



## 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 2103-M-09: A request to rezone 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business to B-3, General Business.

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### **Introduction and Background**

Clive Follmer has submitted a petition to rezone two parcels known as 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business to B-3, General Business. The two properties total approximately 0.61 acres and are located southwest of the intersection of South Philo Road and East Harding Drive. The property is currently occupied by an approximately 4,210 square foot commercial building that has been vacant for two years. The petitioner has provided a site plan of the subject property which can be found in Exhibit F. The owner is requesting rezoning to better fit with the zoning designations along Philo Road and to assist in marketing the vacant space 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**

The subject property is bounded on three sides by streets. Vawter Street is to the west, East Harding Drive is to the north, and South Philo Road is to the east. There is a mixture of zoning and land uses in the surrounding area. The property along the north side of East Harding Drive and across from the subject property is zoned B-3, General Business and is occupied by Truly Fit, Family Video, Little Caesars and a vacant lot. The property south of 2001 South Philo Road is zoned B-1, Neighborhood Business and is a commercial building that is currently vacant. This property has also been submitted for rezoning consideration in Plan Case 2102-M-09 and will be considered at the April 20<sup>th</sup> City Council meeting. The property south of 1401 East Harding Drive is zoned R-5, Medium High Density Multiple-Family Residential, and is occupied by an apartment building. 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 Renner-Wikoff Chapel and Crematory, Closet Space Self-Storage and the Southgate Plaza which includes Dollar General, Amano’s Pizza and Pro-Nails. The property along the west side of Vawter Street and across from the subject property is zoned R-5, Medium High Density Multiple-Family Residential and is occupied by a condominium development.

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.

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
Site	B-1, Neighborhood Business	Vacant Commercial Building	Community Business
North	B-3, General Business	Truly Fit, Family Video, Little Caesars, Vacant Lot	Community Business
South	B-1, Neighborhood Business R-5, Medium High Density Multiple-Family Residential	Hair Salon, Vacant Commercial Building/Spaces, Apartment Building	Community Business 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	Condominium Development	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 and a portion to the south as “Community Business” and “Multi-Family” for the area surrounding the subject property to the west and a portion to the south. 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.

The Philo Road Business District Redevelopment Incentive Program is designed to provide loan/grant incentive for businesses that are constructing or rehabilitating their building, landscaping, and/or site. With the assistance of the Philo Road Business District Redevelopment Incentive Program, the petitioner completed a remodeling project in 2008 to the commercial building on the subject property to assist with attracting tenants.

**Discussion**

Along with the parcels proposed to be rezoned in the preceding Plan Case 2102-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.*

The rezoning will provide for a broader group of businesses to market to, which is anticipated to assist with finding a business to occupy the vacant building on the subject property. 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 has previously 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.

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, the commercial building has been vacant for at least two years. 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 a commercial structure that has been vacant for the last two years.
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 2103-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. 2103-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: Clive Follmer, 1717 Philo Road, Urbana, IL 61802

ORDINANCE NO. 2009-04-041

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

(Rezoning of 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business, to B-3, General Business - Plan Case 2103-M-09)

WHEREAS, Clive Follmer has petitioned the City for a Zoning Map Amendment to rezone 2001 South Philo Road and 1401 East Harding Drive 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. 2103-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 502 and 523 in Ennis Ridge Sixth Subdivision, a Subdivision in Champaign County, Illinois, as per plat recorded in Plat Book "0" 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 2001 South Philo Road and 1401 Harding Drive, Urbana, Illinois.

Parcel Nos.: 93-21-21-180-009 and 93-21-21-180-001

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**

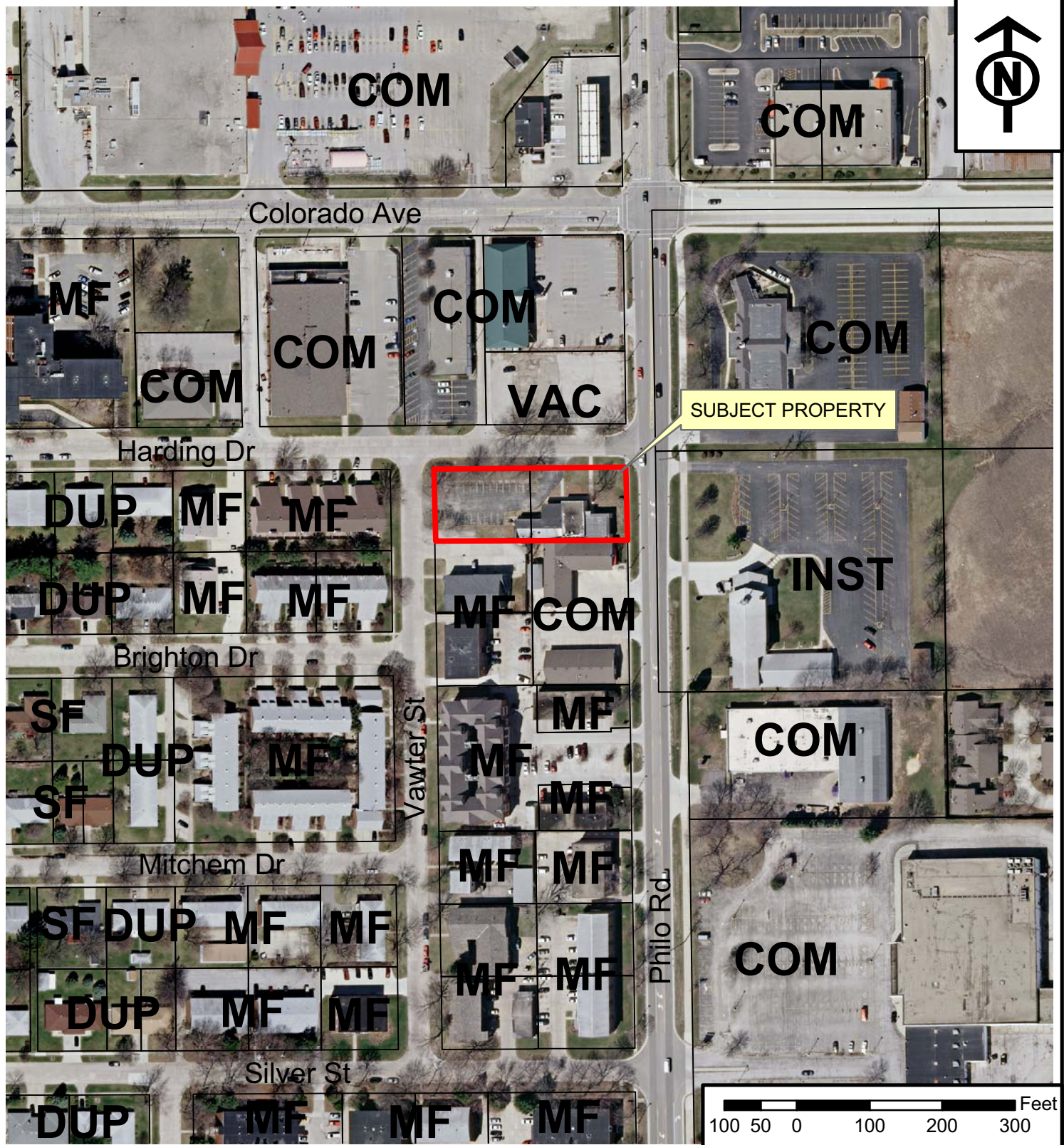
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_ day of \_\_\_\_\_, 2009, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled: "**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business, to B-3, General Business - Plan Case 2103-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

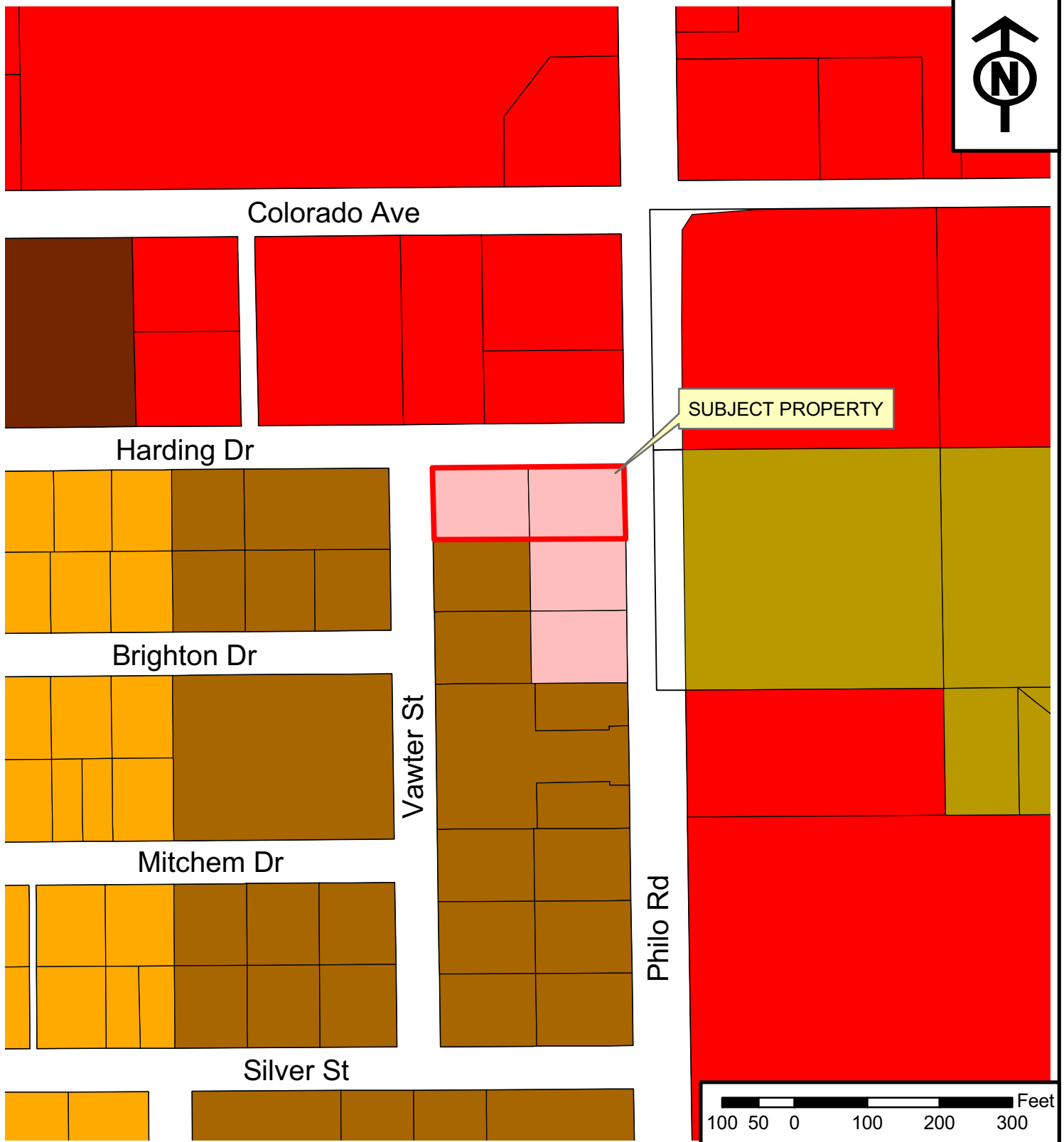
# EXHIBIT A: Location and Existing Land Use Map



**Plan Case:** 2103-M-09  
**Petitioner:** Clive Follmer  
**Location:** 2001 South Philo Road and 1401 East Harding Drive  
**Description:** Request to rezone the subject property from B-1, Neighborhood Business to B-3, General Business

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

# EXHIBIT B: Existing Zoning Map



**Plan Case:** 2103-M-09  
**Petitioner:** Clive Follmer  
**Location:** 2001 South Philo Road and 1401 East Harding Drive  
**Description:** Request to rezone the subject property from B-1, Neighborhood Business to B-3, General Business

*Prepared 4/09 by Community Development Services - Ikk*

### LEGEND

	R3		B1
	R4		B3
	R5		
	R6		



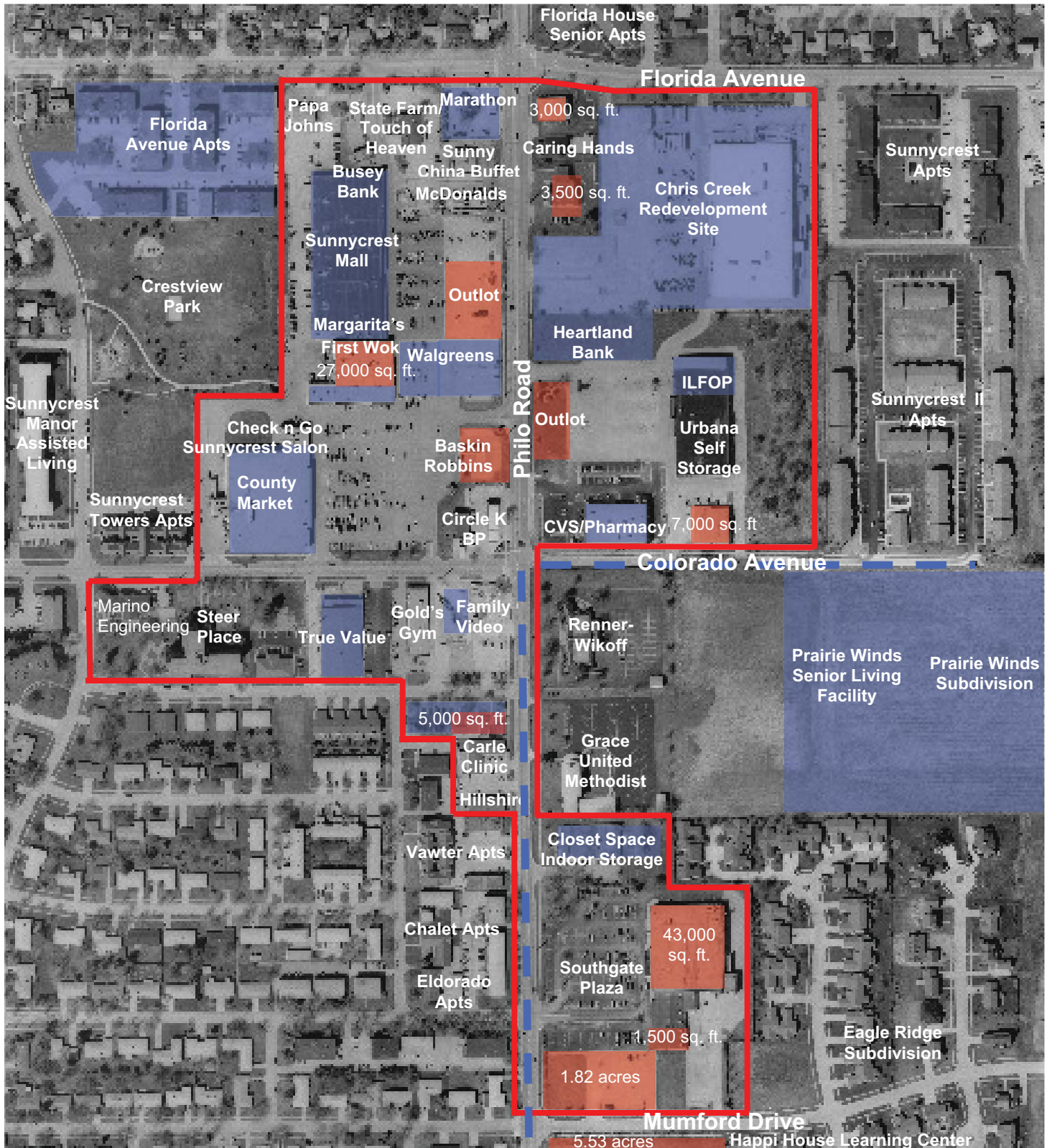
# EXHIBIT C: Future Land Use Map

Future Land Use Map #13  
2005 Urbana Comprehensive Plan



**Plan Case:** 2103-M-09  
**Petitioner:** Clive Follmer  
**Location:** 2001 South Philo Road and 1401 East Harding Drive  
**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  
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**

<b>ZONE</b>	<b>MIN LOT SIZE (square feet)</b>	<b>MIN AVERAGE WIDTH (in feet)</b>	<b>MAX HEIGHT (in feet)</b>	<b>MAX FAR</b>	<b>MIN OSR</b>	<b>MIN FRONT YARD (in feet)</b>	<b>MIN SIDE YARD (in feet)</b>	<b>MIN REAR YARD (in feet)</b>
<b>B-1</b>	<b>6,000</b>	<b>60</b>	<b>35<sup>3</sup></b>	<b>0.30</b>	<b>None</b>	<b>15</b>	<b>7</b>	<b>10</b>

**FAR= FLOOR AREA RATIO**

**OSR= OPEN SPACE RATIO**

**Footnote<sup>3</sup>** – 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](http://www.city.urbana.il.us)





## B-3 – GENERAL BUSINESS ZONING DISTRICT

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### 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**

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

**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](http://www.city.urbana.il.us)



# Petition for Zoning Map Amendment

## Plan Commission

APPLICATION FEE - \$150.00

**RECEIVED**  
03/20/09

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 03-20-2009 Plan Case No. 2103-11-09  
 Fee Paid - Check No. 6077 Amount \$150.00 Date 03-20-2009

**PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION**

1. Location of Subject Site 2001 S. Philo Road, Urbana, Il
2. PIN # of Location 93-21-21-180-009 (001)
3. Name of Applicant/Petitioner(s) Clive Follmer, individually and as Trustee of the Clive Follmer Trust dated 8-28-2003 Phone 217 367 2424 or 217 840 2969  
 Address 1717 Philo Road, Urbana, Il 61802  
(street/city) (state) (zip)  
 Property interest of Applicant(s) owner  
(owner, contract buyer, etc)
4. Name of Owner(s) same as above Petitioners Phone \_\_\_\_\_  
 Address \_\_\_\_\_  
(street/city) (state) (zip)  
**If there are additional owners, please attach extra pages to the application.**
5. Name of Professional Site Planner(s) \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_

(street/city) (state) (zip)

6. Name of Architect(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

(street/city) (state) (zip)

7. Name of Engineers(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

(street/city) (state) (zip)

8. Name of Surveyor(s) \_\_\_\_\_ 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 502 and 523 of Ennis Ridge Sixth Subdivision, as per plat recorded in Plat Book "O" at page 12, situated in the City of Urbana, in Champaign County, Il.

\_\_\_\_\_  
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Lot Size 100 feet x 264 feet =

26,400 square feet

Present Use of Property vacant  
(vacant, residence, grocery, factory, etc)

Present Zoning Designation neighborhood business (B-1)

Proposed Use of Property vacant

Proposed Zoning Designation general business (B-3)

9. Present Comprehensive Plan Designation ?

10. How does this request conform to the Comprehensive Plan? Very well

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. What error in the existing Zoning Map would be corrected by the Proposed Amendment? \_\_\_\_\_

N/a

\_\_\_\_\_  
\_\_\_\_\_

12. What changed or changing conditions warrant the approval of this Map Amendment? \_\_\_\_\_

Development of general area

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Explain why the subject property is suitable for the proposed zoning \_\_\_\_\_

bldg has been vacant for 2 years or more and increased traffic on Philo Rd

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. What other circumstances justify the zoning map amendment? \_\_\_\_\_

Neighbor has petitioned for same change

15. Time schedule for development (if applicable) immediate

16. Additional exhibits submitted by the petitioner available on request

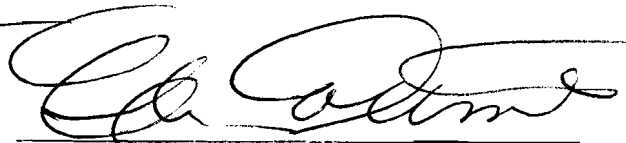
see attached site plans meeting

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 20<sup>th</sup> day of March 2003



Signature of Property Owner



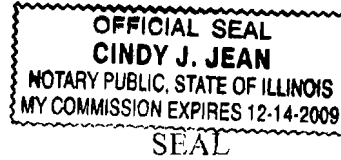
Signature of Petitioner

STATE OF ILLINOIS )  
 ) SS  
CHAMPAIGN COUNTY )

I, Cindy Jean, 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 20<sup>th</sup> day of March 2009.

Cindy J. Jean  
Notary Public



Petitioner's Attorney \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

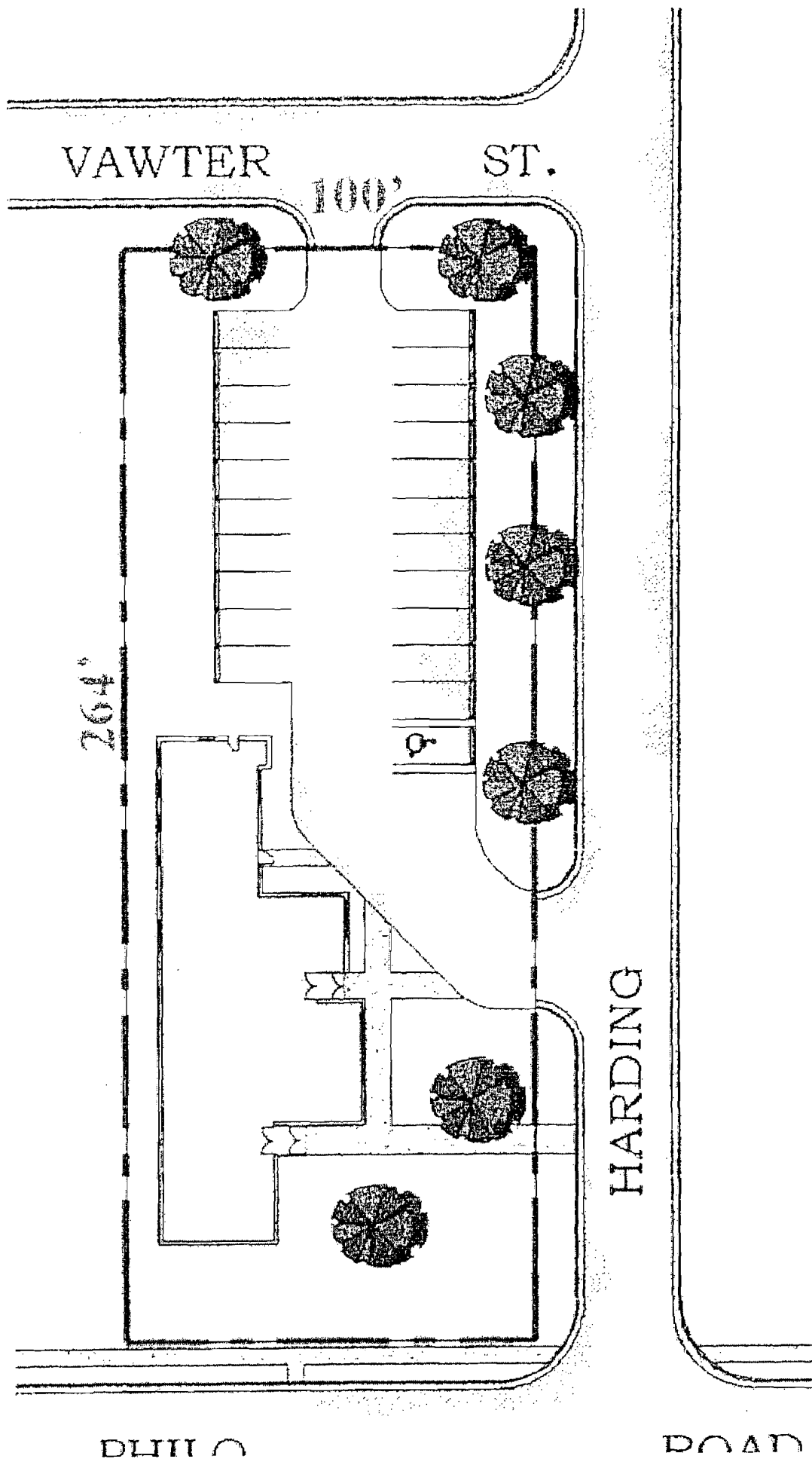
**PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

City of Urbana  
Community Development Department Services  
Planning Division  
400 South Vine Street  
Urbana, IL 61801

Or Fax to (217) 384-2367

Please call (217) 384-2440 if you have any questions.





VAWTER ST.

100'

264'

HARDING ROAD

DLIII O

ROAD

**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

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**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

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**NEW PUBLIC HEARINGS**

**Plan Case No. 2103-M-09: A request by Clive Follmer to rezone 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business District to B-3, General Business District.**

Lisa Karcher, Planner II, presented this case to the Plan Commission. She explained the reason for the proposed rezoning request. She stated that most of the information is the same as the previous case (Plan Case 2102-M-09). The proposed rezoning is consistent with the 2005 Comprehensive Plan and with the zoning in the area. It is also consistent with the LaSalle National Bank criteria. City staff recommends the following:

*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. 2103-M-09 to the Urbana City Council with a recommendation for approval.*

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

Clive Follmer, petitioner, mentioned that Carle Clinic had rented part of his building for a prescription drive up for about ten years. He worked with Carle Clinic to get them to expand their southeast clinic either in an individual building or on the proposed sites. He feels they finally made the right decision, and it has turned out wonderful.

In the B-1, Neighborhood Business, Zoning District, there is 3,500 square foot size limitation for permitted uses. Any use over 3,500 square feet has to get approval of a special or conditional use permit. His building is about 4,500 to 5,000 square feet. Therefore, any business that leased his building would require a special or conditional use permit under the current zoning designation. With the proposed rezoning, it would make the decision for someone that is interested in leasing the building much easier.

He believes it is important for the City to show faith and confidence in the business judgment of investors. The City of Urbana has done a great job in encouraging development in southeast Urbana, and he would like to continue the work.

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

Ms. Upah-Bant moved that the Plan Commission forward Plan Case No. 2103-M-09 to the Urbana City Council with a recommendation for approval. Ms. Stake seconded the motion.

Chair Pollock commented that it was interesting to hear someone who had an experience in which a property owner did not develop their property because of the restrictive nature of the B-1 Zoning District. It is very clear to him that the B-1 Zoning District is much too restrictive in the commercial district along Philo Road. He supports the motion.

Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

Ms. Karcher pointed out that this case will go before the City Council on April 20, 2009.