



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

MEMORANDUM

TO: The Urbana Plan Commission

FROM: Rob Kowalski, Planning Manager

DATE: April 1, 2005

SUBJECT: Plan Case No. 1927-M-05: A request for a rezoning of a portion of 1607 High Cross Road / IL Route 130 from the R-4, Medium Density Multiple-Family Residential Zoning District to the B-3, General Business Zoning District.

Introduction

Willard Diener owns approximately 40 acres of property on the west side of High Cross Road / IL Route 130 north of TK Wendls and Stone Creek Boulevard. The property has been annexed into the City of Urbana since 1995 although has never been developed. Upon annexation the property was zoned R-4, Medium-Density Multiple Family Residential. On behalf of the owner Chris Creek has submitted a rezoning petition to rezone approximately 12.8 acres of the 40 acres to B-3, General Business. The 12.8 acres represents approximately 1,385 feet of frontage along High Cross Road / IL Route 130. Mr. Creek is currently in consideration of purchasing the property from Willard Diener and developing the property with a mix of business, office and residential uses.

It is anticipated that the Urbana City Council will adopt the 2005 Comprehensive Plan on Monday, April 4, 2005. If this is the case, the Plan Commission will be considering this rezoning request in light of the new goals, objectives and future land use maps. The staff memorandum is written anticipating adoption of the plan. Should the plan not be adopted on April 4th staff will present the case to the Plan Commission with consideration to both the existing and proposed Comprehensive Plans.

Background

The 40-acre parcel is located on the west side of High Cross Road / IL Route 130 which contains a mix of zoning districts from U.S. Route 150 to Windsor Road including industrial, commercial, single-family residential and multiple-family residential.

The High Cross Road / IL Route 130 corridor is experiencing development interest from both residential and commercial developers. To the west and south of the property is the Stone Creek Subdivision which was approved in 1997 and has been developing with primarily single-family uses although the subdivision also contains some multi-family zoning. Also along the High Cross Road / IL Route 130 corridor north of the site are more intense commercial and light industrial uses both built and under construction. These uses include the East Urbana Industrial Park, the WalMart Supercenter and the Aldi grocery store.

Adjacent Land Uses and Zoning Designations

The following chart indicates land use, zoning, and Comprehensive Plan designations surrounding the site. The “site” is considered to be for the 12.8 acres where the rezoning is requested.

COMPREHENSIVE PLAN DESIGNATION, ZONING, AND LAND USE TABLE

Direction	2005 Comprehensive Plan	Zoning	Land Uses
Site	Map #7 Mixed Residential and Community Business	R-4, Medium Density Multiple Family Residential	Agricultural
North	Mixed Residential	R-2, Single-Family Residential	Agricultural
East	Mixed Residential	Agricultural, Champaign County	Agricultural
South	Mixed Residential	R-4, Medium Density Multiple Family Residential	Vacant (TK Wedels further south)
West	Mixed Residential	R-4, Medium Density Multiple Family Residential	Agricultural

Issues and Discussion

High Cross Road / IL Route 130 Corridor

The 2005 Urbana Comprehensive Plan anticipates continued development interest along the High Cross Road / IL Route 130 corridor for the next several years. This interest is sparked by a number of previous developments that have increased activity on the corridor. Since 2001 there have been over 500 new house starts in the southeast Urbana area in subdivisions such as Stone Creek, Savannah Green, Fairway Estates, Lincolnwood, Beringer Commons and Southridge. High Cross Road / IL Route 130 provides primary access to not only these new residents but also residents of Urbana’s neighboring communities of St. Joseph, Ogden, Royal, Philo, Sydney, Homer and Villa Grove. The Champaign-Urbana Urbanized Area Transportation Study

(CUUATS) estimated average daily traffic counts in 2001 on this corridor to be in the approximate range of 5,000 – 10,000.

Besides residential development there have been a number of commercial and light industrial projects that have been either developed or are in the process of development. Since the mid-1990s the East Urbana Industrial Park at the southwest corner of High Cross Road / IL Route 130 and U.S. Route 150 has been developing with office and light manufacturing uses. The United States Post Office established themselves at this location as well. This spring WalMart will begin construction of a 202,000 square-foot retail facility directly east of the East Urbana Industrial Park on High Cross Road / IL Route 130 and Tatman Drive extended. Finally, Aldi, Inc. received approval to construct a 15,300 square-foot grocery store at the northwest corner of High Cross Road / IL Route 130 and U.S. Route 150. Aldi, Inc. has recently purchased the property and development is expected soon.

Last month the City of Urbana annexed TK Wendls which is an bar/restaurant and outdoor recreational facility. A mixed-density residential development is also anticipated on property south of TK Wendls that is currently zoned R-5. With the exception of WalMart, all of the development interest on the corridor is to the west. This may be attributed to the fact that sanitary sewer availability is primarily to the west of the road.

Future Site Planning

The petitioner intends to purchase the property and develop it with a mix of residential, commercial and office uses. At this time a site plan has not been determined although it is anticipated that commercial uses will be established on the northern portion of the site while professional offices could be established on the south. The proposed depth of the area to be rezoned was considered by the petitioner. It was determined that 400 feet was necessary in order to effectively establish business uses along High Cross Road / IL Route 130 and also allow for a public, collector level street running north/south and separating the commercial and residential uses. This north/south road would eventually tie into Florida Avenue extended.

Florida Avenue Extended

In order to develop this property as described Florida Avenue will need to connect to High Cross Road / IL Route 130. The Illinois Department of Transportation has jurisdiction of IL Route 130 and will likely require complete intersection and roadway improvements for a new Florida Avenue and Route 130 intersection prior to development. Florida Avenue currently terminates 1,200 feet west of High Cross Road / IL Route 130 at the end of the Savannah Green subdivision.

In order to extend Florida Avenue east to High Cross Road / IL Route 130 a continuous eighty-foot wide section of right-of-way would need to be dedicated with roadway improvements provided within the right-of-way. There are only two property owners that have land abutting the area where the right-of-way dedication would be necessary. The Pfeffer family owns all the property to the north and one-half the property to the south. Diener owns the other one-half of the property to the south. In order to acquire the necessary right-of-way the Pfeffers would need to dedicate the full 80 feet for approximately 600 feet east of Florida Avenues current terminus.

The Pfeffers would also need to dedicate 40 feet of right of way on the north side of the final easternmost 600 feet of Florida Avenue extended to High Cross Road / IL Route 130 while Diener would dedicate the final southern 40 feet along the same final 600 feet.

Construction of public infrastructure to serve development has always been the responsibility of the Developer. In this case, the Developer of the Diener property would be required to pay for and construct the portion of Florida Avenue that is adjacent to his property. The remainder of the Florida Avenue improvements would need to be paid by any future developer of the Pfeffer property.

At this time the Pfeffer family is not considering development of their property that would trigger dedication of right-of-way and construction of the road. This creates a timing issue for the developer of the Diener property since participation of both parties would be necessary in order to construct full improvements. At this time the developer of the Diener tract and city staff are discussing options for providing adequate improvements that will allow for development in both the short term and longer term. At a minimum full intersection improvements and a 400 to 600-foot extension of Florida Avenue west from High Cross Road / IL Route 130 will be needed in order to facilitate development on the Diener Tract.

Comprehensive Plan Goals, Objectives and Map

The proposed Zoning Map amendment should be considered in light of the relevant goals, objectives and future land use maps contained in the 2005 Urbana Comprehensive Plan. The following goals and objectives of the plan related closest with this proposal:

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

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

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

- Encourage a mix of land use types to achieve a balanced growing community.
- Encourage development in locations that can be served with existing or easily extended infrastructure and city services.
- Consider the impact of new development on public services and the ability to provide those services cost effectively.

Goal 24.0 Enhance Urbana’s commercial areas.

Goal 25.0 Create additional commercial areas to strengthen the city's tax base and service base.
Objectives

- Provide a sufficient amount of land designated for various types of community and regional commercial uses to serve the needs of the community.
- Promote new commercial areas that are convenient to existing and future neighborhoods.
- Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

Goal 28.0 Develop a diversified and broad, stable tax base.

Objectives

- Encourage an appropriate balance of residential, commercial and industrial growth.
- Increase the allocation of land devoted to tax-generating commercial uses in appropriate locations.

Goal 32.0 Promote new and expanded business opportunities.

The property falls within Map #7 of the 2005 Comprehensive Plan. This map illustrates the intention for Florida Avenue to be extended to High Cross Road / IL Route 130 and also shows an area along Florida Avenue and High Cross Road / IL Route 130 for "Community Business". The area on the map shown in pink is not intended to follow any specific parcel lines but rather be a guide and indicate that commercial uses at this corner is desired.

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 property is located along a corridor where other commercial zoning is prevalent. There is B-3, General Business zoning located at the southeast corner of U.S. Route 150 and IL Route 130, approximately 500 feet south of the site at TK Wendls, and also at the northwest corner of High Cross Road / IL Route 130 and Windsor Road.

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 for multi-family residential and the value it would have if it were rezoned to commercial to permit the proposed use.

At this location property values are diminished with the residential zoning. The site is located on an arterial, state roadway and will eventually be located at the intersection of two arterials once Florida Avenue is extended to High Cross Road / IL Route 130. Commercial zoning is more appropriate at this location.

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 on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

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?

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

At this location it is not the opinion of staff that the multi-family residential zoning classification promotes the general welfare of the public any greater than a commercial zoning district. The property is not located in close proximity to a low-density residential neighborhood that would be greatly impacted by the change. The commercial classification will offer a greater gain to the overall public than the residential zoning. The site is currently undeveloped and does not contribute to the communities' tax base as well as a commercial development would.

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 property is located at a suitable location for commercial purposes. It is located along a state controlled arterial roadway and will eventually be located at two primary arterials in the City of Urbana. The 2005 Comprehensive Plan identifies this location as suitable 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. Over the past five years there have been a couple of proposals assembled but not executed to develop this property. Considering land development in the area the multi-family residential zoning is not appropriate for this entire tract.

Summary of Staff Findings

1. The proposed rezoning is consistent with the 2005 Comprehensive Plan that identifies the area along the High Cross Road / IL Route 130 and Florida Avenue extended as commercial.
2. The proposed rezoning would allow for the limited commercial and office development along the High Cross Road / IL Route 130 corridor which would serve nearby residential uses.
3. The proposed B-3, General Business zoning district for the subject site would be consistent with other similarly zoned parcels in the vicinity of the site.
4. The proposed rezoning would not be detrimental to the public health, safety or general welfare and would be a benefit to the public because it will create the opportunity for commercial uses on a major arterial in close proximity to residential neighborhoods.
5. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

The Plan Commission has the following options for recommendations to the City Council. In Plan Case 1927-M-05, the Plan Commission may:

- a. Forward this case to City Council with a recommendation for approval.
- b. Forward this case to City Council with a recommendation for denial.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, **staff recommends that the Plan Commission forward Plan Case No. 1927-M-05 to the Urbana City Council with a recommendation for APPROVAL.**

Attachments: Exhibit A, Location Map
 Exhibit B, Zoning Map

Exhibit C, Existing Land Use Map
Exhibit D, Future Land Use Map (2005 Urbana Comprehensive Plan)
Exhibit E, Aerial Photo
Exhibit F, R-4, Multi-Family Residential District Summary Sheet
Exhibit G, B-3, General Business District Summary Sheet

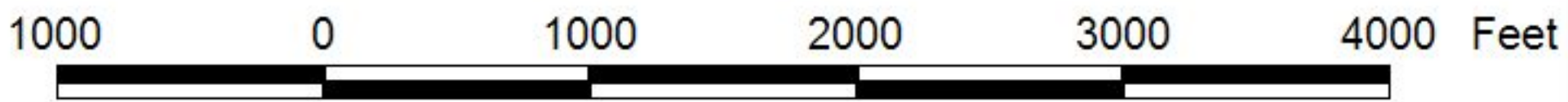
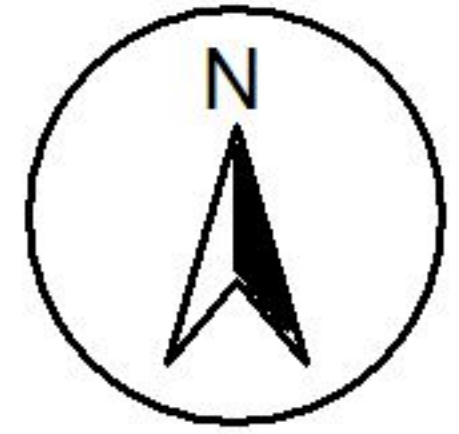
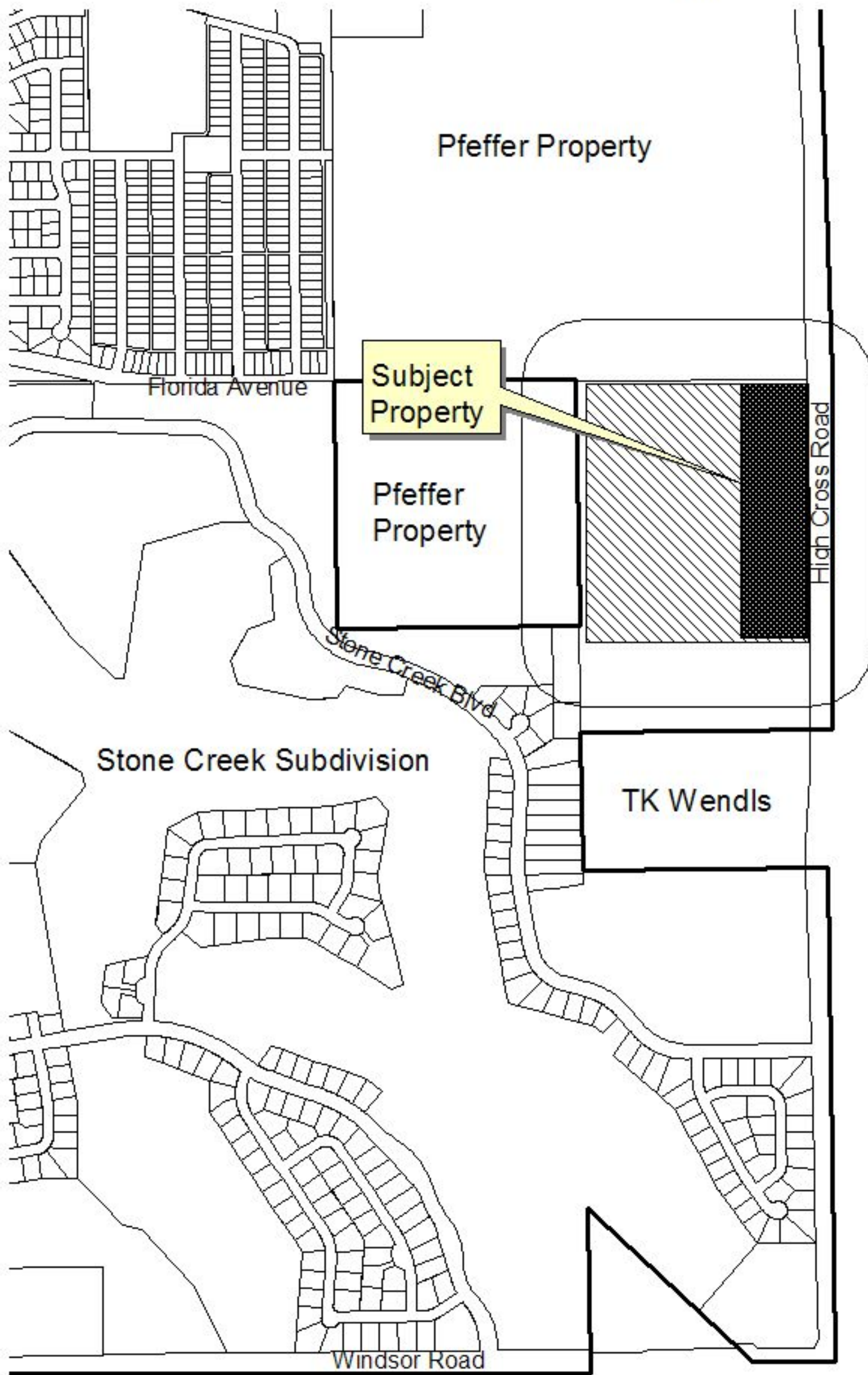
Exhibit H, Petition for Zoning Map Amendment
Exhibit I, Notificaiton

Cc:

Chris Creek
C&C Properties
2002 Amber Lane
Urbana, IL 61801

Bill Sheridan
HDC Engineering, Inc.
201 W. Springfield Avenue #300
Champaign, IL 61824

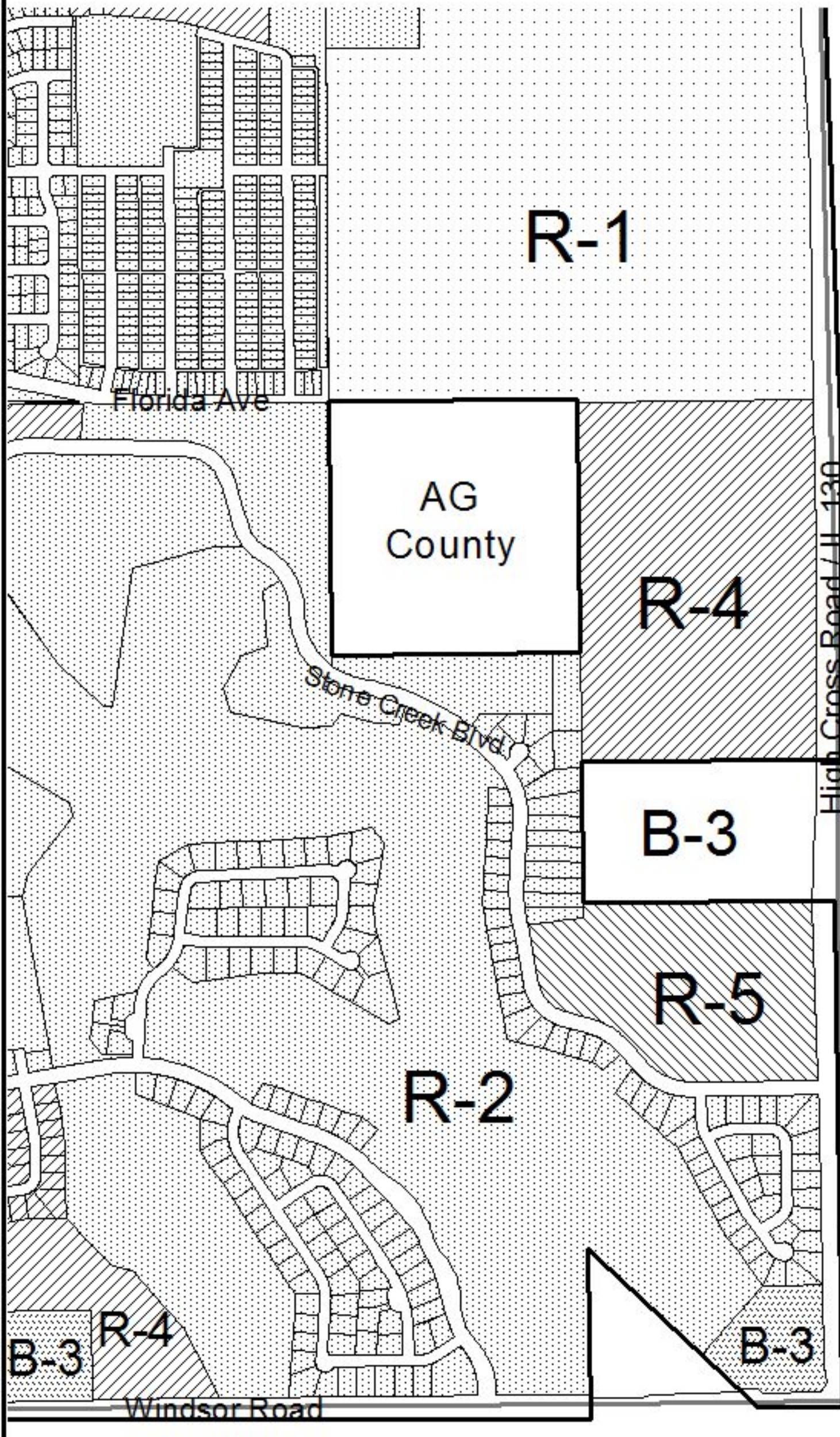
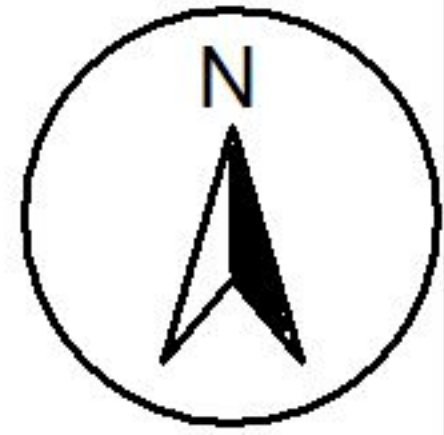
Exhibit "A": Location Map



Plan Case No. 1927-M-05
Rezone from R-4, Medium Density Multiple Family Residential
to B-3, General Business
Location: 1607 S. High Cross Road
Petitioner: Chris Creek

Prepared 3/23/05 by Community Development Services - pal

Exhibit "B": Zoning Map



AG (County)

1000 0 1000 2000 3000 4000 Feet

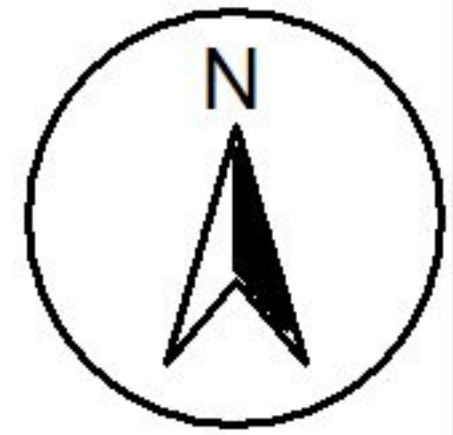
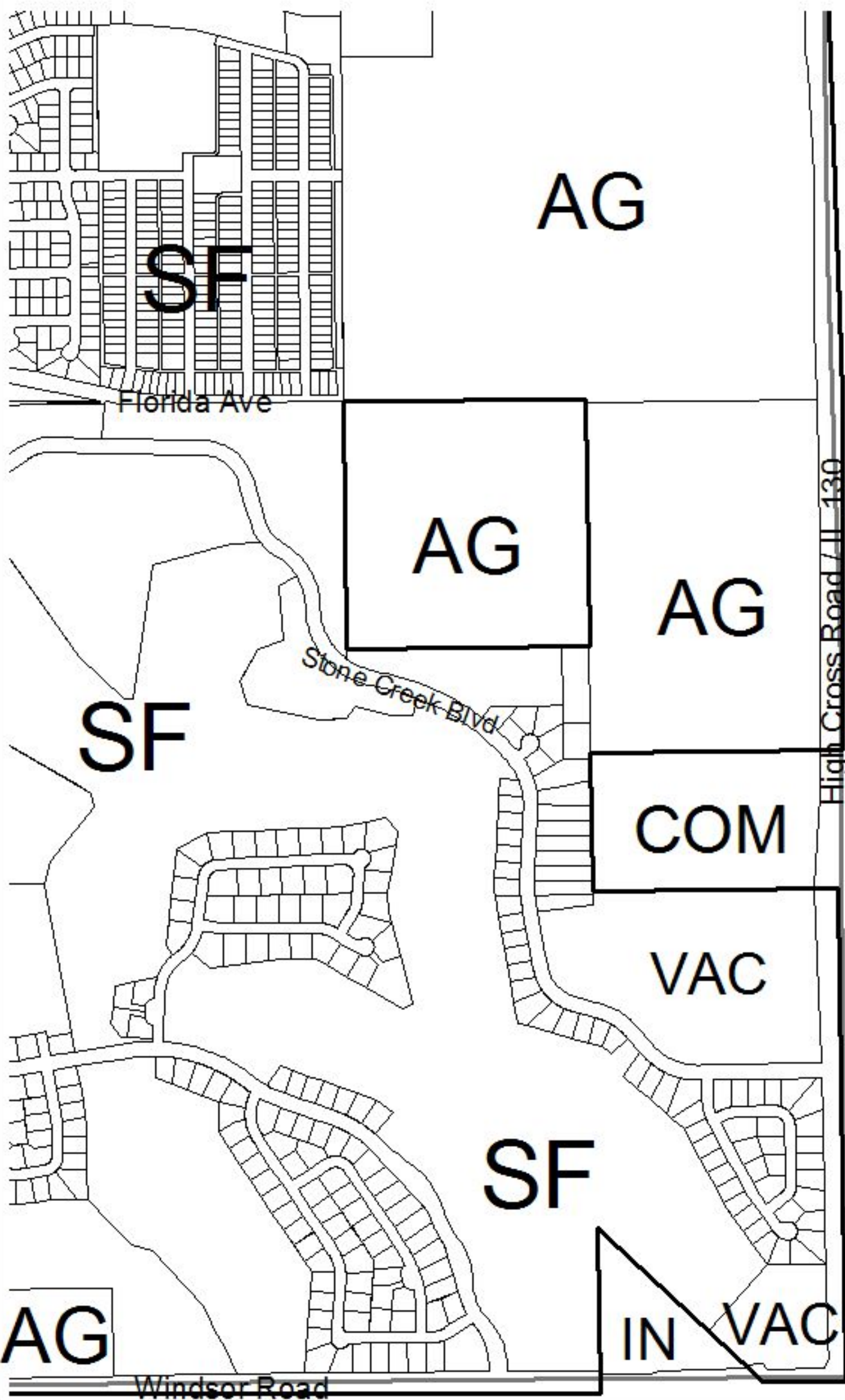


Plan Case No 1927-M-05
 Rezone from R-4, Medium Density Multiple Family Residential
 to B-3, General Business
 Location: 1607 S. High Cross Road
 Petitioner: Chris Creek

Prepared 03/28/05 by Community Development Services - mhw

- AG - Agriculture
- R1 - Single Family
- R2 - Single Family
- R4 - Medium Density Multiple-Family
- R5 - Medium High Density Multiple-Family
- B3 - General Business

Exhibit "C": Existing Land Use Map

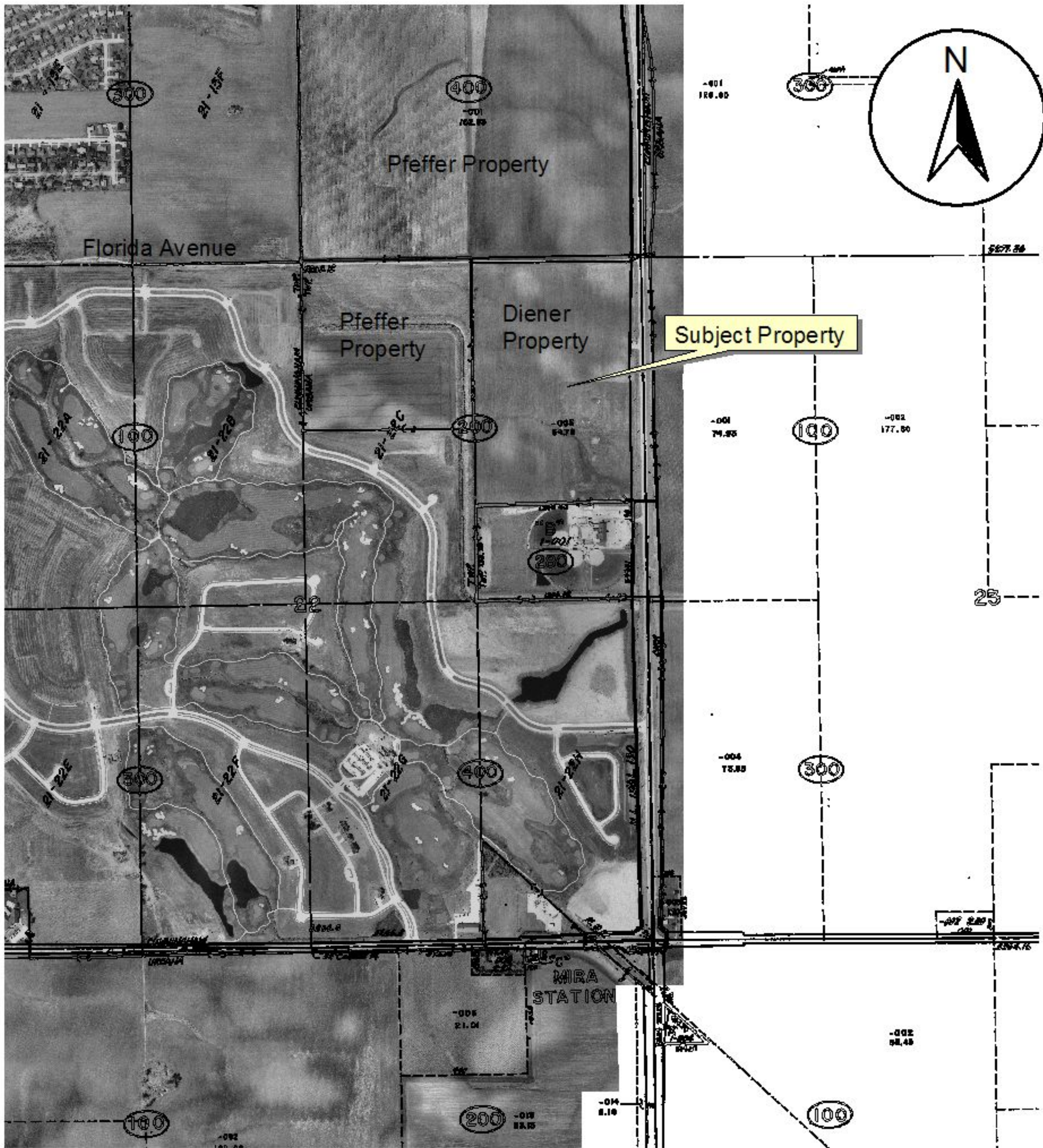


Plan Case No 1927-M-05
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Prepared 03/28/05 by Community Development Services - mhw

AG - Agriculture
SF - Single Family
IN - Industrial
COM - Commercial
VAC - Vacant

Exhibit "E" : Aerial Photo



Plan Case No 1927-M-05
Rezone from R-4, Medium Density Multiple Family Residential
to B-3, General Business
Location: 1607 S. High Cross Road
Petitioner: Chris Creek

Prepared 03/28/05 by Community Development Services - mhw



R-4 MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-4 Zoning District is as follows:

"The R-4 Medium Density Multiple-Family Residential District is intended to provide areas for multiple family dwellings at low and medium densities."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the R-4 District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Board of Zoning Appeals.

PERMITTED USES:

Public and Quasi-Public Facilities -

Church or Temple
Institution of an Educational, Philanthropic, or
Eleemosynary Nature
Municipal or Government Building

Public Elementary, Junior High School or Senior
High School
Public Library, Museum or Gallery
Public Park

Residential Uses -

Boarding or Rooming House
Community Living Facility, Category I, Category
II and Category III
Dormitory
Duplex Dwelling
Duplex Dwelling (Extended Group Occupancy)

Multifamily Dwelling
Single Family Dwelling (Extended Group
Occupancy)
Single Family Dwelling
Two-Unit, Common-Lot-Line Dwelling

Resource Production and Agricultural Uses –

Agriculture, Cropping

Business Uses –

Country Club or Golf Course

SPECIAL USES:

Public and Quasi-Public Facilities -

Police or Fire Station
Parking Garage or Lot

Residential Uses -

Home for Adjustment
Residential Planned Unit Development

Business Uses –

Professional and Business Office

R-4 Zoning District Summary cont.

CONDITIONAL USES:

Public and Quasi-Public Facilities -

Electrical Substation
Telephone Exchange

Residential Uses -

Home for the Aged
Nursing Home

Bed and Breakfast, Owner Occupied

Resource Production and Agricultural Uses -

Artificial Lake of one (1) or more acres

Business Uses -

Private Kindergarten or Day Care Facility
Lodge or Private Club

Residential Athletic Training Facility

DEVELOPMENT REGULATIONS IN THE R-4 DISTRICT

ZONE	MIN LOT SIZE	MIN OR AVERAGE WIDTH	MAX HEIGHT	MAX FAR	MIN OSR	MIN FRONT YARD	MIN SIDE YARD	MIN REAR YARD
R-4	6,000	60	35'	0.50	0.35	15' ₁	5'	10'

1. In the R-4 District, the required front yard shall be the average depth of the existing buildings in the block, or 15 feet, whichever is greater as required in Section VI-5-D(1).

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

Revised 4/12/02



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 B-4 Central Business, meeting the general business needs of the City."

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

PERMITTED USES:

Public and Quasi-Public Facilities-

Church or Temple	Police or Fire Station
Electrical Substation	Public Park
Hospital or Clinic	Public Library, Museum or Gallery
Institution of an Educational, Philanthropic or Eleemosynary Nature	Telephone Exchange
Municipal or Government Building	University or College
Principle Use Parking Garage or Lot	Utility Provider

Commercial Transportation Uses-

Motor Bus Station

Residential Uses -

Bed and Breakfast Inn	Home for Adjustment
Bed and Breakfast, Owner Occupied	Hotel or Motel
Community Living Facility, Category II	Multi-family Dwelling
Community Living Facility, Category III	Multiple-Unit Common-Lot-Line Dwelling

Resource Production and Agricultural Uses -

Commercial Greenhouse	Greenhouse (not exceeding 1,000 sq.ft.)
Garden Shop	

Business Uses - Personal Services-

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

B-3 Zoning District Summary cont.

Business Uses - Adult Entertainment

Adult Entertainment Uses

Business Uses - Agricultural

Farm Equipment Sales and Service
Feed and Grain (Sales Only)

Roadside Produce Sales Stand

Business Uses - Business, Private Educational and Financial Services

Bank or Savings And Loan Association
Check cashing Service
Copy and printing service
Packaging and Mailing Service

Professional and Business Office
Vocational, Trade or Business School

Business Uses - Food Sales and Services

Bakery (Less than 2,500 sq.ft.)
Cafe
Confectionery Store
Convenience Store
Fast-food Restaurant
Locker or Cold Storage for Individual Use

Meat and Fish Market
Restaurant
Retail Liquor Sales
Supermarket or Grocery Store
Tavern or Night Club

Business Uses-

Vehicular Sales and Service

Automobile, Truck, Trailer or Boat Sales
Automobile Washing Facility
Automobile/Truck Repair, Major
Automobile/Truck Repair, Minor
Automobile Accessories (New)

Gasoline and Service Station
Mobile Home Sales
Public Maintenance and Storage Garage

Business Uses-

Retail Trade

Antique or Used Furniture Sales and Service
Apparel Shop
Art and Craft Stores and Studios
Bicycle Sales and Service
Bookstore
Department Store
Drugstore
Appliance Sales and Service
Electronic Sales and Services
Florist
Fuel Oil, Ice, Coal, Wood (Sales Only)
Furniture Store-Office Equipment Sales
Hardware Store
Jewelry Store
Monument Sales (Excludes Stone Cutting)
Music Store
Pet Store
Photographic Studio and Equipment Sales and Service
Shoe Store
Sporting Goods
Stationery-Gift Shop-Art Supplies
Tobacconist

Variety-Dry Goods Store
Video Store

B-3 Zoning District Summary cont.

Business Uses - Recreational

Bait Sales
Billiard Room
Bowling Alley
Dancing School
Indoor Theater
Lodge or Private Club

Outdoor Commercial Recreation Enterprise
(Except Amusement Park)
Athletic Training Facility, Nonresidential
Athletic Training Facility, Residential
Miniature Golf
Driving Range
Private Indoor Recreational Development

Business Uses - Miscellaneous

Auction Sales (Non-Animal)
Radio or TV Studio
Lawn Care and Landscaping Service
Mail Order Business (less than 10,000 square
feet)
Mail Order Business (greater than 10,000 square
feet)

Heating, Ventilating, Air Conditioning Sales and
Service
Building Material Sales (All Indoors Excluding
Concrete or Asphalt Mixing)
Contractor Shop and Show Room
Wholesale Business

SPECIAL USES:

Public and Quasi-Public Facilities –

Penal or Correctional Institution

Business Uses-

Convenience Shopping Center/Commercial PUD
Towing Service

General Shopping Center/Commercial PUD
Truck Stop

Business Uses - Miscellaneous

Warehouse, Self Storage Facility

CONDITIONAL USES:

Public and Quasi-Public Facilities –

Radio or Television Tower and Station

Residential Uses –

Home for the Aged; Nursing Home

Resource Production and Agricultural Uses –

Plant Nursery

Business Uses -

Crematory

Private Kindergarten or Day Care Facility
Veterinary Hospital-Small Animal

B-3 Zoning District Summary cont.

Industrial Uses -

Confectionery Products Manufacturing and Packaging
Engineering, Laboratory, Scientific and Research Instruments Manufacturing
Surgical, Medical, Dental and Mortuary Instruments and Supplies Manufacturing
Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing
Bookbinding
Motion Picture Production Studio
Non-Profit or Governmental, Educational and Research Agencies.
Electronics and Related Accessories - Applied Research and Limited Manufacturing

DEVELOPMENT REGULATIONS IN THE B-3 DISTRICT

ZONE	MIN LOT SIZE	MIN OR AVERAGE WIDTH	MAX HEIGHT	MAX FAR	MIN OSR	MIN FRONT YARD	MIN SIDE YARD	MIN REAR YARD
B-3	6,000	60'	none	4.00	none	15'	10'	10'

FAR= FLOOR AREA RATIO

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