



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** The Urbana Plan Commission

**FROM:** Paul Lindahl, Planner I

**DATE:** February 17, 2006

**SUBJECT:** Plan Case 1981-M-06: A request to rezone 312 West Springfield Avenue from B-2, Neighborhood Business - Arterial to B-4, Central Business.

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### **Introduction and Background**

This case is a request by Barbara Gaffen & Michael Zaransky, d/b/a Prime Properties Investors, Ltd., to rezone a 0.34-acre property located at 312 West Springfield Avenue from B-2, Neighborhood Business - Arterial to B-4, Central Business. The subject lot is 90 feet wide by 163 feet deep and is 14,670 square feet in area. It contains a mixed-use building with 15 multi-family apartment units and 4,175 square feet of office/commercial space. This property is immediately west of the Strawberry Fields grocery and café building. The property, called the Opera House, is zoned B-2, Neighborhood Business - Arterial which is a designation that was created as an outgrowth of the 1991 Downtown to Campus plan.

### **Current Zoning: B-2, Neighborhood Business-Arterial**

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

*“The B-2, Neighborhood Business-Arterial District is intended to provide areas of limited size along arterial streets in proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide areas for new high density residential uses. These business and residential uses may occur in the same structure. Due to the location of arterial streets in many residential neighborhoods where commercial and high density residential uses would not be appropriate, the B-2 District shall be limited to only those areas that have been so designated by the City’s adopted Comprehensive Plan and related amendments.”*

The most significant requirement of the district from the Urbana Zoning Ordinance Section V-7 is as follows:

*“In the B-2 District, if the floor area of a principal structure is to be occupied by a residential use of more than three thousand (3,000) square feet, a business use shall also be established on the zoning lot. When a business use is required, the floor area devoted to the business use shall be equal to or greater than twenty-five percent (25%) of the total floor area that is occupied by the residential use on the zoning lot.”*

The petitioners assert that the mix of uses in the building has not been successful and that the provision of mixed commercial/office space is not the best use for the building. They propose to rezone the property to the B-4, Central Business designation to be consistent with the adjacent property to the east and to allow its conversion to 100% residential use.

**Proposed Zoning: B-4, Central Business**

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

*“The B-4, Central Business District is intended to provide an area for the focus of the city, in which the full range of commercial and business uses may locate in a limited area of high intensity uses, with the appropriate forms of physical development at a high density.”*

Table VI-1 of the Zoning Ordinance lists many residential, business, retail and office uses as permitted by right in the B-4 zoning district. Rezoning the property to B-4 would be consistent with the adjacent property to the east, and compatible with other land uses in the general area.

**Adjacent Land Uses and Zoning Designations**

This area is part of the greater downtown identified in the Downtown Strategic Plan and contains a mix of zoning districts and land uses, encompassing multi-family residential apartments, offices, and some neighborhood - serving business uses. The property is bordered by the Boneyard Creek on the north and a duplex house to the west. Immediately east of the subject property is the Strawberry Fields neighborhood grocery and café building. To the south across Springfield Avenue are apartments, an office building one-half block to the west, and a bank one-half block to the east.

**Zoning and Land Use Table**

The following is a summary of surrounding zoning and land uses for the subject site:

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>2005 Comprehensive Plan – Future Land Use</b>
<b>Subject Property</b>	B-2, Neighborhood Business - Arterial	Mixed use building: Multi-family residential and Office/Commercial	Central Business
<b>North</b>	R-2, Single Family Residential	Residential	Central Business
<b>South</b>	B-2, Neighborhood Business - Arterial	Residential	Central Business
<b>East</b>	B-4, Central Business	Commercial	Central Business
<b>West</b>	B-2, Neighborhood Business - Arterial	Residential	Campus Mixed Use

## **Issues and Discussion**

### **Petitioner's Perspective**

According to the petitioners, parking conflicts between commercial and residential tenants caused the primary commercial tenant to vacate the property. The commercial space is currently 82% vacant and over time has proven extremely difficult to lease. In addition, the commercial spaces have little or no street visibility, inconvenient access to entrances, and there is limited on-street parking available in the vicinity. Rezoning the property would eliminate the difficulties associated with the different user types and reflect the reality that there is low market demand for the commercial space at this location.

There are 25 parking spaces provided in the first floor parking garage, including two handicapped spaces. The intent of that original design was to provide one space for each of the 15 apartments and an additional 10 spaces for the commercial tenants. The existing 25 spaces would provide adequate parking if the conversion to 100% residential takes place.

### **Urbana Downtown Strategic Plan**

The Urbana Downtown Strategic Plan was adopted in 2002 and was incorporated as an element of the Urbana 2005 Comprehensive Plan. One of the proposals of the Downtown Plan is "The Downtown Neighborhood Initiative" which calls for increases in the density of housing in the areas approaching the core of downtown. With increases in density come higher numbers of residents living, working, shopping, and contributing to a "twenty-four hour environment" of a vibrant community in the downtown core. The Opera House is on the edge of the "Main Street" downtown district identified in the plan, which includes housing as one of its characteristics.

### **2005 Comprehensive Plan**

The Urbana 2005 Comprehensive Plan Map #8 designates the Future Land Use of the subject property as the western edge of a larger Central Business designation that encompasses Urbana's Downtown environs. The proposed rezoning to B-4 would be generally consistent with the Future Land Use Map designation for the site as Central Business. The B-4 zoning designation will allow flexibility so that the subject building can be used for multifamily *without* the B-2 requirement that the building include commercial space. In summary, the proposed rezoning of 312 W. Springfield from B-2, Neighborhood business – Arterial to B-4, Central Business would be generally consistent with the overall goals and intent of the 2005 Comprehensive Plan.

### **Consideration**

The petitioner is requesting rezoning of the site to B-4 Central Business because it has the closest fit to match their goals, the Comprehensive Plan Future Land Use designation, and the function of the property in the fabric of the downtown edge.

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 2005 Comprehensive Plan and zoning law decisions in the Illinois Courts provide a framework for this consideration.

## **Comprehensive Plan Goals, Objectives and Policies**

The proposed Zoning Amendment should be considered in light of other goals, objectives and policies contained in the 2005 Comprehensive Plan. The following objectives of the 2005 Urbana Comprehensive Plan relate to this case:

### **Goal 4.0 Promote a balanced and compatible mix of land uses that will help create long-term, viable neighborhoods.**

#### *Objectives*

- 4.2 Promote the design of new neighborhoods that are convenient to transit and reduce the need to travel long distances to fulfill basic needs.
- 4.3 Encourage development patterns that offer the efficiencies of density and a mix of uses.

### **Goal 5.0 Ensure that land use patterns conserve energy.**

#### *Objectives*

- 5.1 Encourage development patterns that help reduce dependence on automobiles and promote different modes of transportation.

### **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 19.0 Provide a strong housing supply to meet the needs of a diverse and growing community.**

#### *Objectives*

- 19.2 Encourage residential developments that offer a variety of housing types, prices and designs.

### **Goal 22.0 Increase the vitality of downtown Urbana as identified in the Downtown Strategic Plan and Annual Action Plan.**

#### *Objectives*

- 22.1 Promote the creation of housing in downtown Urbana.

## **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 change from the B-2 to B-4 zoning district designation will eliminate an incompatibility of land uses that is internal to the subject property. It would also be consistent with the B-4 zoning designation of the property to the east.

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-2, Neighborhood Business – Arterial and the value it would have if it were rezoned to B-4, Central Business to permit the proposed use.

The petitioners state they have been unable to fully lease the commercial space in the property and because of the lower leasing income the property is reduced in overall value. If rezoned to B-4 the commercial spaces in the property can be converted to apartments and presumably be rented without difficulty. When fully leased under the B-4 zoning the property should have a higher value.

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.*

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?

The site is addressed by the 2005 Comprehensive Plan which contains Future Land Use and development objectives considered to promote the public welfare. The Future Land Use designation of the property is Central Business, which is directly compatible with the proposed B-4, Central Business zoning. It is the opinion of staff that in this case there is no great advantage to the public welfare created by the current B-2 zoning of the subject property. In addition, both the public and the property owner will be better served by the higher value of the property under the proposed B-4 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 specific features for this property include limited parking provided on-site, limited on-street parking available in the vicinity, inconvenient access to the commercial entrances, and little or no street visibility for the commercial spaces. There is enough existing parking on site for the structure to be an entirely multi-family residential use. Under the B-4 designation, the property will be best suited for multi-family land use.

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 petitioners state they have had considerable difficulty leasing the commercial space in the property due to compatibility problems with the residential use, limited parking, and the lack of visibility of the commercial spaces. The requirement imposed by the B-2 zoning district that the property contains a minimum percentage of commercial space, despite the demonstrated unsuitability at this location, has resulted in the loss of revenues to the petitioners for the un-leased space.

### **Summary of Staff Findings**

1. There are specific difficulties for this property that include limited parking provided on-site, limited on-street parking availability, inconvenient access to the commercial entrances, and little or no street visibility for the commercial spaces.
2. The subject property is located in an area adjacent to downtown that has a continuing need for high quality multi-family residential uses, as set forth in the Downtown Strategic Plan.
3. The proposed B-4, Central Business zoning for the subject site is generally consistent with the overall goals and intent of the 2005 Comprehensive Plan and the Future Land Use designation for the area.
4. The location of the site in close proximity to downtown Urbana makes it appropriate for the rezoning to the B-4, Central Business zoning district. It would also be consistent with the B-4 zoning designation of the property immediately to the east.
5. The petitioner's request would accommodate a conversion of space in the building to multi-family residential that would be generally compatible with development in the immediate vicinity.
6. 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 1981-M-06, the Plan Commission may:

- a. Forward this case to City Council with a recommendation for approval of the request to rezone 312 West Springfield Avenue from B-2, Neighborhood Business - Arterial to B-4, Central Business.

- b. Forward this case to City Council with a recommendation for denial of the request to rezone 312 West Springfield Avenue from B-2, Neighborhood Business - Arterial to B-4, Central Business.

**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. 1981-M-06 to the Urbana City Council with a recommendation for **APPROVAL**.

Attachments:

- |            |   |            |                                  |
|------------|---|------------|----------------------------------|
| Exhibit A: | Location Map                            | Exhibit F: | Re Zoning Application / Petition |
| Exhibit B: | Zoning Map                              | Exhibit G: | B-2, Zoning Description Sheet    |
| Exhibit C: | Current Land Use Map<br>w/ Aerial Photo | Exhibit H: | B-4, Zoning Description Sheet    |
| Exhibit D: | Future Land Use Map                     |            |                                  |
| Exhibit E: | Site Photos                             |            |                                  |

Cc:

**Barr Real Estate, Inc., Attn: Mary Shultz, 1710 S. Neil Street, Champaign, IL 61820**

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# Location Map

# Exhibit "A"



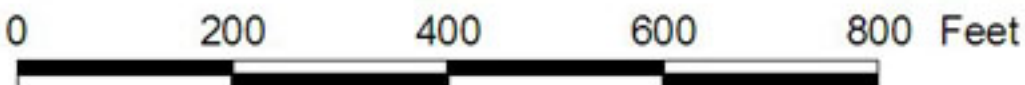
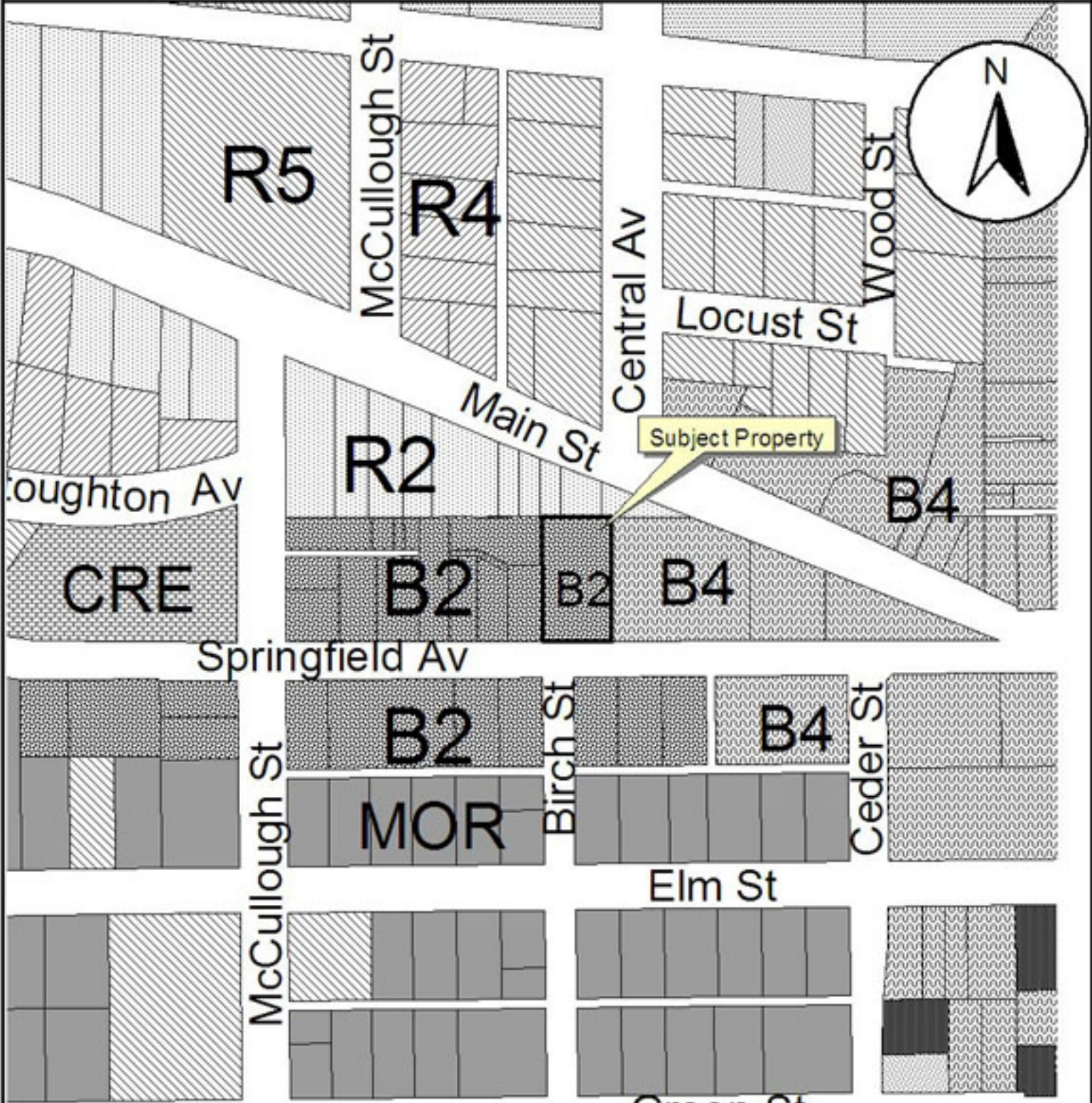
Plan Case: 1981-M-06  
Petitioner: Barbara Gaffen & Michael Zaransky,  
d/b/a Prime Properties Investors, Ltd.,  
Address: 312 West Springfield Avenue  
Description: rezone a 0.34-acre property from  
B-2, Neighborhood Business - Arterial to  
B-4, Central Business.

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# Zoning Map

# Exhibit "B"



Plan Case: 1981-U-08  
 Petitioner: Barbara Gaffen & Michael Zaransky,  
 d/b/a Prime Properties Investors, Ltd.,  
 Address: 312 West Springfield Avenue  
 Description: rezone a 0.34-acre property from  
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- B2 - Neighborhood Business - Arterial
- B4 - Central Business
- CRE - Conservation-Recreation-Education
- R2 - Single Family
- R4 - Medium Density Multiple-Family
- R5 - Medium High Density Multiple-Family



Plan Case: 1981-M-06  
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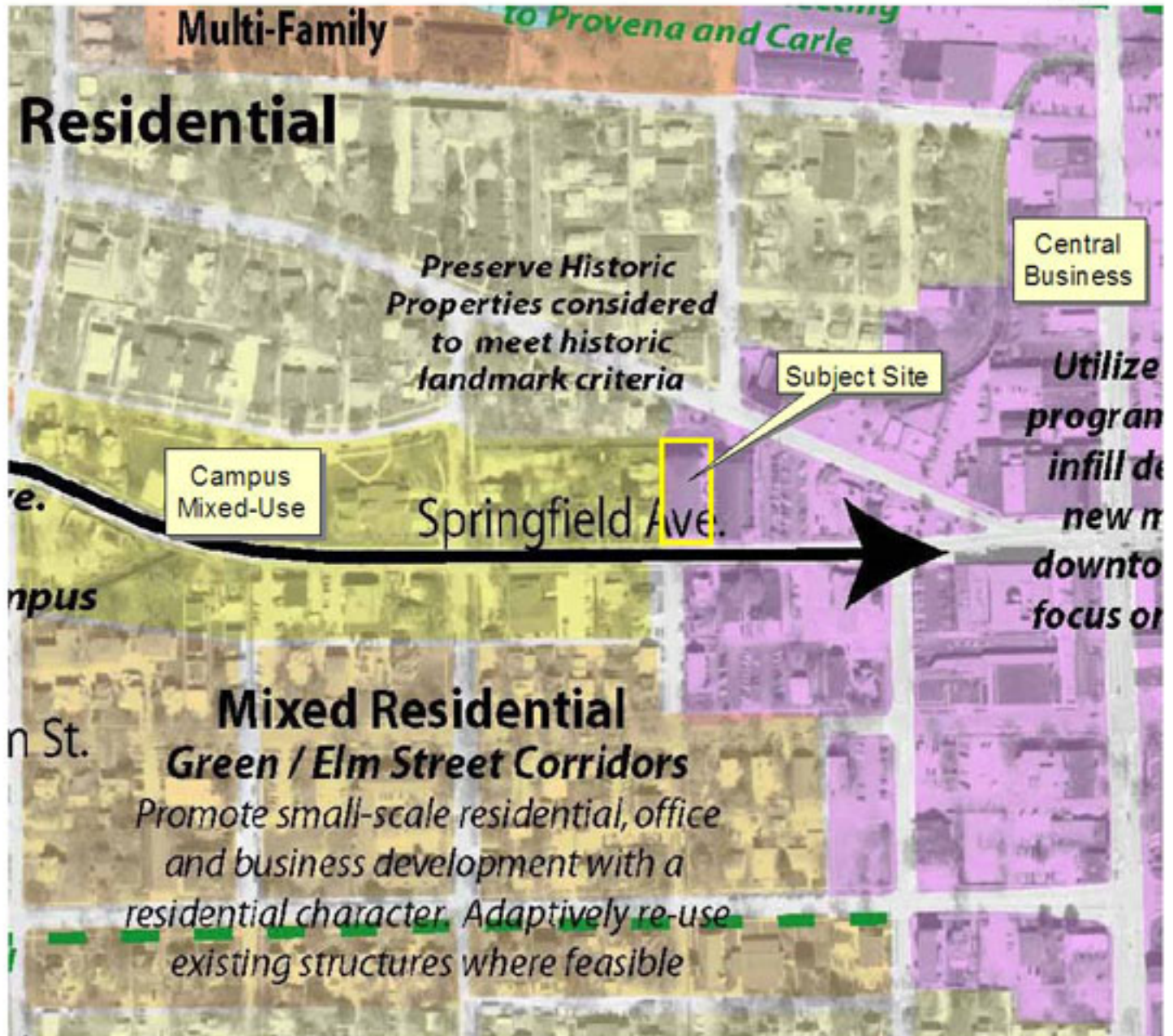
v= Vacant

SF - Single Family  
 RH - Rooming House  
 DU - Duplex  
 WH - Warehouse  
 APT - Apartment  
 COM - Commercial  
 CH - Church

# Future Land Use Map

# Exhibit "D"

Source: Comprehensive Plan Future Land Use Map # 8, p.79



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**Exhibit "E" Site Photos**



#1 - Façade and west on Springfield



#2 - Facade



#3 - East down north property line



#4 - South along fence on west property line



#5 - Northeast at west facade



#6 - North into garage