



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin

FROM: John A. Schneider, Manager, Community Development Services Department

DATE: September 28, 2017

SUBJECT: **An Ordinance Amending the Zoning Map of the City of Urbana, Illinois**
(Rezoning of a 3.86-acre parcel at 1303 Cunningham Avenue from R-4, Medium Density Multiple-Family Residential to B-3, General Business – Plan Case 2312-M-17 / Cunningham Children’s Home)

Introduction

Cunningham Children’s Home has submitted an application to rezone a 3.86-acre parcel at the southwest corner of Cunningham Avenue and Country Club Drive/Perkins Road from R-4, Medium Density Multiple Family Residential Zoning District to B-3, General Business Zoning District. The parcel is currently vacant. It contains a small, wooded parking area that once held information to welcome visitors to Urbana, but has not been used for that purpose since 2005.

The parcel is identified as desirable for business use in the 2005 Urbana Comprehensive Plan, which also identified the area to the west as an area for the expansion of the Cunningham Children’s Home. The Cunningham Children’s Home is now ready to both expand into that area and to rezone and sell the parcel in question for business use.

At their September 21, 2017 meeting, the Urbana Plan Commission voted 6 ayes to 1 nay to forward the case to the City Council with a recommendation to approve the rezoning request.

Background

Between 1976 and 2005, the property was used as a welcome area for visitors to Urbana, with the City holding a long-term lease from Cunningham Children’s Home for that purpose. With the increasing availability of information on the internet, by 2005 there was no longer a need for a welcome area and the use was discontinued, but the lease remained in effect. On September 5, 2017, the Urbana City Council voted to enter into an agreement with Cunningham Children’s Home to terminate the long-term lease. As part of that agreement, the Cunningham Children’s Home has agreed to plant one tree on its property for every existing tree that is removed from the subject property. There are several mature trees on site, including a former Legacy Tree that was delisted on September 11, 2017, by the Urbana Tree Commission.

Urbana Plan Commission Hearing

At their September 21, 2017, meeting, the case was presented to the Urbana Plan Commission. The commission members asked questions about automobile access to the site, landscaping, potential

business uses for the site, and whether sidewalks exist. Dan Holmer, representing the Cunningham Children’s Home, spoke to provide more details about the rezoning, the reasons for their request, and their plans to build an educational facility west of the subject property. After discussing the case, the Plan Commission voted 6 to 1 to send the case the City Council with a recommendation to approve the rezoning request.

Adjacent Land Uses, Zoning, and Comprehensive Plan Designations

The area proposed for rezoning is at the northeast corner of the Cunningham Children’s Home campus. It is currently vacant. It is zoned R-4. The area to the west, also owned by Cunningham Children’s Home, is also zoned R-4. The remainder, or southern portion, of the Cunningham Children’s Home property is zoned R-5. To the north is an apartment complex, zoned R-5, and the El Toro Loco restaurant, zoned B-3. To the east is the Northgate Plaza shopping center, zoned B-3, which contains a variety of businesses. Exhibits A, B and C provide more details on the zoning and land uses for the larger surrounding area.

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	R-4, Medium Density Multiple-Family Residential	Vacant	Community Business
North	B-3, General Business; R-5, Medium High Density Multiple-Family Residential	Restaurant (El Toro Loco); Apartments	Community Business; Multi-Family Residential
South	R-5, Medium High Density Multiple-Family Residential	Cunningham Children’s Home	Institutional
East	B-3, General Business	Northgate Plaza	Community Business
West	R-4, Medium Density Multiple Family Residential	Vacant; Planned expansion of Cunningham Children’s Home	Institutional, with note: “Expansion of Cunningham Children’s Home”

Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the site as “Community Business,” supporting the current request to rezone the property to B-3, General Business. The Comprehensive Plan also identifies the area to the west as an area for future expansion of the Cunningham Children’s Home. The Cunningham Children’s Home is now ready to expand their campus into that area and would like to sell the subject property for business use. Both the sale of the subject property for business use and the expansion of the Cunningham Children’s Home would meet the Comprehensive Plan’s vision for the area.

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.”

The following Comprehensive Plan Goals and Objectives also pertain to the rezoning:

Goal 18.0 Promote infill development.

Goal 24.0 Enhance Urbana’s commercial areas.

Objectives

24.1 Use a variety of economic development tools to improve and redevelop Urbana’s existing commercial areas.

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

Objectives

25.1 Provide a sufficient amount of land designated for various types of community and regional commercial uses to serve the needs of the community.

25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.

The proposed rezoning would contribute to meeting several of these goals by promoting infill growth along an established commercial corridor on Cunningham Avenue.

Discussion

The site is well suited for business uses, being located along the Cunningham Avenue commercial corridor, and having been identified for future business uses in the Comprehensive Plan.

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.

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.

Properties to the north and east are zoned for general business and high density residential uses, and are used as such. The proposed rezoning is highly compatible with these uses. The property to the south and west is owned and used by the Cunningham Children’s Home, which is actively seeking to sell the subject property for business uses. Cunningham Children’s Home would not want to create an incompatible use adjacent to their property and has stated that it would impose covenants on the subject property to ensure any business use is consistent with the Home’s Methodist mission.

2. The extent to which property values are diminished by the restrictions of the ordinance.

This is the difference in the value of the property as R-4, Medium Density Multiple-Family Residential compared to the value it would have if it were rezoned to B-3, General Business.

The property value is undoubtedly diminished by the R-4 zoning compared to its value as a B-3 zoned property. The current R-4 zoning designation limits the property to mostly residential uses, which may not be desirable along Cunningham Avenue in this location. Rezoning to B-3 would allow for a greater array of business uses and would help to meet the vision of the 2005 Urbana Comprehensive Plan, which foresaw business uses along Cunningham Avenue.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact of zoning on the value of the property. Therefore, any discussion pertaining to specific property values should be considered speculative.

3. The extent to which the ordinance promotes the health, safety, morals or general welfare of the public. (see No. 4 below)

4. The relative gain to the public as compared to the hardship imposed on the individual property owner.

The questions here apply to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

The proposed zoning would not harm the health, safety, morals, or general welfare of the public. It would allow for the development of business uses that could serve the community at large and the nearby residential areas.

The existing zoning is inconsistent with the future land use identified in the Comprehensive Plan. The existing zoning is a barrier to developing the property for business uses, as the owner desires. The proposed rezoning would eliminate this hardship by allowing such 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 property is located along Cunningham Avenue, a major commercial corridor in Urbana, which would support additional commercial uses. The property is vacant. The location and vacancy indicate that the site is suitable for business development, which is called for in the 2005 Urbana Comprehensive Plan.

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 to be rezoned has been vacant since 2005. Prior to that time, it had only been used as a welcome area.

Summary of Findings

1. Cunningham Children's Home filed a petition to amend the Urbana Zoning Map for 1303 Cunningham Avenue from R-4, Medium Density Multiple-Family Residential Zoning District to B-3, General Business Zoning District.
2. The subject property is located on the southwest corner of Cunningham Avenue and East Country Club Road/Perkins Road.
3. The 2005 Urbana Comprehensive Plan future land use map designates the future land use of the property as "Community Business," and the proposed rezoning is consistent with this future land use.
4. The zoning change would facilitate the development of this infill site.
5. The proposed rezoning would generally conform to the LaSalle Criteria.
6. The subject property is appropriate for general business uses due to its location along Cunningham Avenue, a major commercial corridor in Urbana.
7. At their September 21, 2017, meeting, the Urbana Plan Commission voted 6 ayes and 1 nay to forward Case No. 2312-M-17 to the Urbana City Council with a recommendation of Approval.

Options

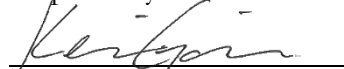
The City Council has the following options in Case 2312-M-17:

1. Approve the proposed rezoning request; or
2. Deny the rezoning request. If denied, the Council must state the reasons for denial.

Recommendation

At their September 21, 2017, meeting, the Urbana Plan Commission voted with six ayes and one nay to forward Plan Case No. 2312-M-17 to the Urbana City Council with a recommendation of **Approval** for the proposed Zoning Map Amendment. Staff concurs with the recommendation.

Prepared by:

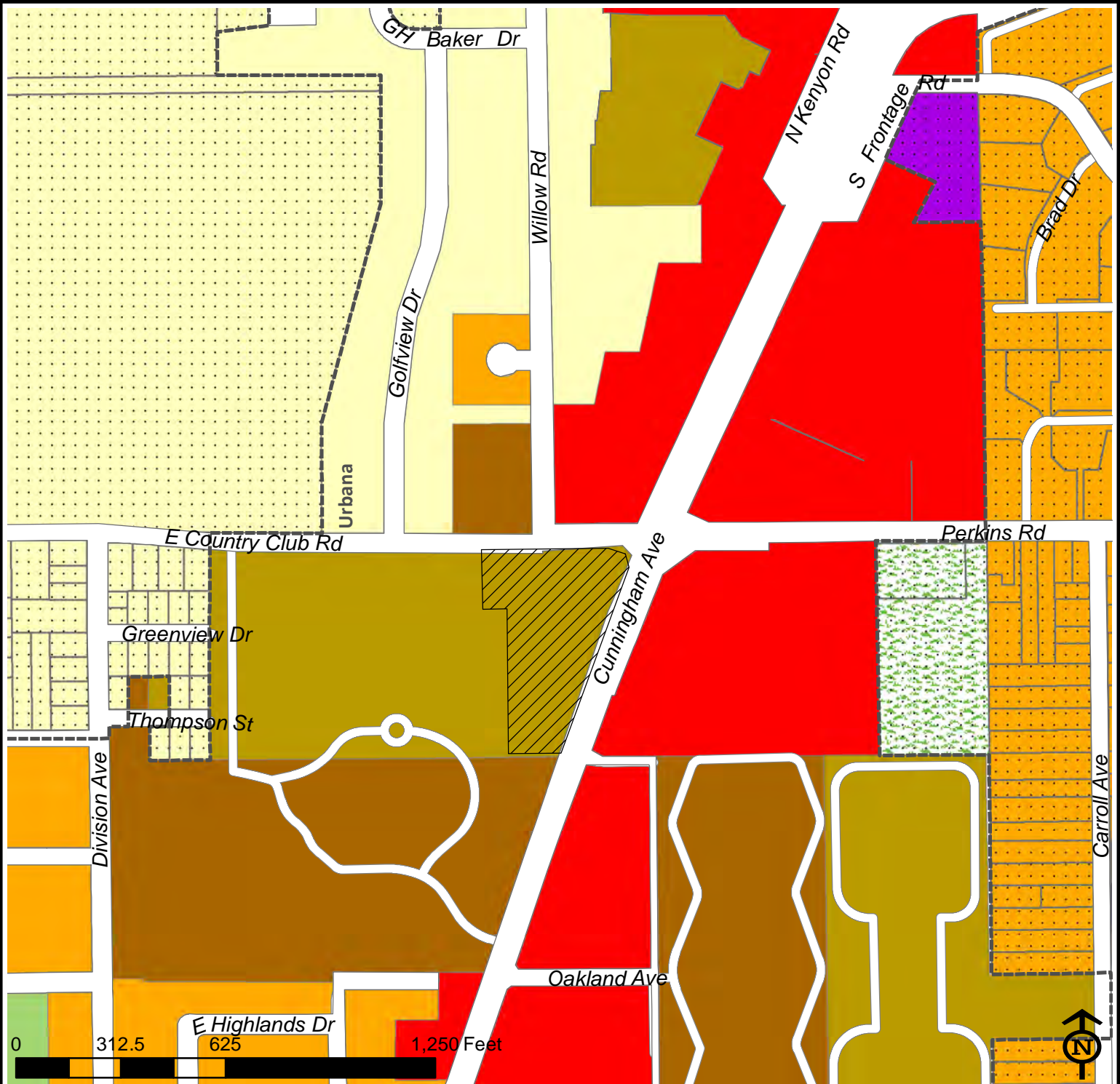


Kevin Garcia, Planner II

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Zoning Description Sheets for R-4 and B-3 Districts
Exhibit E: Application for Rezoning
Exhibit F: Draft Plan Commission Minutes 9/21/2017

cc: Cunningham Children's Home

Exhibit B: Zoning Map

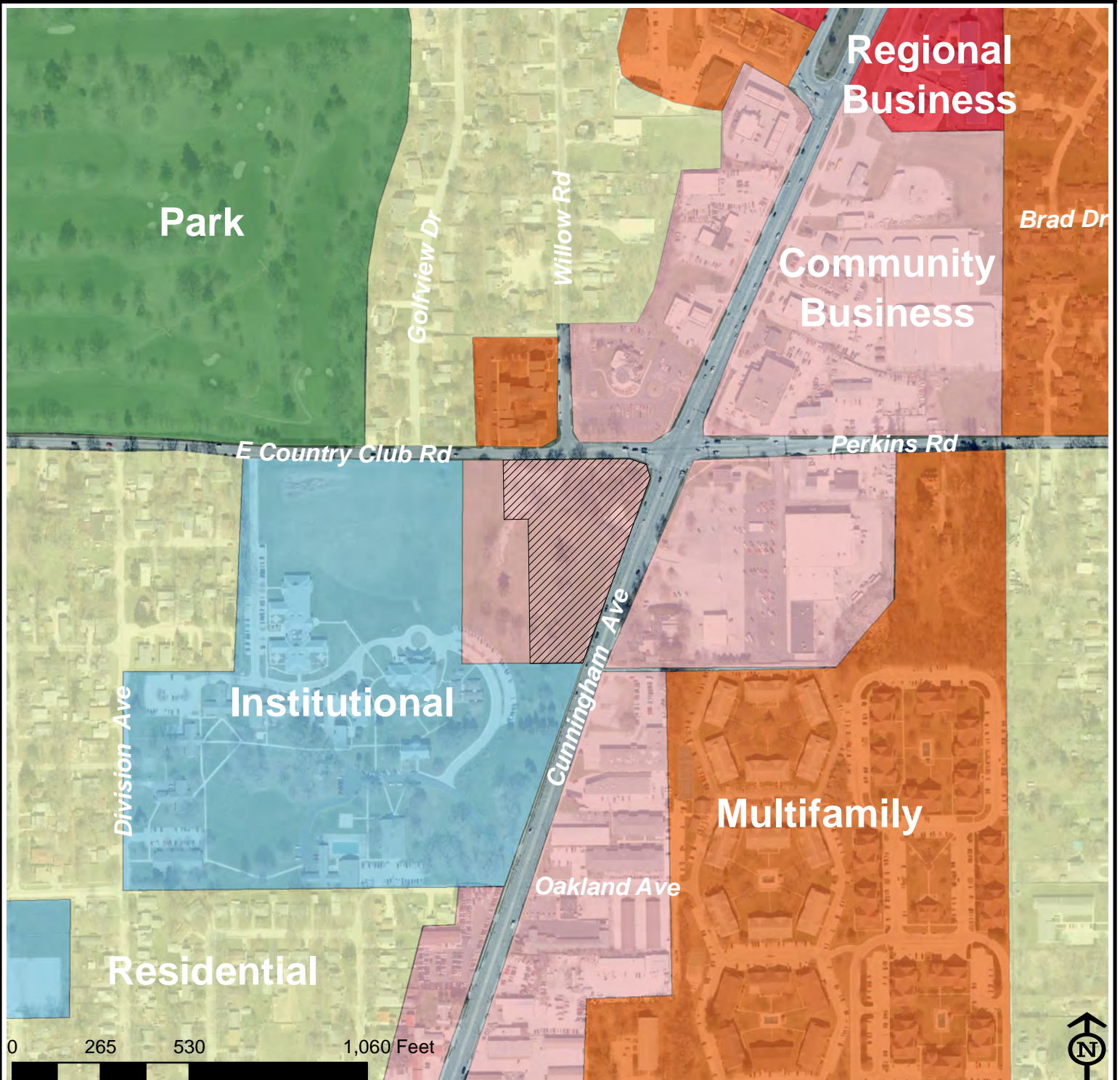


Case: 2312-M-17
 Subject: Rezoning
 Location: 1303 Cunningham Avenue
 Petitioner: Cunningham Children's Home








- | | | |
|-----|---------------|------------------|
| B3 | R4 | R-1 (County) |
| CRE | R5 | R-3 (County) |
| R1 | AG-1 (County) | City Boundary |
| R3 | B-4 (County) | Subject Property |



Exhibit C: Future Land Use Map



Case: 2312-M-17
 Subject: Rezoning
 Location: 1303 Cunningham Avenue
 Petitioner: Cunningham Children's Home

- | | | | |
|---|--------------------------|---|------------------|
|  | Residential |  | Institutional |
|  | Multi-Family Residential |  | Park |
|  | Regional Business |  | Subject Property |
|  | Community Business | | |



R-4 – MEDIUM DENSITY MULTIPLE-FAMILY ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-4 Zoning District is as follows:

"The R-4, Medium Density Multiple-Family Residential District is intended to provide areas for multiple-family dwellings at low and medium densities."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the R-4 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Agriculture, Cropping

Business - Recreation

Country Club or Golf Course

Public and Quasi-Public

Church, Temple or Mosque
Elementary, Junior High School or Senior High School
Institution of an Educational or Charitable Nature
Library, Museum or Gallery
Municipal or Government Building
Park

Residential

Boarding or Rooming House
Dormitory
Dwelling, Community Living Facility, Category I, Category II and Category III
Dwelling, Duplex***
Dwelling, Duplex (*Extended Occupancy*)***
Dwelling, Multifamily
Dwelling, Multiple-Unit Common-Lot-Line***
Dwelling, Single Family
Dwelling, Single Family (*Extended Occupancy*)
Dwelling, Two-Unit Common-Lot-Line***

SPECIAL USES:

Business – Professional and Financial Services

Professional and Business Office

Residential

Dwelling, Home for Adjustment

Public and Quasi-Public

Police or Fire Station
Principal Use Parking Garage or Lot

PLANNED UNIT DEVELOPMENT USES:

Business – Miscellaneous

Mixed-Use Planned Unit Development (*See Section XIII-3*)

Residential

Residential PUD (*See Section XIII-3*)

CONDITIONAL USES:

Agriculture

Artificial Lake of One (1) or More Acres

Public and Quasi-Public

Electrical Substation

Business – Miscellaneous

Day Care Facility (*Non-Home Based*)

Residential

Assisted Living Facility
 Bed and Breakfast, Owner Occupied
 Nursing Home

Business - Recreation

Lodge or Private Club

Table V-1 Notes:

*** See Section VI-3 for lot area and width regulations for duplex and common-lot line dwelling units.

DEVELOPMENT REGULATIONS IN THE R-4 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) ¹	MIN SIDE YARD (in feet) ¹	MIN REAR YARD (in feet) ¹
R-4	6,000	60	35 ¹⁷	0.50 ¹⁴	0.35	15 ⁹	5	10

FAR = Floor Area Ratio

OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

Footnote⁹ – In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Sec. VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Sec. VI-5.D.1. (Ordinance No. 9596-58, 11-20-95) (Ordinance No. 9697-154) (Ordinance No. 2001-03-018, 03-05-01)

Footnote¹⁴ – In the R-4 District, the maximum floor area ratio may be increased to 0.70, provided that there is a minimum of 2,000 square feet of lot area per dwelling unit.

Footnote¹⁷ – Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.



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 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, Planned Unit Development Uses and Conditional Uses in the B-3 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development 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*)
Banquet Facility
Café or Deli
Catering Service
Confectionery Store
Convenience Store
Fast-Food Restaurant
Liquor Store
Meat and Fish Market
Restaurant
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
Medical Cannabis Dispensary
Radio or TV Studio
Shopping Center – Convenience
Shopping Center – General
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 Therapist
Medical Carrier Service
Mortuary
Movers
Pet Care/ Grooming
Self-Service Laundry
Shoe Repair Shop
Tailor and Pressing Shop

PERMITTED USES Continued:

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 - Retail Trade

Antique or Used Furniture Sales and Service
 Appliance Sales and Service
 Art and Craft Store and/or Studio
 Bicycle Sales and Service
 Building Material Sales *(All Indoors Excluding Concrete or Asphalt Mixing)*
 Clothing Store
 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
 Pawn or Consignment Shop
 Pet Store
 Photographic Studio and Equipment Sales and Service
 Shoe Store
 Sporting Goods
 Stationery, Gifts, or Art Supplies
 Tobacconist
 Variety Store
 Video Store
 All Other Retail Stores

Business - Vehicular Sales and Service

Automobile Accessories *(New)*
 Automobile, Truck, Trailer or Boat Sales or Rental
 Automobile/ Truck Repair
 Car Wash
 Gasoline Station
 Mobile Home Sales
 Truck Rental

Business - Recreation

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

Business - Transportation

Motor Bus Station
 Taxi Service

Industrial

Microbrewery

Public and Quasi-Public

Church, Temple or Mosque
 Electrical Substation
 Farmer's Market
 Institution of an Educational or Charitable Nature
 Library, Museum or Gallery
 Methadone Treatment Facility
 Municipal or Government Building
 Park
 Police or Fire Station
 Principle Use Parking Garage or Lot
 Public Maintenance and Storage Garage
 University/College
 Utility Provider

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 – Retail

Firearm Store†

Public and Quasi-Public

Correctional Institution or Facility
Hospital or Clinic

Business – Vehicular Sales and Service

Towing Service
Truck Stop

Residential

Dwelling, Multifamily

PLANNED UNIT DEVELOPMENT USES:

Business – Miscellaneous

Commercial Planned Unit Development (*See Section XIII-3*)
Mixed-Use Planned Unit Development (*See Section XIII-3*)

CONDITIONAL USES:

Business - Miscellaneous

Crematorium
Day Care Facility (*Non-Home Based*)
Self-Storage Facility
Veterinary Hospital (*Small Animal*)****

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

Public and Quasi-Public

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

Residential

Assisted Living Facility
Nursing Home

Table V-1 Notes:

**** See Table VII-1 for Standards for Specific Conditional Uses

† See Section VII-5.D for Standards for Firearm Stores

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) ¹	MIN SIDE YARD (in feet) ¹	MIN REAR YARD (in feet) ¹
B-3	6,000	60	None ³	4.00	None	15 ^{7f}	5 ⁷	10

FAR = Floor Area Ratio
OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

Footnote³ – In the AG, CRE, B-1, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.F.3 and Section VI-5.G.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 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.

NOTE:

¶ *Section VIII.4.F.5* – In the B-3 Zoning District, parking may locate in the required side yard setback (up to within 18 inches of the property line per Section VII-4.G) if the zoning District adjacent to the setback is designated B-1, B-2, B-3, B-3U B-4, B-4E, IN-1 or MIC and if the adjacent area is also used for parking.

¶¶ *Section VIII.4.F.6* – Parking in the B-2, B-3, B-3U, IN-1 and IN-2 Zoning District shall be permitted to encroach 10 feet into the required front yard if the buffer yard requirements set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8 are met.

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, Illinois 61801

(217) 384-2440 phone / (217) 384-2367 fax

www.urbanaininois.us



Application for Zoning Map Amendment

PLAN COMMISSION

APPLICATION FEE - \$175.00

The Applicants are responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 08-18-2017 Plan Case No. 2312-M-17
 Fee Paid - Check No. 24443 Amount \$175.00 Date 08-18-2017
24461 \$25.00 08-28-2017

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Cunningham Children's Home of Urbana, Illinois Phone: 217-367-3728

Address (street/city/state/zip code): 1301 N. Cunningham Ave., Urbana, IL 61801

Email Address: dholmer@cunninghamhome.org

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner

2. OWNER INFORMATION

Name of Owner(s): Cunningham Children's Home of Urbana, Illinois Phone: 217-367-3728

Address (street/city/state/zip code): 1301 N. Cunningham Ave., Urbana, IL 61801

Email Address: mlivingston@cunninghamhome.org

Is this property owned by a Land Trust? Yes No

If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Address/Location of Subject Site: 1303 N. Cunningham Ave., Urbana, IL 61801

PIN # of Location: 91-21-09-101-001 and part of 91-21-08-229-001, Lot 1

Lot Size: 3.86 acres

Current Zoning Designation: R4 Medium Density Multiple Family Residential

Proposed Zoning Designation: B3 General Business

Current Land Use (vacant, residence, grocery, factory, etc): Vacant

Proposed Land Use: Commercial Retail Auto Parts Supply Store

Present Comprehensive Plan Designation: Community Business

How does this request conform to the Comprehensive Plan? *Would conform with Comprehensive Plan by changing from Residential to Business*

Legal Description *(If additional space is needed, please submit on separate sheet of paper):*

3.86 acres in a sub of the NE ¼ Section 8 and W ½ NW ¼ Section 19-19-9, aka W T Weber Estate, Champaign County, Illinois. (Per Whitsitt & Associates 3-2017 Appraisal P. 4)

4. CONSULTANT INFORMATION

Name of Architect(s): IGW Architecture, Scot Wachter Phone: 217-328-1391

Address *(street/city/state/zip code):* 114 West Main Street, Urbana, IL 61801

Email Address: swachter@IGWarchitecture.com

Name of Engineers(s): Berns, Clancy and Associates BCA Phone: 217-384-1144

Address *(street/city/state/zip code):* 405 E. Main St., Urbana, IL 61801

Email Address: cbillings@BCA.com

Name of Surveyor(s): Ed Clancy, P.E., L.S. BCA Phone: 217-384-1144

Address *(street/city/state/zip code):* 405 E. Main St., Urbana, IL 61801

Email Address: eclancy@BCA.com

Name of Professional Site Planner(s): Phone:

Address *(street/city/state/zip code):*

Email Address:

Name of Attorney(s): Francis Jahn, Meyer Capel Phone: 217-352-1800

Address *(street/city/state/zip code):* 306 W. Church St., Champaign, IL 61820

Email Address: fjahn@meyercafel.com

5. REASONS FOR MAP AMENDMENT:

What error in the existing Zoning Map would be corrected by the Proposed Amendment?

There are no known existing errors.

What changed or changing conditions warrant the approval of this Map Amendment?

The owner desires to sell 3.86 Acres of Part 4 and a portion Lot 1 to a commercial buyer.

Explain why the subject property is suitable for the proposed zoning.

The City of Urbana has included this property in their long term development comprehensive plan as potentially commercially zoned for future development.

What other circumstances justify the zoning map amendment

Adjacent property along Cunningham Avenue is primarily Business use.

Time schedule for development *(if applicable)*

Time is of the essence as there is a current offer to purchase the 3.86 acres.

Additional exhibits submitted by the petitioner.

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.


Applicant's Signature

8-17-17
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: September 21, 2017

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Jane Billman, Andrew Fell, Tyler Fitch, Nancy Esarey Ouedraogo, Christopher Stohr, David Trail

MEMBERS EXCUSED: Lew Hopkins, Daniel Turner

STAFF PRESENT: Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Teri Anel, Administrative Assistant II

OTHERS PRESENT: Dan Holmer, Herman and Mary Kuhlman, David Sawlaw

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Fitch called the meeting to order at 7:30 p.m. Roll call was taken and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the September 7, 2017 regular meeting were presented for approval. Mr. Ackerson moved to approve the minutes as presented. Mr. Fell seconded the motion. The minutes were then approved by unanimous voice vote as written.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2312-M-17 – A request by the Cunningham Children’s Home of Urbana to rezone one parcel totaling approximately 3.86 acres, located at 1303 Cunningham Avenue, from R-4, Medium Density Multiple-Family Residential Zoning District, to B-3, General Business Zoning District.

Chair Fitch opened this case on the agenda. Kevin Garcia, Planner II, presented the case to the Plan Commission. He began by stating the purpose of the proposed rezoning request and by giving background information on the subject property. Referring to Exhibit A, he noted the zoning and existing land uses of the subject property and of the surrounding adjacent properties. Exhibit C shows the future land use designations for these areas as well. He talked about the goals and objectives of the 2005 Comprehensive Plan that pertain to the proposed rezoning. He reviewed how the proposed rezoning relates to the the LaSalle National Bank Criteria. He read the options of the Plan Commission and presented City staff’s recommendation for approval.

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Mr. Fell wondered if the individual lots had already been platted. Mr. Garcia explained that the applicant is in the process of replatting. The rezoning request does use the legal description from the soon-to-be platted lot.

Mr. Fell inquired about how far vehicular access to the property would need to be from the intersection of Country Club Road and Cunningham Avenue. Mr. Garcia did not know the answer off hand, but stated that any development on the site would have to comply with access guidelines of both the Illinois Department of Transportation (IDOT) and of the City of Urbana.

With no further questions for City staff, Chair Fitch opened the case for public input from the audience. He noted the procedure for a public hearing. He invited the petitioner to address the Plan Commission.

Dan Holmer, Vice President of Finance and Operations at Cunningham Children’s Home, approached the Plan Commission to speak. He mentioned that they do have a potential buyer for the subject lot and confirmed it is not a strip mall. He could not disclose who the potential buyer is.

With regards to access, there is an existing access/curb cut off Country Club Road that used to be the main entrance into the Urbana Community Correctional Center. He could not speak to whether the potential buyer would continue to use this access.

The reason for the sale of the proposed site would be to help fund the \$13,000,000.00 expansion of their education/recreation center. Construction has begun and is expected to be completed in about 18 months. It will be a 50,000 square foot building and will house two of their schools, a recreation facility and the cafeteria for their children.

Mr. Ackerson asked how people who access the new education/recreation building from the street. Mr. Holmer replied that there is currently a temporary access drive being used as a construction entrance. This will become a permanent entrance once construction is completed, and the Cunningham Children's Home will use it as their main entrance into their facility. The entrance off Cunningham Avenue would be a secondary access but not the main entrance.

Mr. Stohr asked if the petitioner was satisfied or agreeing with all of the permitted uses in the B-3, General Business Zoning District. Mr. Holmer stated that they are aware of the uses permitted in a B-3 Zoning District. He explained that the proposed restricted covenants that they would have with a potential buyer would limit the uses up to around 30 years. The Cunningham Children's Home is a Methodist-owned organization. They would not allow any business related to alcohol, fire arms or adult entertainment. The potential buyer is aware of these covenants.

There was no additional input by the audience, so Chair Fitch closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Chair Fitch asked about the buffering and screening requirements. Mr. Garcia replied that the City does not require any buffering or screening for a front yard.

Mr. Fell wondered if the developer would be paying to run services such as sanitary, storm sewer and water to the proposed property from across the street. Mr. Garcia responded that he was unaware of where the City services were located. Lorrie Pearson, Planning Manager, added that the developer would pay to have the services run to the proposed site.

Ms. Billman mentioned that she drove past the site. She noticed a hill and some trees. She understood that there is an agreement to plant trees elsewhere on the property for removing some of the existing mature trees. She wondered if they could remove the hill as well. Mr. Garcia answered that they would probably regrade the property in order to make it more visible and accessible.

Ms. Billman noted that if they approve the rezoning to B-3, then fast food restaurants could be built on the subject property.

Mr. Stohr asked if the property was in City limits. Mr. Garcia replied yes.

Mr. Stohr asked for clarification that the developer would have to comply with installing storm water detentions for runoff. Mr. Garcia replied yes.

Ms. Billman inquired about sidewalks along Cunningham Avenue and along Country Club Road. Ms. Pearson replied that there are sidewalks along Cunningham Avenue. Part of the agreement to terminate the lease for the information center, there is an arrangement to construct an 8-foot wide multi-use path if possible along Country Club Road. If not possible, then they would be required to construct a sidewalk instead.

Ms. Billman asked about the front yard setback. Ms. Pearson replied that it was 15 feet, which would be approximately where the sidewalk would be. Mr. Fell questioned if the developer would be required to keep the visibility triangle at the corner. Ms. Pearson replied yes.

Ms. Billman noticed that the other three corners of the intersection have grass and shrubs and trees. What are the landscape requirements? Mr. Garcia replied that the City requires 1 shade tree for every 9 parking spaces for the parking lot area. If parking is adjoining a residential district, screening requirements can be met through either landscaping or a solid fence or all 4 to 6 feet in height. Mr. Garcia added that the Cunningham Children's Home is zoned R-4 and R-5, which are both residential zones. So, for landscaping and buffering requirements, the school would be considered a residential use.

Mr. Ackerson moved that the Plan Commission forward Plan Case No. 2312-M-17 to the City Council with a recommendation for approval. Mr. Stohr seconded the motion. Roll call was as follows:

Ms. Billman	-	No	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Ms. Ouedraogo	-	Yes
Mr. Stohr	-	Yes	Mr. Trail	-	Yes
Mr. Ackerson	-	Yes			

The motion was approved by a vote of 6 to 1.

Mr. Garcia announced that this case would be forwarded to City Council on October 2, 2017.

Plan Case No. 2313-SU-17 – A request by Roanoke Concrete Products, Co. for a Special Use Permit to establish a Ready-Mix Concrete Plant and Material Recycling Center at 3202 North Lincoln Avenue in the IN-2, Heavy Industrial Zoning District.

Chair Fitch opened this case and continued it to the October 5, 2017 meeting of the Urbana Plan Commission.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Garcia gave a staff report on the following:

- Curtis Road Corridor Study - Two weeks left to submit comments. The deadline is October 5, 2017.
- Case No. CCZBA-869-AM-17 – The City Council defeated a resolution of protest to rezone Woodland Acres Mobile Home Park.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission

ORDINANCE NO. 2017-10-057

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

(Rezoning of a 3.86-acre parcel at 1303 Cunningham Avenue from R-4, Medium Density Multiple-Family Residential to B-3, General Business – Plan Case 2312-M-17 / Cunningham Children’s Home)

WHEREAS, Cunningham Children’s Home of Urbana has petitioned the City for a Zoning Map Amendment to rezone a property comprising 3.86 acres and located at 1303 Cunningham Avenue from R-4, Medium Density Multiple-Family Residential to B-3, General Business; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on September 21, 2017 concerning the petition filed in Plan Case No. 2312-M-17; and

WHEREAS, the 2005 Urbana Comprehensive Plan future land use map designates the future land use of these properties as “Community Business”, and the proposed rezoning is consistent with this future land use type; and

WHEREAS, the proposed rezoning would facilitate the development of an infill site; and

WHEREAS, the proposed rezoning would generally conform to the La Salle Criteria; and

WHEREAS, the subject property is appropriate for general business uses due to its location along Cunningham Avenue, a major commercial corridor in Urbana; and

WHEREAS, the Urbana Plan Commission voted with 6 ayes to 1 nay to forward Plan Case No. 2312-M-17 with recommendation of approval for rezoning the subject property; and

WHEREAS, the findings of the Plan Commission indicate that 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 property from R-4, Medium Density Multiple-Family Residential Zoning District to B-3, General Business Zoning District.

The subject property is more accurately described as follows:

LEGAL DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF SECTION 8 AND A PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH REBAR WITH CAP STAMPED "FEHR GRAHAM" INSIDE AN ILLINOIS DEPARTMENT OF TRANSPORTATION VAULT FOUND AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AND ALSO BEING THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN PER MONUMENT RECORD 2010R18872 ON FILE AT THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER; THENCE SOUTH 00 DEGREES 45 MINUTES 28 SECONDS EAST ALONG THE WESTERLY LINE OF LOT 4 OF A SUBDIVISION OF THE NORTHWEST QUARTER OF SAID SECTION 9, ALSO BEING THE EASTERLY LINE OF LOT 1 OF A SUBDIVISION OF THE NORTHEAST QUARTER OF SAID SECTION 8, ALSO BEING THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 8, ALSO BEING THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 37.31 FEET TO THE NORTHEAST CORNER OF ADDITIONAL RIGHT OF WAY TO BE DEDICATED TO THE CITY OF URBANA'S COUNTRY CLUB ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 45 MINUTES 28 SECONDS EAST ALONG SAID SECTION LINE, A DISTANCE OF 18.68 FEET TO THE SOUTHEAST CORNER OF ADDITIONAL RIGHT OF WAY TO BE DEDICATED TO THE CITY OF URBANA'S COUNTRY CLUB ROAD; THENCE SOUTH 89 DEGREES 49 MINUTES 13 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF COUNTRY CLUB ROAD, A DISTANCE OF 212.21 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND; THENCE SOUTH 44 DEGREES 42 MINUTES 30 SECONDS EAST ALONG A BEND IN THE WESTERLY RIGHT OF WAY LINE OF U.S. ROUTE 45 (CUNNINGHAM AVENUE), A DISTANCE OF 49.86 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE WESTERLY RIGHT OF WAY LINE OF U.S. ROUTE 45 (CUNNINGHAM AVENUE); THENCE SOUTHERLY ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 7,790 FEET, A CHORD LENGTH OF 515.10 FEET, A CHORD BEARING OF SOUTH 20 DEGREES 47 MINUTES 19 SECONDS WEST AND AN ARC LENGTH OF 515.20 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. ROUTE 45 TO AN IRON PIPE SURVEY MONUMENT FOUND AT THE POINT OF CURVATURE; THENCE SOUTH 18 DEGREES 55 MINUTES 09 SECONDS WEST ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. ROUTE 45, A DISTANCE OF 90.16 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND ON THE SOUTH LINE OF SAID LOT 4; THENCE SOUTH 89 DEGREES 35 MINUTES 55 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 4,

SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 147.00 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE NORTH 00 DEGREES 19 MINUTES 06 SECONDS WEST, A DISTANCE OF 453.38 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE NORTH 89 DEGREES 40 MINUTES 54 SECONDS WEST, A DISTANCE OF 71.40 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE NORTH 00 DEGREES 19 MINUTES 06 SECONDS WEST, A DISTANCE OF 150.00 FEET TO AN IRON PIPE SURVEY MONUMENT SET AT THE SOUTHWEST CORNER OF SAID ADDITIONAL RIGHT OF WAY TO BE DEDICATED TO THE CITY OF URBANA'S COUNTRY CLUB ROAD; THENCE CONTINUE NORTH 00 DEGREES 19 MINUTES 06 SECONDS EAST, A DISTANCE OF 18.66 FEET TO AN IRON PIPE SURVEY MONUMENT SET AT THE NORTHWEST CORNER OF SAID ADDITIONAL RIGHT OF WAY TO BE DEDICATED TO THE CITY OF URBANA'S COUNTRY CLUB ROAD, SAID SURVEY MONUMENT SET ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF COUNTRY CLUB ROAD; THENCE NORTH 89 DEGREES 40 MINUTES 54 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID ADDITIONAL RIGHT OF WAY TO BE DEDICATED TO THE CITY OF URBANA'S COUNTRY CLUB ROAD AND THE SOUTHERLY RIGHT OF WAY LINE OF COUNTRY CLUB ROAD, A DISTANCE OF 186.38 FEET TO THE POINT OF BEGINNING.

PINs: 91-21-09-101-001 and part of 91-21-08-229-001
Address: 1303 Cunningham Avenue

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 _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, _____.

Diane Wolfe Marlin, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Charles A. Smyth, 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 _____, _____, 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 a 3.86-acre parcel at 1303 Cunningham Avenue from R-4, Medium Density Multiple-Family Residential to B-3, General Business – Plan Case 2312-M-17 / Cunningham Children’s Home)**, 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 _____, _____, 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 _____, _____.

(SEAL)

Charles A. Smyth, City Clerk

Exhibit A: Location & Existing Land Use Map



Case: 2312-M-17
 Subject: Rezoning
 Location: 1303 Cunningham Avenue
 Petitioner: Cunningham Children's Home

 Subject Property

