



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** The Urbana Plan Commission

**FROM:** Robert Myers, AICP, Planning Manager

**DATE:** June 29, 2006

**SUBJECT:** Plan Case 2003-M-06: A request by Five Points Realty to rezone the south 55 feet of a parcel located at 604 N Broadway Avenue from CRE, Conservation-Recreation-Education to B-3, General Business District as part of The Gateway Shops at Five Points.

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### **Introduction**

Five Points Realty, LLC has petitioned the City to rezone the south 55 feet of a parcel located at 604 N Broadway Avenue from CRE, Conservation-Recreation-Education District to B-3, General Business District. The property to be rezoned was part of a recent land exchange between Five Points Realty and the Urbana Park District. The land exchange has provided Five Points Realty with a small yet important area to be included as part of a new retail development being called Gateway Shops at Five Points. The Gateway Shops site is located at the northwest quadrant of University Avenue and N Cunningham Avenue. The site is now occupied by O'Brien Automotive, and this business is in the process of relocating to a larger site in Urbana at I-74 and N Cunningham Avenue. Five Points Realty and the City of Urbana have jointly signed a development agreement to formalize the responsibilities and expectations of each party for redevelopment of the O'Brien site. This 55 foot wide strip of land is to be rezoned to accommodate the main commercial building planned for The Gateway Shops. This rezoning plan case (2003-M-06) has two companion cases on the same Plan Commission agenda: Plan Case No. 2003-S-05, consideration of a Preliminary and Final Plat for Gateway Subdivision, and Case 2003-SU-06, a Special Use Permit for Gateway Shops.

### **Background**

The area petitioned for rezoning is the south 55 feet of a parcel located at 604 N Broadway Avenue. This parcel is owned by the Urbana Park District and is periodically used for overflow parking for Park District events. This property is located directly across Broadway Avenue from Crystal Lake Park. The property in question has been zoned CRE (Conservation-Recreation-Education) in recognition of Park District ownership but does not reflect use as an actual park.

The Park District recently transferred the south 55 feet of their parcel to Five Points Realty to include as part of Five Point’s planned Gateway Shops commercial center. (In this exchange the Park District increased their parcel size by an equal amount of land in depth.) Although the area to be rezoned is only 0.56 acres in area, it is an important part of Five Points Realty’s commercial redevelopment of the 6+ acre O’Brien Automotive site. O’Brien Automotive is relocating to an expanded site at I-74 and N Cunningham Avenue and has agreed to vacate their current location by the end of July 2006. Five Points Realty is committed to beginning redevelopment of the O’Brien site as The Gateway Shops as soon as necessary development approvals are received, including approval of zoning and a Special Use Permit. Redevelopment of this site is also a key project to fulfill *Downtown Urbana’s Tax Increment Financing (TIF) District Two Plan*. This TIF plan in 1986 recognized the deficiencies of the current O’Brien Auto Plaza site and offers a vision and incentives for eliminating these deficiencies.

**Adjacent Land Uses and Zoning Designations**

The area to be rezoned is a relatively long strip of land which lies between a commercial site ripe for redevelopment (O’Brien Automotive) and an institutional land holding (the Urbana Park District). The area to be rezoned is across Broadway Avenue from the southeast corner of Crystal Lake Park.

**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>	CRE (Conservation-Recreation-Education)	Undeveloped. Periodically used for overflow parking by the Park District. Currently used to store dirt for anticipated construction	“Regional Business”
<b>North</b>	CRE (Conservation-Recreation-Education)	Undeveloped. Periodically used for overflow parking by the Park District. Currently used to store dirt for anticipated construction.	“Regional Business”
<b>South</b>	B-3 (General Business District)	O’Brien Automotive	“Regional Business”
<b>East</b>	B-3 (General Business District)	O’Brien Automotive	“Regional Business”
<b>West</b>	CRE (Conservation-Recreation-Education)	Crystal Lake Park (across Broadway Ave.)	“Parks”

The City of Urbana 2005 Comprehensive Plan, Future Land Use Map 4, designates the future land use of the property in question as “Regional Business”. At the northwest corner of University and N.

Cunningham Avenues, this map further denotes “Promote 5-Points Redevelopment to new commercial uses. Auto Park Relocation to I-74”.

## **Issues and Discussion**

### **Rezoning Criteria**

In evaluating the legal validity of a zoning classification for a particular property, the City of Urbana uses a standard set of factors developed from a 1957 Illinois Supreme Court ruling in the case *La Salle National Bank of Chicago v. County of Cook* (the “La Salle case”). 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 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.

Rezoning this 55 foot wide strip of land from CRE (Conservation-Recreation-Education) to B-3 (General Business District) would be compatible with the existing B-3 zoning to the south and east. CRE zoning, which could include uses as diverse as parks, athletic training facilities, schools, and university facilities, is not inherently incompatible with B-3 zoning. Adjacent uses under each zoning classification can be compatible neighbors given proper site planning and separation as proposed. Also, rezoning from CRE to B-3 would not change the fact that these two zoning districts already adjoin each other at this location. In essence approval of the rezoning application would simply move the existing boundary between CRE and B-3 north by 55 feet. By exchange of this property to be used as part of a major commercial development, the Urbana Park District has implicitly agreed that the rezoning would not significantly harm use of either their overflow parking property to the north or Crystal Lake Park to the west; otherwise the Park District logically would not have agreed to the land exchange.

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 CRE (Conservation-Recreation-Education District) and the value it would have if it were rezoned to B-3 (General Business District) to permit the proposed use.

Presumably rezoning will lead to increased property values for the petitioner’s property. The Urbana Zoning Ordinance allows a much broader range of uses in B-3 zoning districts than in CRE districts. Additionally uses allowed in B-3 districts are typically income-generating, meaning that land values under this zoning classification are typically higher. Due to immediate plans to include this property as part of the much larger Gateway Shops commercial development, there is no need to speculate as to future uses.

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.*

Although the area to be rezoned is only 0.56 acres in area, this rezoning is an important part of a larger redevelopment of an underutilized and deteriorated property located at one of Urbana's most important intersections and community gateways. Rezoning and redevelopment would promote the general public welfare in terms of economic and community character benefits. Redevelopment is also expected to provide additional tax revenues which will be used for public benefit. Additionally, rezoning and redevelopment of the O'Brien site is a key project to implement *Downtown Urbana's Tax Increment Financing District No. 2 Plan*.

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?

No hardship is being imposed on the property owner by rezoning from CRE to B-3. The petitioner for the rezoning represents the property owners' interests, and their request for rezoning and anticipation of commercial development demonstrates that rezoning would be beneficial to them rather than a hardship.

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 location of this strip of land – being adjacent to a planned commercial development at the northwest quadrant of a major commercial intersection -- lends the property to commercial use. The 2005 Comprehensive Plan and Downtown Tax Increment Finance District No. 2 Plan both explicitly support rezoning and redevelopment of this property.

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

The petitioners have made no claims that this property has remained vacant because of the current zoning.

## **Summary of Staff Findings**

1. The proposed B-3, General Business District zoning for the subject property is consistent with the 2005 Urbana Comprehensive Plan's future land use designation of "Regional Business" for the property.
2. Adjacent properties to the south and east which are also owned by the petitioner are currently zoned B-3, General Business District.

3. The location of the site in proximity to the intersection of University Avenue and N Cunningham Avenue, being one of Urbana's major intersections and community gateways, makes the subject property desirable for commercial use.
4. This 0.56 acre property is adjacent to a larger commercial tract to be redeveloped by the petitioner as The Gateway Shops at Five Points. Redevelopment of this site is a key project for implementing the Downtown Tax Increment Finance District No. 2 Plan.
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 2003-M-06, the Plan Commission may:

1. Forward this case to City Council with a recommendation for approval.
2. 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, City staff recommends that the Plan Commission forward Plan Case No. 2003-M-06 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  
Exhibit E: Aerial Map

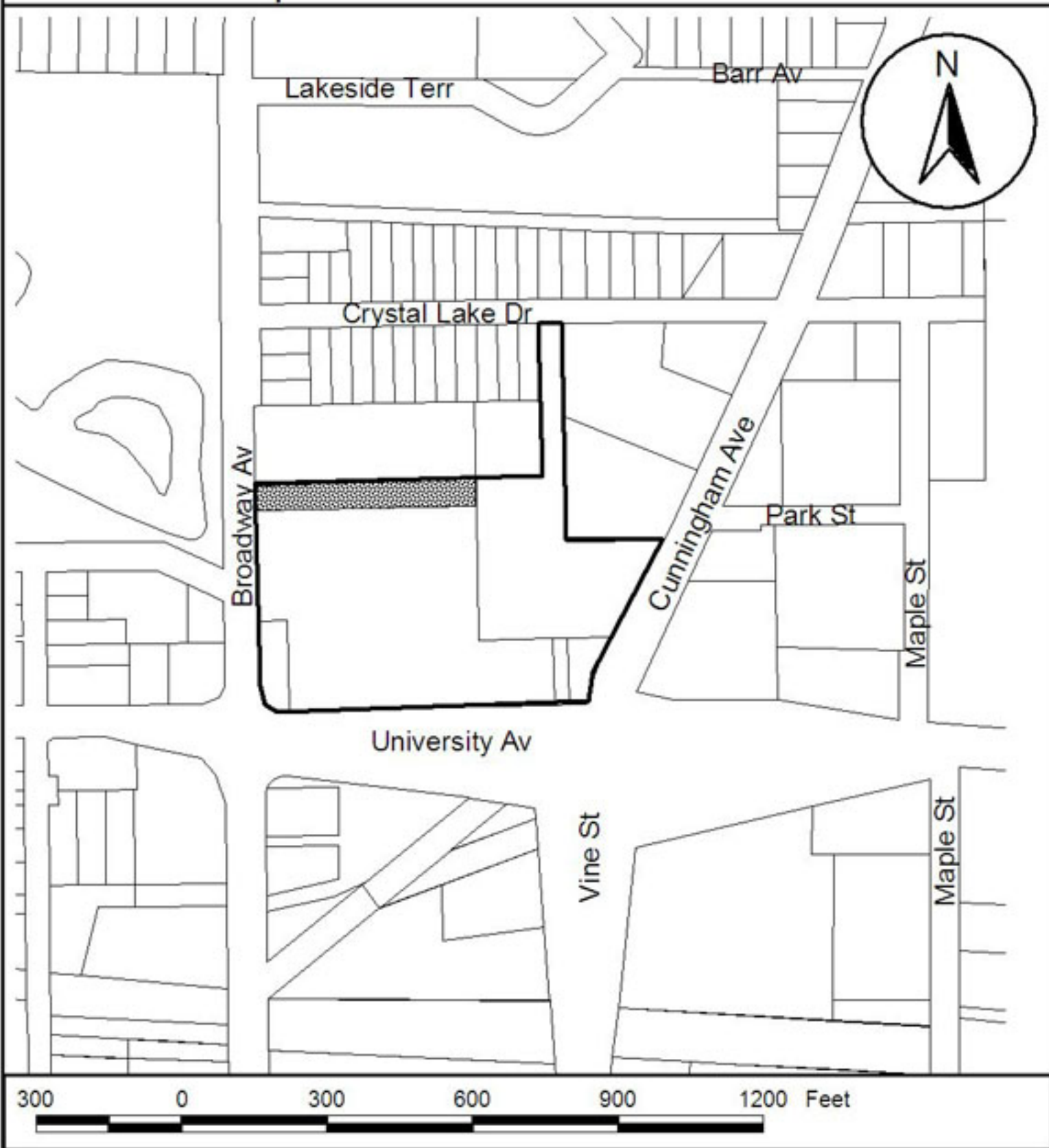
cc: Five Points Realty, LLC  
102 E Main Street  
Urbana, IL 61801

Tom Jordan  
Foth & Van Dyke Daily Division  
1610 Broadmoor  
Champaign, IL 61821



Vicki Mayes  
Urbana Park District  
303 West University Avenue  
Urbana, IL 61801

# Location Map

# Exhibit "A"

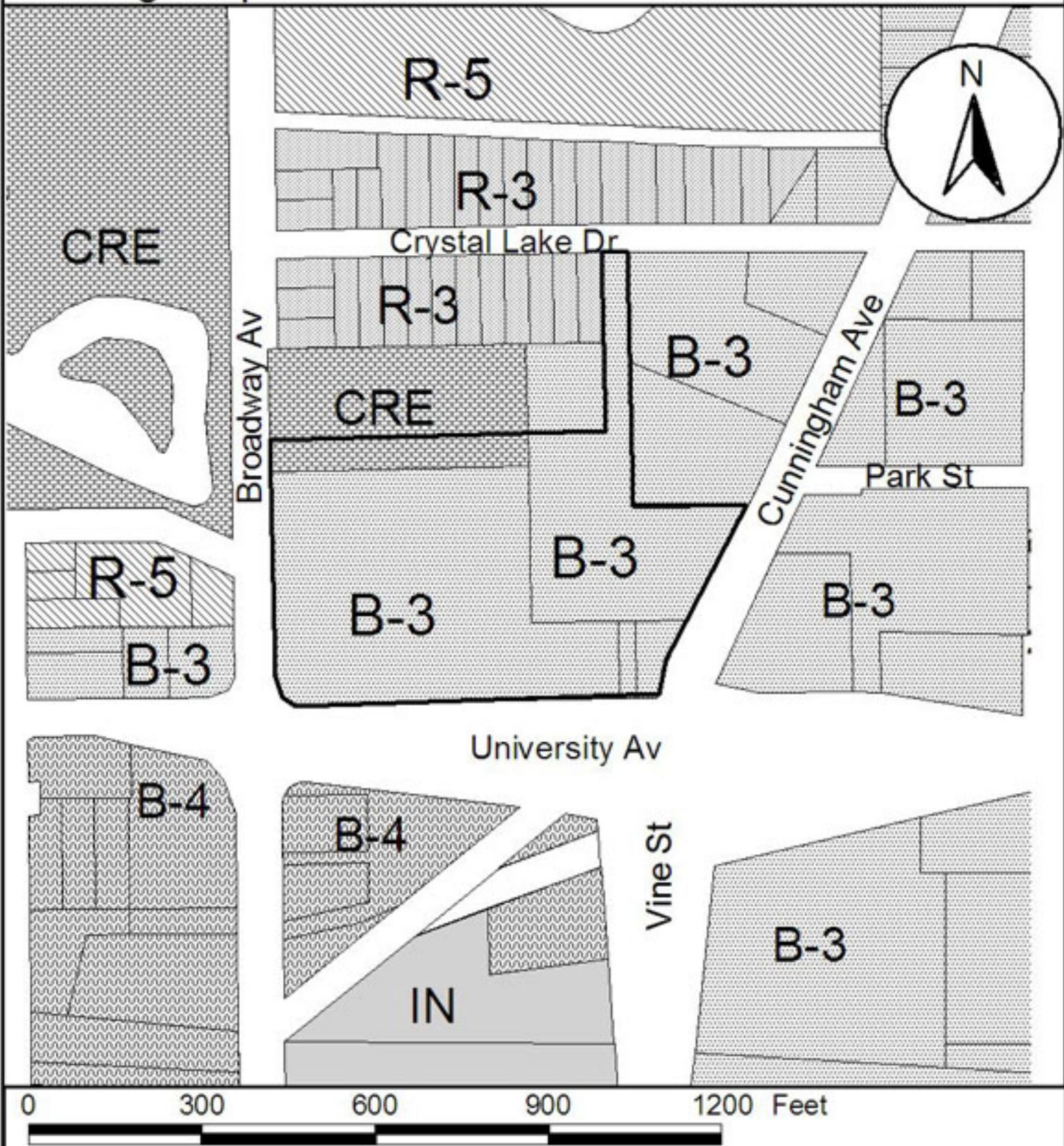


Plan Cases:  
2003-M-06, Gateway Shops:  
Rezone part of a lot from CRE, Conservation-Recreation-Education  
to B-3, General Business  
2003-SU-06, Gateway Shops:  
Special Use Permit to allow a shopping center / PUD in the B-3 zone  
Petitioner: Five Points Realty, LLC  
Location: North West corner of Cunningham Ave and Vine Street  
Zoning: B-3, General Business and CRE

-  Subject Property
-  Rezoning Area

# Zoning Map

# Exhibit "B"



Plan Cases:  
 2003-M-06, Gateway Shops:  
 Rezone part of a lot from CRE, Conservation-Recreation-Education to B-3, General Business  
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 Petitioner: Five Points Realty, LLC  
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 Zoning: B-3, General Business and CRE

R3 - Single- and Two-Family  
 R5 - Medium High Density Multiple-Family  
 B3 - General Business  
 B4 - Central Business  
 CRE - Conservation-Recreation-Education

Subject Property

# Existing Land Use w Aerial Photo

# EXHIBIT "C"



**Plan Cases:**

**2003-M-06, Gateway Shops:**

Rezone part of a lot from CRE, Conservation-Recreation-Education to B-3, General Business

**2003-SU-06, Gateway Shops:**

Special Use Permit to allow a shopping center / PUD in the B-3 zone

**Petitioner:** Five Points Realty, LLC

**Location:** North West corner of Cunningham Ave and Vine Street

**Zoning:** B-3, General Business and CRE

*Prepared 6/19/06 by Community Development Services - pa*

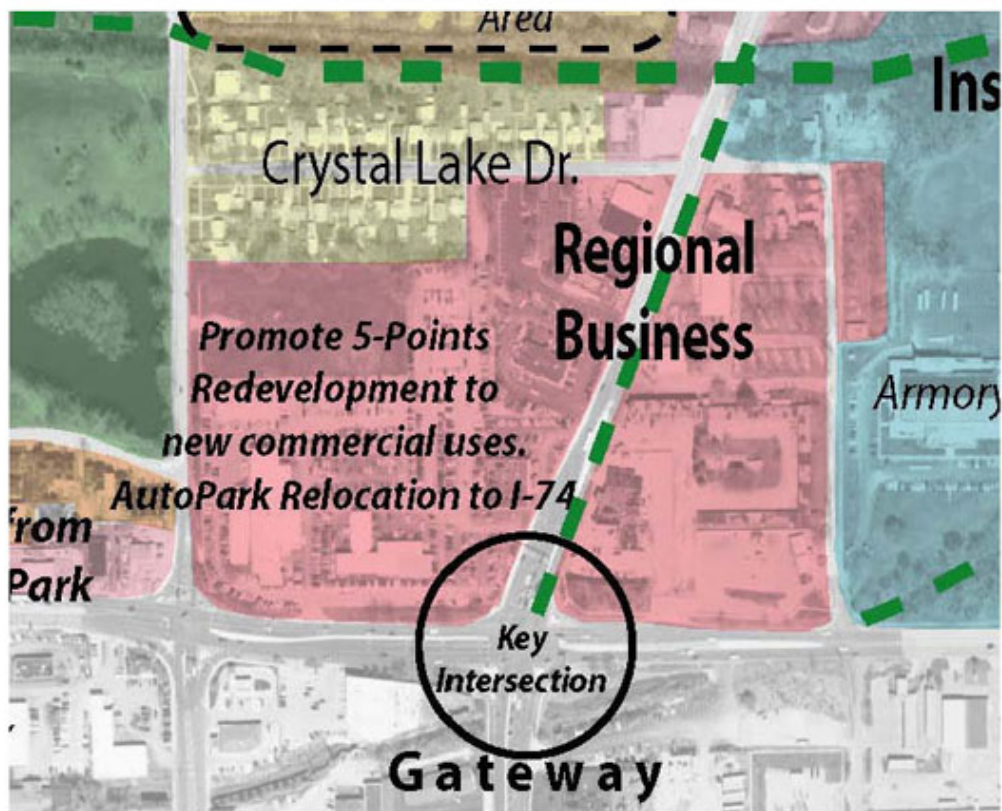
COM – Commercial  
SF – Single Family  
MF – Multi Family  
VAC - Vacant



# Future Land Use

# EXHIBIT "D"

Source: Comprehensive Plan Future Land Use  
Map # 4, p.75 – Detailed Section



**Plan Cases:**

**2003-M-06, Gateway Shops:**  
Rezone part of a lot from CRE, Conservation-Recreation-Education to B-3, General Business

**2003-SU-06, Gateway Shops:**  
Special Use Permit to allow a shopping center / PUD in the B-3 zone

**Petitioner:** Five Points Realty, LLC

**Location:** North West corner of Cunningham Ave and Vine Street

**Zoning:** B-3, General Business and CRE

*Prepared 6/19/06 by Community Development Services - pal*