



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Jeff Engstrom, Community Development Associate

DATE: August 4, 2006

SUBJECT: Plan Case 2007-M-06: A request to rezone 201 S. Race and 205 W. Elm from R-6, High Density Multiple-Family Residential to B-4, Central Business District

Introduction

The Urbana Zoning Administrator has requested that the parcels at 201 S. Race and 205 W. Elm be rezoned from R-6, High Density Multiple Family Residential to B-4, Central Business District. These properties are occupied by the Urbana Free Library building. The proposed rezoning will ensure the property is consistent with the 2005 Urbana Comprehensive Plan and surrounding land uses. Both public libraries and accessory uses such as cafés are permitted by right in the B-4 zoning district. The proposed rezoning is also consistent with the Master Plan for the Urbana Free Library and the Downtown Strategic Plan.

Background

The Urbana Free Library was founded in 1874 as one of the first tax-supported public libraries in the state of Illinois. The main library building was built in 1918 at 201 South Race Street. It was expanded in 1975, and again in 2005. The City contributed toward the recent \$8 million expansion of the Library. The original building and the 1975 addition are on the parcels which the Zoning Administrator is requesting to be rezoned.

Adjacent Land Uses and Zoning Designations

The property is surrounded by commercial uses and library property. Immediately north of the property is Busey Bank. To the west and south is the rest of the library complex. The 2005 addition to the library includes one of the parcels to be rezoned as well as the parcel immediately west of the subject parcels. There is library parking and a vacant commercial building to the south. To the east is the Historic Lincoln Hotel and Lincoln Square Village. The property is within the downtown core, most of which is zoned B-4, Central Business.

Zoning and Land Use Table

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

Location	Zoning	Existing Land Use	2005 Comprehensive Plan – Future Land Use
Subject Property	R-6, High Density Multiple Family Residential	Library	“Central Business”
North	B-4, Central Business	Bank	“Central Business”
South	B-4, Central Business & R-6, High Density Multiple Family Residential	Library Parking & Commercial	“Central Business”
East	B-4, Central Business	Hotel	“Central Business”
West	B-4, Central Business	Library	“Central Business”

Issues and Discussion

Public libraries are permitted in areas zoned R-6, High Density Multiple Family Residential. However, the site is not intended to be used as a residence, and will not be in the foreseeable future. The library also contains accessory uses, such as a café, which are not permitted in the R-6 zoning designation. Given the property’s location within the Downtown core, the appropriate zoning is B-4, Central Business. The proposed rezoning will ensure the property’s zoning is consistent with surrounding similar uses, the existing use of the property, and the 2005 Urbana Comprehensive Plan. The Comprehensive Plan describes “Central Business” as follows:

The Central Business land use designation is exemplified by Downtown Urbana but also includes other mixed-use areas. Contains a dense, highly intensive land use pattern focusing on an urban style of development and architecture. Pedestrian, bicycle and transit access are emphasized to ensure areas are walkable. Contains a mix of land uses ranging from commercial, high-density residential, office, and well as institutional. Mixed-use developments offer residential uses above first floor commercial and office space.

The Master Plan for the Urbana Free Library Block calls for the Library to acquire adjacent properties and convert them to library uses as they become available. Since most or all of the block may eventually be used by the Library, it is inconsistent to leave these parcels zoned for residential development. Likewise, the Downtown Strategic Plan recognizes the library as a community institution which creates vitality in the downtown area by drawing residents to the downtown area.

The La Salle Rezoning Criteria

In the case of *La Salle National Bank of Chicago 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 surrounding properties are all commercial or institutional uses, most of which are zoned B-4. The proposed rezoning would ensure that the property’s zoning is consistent with these 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 R-6, High Density Multiple Family Residential, and the value it would have if it were rezoned to B-4, Central Business, to permit the proposed use.

The B-4 District would preclude residential development on the Library property. However, residential is an extremely unlikely use for the site. Changing the zoning to B-4 will allow the Library have accessory uses appropriate to the downtown area, which could potentially increase land values.

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.*

The Library use promotes the general welfare by providing a community service.

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 current zoning is not entirely consistent with the historic and current use of the property as a library. The current zoning is also inconsistent with the Central Business future land use, as identified in the 2005 Urbana Comprehensive Plan. Rezoning would not impose a hardship on the property owner.

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 proposed rezoning would not have an impact on the suitability of the property for the continued use as a library.

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 is not vacant.

Summary of Staff Findings

1. The property is currently zoned R-6, High Density Multiple Family Residential, and has been used as a public library since 1918 on one half and since 1974 on the other.
2. The proposed B-4, Central Business zoning for the subject property is consistent with the overall goals of the 2005 Urbana Comprehensive Plan and future land use designation of “Central Business” for the area.
3. The proposed rezoning is consistent with the Master Plan for the Urbana Free Library Block as well as the Downtown Strategic Plan.
4. The surrounding areas in the downtown core are already zoned B-4, Central Business.
5. The proposed rezoning would allow the continued use of the property as a library as well as permit operation of a café as an accessory use on the site.
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 2007-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, staff recommends that the Plan Commission forward Plan Case No. 2007-M-06 to the Urbana City Council with a recommendation for **APPROVAL**.

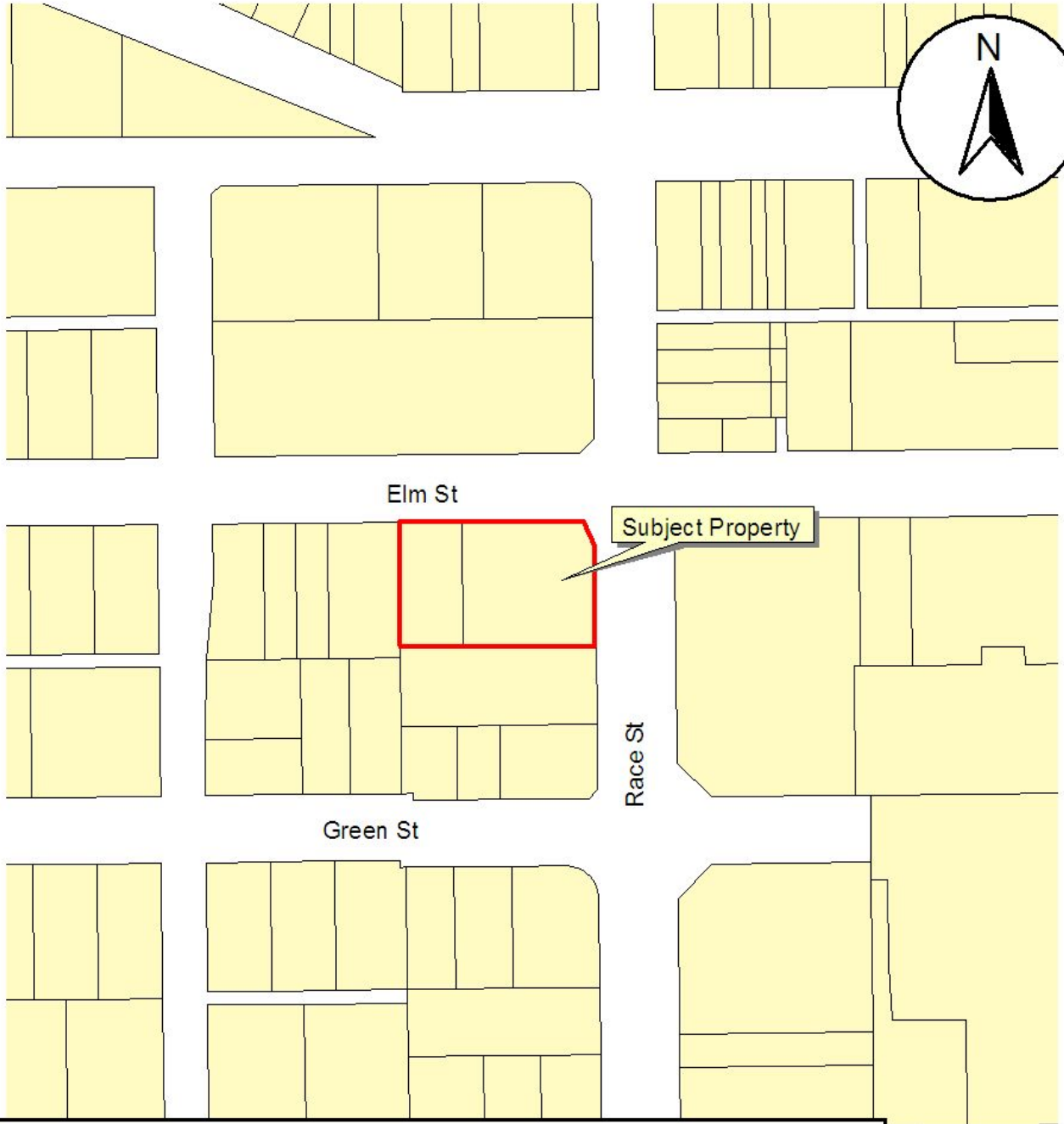
Prepared by:

Jeffrey Engstrom, Community Development Associate

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
Petition for Zoning Map Amendment
Letter of Support from the Urbana Free Library Board of Trustees
Master Plan for the Urbana Free Library Block

Cc: Urbana Free Library Board

Exhibit A: Location Map



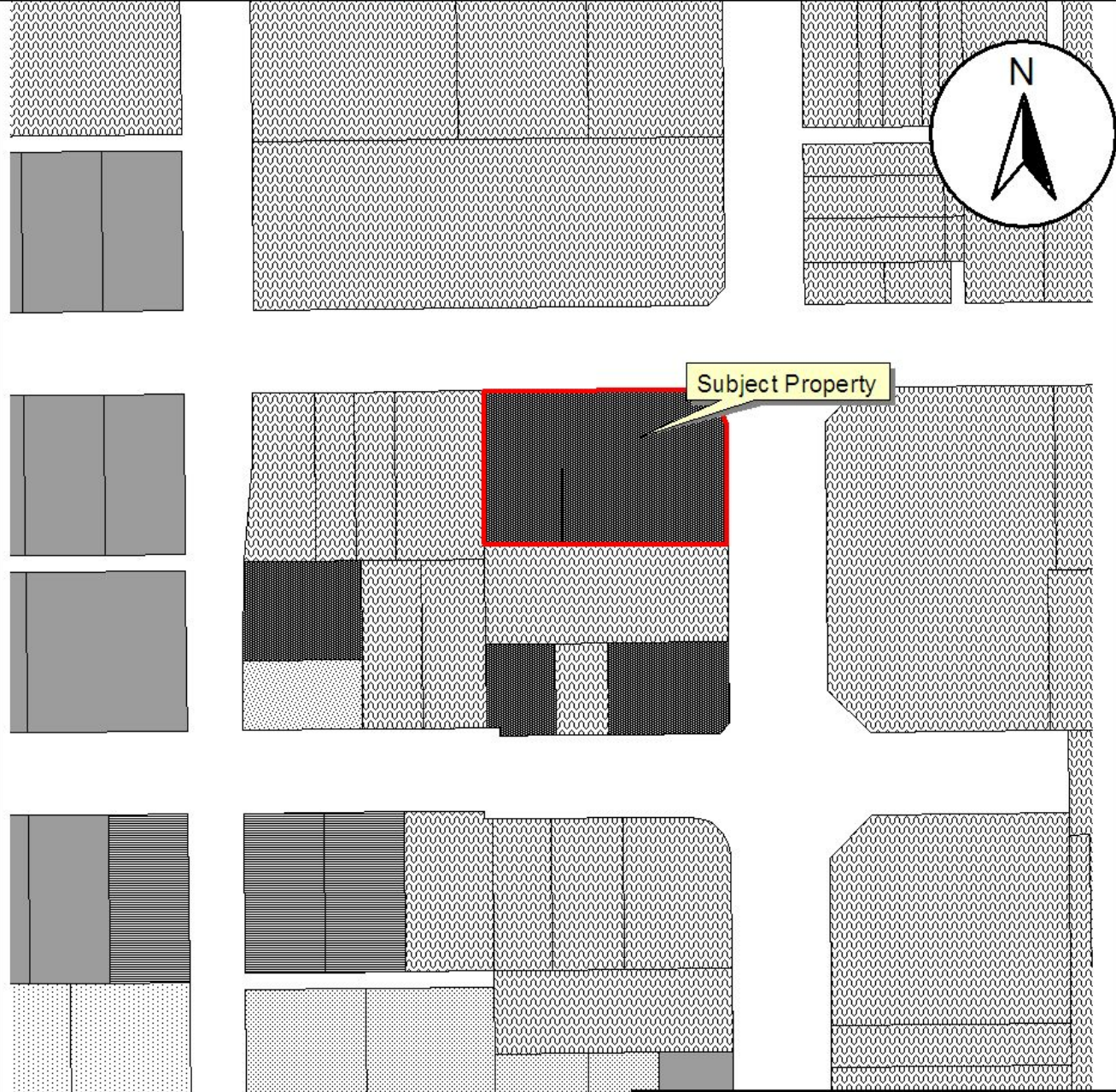
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Plan Case: 2007-M-06
Petitioner: Urbana Zoning Administrator
Location: Corner Race and Elm Streets
Description: Rezone from R-6 to B-4


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Exhibit B: Zoning Map



-  B3 - General Business
-  B4 - Central Business
-  MOR - Mixed Office Residential
-  R6 - High Density Multiple Family Residential
-  R6B - High Density Multiple Family-Restricted

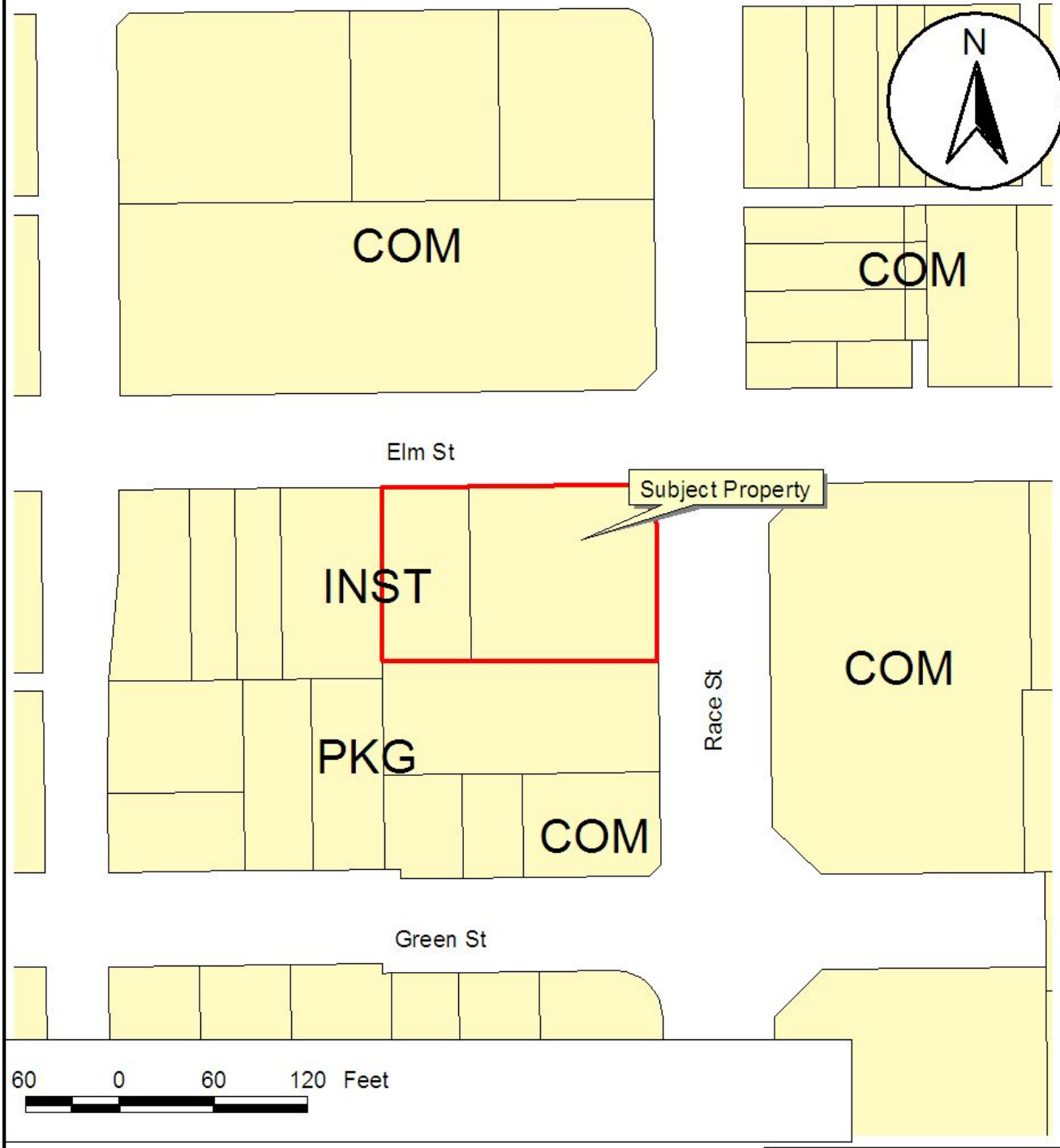
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Plan Case: 2007-M-06
 Petitioner: Urbana Zoning Administrator
 Location: Corner of Race and Elm Streets
 Description: Rezone from R-6 to B-4

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Exhibit C: Existing Land Use Map

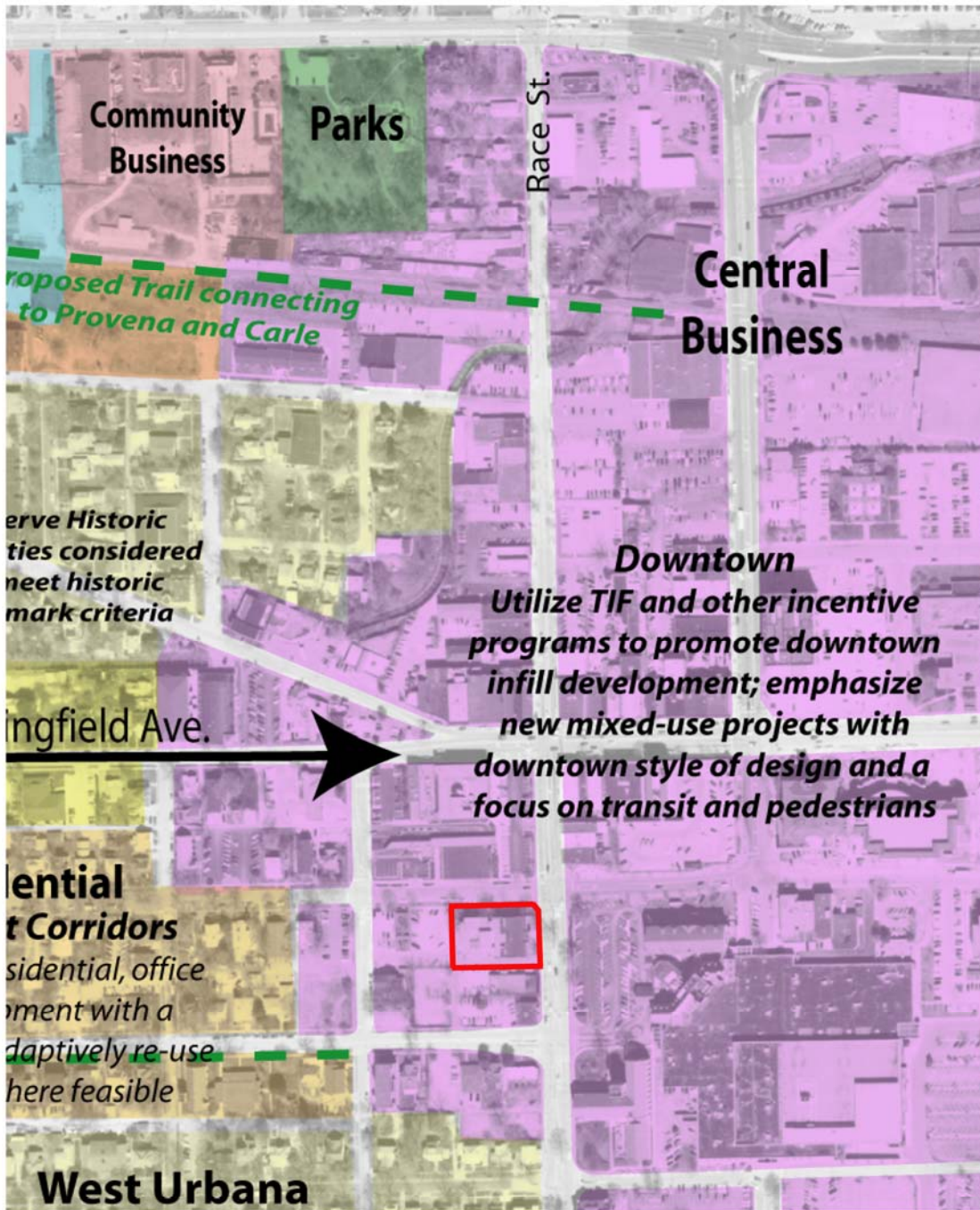


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COM - Commercial
INST - Institutional
PKG - Parking Lot

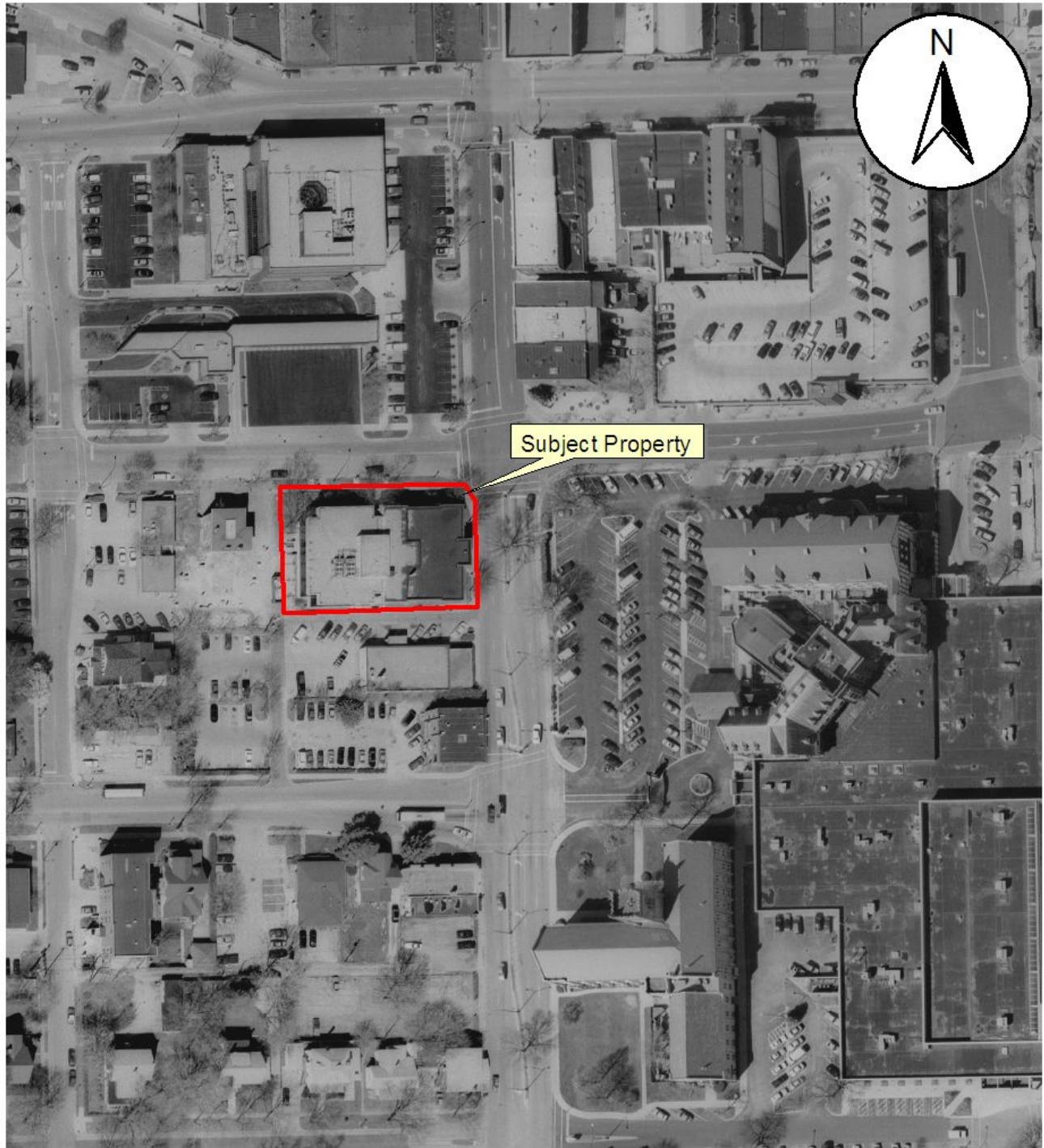
Exhibit D: Future Land Use Map



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Exhibit E: Aerial Map



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