



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: April 16, 2009

SUBJECT: Plan Case 2102-M-09: A request to rezone 2003 and 2005 South Philo Road from B-1, Neighborhood Business to B-3, General Business.

Introduction and Background

Steve Happ has submitted a petition to rezone two parcels known as 2003 and 2005 South Philo Road from B-1, Neighborhood Business to B-3, General Business. The two properties total approximately 0.61 acres and are located approximately 100 feet south of East Harding Drive along the west side of South Philo Road. The northern lot, known as 2003 South Philo Road, is currently occupied by a vacant building. The building was previously used by the Carle Clinic until they relocated to Windsor Road in the Fall of 2008. The southern lot, known as 2005 South Philo Road, is occupied by an in-line shops building with three commercial spaces. Two of the spaces are currently occupied by a hair salon, and the other is vacant. The owner is requesting rezoning to better fit with the zoning designations along Philo Road and to assist in marketing the vacant spaces to a greater range of uses.

At their April 9, 2009 meeting the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to City Council with a recommendation for approval.

Adjacent Land Uses, Zoning and Comprehensive Plan Designations

There is a mixture of zoning and land uses in the surrounding area. The property immediately north of the subject property is zoned B-1, Neighborhood Business, and is a commercial building that is currently vacant. This property has been also submitted for rezoning consideration in Plan Case 2103-M-09 and will be considered at the April 20th City Council meeting. The area to the immediate south and west of the subject property is zoned R-5, Medium High Density Multiple-Family Residential, and is occupied by apartment buildings. The property along the east side of South Philo Road and across from the subject property is zoned R-4, Medium Density Multiple-Family Residential, and is occupied by Grace United Methodist Church. The property along the east side of South Philo Road, located north and south of Grace United Methodist Church is zoned B-3, General Business, and is occupied by the Renner-Wikoff Chapel and Crematory, Closet Space Self-Storage and the Southgate Plaza which includes Dollar General, Amano's Pizza and Pro-Nails.

Following is a summary of zoning, existing land uses and Comprehensive Plan future land use designations for the subject site and surrounding property. Exhibits A, B and C further illustrate this information.

| Location | Zoning | Existing Land Use | Comprehensive Plan Future Land Use |
|-----------------|--|---|---|
| Site | B-1, Neighborhood Business | Hair Salon, Vacant Commercial Building/Spaces | Community Business |
| North | B-1, Neighborhood Business | Vacant Commercial Building | Community Business |
| South | R-5, Medium High Density Multiple-Family Residential | Apartment Buildings | Multi-Family |
| East | R-4, Medium Density Multiple-Family Residential | Grace United Methodist Church | Community Business |
| West | R-5, Medium High Density Multiple-Family Residential | Apartment Buildings | Multi-Family |

Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the subject site as well as the surrounding property to the north and east as “Community Business” and “Multi-Family” for the area surrounding the subject property to the south and west. The Comprehensive Plan defines “Community Business” as follows:

Community Business Centers are designed to serve the overall community as well as the immediate neighborhood but are less intense than regional commercial centers. Located along principal arterial routes or at major intersections. Community Business centers contain a variety of business and service uses at scales and intensities that make them generally compatible with surrounding neighborhoods. Encourage planned-unit developments to create a variety of uses, and to transition intensities to adjoining neighborhoods. Design facilities to permit pedestrian, bicycle, and transit access as well as automobile traffic.

Rezoning the subject properties to B-3 is consistent with the designation of the site in the Comprehensive Plan as well as the following Comprehensive Plan Goals and Objectives:

Goal 18.0 Promote infill development.

Objectives

- 18.1 Promote the redevelopment of underutilized property using techniques such as tax increment financing, redevelopment loans/grants, enterprise zone benefits, marketing strategies, zoning incentives, etc.

Goal 25.0 Create additional commercial area to strengthen the city’s tax base and service base.

Objectives

- 25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.
- 25.4 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

Philo Road Action Plan Goals and Policies

The subject property is located in an area that has been designated as the Philo Road Business District. (See Exhibit D) In the 1960's - 1990's the area served as a community retail district. In the early 2000's notable businesses such as Kmart and Jerry's IGA closed and there was concern about loss of vitality and increasing vacancies. A Philo Road Business District Revitalization Action Plan was completed in February of 2005 to study the area and review the economic conditions impacting the area to provide an action plan for its revitalization. The area is again emerging as a vibrant retail, service and business area through the accomplishment of goals and policies outlined in the Philo Road Business District Revitalization Action Plan and relevant policies incorporated in the 2005 Urbana Comprehensive Plan. These include such actions as retaining and enhancing existing businesses, improving development incentives, improvement of Philo Road infrastructure, creative building reuse, development of outlots, marketing of available buildings and beautification efforts.

Discussion

Along with the parcels proposed to be rezoned in the subsequent Plan Case 2103-M-09, the subject property is the only commercial property in the Philo Road Business District that is zoned B-1. All other properties used for commercial purposes are zoned B-3, General Business. The majority of this business area includes the properties along South Philo Road between Florida Avenue and East Harding Drive, with uses including Sunnycrest Mall, Marathon, McDonalds, Walgreens, County Market, True Value Hardware, Family Video, Little Caesars, Truly Fit, CVS, Caring Hands Animal Hospital and the future Heartland Bank, Burger King and an in-line shops building. With the improvements to Philo Road and Windsor Road, as well as the extension of Colorado Avenue, the Philo Road Business District not only serves the surrounding neighborhoods, but also serves the community as a whole.

According to the Urbana Zoning Ordinance, the intent of the B-1 Zoning District is "to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently". The intent of the B-3, General Business District, on the other hand, is "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". Since the subject property is within an area that serves the community, rezoning the subject property to B-3 would be consistent with the intent of the B-3 Zoning District. In addition, rezoning of the subject property would be consistent with the zoning of other commercial properties in the surrounding area.

The B-3 Zoning District allows for a broader range of uses than does the B-1 Zoning District. There are over 60 additional uses allowed by right in the B-3 Zoning District, 35 of which are not allowed at all in the B-1 Zoning District. In addition, there are nine other uses that are limited by the gross square feet, five additional uses allowed as special uses and 11 additional uses allowed as conditional uses. Zoning Description Sheets for both the B-1 and B-3 Zoning Districts are attached as Exhibit E. Rezoning the subject property consistent with other commercial properties in the area will allow for the subject property to be competitively marketed. With a wider array of uses permitted it is anticipated that retenanting/reuse of the existing buildings can be facilitated. Retenanting/reuse of existing commercial buildings is not only consistent with the goal and policies of the Philo Road Business District Revitalization Action Plan, but also with the goals and objectives of the 2005 Comprehensive Plan and with the overall economic goals of the City.

In addition to the commercial properties associated with the Philo Road Business District, there is a mix of residential uses to the south and west of the subject property in an area known as the Southeast Urbana Neighborhood. The Southeast Urbana Neighborhood is primarily zoned R-3, Single and Two-Family Residential and consists mainly of single and two-family residences. As can be seen on the Zoning Map in Exhibit B, there is an area zoned R-5, Medium High Density Multiple-Family Residential between the subject property and the area of the neighborhood that is zoned R-3. This area consists of apartment buildings and condominium developments. These uses can act as a buffer between the higher intensity commercial areas and the lower intensity residential areas.

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 current use of the subject property is consistent with both the existing and proposed zoning of the subject property. However, the proposed B-3, General Business Zoning District would be more consistent with the uses and zoning of other commercial uses in the corridor. Aside from the surrounding commercially zoned properties there are also residentially zoned properties in the area. The residentially zoned properties immediately surrounding the subject property are zoned for high density residential. The intensity of existing commercial development is compatible with the high density residential. The high density residential serves as a buffer between the commercial development and lower intensity residential 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 B-1, Neighborhood Business and the value it would have if it were rezoned to B-3, General Business.

As noted by the petitioner, the rezoning will provide for a broader group of businesses to market to and should help to fill the current vacancies. It is assumed that this would increase the value of the property by increasing its ability to be marketed competitively with other surrounding commercial properties.

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 is currently developed and is or has recently been used for commercial purposes. Rezoning the subject property will allow for a broader range of commercial uses to occupy the property. These uses are the same as can be developed on properties to the north and east. Philo Road has been recently improved and is adequate to serve permitted commercial uses.

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 subject property is well suited for the B-3 Zoning District because it is located in the Philo Road Business District, which is reemerging as a commercial area that serves not only the surrounding neighborhood but the larger community. The infrastructure in the area has also been upgraded to accommodate both commercial and residential uses in the surrounding neighborhoods.

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.

According to the petitioner, one of the commercial buildings and a space in the other has been vacant since October of 2008. Rezoning the property would allow for a wider group of commercial uses for which to market the property.

Summary of Findings

1. The subject property is currently designated by the 2005 Urbana Comprehensive Plan as Community Business and is zoned B-1, Neighborhood Business.
2. The subject property is currently occupied by two commercial structures, one of which is vacant and the other of which has one of three commercial spaces vacant.
3. The petitioner is requesting that the subject property be rezoned from B-1, Neighborhood Business to B-3, General Business in order to market the property for a broader range of commercial uses as permitted by the B-3 Zoning District, and to be consistent with other commercial zoning along South Philo Road.

4. The proposed rezoning to B-3, General Business would be consistent with the current land use and with the commercial uses and zoning within the surrounding Philo Road Business District.
5. The proposed rezoning is consistent with the 2005 Urbana Comprehensive Plan.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.
7. At their April 9, 2009 meeting the Urbana Plan Commission in a vote of 6 ayes and 0 nays recommended that City Council approve the proposed rezoning.

Options

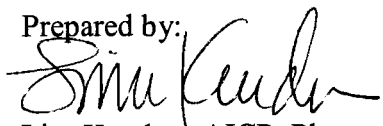
The Urbana City Council has the following options regarding Plan Case 2102-M-09:

1. Approve the rezoning request as presented herein; or
2. Deny the rezoning request.

Recommendation

Based on the analysis and findings presented herein, the Urbana Plan Commission and staff recommend that City Council **APPROVE** the proposed rezoning in Plan Case No. 2102-M-09.

Prepared by:



Lisa Karcher, AICP, Planner II

Attachments: Draft Ordinance Amending the Zoning Map of the City of Urbana, IL
Exhibit A: Location Map and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Philo Road Business District Map
Exhibit E: Zoning Description Sheets
Exhibit F: Petition for Zoning Map Amendment
Draft Minutes of April 9, 2009 Plan Commission Hearing

cc: Steve Happ, 976 County Road 1500 East, Camargo, IL 61919

ORDINANCE NO. 2009-04-040

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS

(Rezoning of 2003 and 2005 South Philo Road from B-1, Neighborhood Business, to B-3, General Business - Plan Case 2102-M-09)

WHEREAS, Steve Happ has petitioned the City for a Zoning Map Amendment to rezone 2003 and 2005 South Philo Road from B-1, Neighborhood Business, to B-3, General Business; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on April 9, 2009 concerning the petition filed in Plan Case No. 2102-M-09; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation of approval of the request to rezone the properties herein described below from B-1, Neighborhood Business, to B-3, General Business; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described properties from B-1, Neighborhood Business District to B-3, General Business District.

LEGAL DESCRIPTION:

Lots 503 and 504 in Ennis Ridge Sixth Subdivision, a Subdivision in Champaign County, Illinois, as per plat recorded in Plat Book "O" at page 12, in the Recorder's Office of said County, situated in the County of Champaign, in the State of Illinois, commonly known as 2003 and 2005 South Philo Road, Urbana, Illinois.

Parcel Nos.: 93-21-21-180-010 and 93-21-21-180-011

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this _____ day of _____, 2009.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2009.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of _____, 2009, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: "**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of 2003 and 2005 South Philo Road from B-1, Neighborhood Business, to B-3, General Business - Plan Case 2102-M-09), which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2009, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2009.

(SEAL)

Phyllis D. Clark, City Clerk

EXHIBIT A: Location and Existing Land Use Map



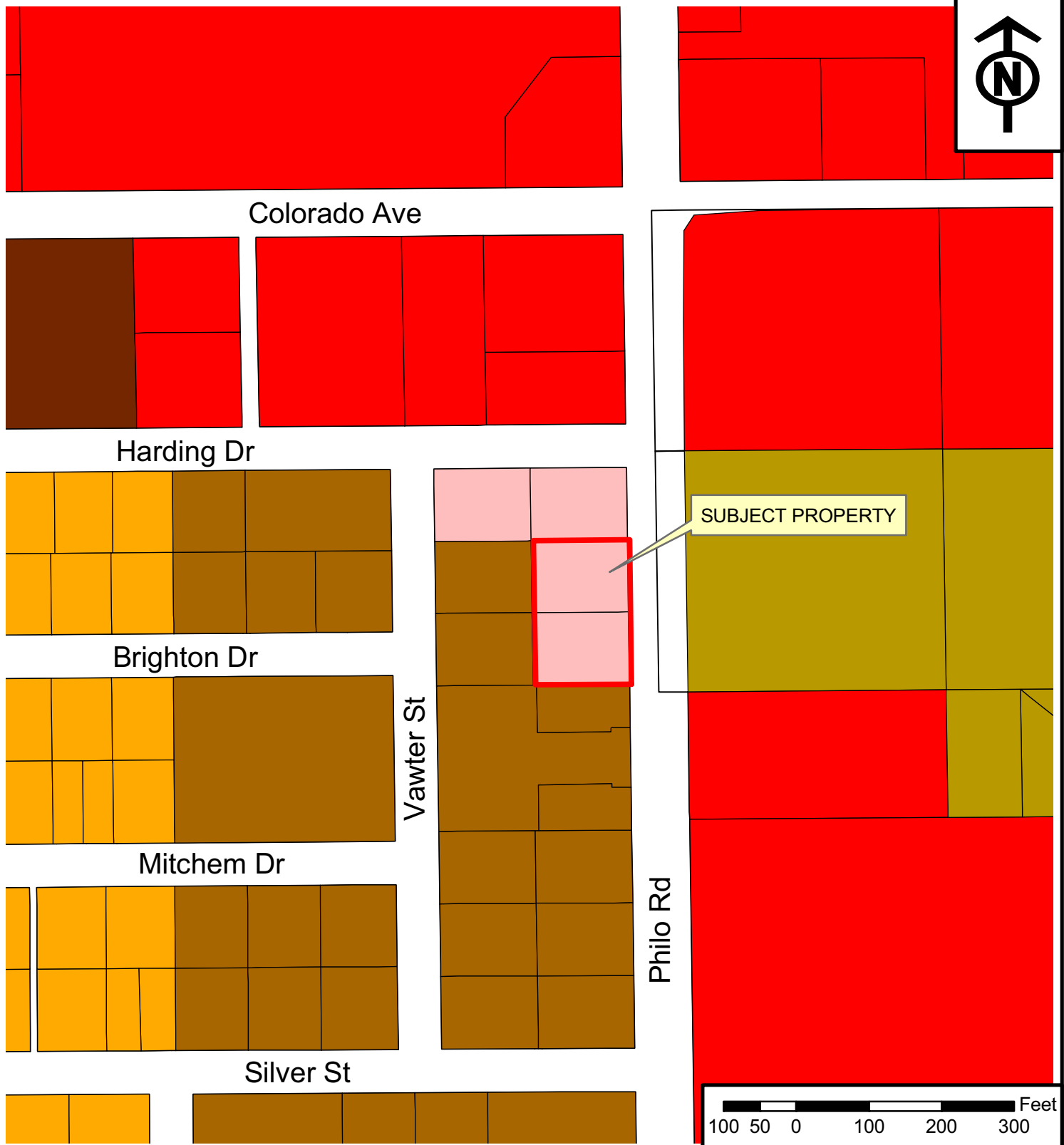
Plan Case: 2102-M-09
Petitioner: Steve Happ
Location: 2003 and 2005 South Philo Road
Description: Request to rezone the subject property from B-1, Neighborhood Business to B-3, General Business

Prepared 3/09 by Community Development Services - lkk

LEGEND

- COM - Commercial
- DUP - Duplex
- INST - Institutional
- MF - Multi-Family
- SF - Single-Family
- VAC - Vacant

EXHIBIT B: Existing Zoning Map



Plan Case: 2102-M-09
Petitioner: Steve Happ
Location: 2003 and 2005 South Philo Road
Description: Request to rezone the subject property from B-1, Neighborhood Business to B-3, General Business

Prepared 3/09 by Community Development Services - lkk

LEGEND




| | | | |
|---|----|---|----|
|  | R3 |  | B1 |
|  | R4 |  | B3 |
|  | R5 | | |
|  | R6 | | |

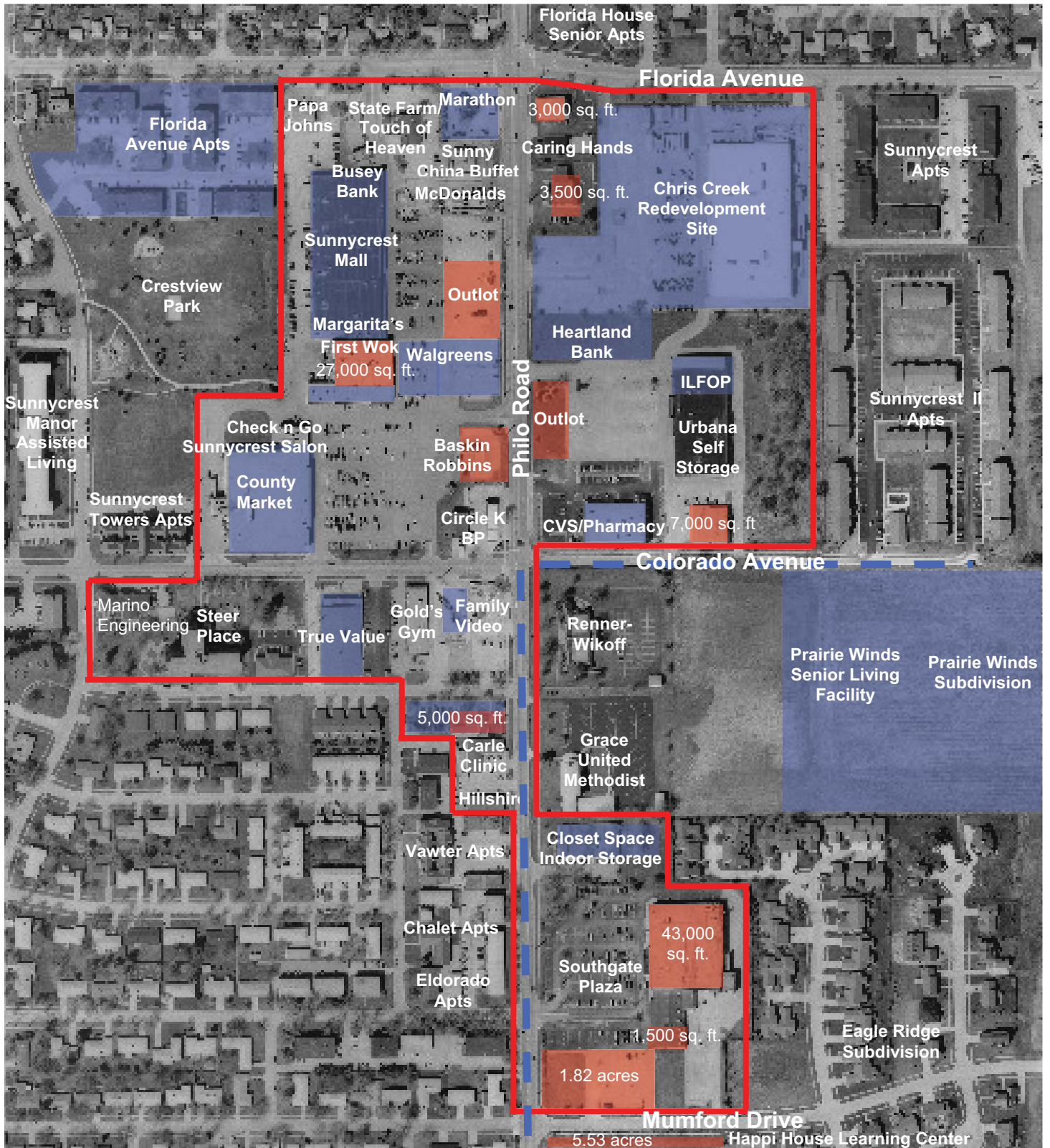
EXHIBIT C: Future Land Use Map

Future Land Use Map #13
2005 Urbana Comprehensive Plan



Plan Case: 2102-M-09
Petitioner: Steve Happ
Location: 2003 and 2005 South Philo Road
Description: Request to rezone the subject property from B-1, Neighborhood Business to B-3, General Business

Philo Road Business District



Updated May 23, 2008 by RLB, City of Urbana Community Development Services

- Available Bldg/Land
 - Completed/Current/Future Projects
- Road Projects
 - Business District Boundary





B-1 – NEIGHBORHOOD BUSINESS ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-1 Zoning District is as follows:

"The *B-1, Neighborhood Business District* is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the B-1 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 Services

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

Confectionery Store

Meat and Fish Market

Supermarket or Grocery Store (*3,500 gross square feet or less per floor*)

Business - Personal Services

Barber/ Beauty Shop

Health Club/Fitness (*3,500 gross square feet or less per floor*)

Pet Care/ Grooming

Self-Service Laundry

Shoe Repair Shop

Tailor and Pressing Shop

Business - Professional and Financial Services

Bank, Savings and Loan Association

Copy and Printing Service

Professional and Business Office

Public and Quasi-Public

Church or Temple

Institution of an Educational, Philanthropic or Eleemosynary Nature

Municipal or Government Building

Police or Fire Station

Public Library, Museum or Gallery

Public Park

Business – Recreation

Dancing School (*3,500 gross square feet or less per floor*)

Business - Retail Trade

Antique or Used Furniture Sales and Service

(*3,500 gross square feet or less per floor*)

Apparel Shop (*3,500 gross sq. ft. or less per floor*)

Appliance Sales and Service

Art and Craft Store and/or Studio (*3,500 gross square feet or less per floor*)

Bicycle Sales and Service (*3,500 gross square feet or less per floor*)

Bookstore

Electronic Sales & Service

Florist

Hardware Store

Jewelry Store

Music Store

Pet Store (*3,500 gross square feet or less per floor*)

Photographic Studio and Equipment Sales and Service (*3,500 gross sq. ft. or less per floor*)

Shoe Store (*3,500 gross sq. ft. or less per floor*)

Sporting Goods (*3,500 gross square feet or less per floor*)

Stationery, Gifts or Art Supplies

Tobacconist

Variety Store

Video Store (*3,500 gross sq. ft. or less per floor*)

Residential

Bed and Breakfast Inn

Bed and Breakfast, Owner Occupied

Dwelling, Loft

SPECIAL USES:

Business - Food Sales and Services

Convenience Store
Supermarket or Grocery Store (*greater than 3,500 gross square feet per floor*)

Business - Miscellaneous

Shopping Center - Convenience

Business - Personal Services

Dry Cleaning or Laundry Establishment
Landry and/or Dry Cleaning Pickup

Business - Recreation

Theater, Indoor

Business - Retail Trade

Drugstore
Video Store (*greater than 3,500 gross square feet per floor*)

Business - Vehicular Sales and Services

Gasoline Station

Industrial

Motion Picture Production Studio

Residential

Dwelling, Multiple-Unit Common-Lot-Line

CONDITIONAL USES:

Agriculture

Plant Nursery Greenhouse

Business - Food Sales and Services

Café or Deli
Fast-Food Restaurant
Restaurant

Business - Miscellaneous

Contractor Shop and Show Room: *Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*

Day Care Facility (*Non-Home Based*)
Lawn Care and Landscaping Service
Mail-Order Business (*10,000 square feet of gross floor area or less*)
Radio or TV Studio

Business - Personal Services

Health Club / Fitness (*greater than 3,500 gross square feet per floor*)
Mortuary

Business - Professional and Financial Services

Check Cashing Service
Packaging/ Mailing Service

Business - Recreation

Athletic Training Facility, Residential
Dancing School (*greater than 3,500 gross square feet per floor*)
Lodge or Private Club

Business - Retail Trade

Antique or Used Furniture Sales and Service (*greater than 3,500 gross square feet per floor*)
Apparel Shop (*greater than 3,500 gross square feet per floor*)
Art and Craft Store and/or Studio (*greater than 3,500 gross square feet per floor*)
Bicycle Sales and Service (*greater than 3,500 gross square feet per floor*)
Heating, Ventilating, Air Conditioning Sales and Service (*greater than 3,500 gross sq. ft. per floor*)
Pet Store (*greater than 3,500 gross sq. ft. per floor*)
Photographic Studio and Equipment Sales and Service (*greater than 3,500 gross sq. ft. per floor*)
Shoe Store (*greater than 3,500 gross square feet per floor*)
Sporting Goods (*greater than 3,500 gross square feet per floor*)

Business - Vehicular Sales and Services

Automobile Accessories (*New*)

Public and Quasi-Public

Electrical Substation

Dwelling, Duplex

Dwelling, Duplex (*Extended Occupancy*)

Dwelling, Multi-Family

Dwelling, Single Family

Dwelling, Single Family (*Extended Occupancy*)

Residential

Dwelling Community Living Facility, Category I, Category II, Category III

DEVELOPMENT REGULATIONS IN THE B-1 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-1 | 6,000 | 60 | 35³ | 0.30 | None | 15 | 7 | 10 |

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.

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-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



Petition for Zoning Map Amendment

Plan Commission

APPLICATION FEE - \$150.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 03-09-2009 Plan Case No. 2102-M-09
 Fee Paid - Check No. 2584 Amount \$150.00 Date 03-09-2009

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

- Location of Subject Site 2003 - 2005 S. Philo Road, Urbana, IL
- PIN # of Location 93-21-21-180-010 and 93-21-21-180-011
- Name of Applicant/Petitioner(s) Steve Happ Phone (217)253-6180
 Address 976 C.R. 1500 E. Camargo, IL 61919
 (street/city) (state) (zip)
 Property interest of Applicant(s) Contract Buyer
 (owner, contract buyer, etc)
- Name of Owner(s) Steve Happ Phone (217)253-6180
 Address 976 C.R. 1500 E. Camargo, IL 61919
 (street/city) (state) (zip)
If there are additional owners, please attach extra pages to the application.
- Name of Professional Site Planner(s) NA Phone _____
 Address _____
 (street/city) (state) (zip)
- Name of Architect(s) NA Phone _____
 Address _____
 (street/city) (state) (zip)

7. Name of Engineers(s) NA _____ Phone _____
Address _____
(street/city) (state) (zip)

8. Name of Surveyor(s) NA _____ Phone _____
Address _____
(street/city) (state) (zip)

If there are additional consultants, please attach extra pages to application.

DESCRIPTION, USE, AND ZONING OF PROPERTY: Attach an additional sheet if necessary

Legal Description Lots 503 and 504 in Ennis Ridge Sixth Subdivision, a Subdivision in Champaign County, Illinois, as per plat recorded in Plat Book "O" at page 12, in the Recorder's Office of said County, situated in the County of Champaign, in the State of Illinois, commonly known as 2003 and 2005 South Philo Road, Urbana, Illinois

Lot Size **200** feet x **132** feet = **26,400** square feet
Present Use of Property: **2 buildings. 2005 South Philo Rd has one vacancy and a hair salon. 2003 S. Philo Rd is vacant. Previous use was Carle Clinic.**
(Vacant, residence, grocery, factory, etc)
Present Zoning Designation **B-1 Neighborhood Business**

Proposed Use of Property Currently Marketing the Vacancies

Proposed Zoning Designation B-3

9. Present Comprehensive Plan Designation Community Business

10. How does this request conform to the Comprehensive Plan? The change to B-3 is consistant with the Comprehensive Plan.

11. What error in the existing Zoning Map would be corrected by the Proposed Amendment? At the properties on the east side of Philo Rd to the north of Harding are B-3. I feel B-3 would be consistant with the zoning to the north of Harding, and help to fill the current vacancies on the properties south of Harding.

12. What changed or changing conditions warrant the approval of this Map Amendment? The rebirth of the Philo Road Business area. The City is helping to bring life back to the area, and I feel the rezoning my property will help to fill the vacancies, and aid in the overall success of the area.

13. Explain why the subject property is suitable for the proposed zoning In looking at the Comprehensive Plan, it appears that my properties are shown as Community Business, just like the properties that are zoned B-3.

14. What other circumstances justify the zoning map amendment? I believe it to be a win-win situation. The rezoning will give me a wider group of businesses to market to , and should help me fill my vacancies. The City wins by having a more vibrant business area, hopefully generating more tax revenues.

15. Time schedule for development (if applicable) NA

16. Additional exhibits submitted by the petitioner NA

WHEREFORE, the petitioner prays that this petition be heard by the Urbana Plan Commission and the petition for change of zoning be granted.

Respectfully submitted this 9 day of MARCH 2009

Steph Kay
Signature of Property Owner

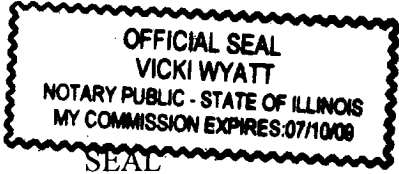
Steph Kay
Signature of Petitioner

STATE OF ILLINOIS)
) SS
CHAMPAIGN COUNTY)

I, Vicki Wyatt, being first duly sworn on oath, deposes and says, that he is the same person named in and who subscribed the above and foregoing petition, that he has read the same and knows the contents thereof, and that the matters and things set forth are true in substance and in fact as therein set forth.

Subscribed and sworn to me this 9th day of March 2009.

Vicki Wyatt
Notary Public



MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: April 9, 2009

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Tyler Fitch, Ben Grosser, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Jane Burris, Lew Hopkins

STAFF PRESENT: Lisa Karcher, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Abigail Berman, Julia Crowley, Clive Follmer, Steve Happ, Kahl Kelle, Terrence Scudieri, David Sorensen, Susan Taylor, Laurel Wilson

NEW PUBLIC HEARINGS

Plan Case 2102-M-09: A request by Steve Happ to rezone 2003 and 2005 South Philo Road from B-1, Neighborhood Business Zoning District, to B-3, General Business Zoning District.

Lisa Karcher, Planner II, presented the staff report for this case to the Plan Commission. She began by describing the proposed site and the surrounding adjacent properties noting their current zoning, as well as current and Comprehensive Plan land use designations. She discussed how the proposed rezoning relates to the goals and objectives of the 2005 Comprehensive Plan and to the goals and policies of the Philo Road Action Plan. She reviewed the LaSalle National Bank criteria that pertain to the rezoning request. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2102-M-09 to the Urbana City Council with a recommendation for approval.

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input.

Steve Happ, petitioner, stated that he does not have any particular uses in mind at the present time for the two properties. He only wants to make the properties more marketable to get his vacant property reused. Carle was a tenant for a long time, and they were a very good tenant. However, they moved out after constructing a new building of their own.

Chair Pollock wondered if this case and the next case are part of a land assembly program of any kind. Mr. Happ said no. Although the petitioner of the next case (Plan Case No. 2103-M-09) is in the same situation as him, their applications are separate. Ms. Karcher explained that Mr. Happ submitted his petition for rezoning. City staff previously had conversations with Clive Follmer, the petitioner of the next case, regarding what uses could be in his building. So, when Mr. Happ submitted his petition for rezoning, City staff contacted Mr. Follmer and asked if he would be interested in rezoning his properties at this time.

Ms. Upah-Bant mentioned that she has a problem with an adult bookstore use being allowed in this area. Is there anyway that they could take a zoning category and make an exception in it? Ms. Karcher said no. However, there are specific regulations that pertain to adult business uses. They cannot be within 200 feet of any residential zoning district. So, adult business uses would not be allowed on these properties as they back up to a residential zoning district.

Chair Pollock suggested that the City change adult business uses to require special or conditional use permits. Since this issue comes up regularly, he felt this might be one way to give some additional protection. Ms. Karcher replied that this is possible. It would have to be a decision to change what is allowed in the zoning district. The Plan Condition could not do it as a condition of the approval of the rezoning request.

Mr. White wondered if the Urbana News Bookstore on Cunningham Avenue is allowed. Ms. Karcher responded that there was a recent inquiry about where such uses could be. City staff drew a radius around the Urbana News Bookstore, and they found that there are enough commercial uses around it that is within 200 feet that it is allowed in its current location.

Ms. Karcher reviewed the regulations about adult entertainment uses. Chair Pollock asked if there were any regulations restricting adult entertainment uses to be located near schools. Ms. Karcher said no. However, schools are typically located in the zoning districts that cannot be within 200 feet of adult entertainment uses.

Clive Follmer, petitioner of the next case, mentioned that he owns the property next door to the proposed sites. He talked about the history of the proposed locations and of his two properties next door. He can see anyone's apprehension about some poor uses, but he cannot imagine anyone in their right mind with property ownership at these locations that would want to get into adult entertainment uses. These types of uses do not usually go where there is first class office space.

He stated that the City has done a great job in their work on Philo Road. There are many wonderful developments in Southeast Urbana. He has done \$100,000 worth of improvements to his building on the corner of Philo Road and Colorado Avenue to get it ready for first class service. He has been involved in Urbana zoning and in promoting property development during all of his professional practice life in addition to being an attorney.

He believes that City staff has done a very good job in analyzing the issues for Mr. Happ and for himself. It makes sense for the proposed two properties to be zoned the same thing. A developer could very well come in and want to develop both properties as a single complex.

Mr. Follmer commented it is unrealistic to think that a B-3 use would be more of an aggravation to the apartment complexes behind the proposed two sites than what the apartment complexes are to any B-3 use that might lease the proposed two sites. The intensity and activities the apartments in this area makes things difficult. Therefore, he feels the area needs some first class development.

With no further comments or questions from the audience, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing to Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Plan Case 2102-M-09 to the Urbana City Council with a recommendation for approval. Mr. Grosser seconded the motion. Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|---------------|---|-----|
| Mr. White | - | Yes | Ms. Upah-Bant | - | Yes |
| Ms. Stake | - | Yes | Chair Pollock | - | Yes |
| Mr. Grosser | - | Yes | Mr. Fitch | - | Yes |

Ms. Karcher noted that this case would go before the City Council on Monday, April 20, 2009.