

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

M E M O R A N D U M

TO: The Urbana Plan Commission

FROM: Rob Kowalski, Planning Manager

DATE: July 15, 2004

SUBJECT: Plan Case No. 1868-M-03; A Request From Hills College, LLC for a rezoning of a 9.57-acre tract of property located at 1801 North Lincoln Avenue from B-3, General Business to R-4, Medium Density Multiple-Family Residential.

Plan Case No. 1868-SU-03; A Request From Hills College, LLC for a Special Use Permit to establish a Residential Planned Unit Development (PUD) within the R-4, Medium Density Multiple-Family Residential Zoning District located at 1801 North Lincoln Avenue.

Introduction

Hills College, LLC is requesting both a rezoning and a special use permit in order to establish a Multi-Family Residential Planned Unit Development on an undeveloped 9.57-acre tract at 1801 North Lincoln Avenue. The site is located immediately north and east of the existing Melrose Apartment development. Hills College, LLC intends to develop the property with 138 condominiums within 17 separate multi-family buildings. The development would resemble the adjacent Melrose Apartments with the exception that it would offer fee simple condominiums rather than apartments.

The property is presently zoned B-3, General Business. The Urbana Zoning Ordinance would classify the intended development as a Residential Planned Unit Development (PUD) thus requiring a zoning change to the R-4, Multi-Family Residential Zoning District and a Special Use Permit to allow the PUD.

Attached to this report is the full application and site plan submitted by the applicant. These materials describe the project and offer a conceptual layout of the 17 buildings, the parking areas, open space, access drives, etc.

Background

Description of the Area

The site is located on North Lincoln Avenue in an area that has a mix of land uses and zoning. Overall the North Lincoln Avenue corridor can be described as a commercial corridor with a number of hotels, convenience services uses, and retail uses. It has been designated by the University of Illinois as its primary entryway to the campus. The area also contains large-scale multi-family residential developments with Melrose Apartments, University Commons and The Atrium Apartments. The corridor also contains some remaining small-scale light industrial uses.

The primary zoning districts in the area are B-3, General Business, IN, Industrial and R-4, Medium Density Multi-Family Residential. The Comprehensive Plan identifies the property as most appropriate for commercial land uses.

The following chart identifies the Comprehensive Plan designation, current zoning, and current land use of the site and surrounding properties.

Survey of Comprehensive Plan Designation, Zoning, and Land Use

	Comprehensive Plan	Zoning	Land Use
Site	Commercial	B-3, General Business	Undeveloped
North	Industrial	B-3, General Business	Gas Station on a large lot
East	Institutional	Industrial	Light Industrial uses, hotel, print shop.
South	Multi-Family Residential	R-4, Medium Density Multi-Family Residential	Melrose Apartments
West	Multi-Family Residential	R-4, Medium Density Multi-Family Residential	Melrose Apartments

Please refer to the attached Future Land Use, Zoning, and Existing Land Use maps and photo exhibits for further information.

Zoning and Land Use History

The following offers a summary of the zoning and land use history for the site.

- It appears that the majority of the property (then referred to as the Tawney Tract) was originally annexed into the city in 1979 with a zoning district of commercial.
- In 1982 the new Comprehensive Plan identified the site and surrounding properties as appropriate for Industrial land uses.
- In 1996 the Urbana City Council approved a Comprehensive Plan Amendment to identify the site as more appropriate for commercial uses. This change was done in conjunction with a Comprehensive Plan Amendment and Special Use Permit for the Melrose Apartment

Planned Unit Development to the west and south. That amendment changed the zoning for the Melrose site to multi-family. It was justified in this plan case that the commercial designation for this tract was most appropriate because commercial uses would be needed to serve the new residential uses in the area.

Discussion

Proposal

The petitioner proposes a multi-family planned unit development that would consist of seventeen separate two-story buildings with eight units in each building. Four of the units in each building would be two bedroom units and four would be three-bedroom units. The development would be condominiums rather than apartments. In total there would be 138 condominiums.

Accompanying the seventeen buildings would be adequate covered and uncovered parking areas and common open space. The centrally located common open space area would consist of a clubhouse, pool, volleyball and basketball courts, and some open green space. The entire development would be gated and accessed from main entrance off of Lincoln Avenue. The perimeter of the site is also proposed to be fenced and landscaped. Finally, a bus shelter is proposed along Lincoln Avenue similar to the one established for Melrose Apartments.

An initial review of the conceptual site plan indicates that the development should not have difficulty meeting the development regulations of the Urbana Zoning Ordinance. It appears that the site can be developed meeting the technical requirements of parking, setbacks, floor area ratio and open space ratios. Stormwater will be managed within the regional detention basin located just north of Kenyon Road and south of the Interstate 74. This basin was designed and developed with the expectation that this site would eventually be developed. With the regional basin already established, there is no requirement for on-site detention.

Rezoning and PUD

Rezoning the site from commercial to multi-family residential is required in order for the PUD to be established. The project would offer another large-scale multi-family residential development similar to Melrose, University Commons and The Atrium with the exception that the units would be condos rather than apartments.

To consider the proposed change in zoning from commercial to multi-family residential, staff analyzed the current Comprehensive Plan designation as well as the overall land use/planning goals and objectives for this area and the City as a whole. At this time staff is not supportive of changing the direction of the Comprehensive Plan and rezoning the property to multi-family residential. This recommendation is based on the following planning and land use analysis:

- The Comprehensive Plan was amended in 1996 to identify this site as most appropriate for commercial uses. This justification was made because it was argued that the approval of the 438 apartments for Melrose as well as the units for University Commons and The Atrium would need to be complemented with commercial uses.

- Lincoln Avenue is a major arterial designated as the primary gateway to the University of Illinois and is a key interchange for Interstate 74. Considering this designation and the traffic capacity of the corridor, the highest and best use of undeveloped property in the area should be commercial. Although the property has yet to develop with commercial uses, there has been increased interest in commercial development along Lincoln Avenue in recent years. This interest has resulted in the construction of a new motorcycle dealership (Andrae's Harley Davidson), a video store (Family Video) and an approved convenience store and restaurant at Lincoln Avenue and Bradley Avenue.
- Over the past several years it has been identified through the Comprehensive Plan Update process that establishing new commercial opportunities within the City of Urbana is a top priority. This sentiment has been generated due to the recent loss of numerous existing businesses. In order to achieve these goals it is critical to preserve commercial zoning in areas that are most appropriate for commercial development such as major arterial corridors. The loss of nearly 10 acres from commercial to residential zoning on a major arterial roadway near and interstate interchange would not help foster these goals.
- A key component to the concept of "Smart Growth" is developing more urban housing closer to the urban core placing more of an emphasis on walking, bicycling and transit. The adopted Downtown Strategic Plan for Urbana also identifies as a primary goal to attract more higher density residential opportunities downtown. Designating additional multi-family zoning away from the core could compromise the goals of the Downtown Plan and encourage high-density development closer to the fringe rather than closer to the core.

This recommendation is made with full understanding that the property has not developed with a commercial use since the Melrose PUD was approved in 1996. Nevertheless, recent interest in commercial development along Lincoln Avenue as well as other areas of Urbana gives an indication that the existing Comprehensive Plan designation should not be changed at this time.

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

Comprehensive Plan Goals, Objectives and Policies

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

Objective 1.230 Encourage infill development of vacant and under-utilized land within the City limits, with emphasis on downtown where appropriate.

Goal 1.400 To improve and maintain the developed portions of the City including the existing housing stock, the older residential neighborhoods, and the commercial areas with special emphasis on the downtown area.

Objective 1.410 Promote the redevelopment and conservation of urbanized areas.

Goal 3.100 To organize and develop land uses and adjacent properties in a balanced and mutually compatible manner relative to the functional needs of the City.

Objective 3.110 Promote development in the City and surrounding unincorporated areas in a manner which minimizes conflicting land uses and/or adjacent development.

Goal 5.100 To provide sound and attractive residential neighborhoods which meet the housing needs of the current and future population, are accessible to urban services and facilities, and in a manner which conserves land, energy and other resources.

Objective 5.110 Protect and improve the residential quality of residential neighborhoods and minimize the effects on such neighborhoods of other city developments.

Objective 5.140 Expand the housing supply to include a variety of housing types and price ranges through preservation, development, and redevelopment.

Goal 6.100 To increase and diversify the tax base of the City of Urbana.

Objective 6.110 Encourage the promotion of commercial and industrial development which is compatible with the character, environment and resources of the community.

Goal 6.500 To support the redevelopment of downtown Urbana with particular emphasis on the Tax Increment District (TID), and Business Development and Redevelopment District.

Objective 6.520 Encourage private investment in the conservation of existing buildings, as well as new residential and commercial development.

Goal 12.100 To guide new developments so as to promote the most efficient use of energy.

Objective 12.110 Regulate the use of land in ways that will promote compact urban design which minimizes the demand for energy and maximizes its efficient use.

The La Salle National Bank Criteria

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

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

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

The site is located on North Lincoln Avenue which is a primarily a commercial corridor near the interstate interchange. The existing land uses and zoning of the nearby property is mixed. The primary zoning districts that surround the site is B-3, General Business, R-4, Medium Density Multiple Family Residential and IN, Industrial. Surrounding land uses included commercial uses, multi-family uses and light industrial 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 zoned B-3, General Business and the value it would have if it were rezoned to R-4, Medium Density Multiple Family Residential to permit the proposed use.

Historically, commercially zoned land has held a higher value than residentially zoned land. In this case there is a multi-family residential development proposed for the property although it is not the opinion of staff that the property is inappropriately zoned for commercial in this location.

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

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

Rezoning the property should not have a grate affect the health, safety, morals or general welfare of the public.

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

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

A primary goal of the City of Urbana is to attract more commercial opportunities in areas that are planned for and considered appropriate for commercial development. The North Lincoln Avenue corridor near the Interstate interchange represents one of these areas. It is staff's opinion that the public as a whole would gain more from the development of the property as commercial rather than multi-family residential.

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.

Considering the location of the parcel on North Lincoln Avenue near the interchange, the property is perhaps better suited for commercial purposes.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

The property has never been developed. It is difficult to definitively state why the property has not been developed for commercial uses. Factors could range from ownership to market demand. Recent commercial activity and interest in the North Lincoln Avenue corridor indicate a greater potential for new commercial uses and development.

Requirements for a Special Use Permit

According to Section VII-6 of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following three criteria:

1. *That the proposed use is conducive to the public convenience at that location.*
2. *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detriment to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.*
3. *That the proposed use conforms to the applicable regulations and standards and preserves the essential character of the district in which it shall be located.*

It is the opinion of staff that a commercial use would be more conducive to the public convenience at this location. However, should it be determined that the R-4, Multi-Family Residential Zoning District is appropriate for this location, the proposed development would be permitted in the district with the granting of the Special Use Permit for a Residential Planned Unit Development (PUD). The development of the 17 building, 138 condominium project as submitted would not necessarily be injurious to the R-4 district and would appear to be able to meet the applicable standards of the Urbana Zoning Ordinance.

Consideration

The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the rezoning and special use permit.

The Plan Commission shall make a recommendation to the City Council for or against the proposed rezoning and special use. As part of the Special Use Permit, the Plan Commission may recommend additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require adherence to an approved site plan;
3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting;
8. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings:

1. In 1982 the Urbana Comprehensive Plan identified the site at 1801 North Lincoln Avenue as appropriate for Industrial Uses. In 1996 a Comprehensive Plan Amendment was adopted changing this designation from Industrial to Commercial.
2. In 1996 the Urbana City Council approved a rezoning and Special Use Permit for a Planned Unit Development immediately west and south of the site for a 438-unit multi-family residential development called Melrose Apartments. It was justified at this time that the 9.57-acre tract should be zoned commercial in order to foster commercial development that would complement the residential development.
3. Rezoning the 9.57-acre tract from B-3, General Business to R-4, Multi-Family Residential would conflict with the current commercial designation of the Comprehensive Plan.
4. Rezoning the tract from commercial to multi-family residential would conflict with the general goals and objectives of the City of Urbana to foster commercial development in areas most appropriate for such development such as primary principle corridors.
5. The proposed rezoning is not consistent with the Urbana Comprehensive Plan or the LaSalle Criteria.

6. The proposed site plan for the Residential Planned Unit Development appears to meet the development regulations of the Urbana Zoning Ordinance should the property be rezoned to R-4, Medium Density Multiple Family Residential.

Options

The Urbana Plan Commission has the following options in this case:

1. Recommend approval of the Rezoning and Special Use Permit request;
2. Recommend approval of the Rezoning and Special Use Permit request with any additional conditions to the Special Use Permit deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance;
3. Recommend denial of the request for a Rezoning and Special Use Permit.

Staff Recommendation:

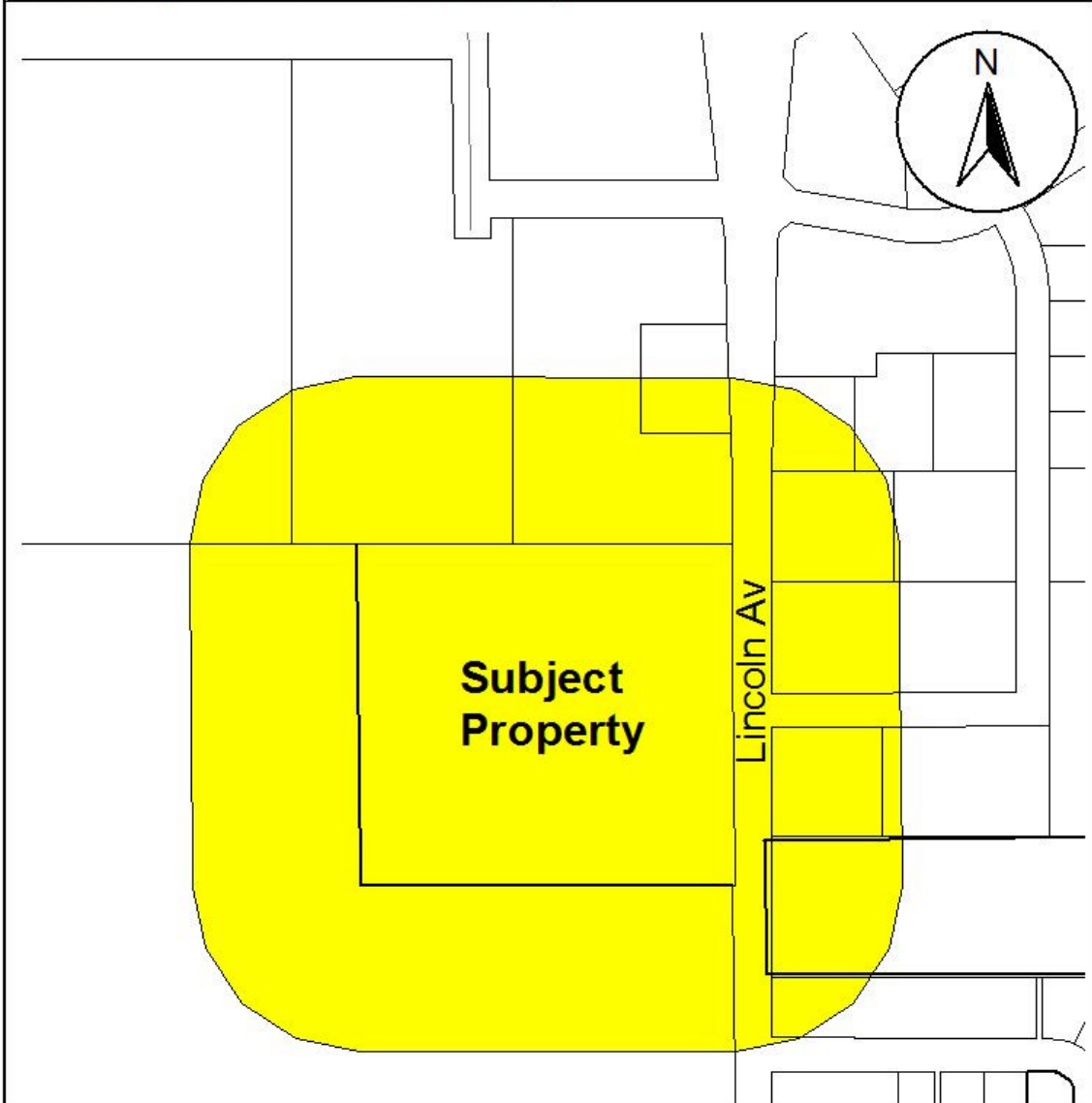
Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends against changing the zoning from B-3, General Business to R-4, Multi-Family Residential and argues that preserving the commercial zoning of the tract is in the better interest of the public.

Should the Plan Commission recommend in favor of the zoning change to R-4, Multi-Family Residential, the proposed Planned Unit Development does appear to be designed as to meet the requirements of the Urbana Zoning Ordinance and would not be unreasonably injurious to the area.

Attachments: Exhibit A, Location Map
 Exhibit B, Zoning map
 Exhibit C, Existing Land Use map
 Exhibit D, Future Land Use map
 Exhibit E, Aerial Photo
 Exhibit F, Additional Photos
 Exhibit G, Petition for Special Use Permit
 Exhibit H, Proposed Site Plan for Condominiums
 Exhibit I, Notice to Adjacent Property Owners

Cc: Chris Billing, Berns, Clancy and Associates
 Tom Berns, Berns, Clancy and Associates
 Pat Fitzgerald, Meyer Capel Law Offices

Exhibit "A": Location Map

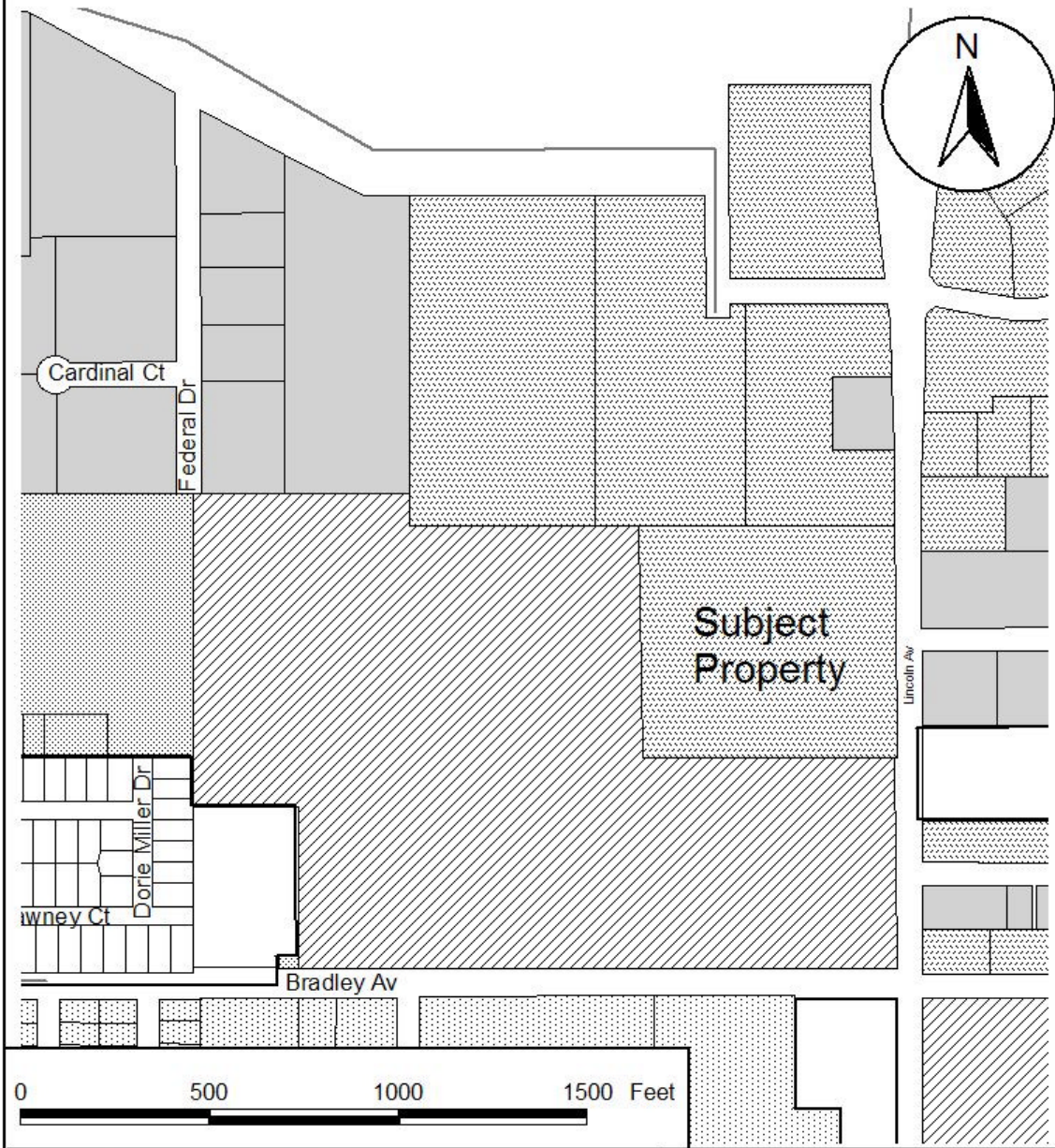



Petitioner: HIHO Developers, LP
1801 North Lincoln Ave.
Melrose of Urbana First Subdivision
1868-M-03 Rezone from B-3 to R-4
1868-SU-03 Residential PUD

 Properties Within 250+ Feet

Prepared October 24, 2003 by Community Development Services - lcf

Exhibit "B": Zoning Map




 Petitioner: HIHO Developers, LP
 1801 North Lincoln Avenue
 Melrose of Urbana First Subdivision
 1868-M-03 Rezone from B-3 to R-4
 1868-SU-03 Residential PUD
 Prepared October 24, 2003 by Community Development Services - lcf






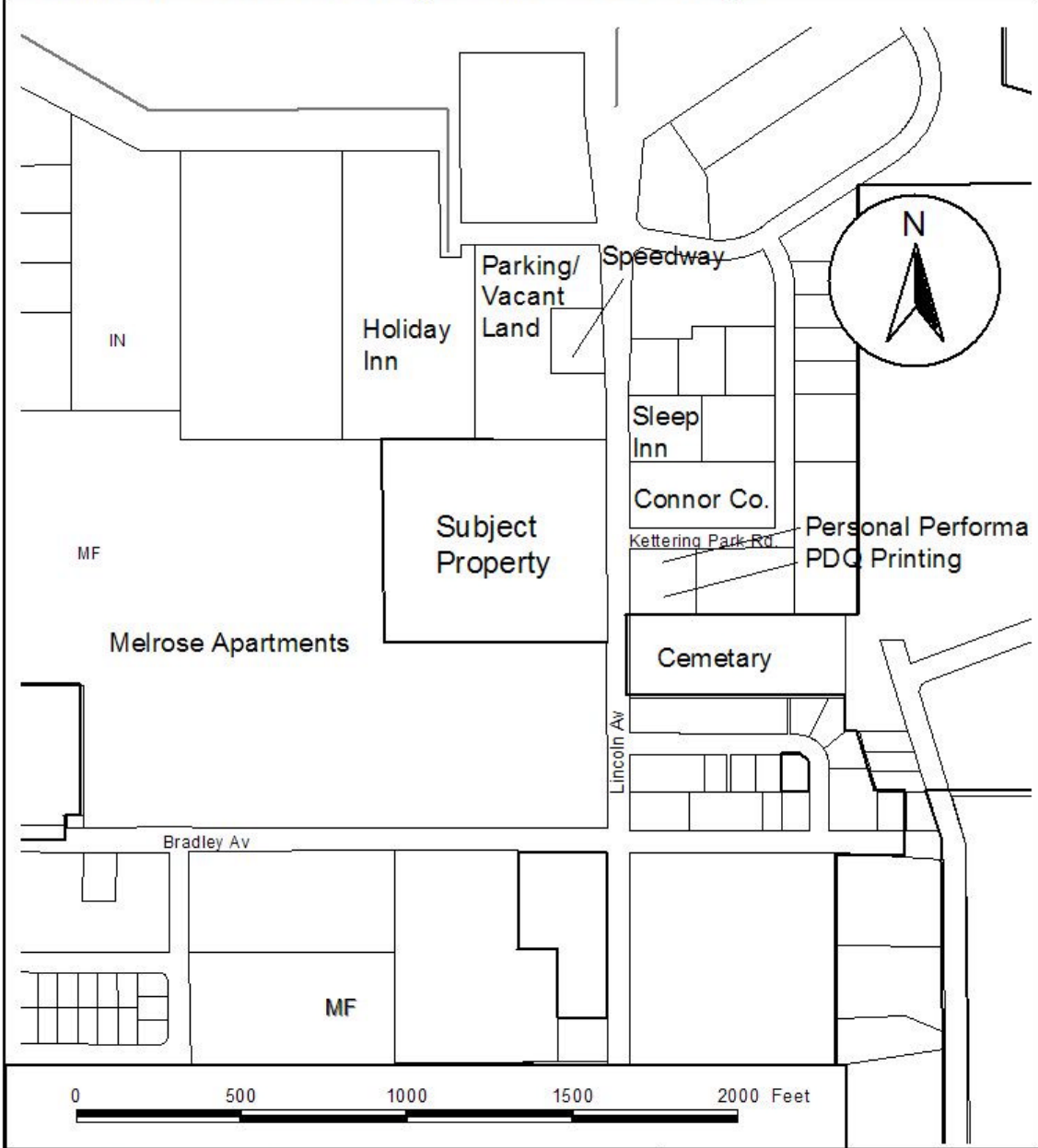
-  IN - Industrial
-  B3 - General Business
-  R3 - Single- and Two-Family
-  R4 - Medium Density Multiple-Family
-  R5 - Medium High Density Multiple-Family

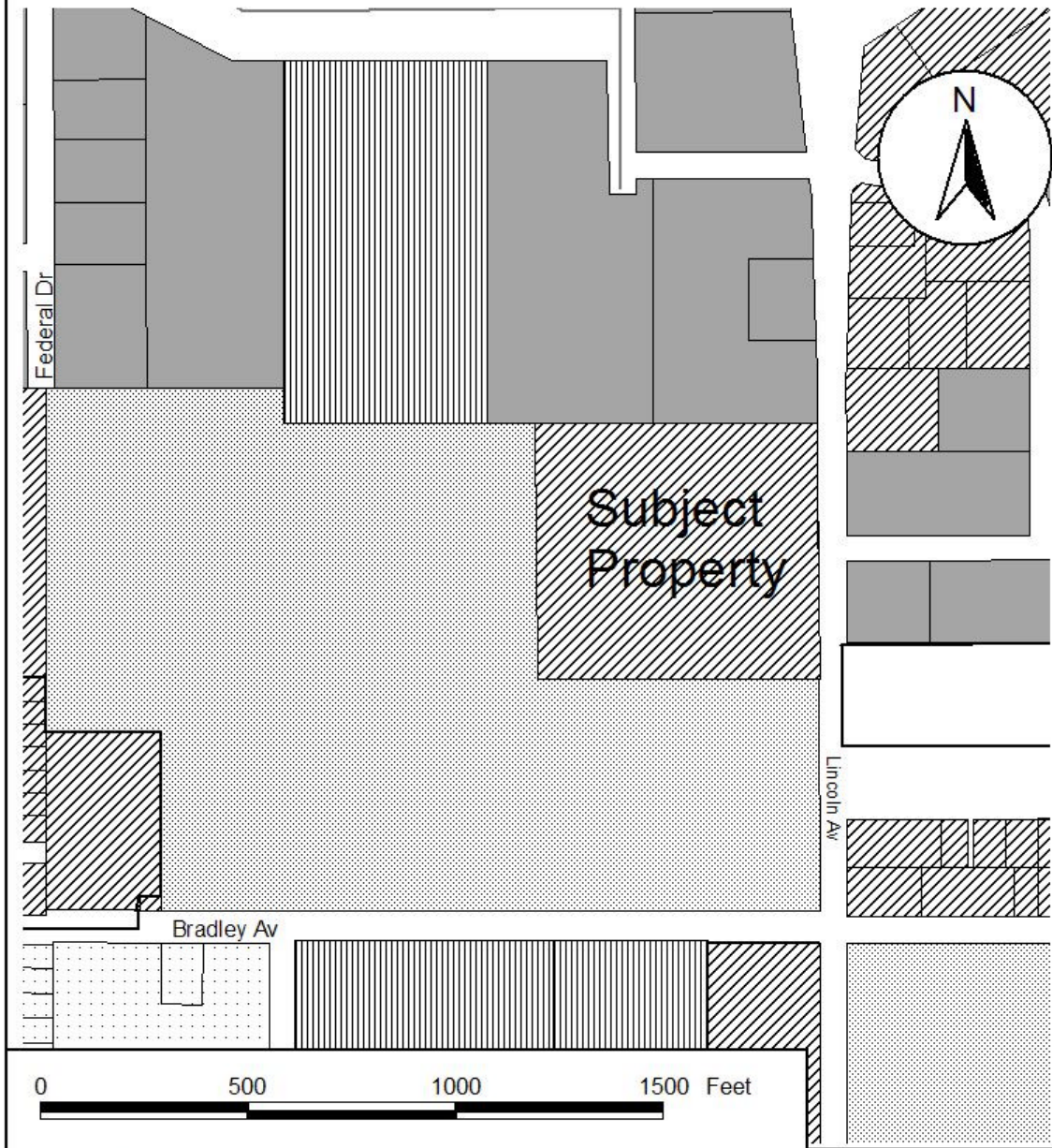
Exhibit "C": Existing Land Use Map



Petitioner: HHO Developers, LP
1801 North Lincoln Avenue
Melrose of Urbana First Subdivision
1868-M-03 Rezone from B-3 to R-4
1868-SU-03 Residential PUD

Prepared October 24, 2003 by Community Development Services - lcf

Exhibit "D": Future Land Use Map



Petitioner: HIHO Developers, LP
 1801 N. Lincoln Ave.
 Melrose of Urbana First Subdivision
 1868-M-03 Rezone from B-3 to R-4
 1868-SU-03 Residential PUD

Prepared October 15, 2003 by Community Development Services - lct

-  Industrial
-  Commercial
-  High Density Residential
-  Low Density Residential
-  Institutional

July 7, 2004

NOTICE OF PUBLIC HEARING IN REGARD TO A PROPOSED REZONING AND
SPECIAL USE PERMIT

Dear Property Owner:

NOTICE IS HEREBY GIVEN to all interested persons that a public hearing will be held by the Plan Commission of the City of Urbana, Illinois, on Thursday, July 22, 2004 at 7:30 P.M. in the Urbana City Council Chambers at 400 South Vine, Urbana, Illinois, at which time and place the Commission will consider requests in Plan Case Nos. 1868-M-03 and 1868-SU-03. The request in Plan Case No. 1868-M-03 is to rezone a parcel at 1801 North Lincoln Avenue from B-3, General Business to R-4, Medium Density, Multiple Family Residential. The request in Plan Case No. 1868-SU-03 is for a special use permit to allow multiple family condominium use.

You have been sent this notice because you are a nearby property owner. The Urbana Plan Commission welcomes your comments at the public hearing, or in writing if received prior to the hearing.

Persons with disabilities needing services or accommodations for this public hearing should contact the Community Development Services Department at 384-2444, or the City of Urbana Americans with Disabilities Act Coordinator at 384-2466, or TTY 384-2360. If you have any questions concerning these requests, please feel free to contact me at (217) 384-2440.

Sincerely,

Rob Kowalski, AICP
Planning Manager

Cc: Mayor & City Councilmembers