



## 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, Planner I

**DATE:** June 1, 2007

**SUBJECT:** Plan Case 2042-M-07: A request to rezone a portion of 1907 N. Cunningham Avenue from B-3, General Business to R-4, Medium Density Multiple-Family Residential

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### **Introduction**

Eastland Suites Hotel and Conference Center has requested that a 0.19-acre portion of their 11.5-acre property at 1907 N. Cunningham Avenue be rezoned from B-3, General Business District, to R-4, Medium Density Multiple-Family Residential District. The subject property is split by two zoning designations: R-4 on the south side and B-3 on the north side. The owners plan to redevelop the south portion of their property into efficiency apartments. A small portion of the southern half is zoned B-3, and the owner is requesting it be rezoned so that apartments can be built on it.

### **Background**

The site was originally developed as a Howard Johnson motel and restaurant. Currently, Eastland Suites is a hotel and conference center on North Cunningham Avenue (US 45), adjacent to the Interstate 74 interchange. The site was developed in two phases. The newest phase has a hotel and conference center. The older phase contains apartments, which are also owned by Eastland Suites, and is planned to be demolished and replaced with new efficiency apartments. There will be four new apartment buildings, each with 28 units. A part of one of these buildings will extend into the area to be rezoned.

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

The subject property adjoins both commercial uses and single-family homes. Immediately north of the subject property is a portion of the Eastland Suites complex, north of which are the Cracker Barrel and Steak-N-Shake restaurants. To the west and southwest of the subject property are several single-family residences which front on Willow Road. A gas station is located to the southeast. East of the subject property is the rest of the Eastland Suites site, beyond which is the right-of-way for Route 45.

## 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
<b>Subject Property</b>	R-4, Medium High Density Multiple-Family Residential B-3, General Business	Efficiency Apartments Motel and Conference Center	Multi-Family Residential Regional Business
<b>West</b>	R-1, Single-Family Residential	Single Family Homes	Single-Family Residential
<b>East</b>	B-3, General Business	Gas Station and Convenience Store	Regional Business
<b>South</b>	R-1, Single-Family Residential B-3, General Business	Single Family Homes Gas Station and Convenience Store	Single-Family Residential
<b>North</b>	B-3, General Business	Restaurants	Regional Business

### Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the portion of the site to be both “Regional Business” and “Multi-Family Residential”. Regional Business is defined as:

*Intended to serve regional as well as local demand. Typically located in a high-visibility area that offers convenient access and parking. Although Regional Business areas are typically oriented preliminarily to automobile traffic, their design should include adequate facilities for pedestrians, bicyclists and public transit.*

The plan defines Multi-Family Residential as:

*Areas planned primarily for apartment complexes and other multi-family buildings.*

*Located close to major centers of activity such as business centers, downtown, and campus. May include supporting business services for convenience needs of the residents. Multi-family residential areas should allow for a density buffer when transitioning to a lower-density residential area. These areas should incorporate provisions for transit service and pedestrian access.*

The proposed rezoning would allow for a transitional area of multi-family housing between the Regional Business uses of restaurants, hotels, and gas stations to the east and the single-family neighborhood to the west. This would be consistent with the 2005 Urbana Comprehensive Plan.

## **Issues and Discussion**

The subject property has two zoning designations. Most of the property is zoned B-3, General Business District. The southwest 4.5 acres of the property is zoned R-4, Medium Density Multiple-Family Residential. There is an east-west line that divides the two portions of the site into separate zoning districts. A 0.19-acre portion of the property now zoned B-3 would be rezoned R-4 in order to create a more logical zoning boundary, and also to allow construction of an efficiency apartment building. The southern half of the building will be constructed on land which is already zoned R-4. The rest of the building would be on land zoned B-3. Multi-family residential buildings are only allowed in the B-3, General Business District with a Special Use Permit. In this case, rezoning the property to R-4 is preferable to avoid building across two zoning districts.

The property to be rezoned is adjacent to a single-family home accessed from Willow Road. A privacy fence separates the back yard of the home from the Eastland Suites property. Homes exist to the south along Willow Road which are all adjacent to the R-4 portion of Eastland Suites apartments.

### **The La Salle 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 applicant states that the request “conforms with the existing uses of the adjacent property.” The site is a small 0.19 portion of a large 11.5-acre parcel that has two zoning designations: B-3 and R-4. The portion considered for rezoning is surrounded by residential zoning districts to the east, west and south. To the west are single-family homes, separated from the site by a privacy fence. These surrounding districts are compatible with the proposed rezoning.

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-3, General Business and the value it would have if it were rezoned to R-4, Medium Density Multiple-Family Residential.*

The proposed rezoning would allow the petitioner to redevelop the site with new efficiency apartments. Having a building site with one uniform zoning designation of R-4 would make the property easier to develop. The proposed rezoning would not diminish the value of the property.

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 portion of the site to be rezoned is currently undeveloped, and does not have direct road access. There would be no perceivable negative impact on the public welfare if the site were to be developed.

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 applicant states that “the subject property will become a part of a large adjacent parcel currently used for apartments.” It is at the rear of the site, and is adjacent to single-family homes. Situated between intense commercial uses and low-intensity residential, this site is well-suited to act as a multi-family residential buffer between the two.

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 due to the current zoning.

## Summary of Staff Findings

1. The property is split by two zoning designations: B-3, General Business to the north, and R-4, Medium Density Multiple-Family Residential to the south. The portion to be rezoned is currently designated B-3.
2. The property contains a hotel and conference center, as well as apartment units.
3. The portion to be rezoned is adjoined on three sides with residential land uses and zoning.
4. The 2005 Urbana Comprehensive Plan future land use map shows this property as both Multi-Family Residential and Regional Business.
5. The portion of the site to be rezoned has would serve as a buffer between intense commercial uses to the east and lower-density residential to the west.
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 2042-M-07, 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. 2042-M-07 to the Urbana City Council with a recommendation for **APPROVAL**.

Prepared by:

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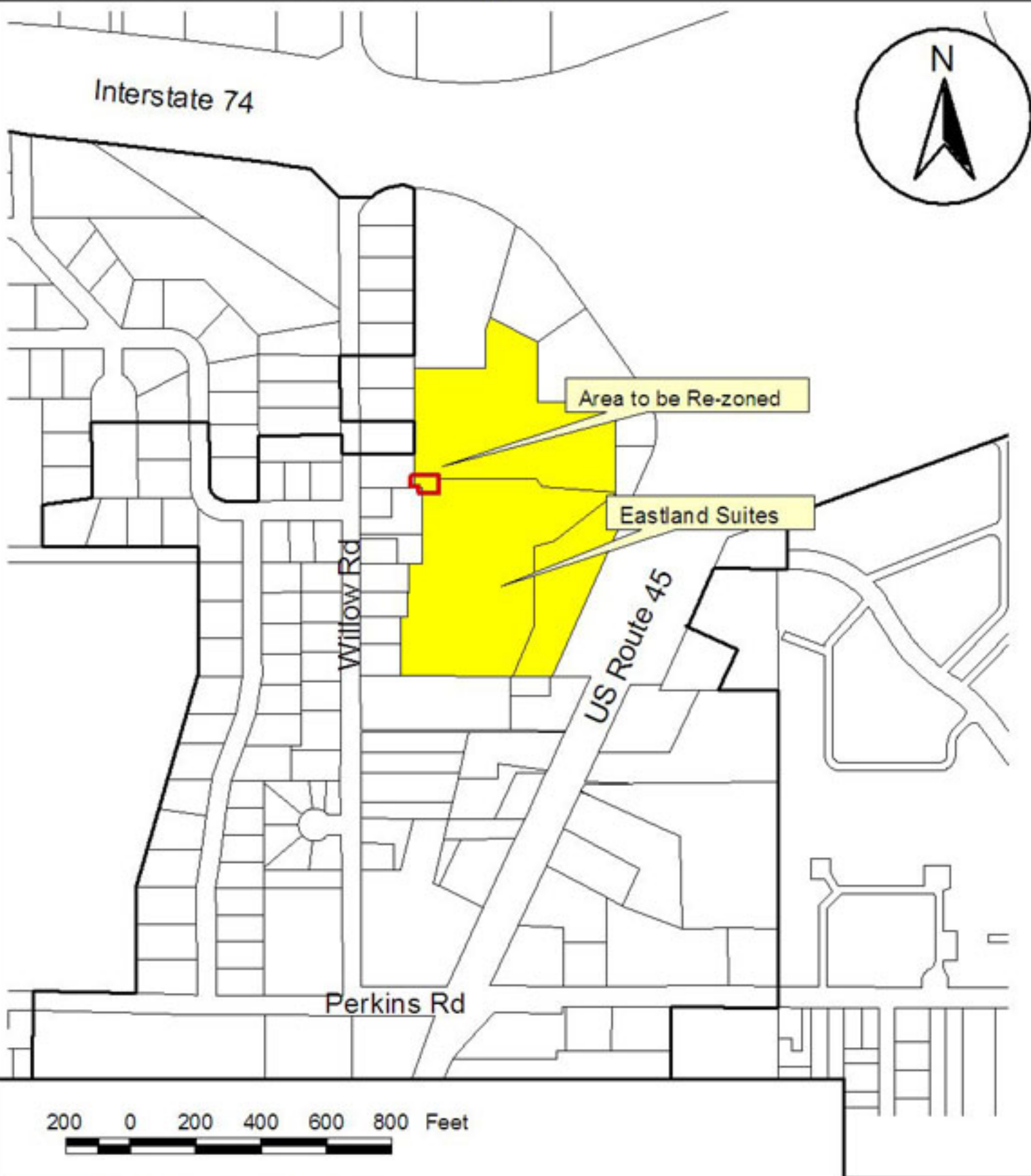
Jeff Engstrom, Planner I

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

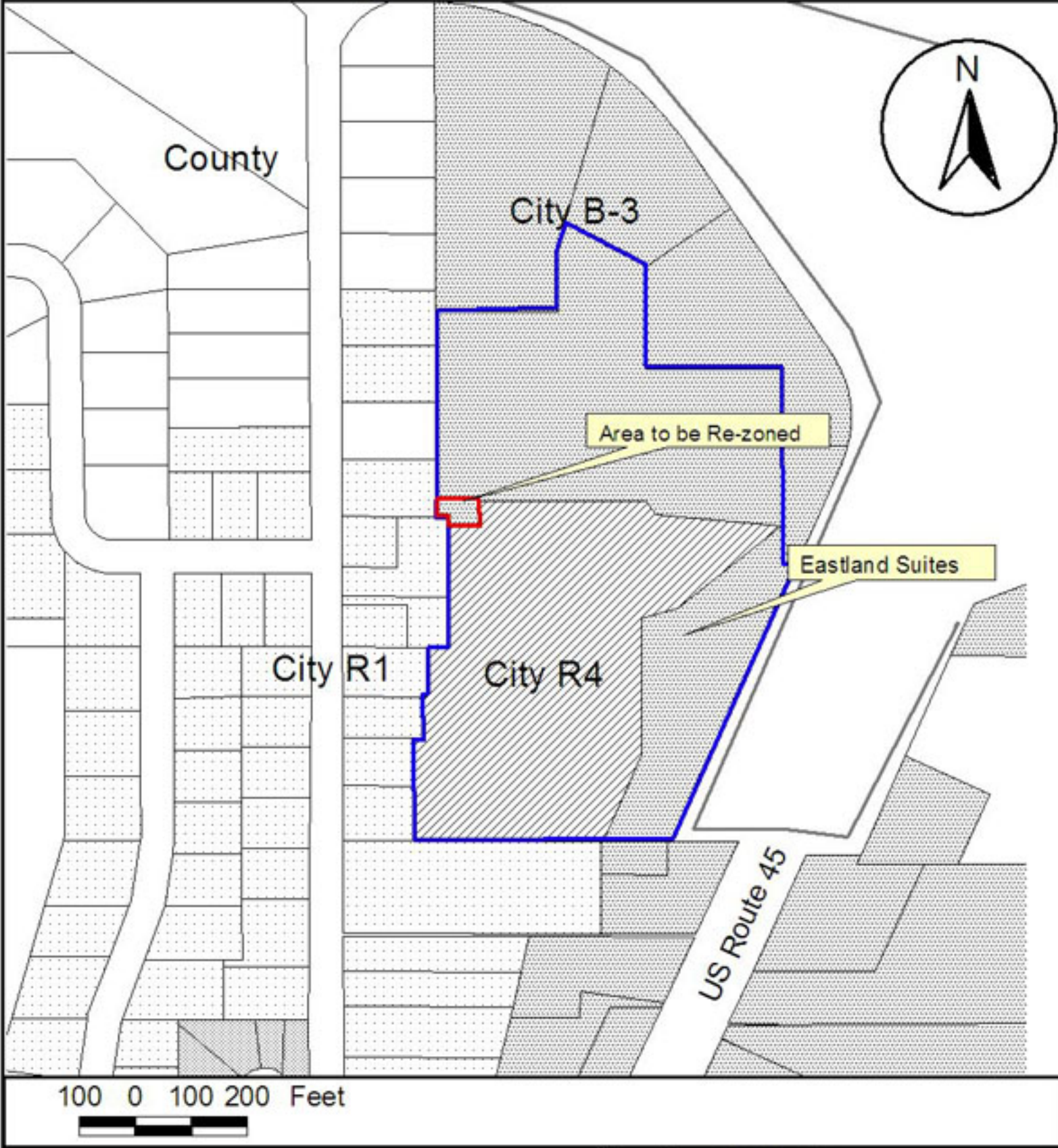
CC: McLean County Land Trust #D-161  
1 Brickyard Drive  
Bloomington, IL 61701

# Exhibit A: Location Map



Plan Case: 2042-M-07  
Petitioner: Eastland Suites  
Location: South of I-74, East of US Route 45  
Description: Rezone Portion of 1909 N. Cunningham  
to R-4, Medium Density Multiple-Family Residential

# Exhibit B: Zoning Map



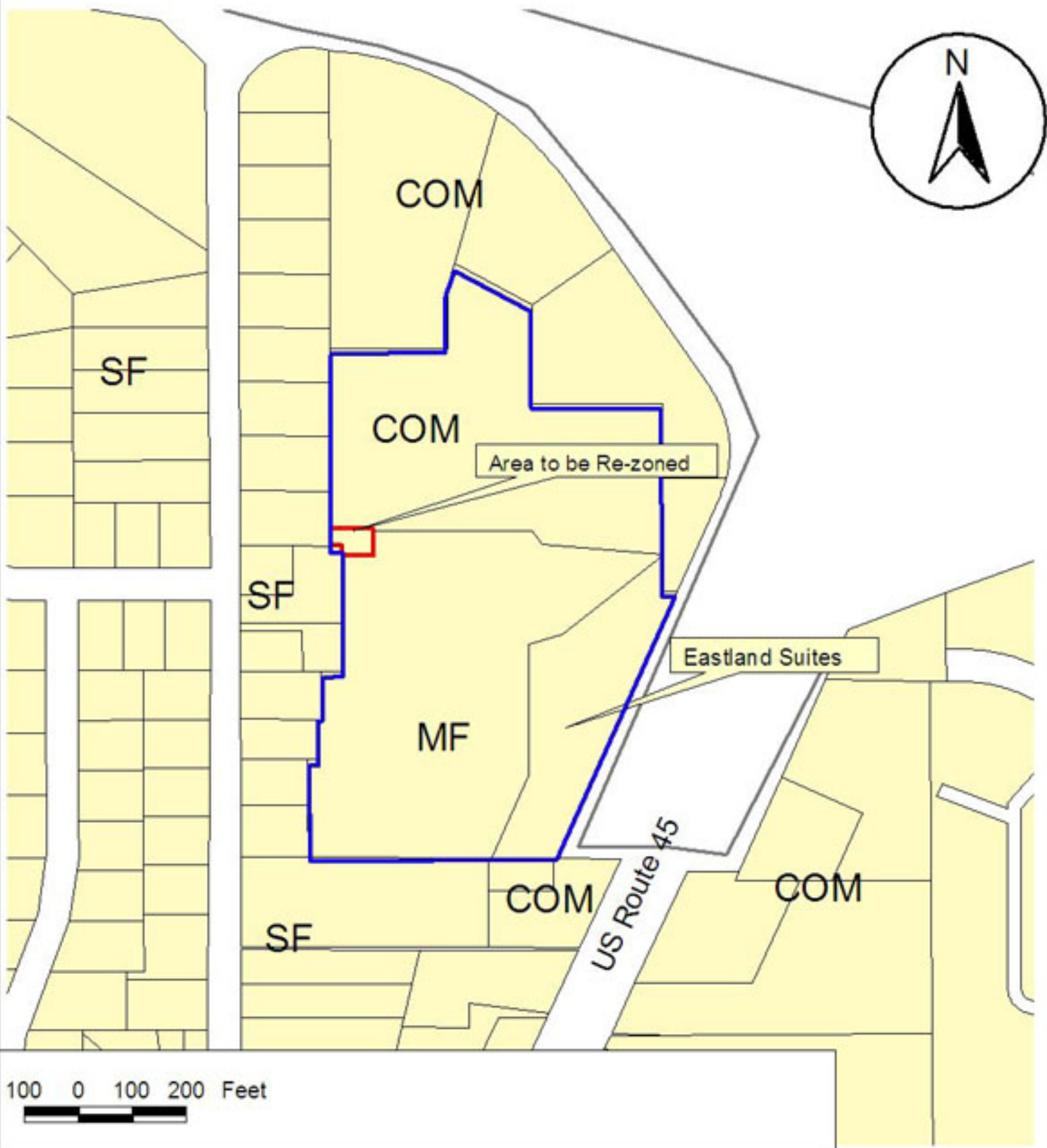
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- County Residential
- R4 - Medium Density Multiple-Family
- B3 - General Business
- R1 - Single Family



# Exhibit C: Existing Land Use Map

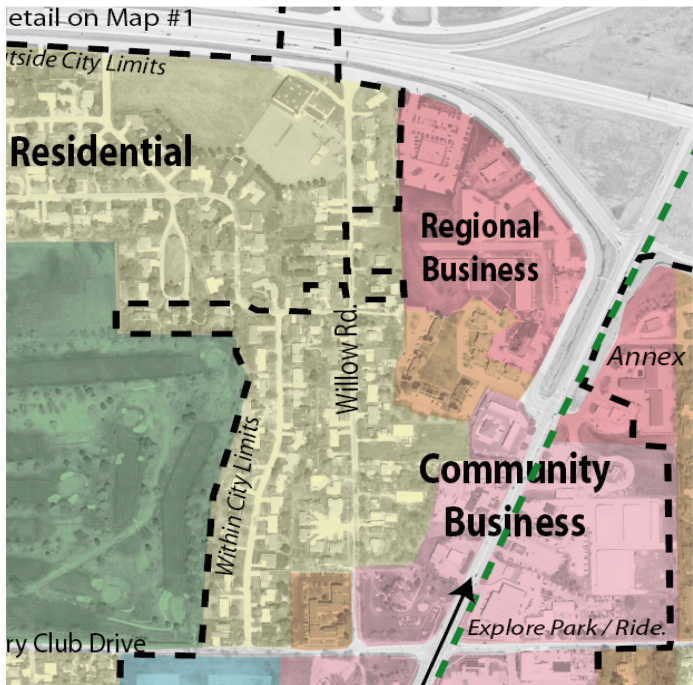


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SF - Single Family  
MF - Multi-Family Residential  
COM - Commercial



# Exhibit D: Future Land Use Map



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# Exhibit E: Aerial Map



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