lacey's Place, LLC. He talked about the proposed use being a low intensity use and about the tax revenue that the business would bring to the City of Urbana. He believed it would be a good fit for the retail development center.

Ms. Sclafani talked about the repurposing of their real estate. She stated that video sales and rental is a mature industry. They were looking to replace the Family Video space with a viable business. They believed that Lacey's Place would be a low intense use and would not require a lot of parking.

Mr. Sclafani added that if the Commission did not want to rezone to the wide range of B-3 possible uses, then maybe rezone to B-3 contingent upon the single use tenant. He would like for the City and Family Video to work together to make the property successful for everyone.

Mr. Stohr asked what other type of tenants Family Video would consider for this location. Ms. Sclafani replied that they have 500 third-party tenants in their portfolio with a wide variety of uses. Many businesses are attracted to their buildings because they are located in the middle of residential neighborhoods.

Mr. Turner wondered if the other Family Video in Urbana was zoned B-3. Ms. Sclafani replied yes. She explained that Dottie's, which is another gaming hall business, will be locating in that building.

With no one else wanting to speak in favor, Chair Fitch asked if there was anyone wanting to speak in opposition.

Dr. Betty Anderson approached the Plan Commission to speak. She stated that she is a long time resident of the City of Urbana. Her father served on City Council in the early 1960s. She believed that North Lincoln Avenue has undergone some amazing changes with the help of Habitat for Humanity. These changes have stabilized the area around Carle.

She stated that she is opposed to gaming hall facilities and bars anywhere in the City of Urbana. She believed that gambling is infiltrating the State of Illinois. She stated that the City of Urbana owes the children and other residents in the neighborhood the right to a peaceful life.

Reverend Dr. Evelyn Underwood approached the Plan Commission to speak in opposition. She opposed the proposed rezoning because it would be located too close to King School, King Park and a daycare center just down the street. We have to protect the children.

She stated that there are other events going on in the community at the same time as this meeting. Many people were committed to attending those other events or else there would have

been more residents from the neighborhood in attendance to speak in opposition. She had spoken with many of these residents, and they are all opposed.

Aaron Ammons, Alderman for Ward 3, approached the Plan Commission to speak against the proposed rezoning. He felt it was disheartening to hear that Family Video would be leaving the neighborhood. While he would love to have more tax revenue, he did not believe that the proposed use would be appropriate for this area. He expressed his concern about children being in the area crossing the street, etc. Spot zoning is not something that the City Council wants. He reiterated that there are other events occurring in the community, which is why there are not many people at this meeting. He, too, had spoken with about 15 to 20 people in the neighborhood who are opposed as well. Many people expressed that the City Council and others need to enter into discussions about the number of these types of businesses that are popping up in the community.

Mr. Trail inquired as to how much of the opposition is related to the kind of business versus how much is related to the proposed rezoning to B-3. Mr. Ammons replied that the neighboring residents concerns are related to both. People are concerned about the liquor and gambling components together. However, anyone who loves the neighborhood is concerned about preserving the single-family environment.

Eldress Melinda Carr approached the Plan Commission to speak in opposition of the proposed rezoning request. She stated that many of her concerns have already been said by the previous speakers. She added that regarding a moral impact, public welfare and hardship, gaming halls are affecting people not being able to pay their bills or provide for their families. Her church is trying to provide counseling to teach people how to stop gambling.

Ben Frick approached the Plan Commission to speak. He stated that he owns and operates the construction company to the west that shares the parking lot with the Family Video building. Although he was not necessarily opposed to the use, he expressed concern about the interruption of the quiet neighborhood and about the intensity of the uses allowed in the B-3 Zoning District. There are definitely kids walking through the parking lot.

Mr. Rehberger re-approached the Plan Commission to address the concerns of those in opposition. He respects the standpoint the residents are concerned with, which he understood to be as follows: 1) alcohol usage, 2) gaming impact on the community and 3) children being in the area.

With regards to alcohol usage, Lacey's Place has a three-drink maximum. Alcohol usage is low, and their average alcohol sales are about 100 bottles of beer per month. Many times, their beer expires before it is sold.

In terms of the gaming impact on individuals and the community as a whole, this is a concern of the Illinois Gaming Board. As a terminal operator, he has made suggestions on how create a training program so that gaming attendants and managers could spot addictions. The total net terminal income is \$45,000 per month. When you divide that by 30 days, it equals \$1,500 per day, which averages about \$30.00 for an individual if 50 people visit their business each day.

Regarding concerns about children being in the area, he was unsure of the concerns. A person must be 21 years old to enter one of their businesses. There are always managers on duty during the hours of operation, so no one high school age or below would be able to come in and stick \$20.00 into a machine.

Their main clientele are women between the ages of 45 and 65. Lacey's would be the lowest intense use of any business that could potentially go in the proposed site.

Mr. Otto explained that the request is to rezone the property from B-1 to B-3, not the type of business Lacey's Place is. The particulars of the business are irrelevant. Zoning goes to the property, not to the owner or applicant.

Mr. Sclafani asked the Plan Commission to table the proposed case so they could talk with City staff and Alderman Ammons about making this a request for a conditional use rather than a rezoning. Ms. Pearson stated that a gaming hall is not allowed in the B-1 Zoning District with a conditional or special use permit.

Mr. Trail asked if there was something about the property that the B-1 Zoning makes it impossible to gainfully rent out this location. Ms. Sclafani replied that she cannot answer this question because they have not marketed the location yet. It depends on the demand.

With no further public input, Chair Fitch closed the public hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Ackerson commented that a lot of the input that the Plan Commission heard was about the nature of one particular business. However, the issue is the zoning. The creation of spot zoning for some more intensive business is problematic. It is currently zoned for appropriate business in the area and to rezone it, it would not only impact the individual site, but the entire neighborhood.

Mr. Trail stated that he did not hear there was anything special about the location to create pressure to upzone the proposed property in a general way. This would be just to allow one particular business; whereas, there may be plenty of other uses that might be compatible with the current zoning.

Mr. Fell moved that the Plan Commission forward Plan Case No. 2278-M-16 to City Council with a recommendation for denial based on the reasons as stated in the written staff memo. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Ms. Byndom	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Mr. Stohr	-	Yes
Mr. Trail	-	Yes	Mr. Turner	-	Yes
Mr. Ackerson	-	Yes			

The motion was passed by unanimous vote. Ms. Pearson noted that this case would be forwarded to City Council on May 16, 2016.