



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** The Urbana Plan Commission

**FROM:** Matt Wempe, Planner II

**DATE:** December 1, 2006

**SUBJECT:** Plan Case 2024-M-06: A request to rezone 1405 N. Lincoln Avenue from R-5, Medium High Density Multiple-Family Residential to B-3, General Business

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### **Introduction**

The Girl Scouts Green Meadow Council has requested that their property at 1405 N. Lincoln Avenue be rezoned from R-5, Medium High Density Multiple-Family Residential District to B-3, General Business District. The subject property is developed as an office which is currently vacant. The petitioner has relocated their operation and is actively marketing the subject property for sale. The rezoning request would be more consistent with the long-standing office use of the site, and would help the petitioner sell the subject property.

### **Background**

The petitioner has owned the property since 1979 and constructed the existing building at that time. At the time of development the subject property was in the R-5 Zoning District. The subject property has remained largely unchanged despite development in the surrounding area. This past year, the petitioner relocated to a new building and is currently marketing the subject property for sale.

### **Adjacent Land Uses and Zoning Designations**

The subject property is surrounded by commercial, residential, and institutional uses. Immediately north of the subject property is Urbana Fire Station #3, as well as an Illinois-American Water Company wellhead and water softening facility. At the southwest corner of Bradley and Lincoln is a gas station, convenience store and a vacant property zoned B-3, General Business. To the west is the Lincoln View (formerly University Commons) apartment complex which extends west to Goodwin Avenue. Additional property zoned B-3, General Business, which is part of the Lincoln View complex, is immediately south of the subject property. The Vineyard Church and Atrium Apartments are located east across Lincoln Avenue.

### **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>	R-5, Medium High Density Multiple-Family Residential	Office	Institutional
<b>North</b>	R-2, Single-Family Residential B-3, General Business	Fire Station Gas Station and Convenience Store	Institutional Community Business
<b>South</b>	R-4, Medium Density Multiple-Family Residential B-3, General Business	Apartments Vacant Land	Multi-Family Residential Community Business
<b>East</b>	R-4, Medium Density Multiple-Family Residential County R-4, Multiple Family Residence	Church Apartments	Institutional Multi-Family Residential
<b>West</b>	R-4, Medium Density Multiple-Family Residential	Apartments	Multi-Family Residential

## **Issues and Discussion**

The North Lincoln corridor has experienced significant new development and expansion of residential, hotel and industrial uses over the past decade. A number of commercial uses exist in the corridor, including gas stations and vehicle sales centers. The 2005 Urbana Comprehensive Plan recognized the need for commercial uses that could serve adjacent residents and travelers, and identified areas where such uses would be desired. Commercial development is taking place, as evidenced by the recent reconfiguration of the Speedway property at Killarney and Lincoln.

The 2005 Urbana Comprehensive Plan identifies the future land use for the subject property as “Institutional”. The plan defines Institutional as: “areas that may include governmental, education, medical, religious or university facilities, ranging from a single building to campuses.” Examples of properties designated as Institutional include all Urbana School District #116 facilities, Carle Hospital, the Champaign County government campus, and all City-owned land. It is likely that staff considered the Girl Scouts a type of institutional use. However, the future land uses in the 2005 Urbana Comprehensive Plan are meant as a general guide. Future Land Use Map #3 includes an annotation to “Promote commercial uses that serve the immediate area – especially apartment / hotel development.” The subject property is adjacent to a number of apartment complexes, hotels and other commercial uses. The proposed rezoning would be consistent with the City’s desire to see this area develop as community business, as identified in the 2005 Urbana Comprehensive Plan.

South of Bradley Avenue, there are several properties that are already zoned B-3, General Business, and developed as commercial uses. Immediately south of the subject property there is a vacant tract that is part of the Lincoln View apartment complex that is zoned B-3, General Business. The access drive for Lincoln View and a fence separates this tract from the subject property.

***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 surrounding area has a number of different uses, including a fire station, gas station and convenience store, public utility, and several larger apartment complexes. The existing residential zoning of the subject property is inconsistent with the long time office use. The 2005 Urbana Comprehensive Plan calls for commercial uses along the west side of Lincoln Avenue that can serve the immediate area. The B-3 Zoning District allows a greater breadth of uses compared to the R-5 Zoning District, and would allow the petitioner to better market their property for commercial 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-5, Medium High Density Multiple-Family Residential and the value it would have if it were rezoned to B-3, General Business.*

The R-5 Zoning District is inconsistent with the current use of the property. The B-3 Zoning District offers a wider breadth of commercial and office uses than the R-5 Zoning District. If the property is rezoned, a wider variety of uses are possible on the property, thus realizing a wider market potential. This would presumably make the site more valuable to the petitioner.

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. (see No. 4 below)*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

*The questions here 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?*

The long time use of the subject property as an office is inconsistent with the current zoning. The R-5 Zoning District does not promote the general welfare of the public because it is not protecting a residential use. In addition, the current zoning is not consistent with the City's desire to see this area develop as community business, as identified in the 2005 Urbana Comprehensive Plan.

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 the property (near several larger apartment complexes and one of the two highway exits in Urbana) lends the site to commercial uses. Lincoln Avenue is designated as a "the gateway" to the University of Illinois, and experiences significant traffic volumes. The area has developed uses that serve the adjacent uses, such as a number of larger student apartment buildings, hotels, a convention complex, and a church. In addition to the apartment complex proximity, the area has developed uses that are consistent with the proximity to the highway, including hotels, a restaurant, and gas stations.

Currently, students and travelers have no option but to drive several miles to the nearest commercial areas. The site offers an ideal location to serve the needs of students and travelers without the need to travel to the North Prospect area.

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 petitioner is not claiming that the property has remained vacant due to the current zoning.

## **Summary of Staff Findings**

1. The petitioner has owned the property since 1979 and constructed the existing building at that time. At the time of development the subject property was in the R-5 Zoning District.
2. The 2005 Urbana Comprehensive Plan recognized the need for commercial uses that could serve adjacent residents and travelers and identified areas where such uses would be desired.
3. The location of the site in close proximity to several larger apartment complexes, hotels, a convention center, and a church, one of two interstate exits in Urbana, and larger traffic counts makes the subject property desirable for commercial uses to serve the daily needs of students and travelers.
4. 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 2024-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. 2024-M-06 to the Urbana City Council with a recommendation for **APPROVAL**.

Prepared by:

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Matt Wempe, Planner II

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  
Exhibit F: Zoning Map Amendment Application

CC: Girl Scouts Green Meadow Council  
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Traci Nally  
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309 W. Clark  
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# Exhibit A: Location Map



Bradley Av

Subject Property

Lincoln Av

Sunset Dr

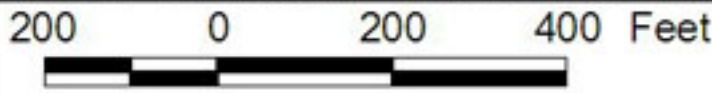
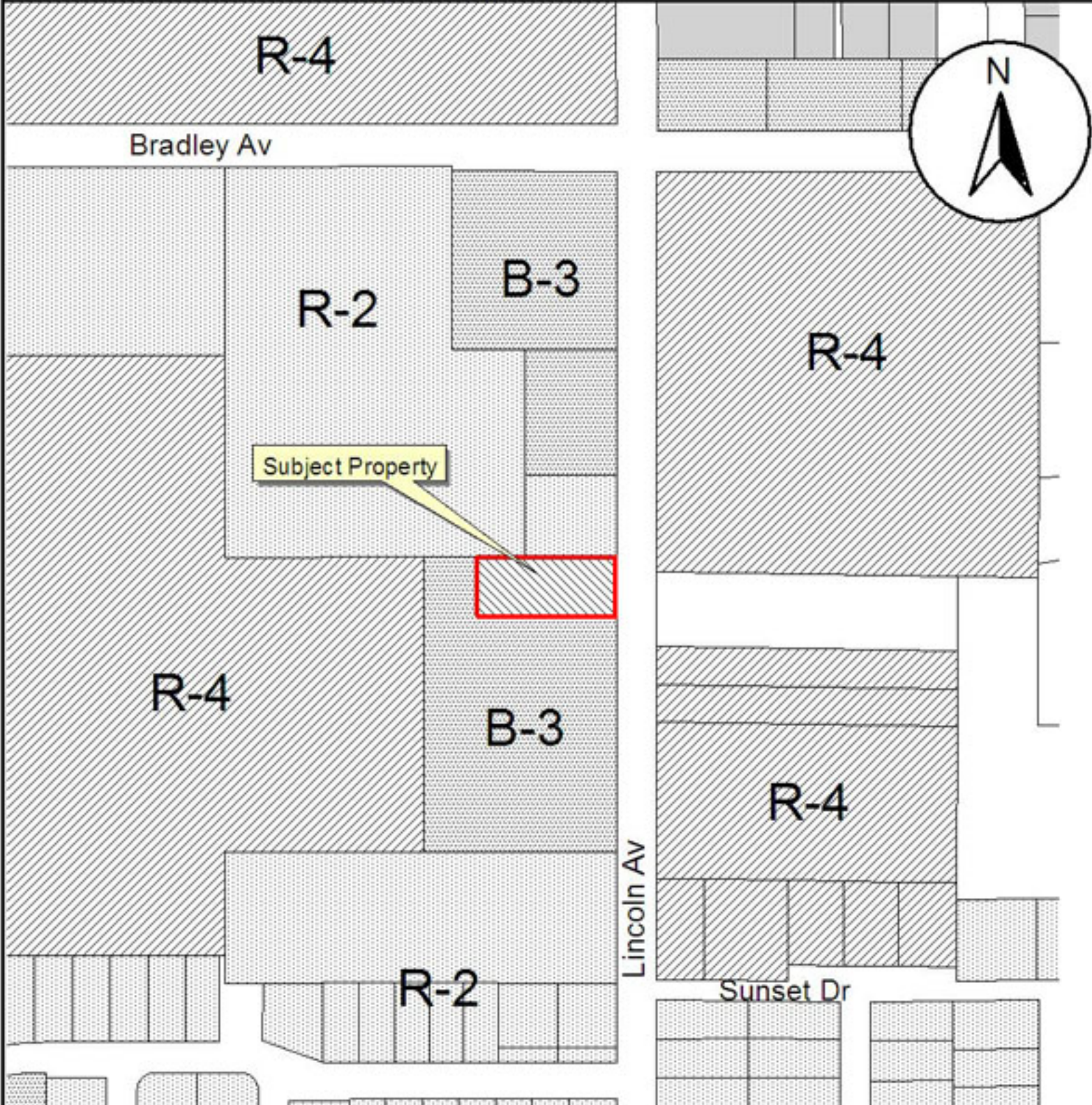
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Plan Case: 2024-M-06  
Petitioner: Girl Scouts of America  
Location: 1405 N. Lincoln Av, south of Bradley Av  
Description: Rezone from R-5 to B-3

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# Exhibit B: Zoning Map

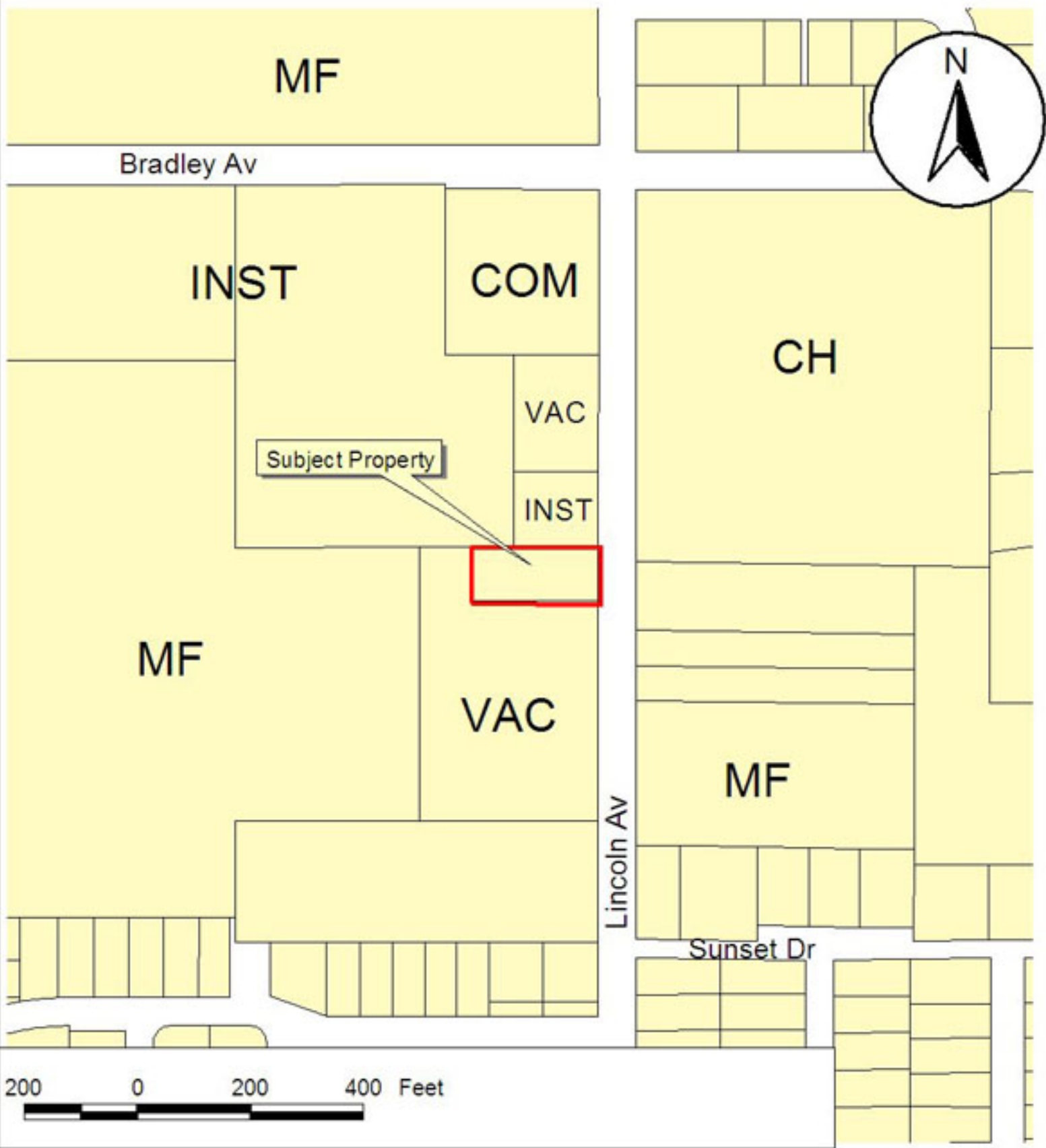


-  B3 - General Business
-  R2 - Single Family
-  R4 - Medium Density Multiple-Family



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# Exhibit C: Existing Land Use Map



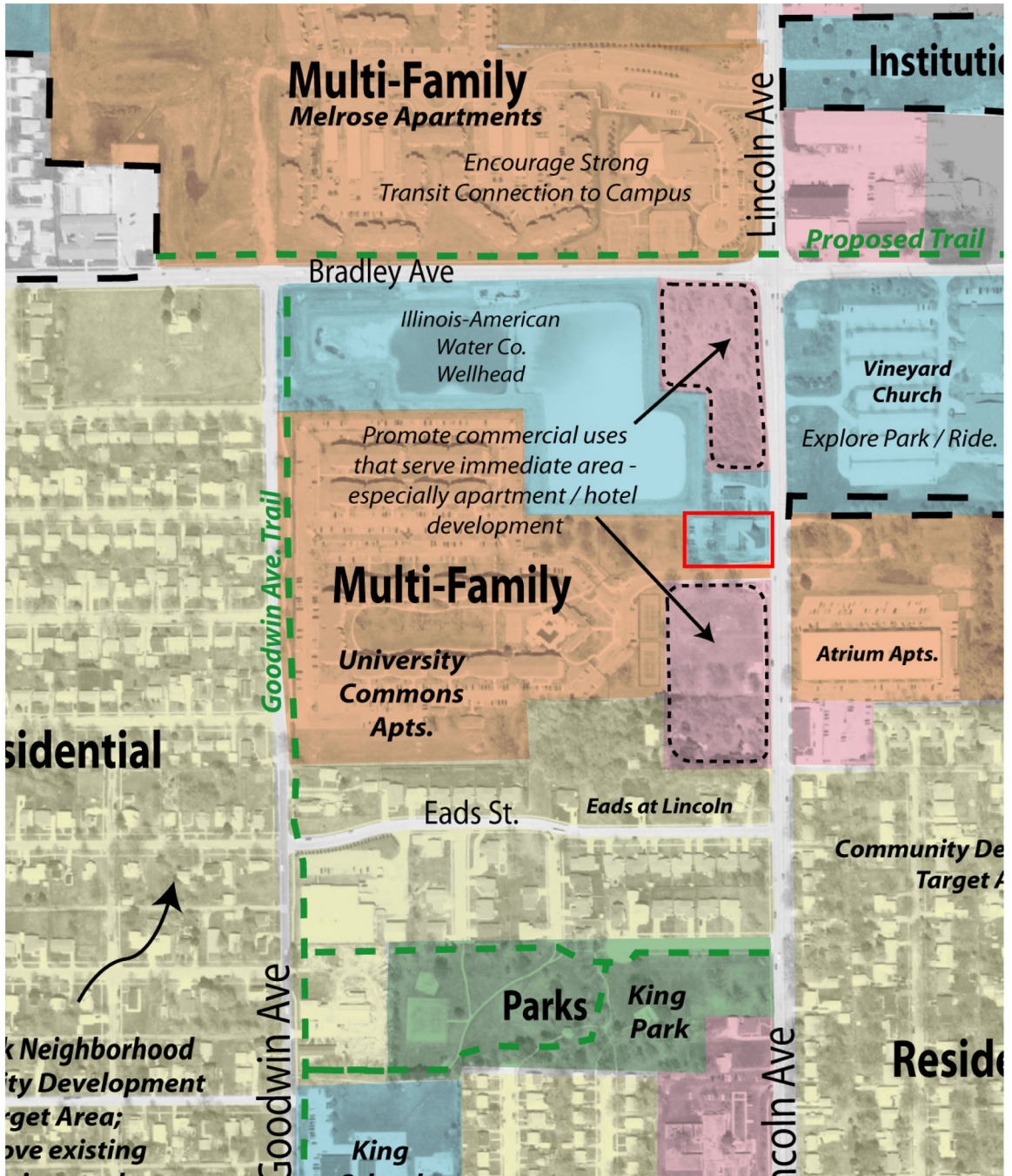
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PARK - Parks and Recreation  
COM - Commercial  
INST - Institutional



# Exhibit D: Future Land Use Map



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# Exhibit E: Aerial Map



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