



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: July 25, 2008

SUBJECT: Plan Case 2075-M-08: A request by Daniel Babai to rezone 804½ East Main Street from B-3, General Business to B-2, Neighborhood Business – Arterial.

Introduction and Background

Daniel Babai has submitted a petition to rezone a parcel located at 804½ East Main Street from B-3, General Business to B-2, Neighborhood Business – Arterial. The property contains a vacant storefront fronting on Main Street and has a residence in the back. Single-family residential uses are not permitted in the B-3 district but are allowed by right in the B-2 district. Should the property be destroyed, it would not be allowed to be rebuilt as it is under the current zoning. The petitioner is applying for the rezoning in order to facilitate the purchase of the property.

Adjacent Land Uses and Zoning Designations

There are a range of zoning and land uses in the surrounding area. The property immediately north of the subject property contains a single-family home, and is zoned R-3, Single and Two-Family Residential. To the east and west are parcels zoned B-3, General Business. The structure on the subject parcel shares a wall with Ray’s Heating & Air Conditioning on the adjacent lot to the east. To the south across Main Street are several lots with single-family homes zoned R-4, Medium Density Multiple Family Residential.

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	B-3, General Business	Single Family Home and Unoccupied Storefront	Residential (Urban Pattern)
North	R-3, Single and Two-Family Residential	Single Family Home	Residential (Urban Pattern)

South	R-4, Medium Density Multiple Family Residential	Single Family Homes	Residential (Urban Pattern)
East	B-3, General Business	Heating Business	Residential (Urban Pattern)
West	B-3, General Business	Church	Residential (Urban Pattern)

Zoning Districts

The property is currently zoned B-3, General Business, and is proposed to be rezoned to B-2, Neighborhood Business – Arterial. Generally, Business districts are intended to provide areas for commercial uses in districts accommodating the range of types, intensity, and physical forms of trade, commercial services, and facilities. Complete zoning information sheets are attached in Exhibit “E”, and contain a list of uses permitted in the B-3 and B-2 districts. According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3 Zoning District is as follows:

"The B-3, General Business District is intended to provide areas for a range of commercial uses wider than that of B-1 Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City."

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-2 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 businesses 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 in the City's adopted Comprehensive Plan and related amendments."

The section of Main Street fronted by the subject property is designated an arterial street in the 2005 Urbana Comprehensive Plan and as a “minor arterial” street by the City Engineer in terms of its function.

Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the underlying future land use for the area containing the site as “Residential (Urban Pattern)”, defined as follows:

Residential areas contain primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.

Urban Pattern of Development

A pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.

It should also be noted that the Future Land Use map has a notation along this portion of Main Street that states “Encourage Neighborhood Businesses that can serve the neighborhood”. The proposed rezoning would allow for both residential use as well as neighborhood business. The proposed rezoning would therefore be consistent with the 2005 Urbana Comprehensive Plan.

Issues and Discussion

The subject property is in the Historic East Urbana Neighborhood. This area is the subject of an upcoming plan case to correct several zoning inconsistencies. Many of the single-family homes in this area are zoned for multi-family residential. In order to protect the integrity of the area, staff will propose these homes be rezoned to R-3, Single and Two-Family Residential. Along the north side of Main Street, staff is also proposing over a dozen properties be rezoned from B-3, General Business to B-2, Neighborhood Business – Arterial. This will allow the businesses and residences which currently exist to continue to be conforming, without allowing for potentially incompatible uses which might alter the character of the area. In preliminary studies, the subject property was proposed to be rezoned from B-3 to B-2.

The applicant has a contract to purchase the property if the rezoning is approved. Since the applicant needs to have the property rezoned in order to facilitate the purchase, he is bringing the case forward immediately ahead of the Historic East Urbana Neighborhood rezonings.

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 subject property already contains a residence and a commercial space. The proposed rezoning will allow for the current non-conforming residential use to become conforming. Nearby properties are currently zoned B-3, General Business, and contain a heating/cooling business and a church. These uses are compatible with the B-2, Neighborhood Business – Arterial district.

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 B-2, Neighborhood Business – Arterial.

Under the current zoning, single-family residences are not allowed. Should the current home be destroyed, it would not be allowed to be rebuilt. The current zoning diminishes 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.*

Questions 3 and 4 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 rezoning of the property should not jeopardize the health, safety, morals or general welfare of the public. The subject property has contained a residence and a business for many years. The proposed rezoning would allow for the residence to continue as a permitted use and allow for it to be rebuilt if destroyed.

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.

Although located on an arterial street, the lot is only 16 feet wide, which is not conducive to larger commercial uses permitted in the B-3 district. The current use—a small storefront with a small home behind—is more suited to the B-2, Neighborhood Business – Arterial district.

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 has been vacant since June. This vacancy is most likely due to the fact that the property for sale.

Summary of Staff Findings

1. The property is currently zoned B-3, General Business, and contains a single-family home attached to a small storefront. Single-family residences are not permitted in the B-3 Zoning District.
2. The petitioner is requesting a rezoning from B-3, General Business to B-2, Neighborhood Business – Arterial because single-family homes are permitted by right in the B-2 Zoning District.
3. The proposed rezoning to B-2, Neighborhood Business – Arterial would be consistent with the current land use of the property, the residential uses to the north and south, and the small businesses and church to the east and west of the property.
4. The 2005 Urbana Comprehensive Plan future land use map specifies this area should contain residential uses and that neighborhood businesses should be encouraged on properties along Main Street.
5. The proposed rezoning is consistent with the proposed rezonings for the surrounding Historic East Urbana Neighborhood.
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 regarding Plan Case 2075-M-08:

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. 2075-M-08 to the Urbana City Council with a recommendation for **APPROVAL**.

Prepared by:

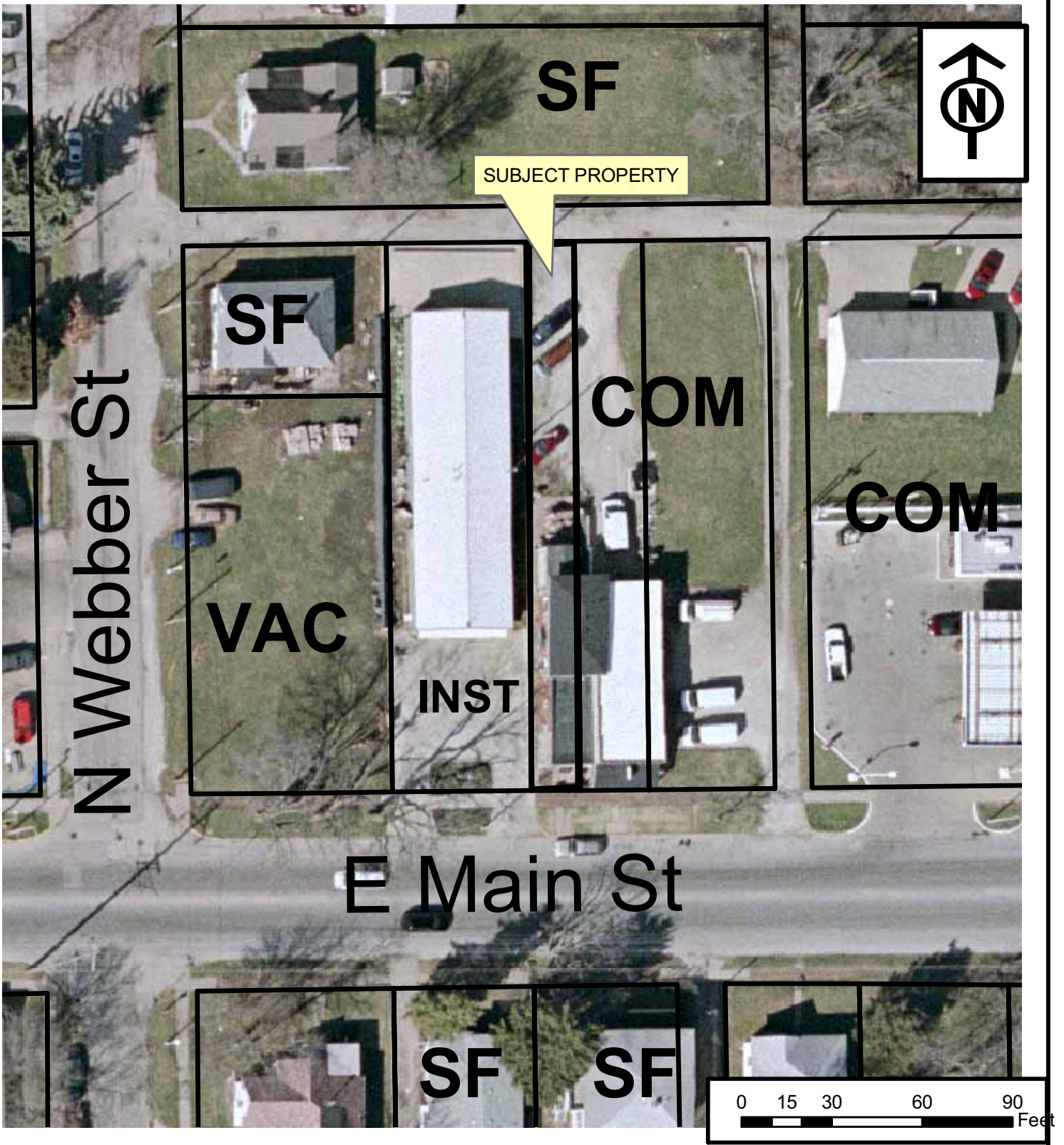
Jeff Engstrom, Planner I

Attachments: Exhibit A: Location Map and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Petition for Zoning Map Amendment
Exhibit E: Zoning Information Sheet for B-3 and B-2 Districts

cc: Daniel Babai
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Champaign, IL 61820

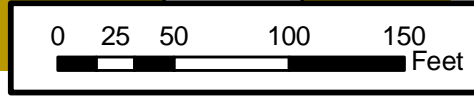
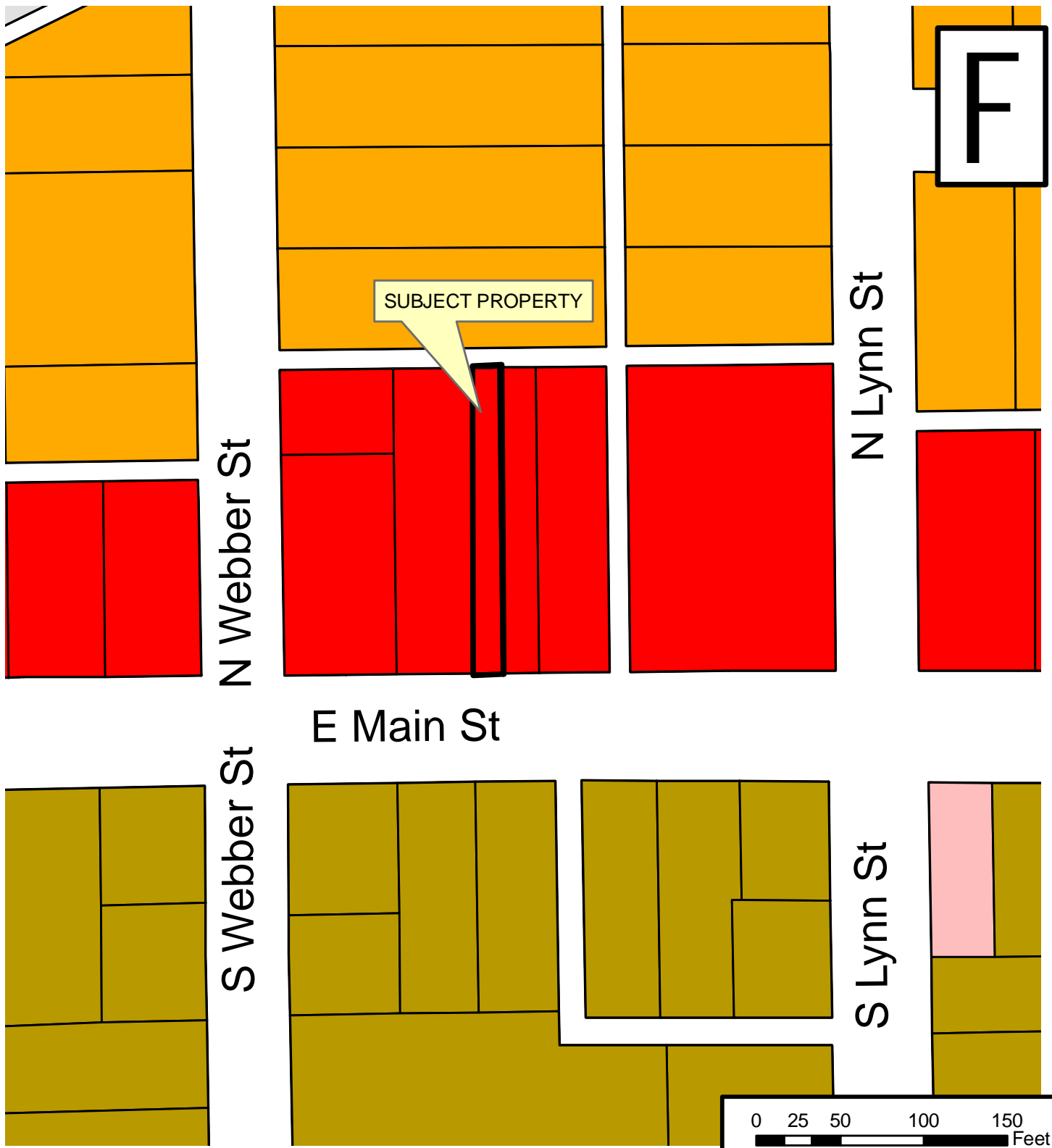
EXHIBIT A: Location and Existing Land Use Map



Plan Case: 2075-M-08
Petitioner: Daniel Babai
Location: 804 1/2 East Main Street
Description: Request to rezone the subject property from B-3, General Business to B-2, Neighborhood Business - Arterial

COM - Commercial
 INST - Institutional
 SF - Single-Family
 VAC - Vacant

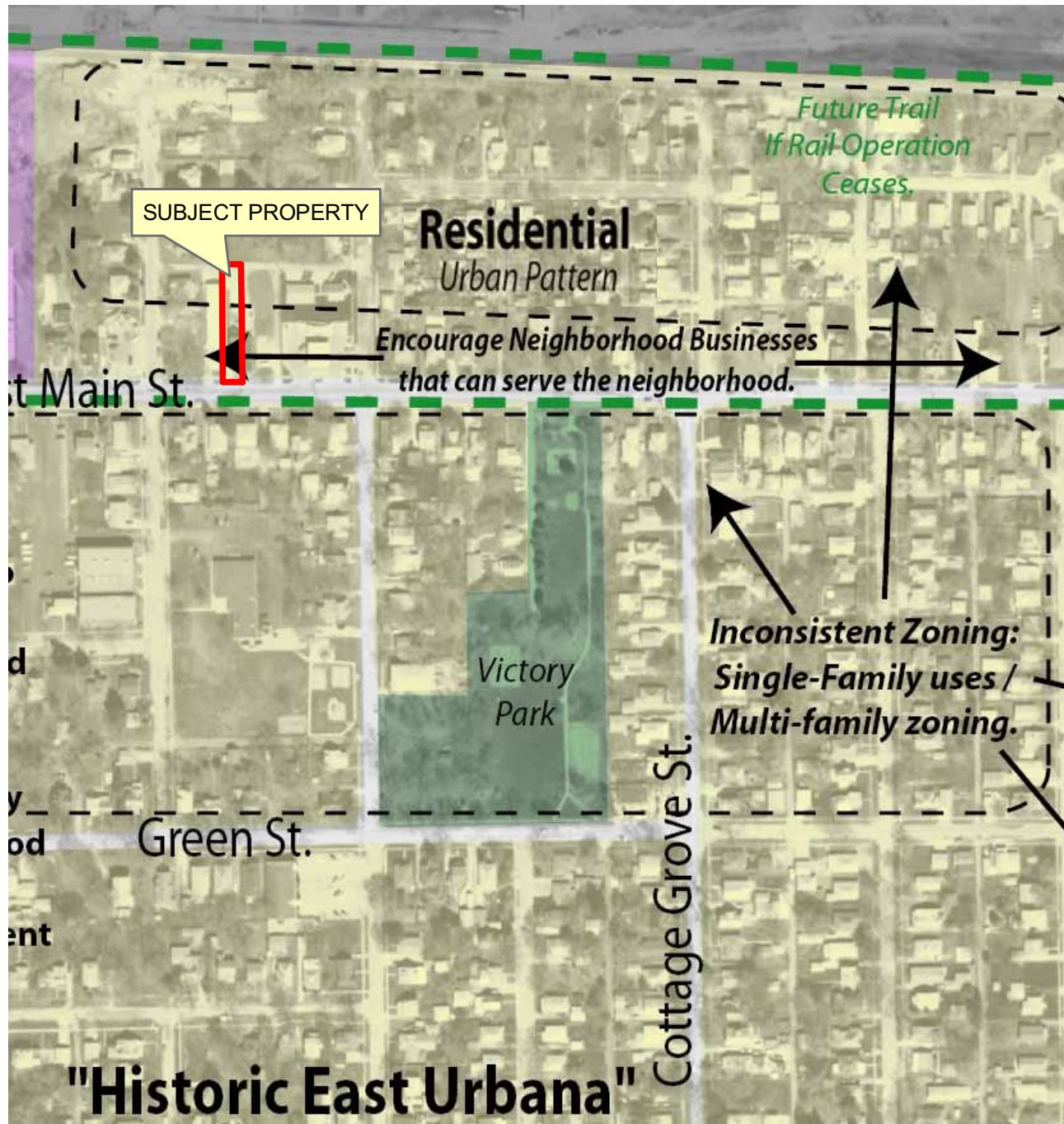
EXHIBIT B: Existing Zoning Map



Plan Case: 2075-M-08
Petitioner: Daniel Babai
Location: 804 1/2 East Main Street
Description: Request to rezone the subject property from B-3, General Business to B-2, Neighborhood Business - Arterial

- B1
- B3
- R3
- R4

EXHIBIT C: Future Land Use Map



Plan Case: 2075-M-08
Petitioner: Daniel Babai
Location: 804 1/2 East Main Street
Description: Request to rezone the subject property from B-3, General Business to B-2, Neighborhood Business - Arterial

Prepared 7/08 by Community Development Services - jme



B-3 – GENERAL BUSINESS ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3 Zoning District is as follows:

"The B-3, *General Business District* is intended to provide areas for a range of commercial uses wider than that of B-1 Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the B-3 District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Farm Equipment Sales and Service
Feed and Grain (*Sales Only*)
Garden Shop
Plant Nursery or Greenhouse
Roadside Produce Sales Stand

Business - Adult Entertainment

Adult Entertainment Uses

Business - Food Sales and Services

Bakery (*less than 2,500 square feet*)
Café or Deli
Confectionery Store
Convenience Store
Fast-Food Restaurant
Meat and Fish Market
Restaurant
Liquor Store
Supermarket or Grocery Store
Tavern or Night Club

Business - Miscellaneous

Auction Sales (*Non-Animal*)
Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)
Lawn Care and Landscaping Service
Mail Order Business
Radio or TV Studio
Wholesale Business

Business - Personal Services

Ambulance Service
Barber/ Beauty Shop
Dry Cleaning or Laundry Establishment
Health Club/ Fitness
Laundry and/or Dry Cleaning Pick-up
Massage Parlor
Medical Carrier Service
Mortuary
Pet Care/ Grooming
Self-Service Laundry
Shoe Repair Shop
Tailor and Pressing Shop

Business - Professional and Financial Services

Bank, Savings and Loan Association
Check Cashing Service
Copy and Printing Service
Packaging/ Mailing Service
Professional and Business Office
Vocational, Trade or Business School

Business - Transportation

Motor Bus Station

Business - Vehicular Sales and Service

Automobile Accessories (*New*)
Automobile, Truck, Trailer or Boat Sales
Automobile/ Truck Repair
Automobile Washing Facility
Gasoline Station
Mobile Home Sales

PERMITTED USES CONTINUED:

Business - Recreation

Athletic Training Facility, Nonresidential
Athletic Training Facility, Residential
Bait Sales
Billiard Hall
Bowling Alley
Dancing School
Driving Range
Lodge or Private Club
Miniature Golf Course
Outdoor Commercial Recreation Enterprise
(*Except Amusement Park*)
Private Indoor Recreational Development
Theater, Indoor

Public and Quasi-Public

Electrical Substation
Hospital or Clinic
Institution of an Educational, Philanthropic or
Eleemosynary Nature
Methadone Treatment Facility
Municipal or Government Building
Police or Fire Station
Principle Use Parking Garage or Lot
Public Library, Museum or Gallery
Public Maintenance and Storage Garage
Public Park
University or College
Utility Provider

Business - Retail Trade

Antique or Used Furniture Sales and Service
Apparel Shop
Appliance Sales and Service
Art and Craft Store and/or Studio
Bicycle Sales and Service
Bookstore
Building Material Sales (*All Indoors Excluding
Concrete or Asphalt Mixing*)
Department Store
Drugstore
Electronic Sales and Services
Florist
Hardware Store
Heating, Ventilating, Air Conditioning Sales and
Service
Jewelry Store
Monument Sales (*Excluding Stone Cutting*)
Music Store
Office Supplies/ Equipment Sales and Service
Pet Store
Photographic Studio and Equipment Sales and
Service
Shoe Store
Sporting Goods
Stationery, Gifts, or Art Supplies
Tobacconist
Variety Store
Video Store

Residential

Bed and Breakfast Inn
Bed and Breakfast Inn, Owner Occupied
Dwelling, Community Living Facility, Category
II or Category III
Dwelling, Home for Adjustment
Dwelling, Loft
Hotel or Motel

SPECIAL USES:

Business - Miscellaneous

General Shopping Center – Convenience
General Shopping Center – General

Business – Vehicular Sales and Service

Towing Service
Truck Stop

Public and Quasi-Public

Church or Temple
Penal or Correctional Institution

Residential

Dwelling, Multifamily

CONDITIONAL USES:

Business - Miscellaneous

Crematory
 Day Care Facility (*Non-Home Based*)
 Veterinary Hospital – Small Animal

Public and Quasi-Public

Nonprofit or Governmental, Educational and
 Research Agencies
 Radio or Television Tower and Station

Industrial

Bookbinding
 Confectionery Products Manufacturing and
 Packaging
 Electronics and Related Accessories - Applied
 Research and Limited Manufacturing
 Engineering, Laboratory, Scientific and
 Research Instruments Manufacturing
 Motion Picture Production Studio
 Printing and Publishing Plants for Newspapers,
 Periodicals, Books, Stationery, and
 Commercial Printing
 Surgical, Medical, Dental and Mortuary
 Instruments and Supplies Manufacturing

Residential

Home for the Aged
 Nursing Home

DEVELOPMENT REGULATIONS IN THE B-3 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
B-3	6,000	60	None	4.00	None	15	5	10

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

For more information on zoning in the City of Urbana call or visit:

**City of Urbana
 Community Development Services Department**

400 South Vine Street

Urbana, IL 61801

(217) 384-2440

(217) 384-2367 fax

www.city.urbana.il.us



B-2 – NEIGHBORHOOD BUSINESS-ARTERIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-2 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 businesses 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 in the City's adopted Comprehensive Plan and related amendments."

PLEASE NOTE: In order to promote a desired mix of business and residential uses in the district, Section V-7-A requires that there be a combination of such uses on a particular zoning lot under the following circumstances:

"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. When a business use is required, the use shall conform to the list of uses permitted in the B-2 District as designated in Table V-1."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the B-2 District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Garden Shop

Business - Food Sales and Service

Bakery (*less than 2,500 square feet*)

Café or Deli

Confectionery Store

Convenience Store

Meat and Fish Market

Restaurant

Supermarket or Grocery Store

Business - Miscellaneous

Mail-order Business (*10,000 square feet of gross floor area or less*)

Business - Personal Services

Barber/ Beauty Shop

Dry Cleaning or Laundry Establishment

Health Club/ Fitness

Laundry and/or Dry Cleaning Pickup

Mortuary

Pet Care/ Grooming

Self-Service Laundry

Shoe Repair Shop

Tailor and Pressing Shop

Business – Professional and Financial Services

Bank, Savings and Loan Association

Check Cashing Service

Copy and Printing Service

Packaging/ Mailing Service

Professional and Business Office

PERMITTED USES CONTINUED:

Business - Retail Trade

Apparel Shop
Appliance Sales and Service
Art and Craft Store and/or Studio
Bicycle Sales and Service
Bookstore
Drugstore
Electronic Sales and Service
Florist
Hardware Store
Heating, Ventilating, Air Conditioning Sales and Service
Jewelry Store
Music Store
Pet Store
Photographic Studio and Equipment Sales and Service
Shoe Store
Sporting Goods
Stationery, Gifts or Art Supplies
Tobacconist
Variety Store
Video Store

Public and Quasi-Public

Church or Temple
Institution of an Educational, Philanthropic or Eleemosynary Nature
Municipal or Government Building
Police or Fire Station
Principal Use Parking Garage or Lot
Public Library, Museum or Gallery
Public Park

Residential

Bed and Breakfast Inn
Bed and Breakfast, Owner Occupied
Boarding or Rooming House
Dormitory
Dwelling, Community Living Facility, Category I, Category II and Category III
Dwelling, Duplex
Dwelling, Duplex (*Extended Occupancy*)
Dwelling, Home for Adjustment
Dwelling, Loft
Dwelling, Multifamily
Dwelling, Single Family
Dwelling, Single Family (*Extended Occupancy*)
Dwelling, Two-Unit Common-Lot-Line
Home for the Aged
Nursing Home

SPECIAL USES:

Public and Quasi-Public

Utility Provider

Business - Miscellaneous

Shopping Center - Convenience

CONDITIONAL USES:

Agriculture

Plant Nursery or Greenhouse

Business – Food Sales and Services

Fast-Food Restaurant
Liquor Store

Business– Miscellaneous

Day Care Facility (*Non-Home Based*)
Radio or TV Studio

Public and Quasi-Public

Electrical Substation

Business – Recreation

Athletic Training Facility, Residential
Lodge or Private Club
Theater, Outdoor

Business – Vehicular Sales and Services

Automobile Accessories (*New*)
Gasoline Station

Industrial

Bookbinding
Confectionery Products Manufacturing and Packaging
Motion Picture Production Studio

CONDITIONAL USES CONTINUED:

Residential

Dwelling, Multiple-Unit Common-Lot-Line

DEVELOPMENT REGULATIONS IN THE B-2 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
B-2	6,000	60	35³	1.50⁴	0.15	15	10	15

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

Footnote³ – In the AG, CRE, B-1 and B-2 Zoning Districts, if the height of a building exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.E.3 and Section VI-5.F.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-1 shall not apply to farm buildings. However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

Footnote⁴ – See Section V-7.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the B-2 Zoning District.

For more information on zoning in the City of Urbana call or visit:

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