



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council
FROM: John A. Schneider, MPA, Director, Community Development Services Department
DATE: November 16, 2018
SUBJECT: An Ordinance Amending the Urbana Zoning Map (Rezoning 206 South Cedar from R-6 to B-4 / Jonah Weisskopf – Plan Case 2352-M-18)

Introduction

Jonah Weisskopf, property owner, has submitted a request for a Map Amendment to rezone one parcel in downtown Urbana from R-6, High Density Multiple-Family Residential to B-4, Central Business Zoning District. The change would reflect the Future Land Use designation of “Central Business” attributed to this parcel in the 2005 Comprehensive Plan.

On Thursday, October 18, 2018, the Urbana Plan Commission voted 6-0 to recommend to City Council to approve this request. City Council approval is required for this request.

Background

The property is located on the east side of South Cedar Street, between West Elm and West Green Streets, and contains one two-story, three-unit apartment building on a 6,877-square-foot lot (Exhibit A and A2). The house was built in 1872 and relocated to this site in 1930. The property is currently zoned R-6; it was rezoned from R-4, Multiple Family Residential – High Density, in 1970 (Exhibit B).

Land to the north, east, and south are zoned B-4, Central Business and are the sites of the Urbana Free Library and Bluebird Boutique (see table below). Land to the west is zoned MOR, Mixed-Office Residential; uses include lawyer offices, yoga studios, bed & breakfasts, apartment buildings, and houses of worship.

Subject and Surrounding Property Information Summary

Table with 4 columns: PROPERTIES, Zoning, Land Use, Future Land Use. Rows include Subject Property, North, East, South, and West.

Discussion

The proposed rezoning would expand the surrounding B-4, Central Business district to complete the block and bring the subject property’s zoning into conformity with its Future Land Use Designation (Exhibit C). It would also provide a zoning classification appropriate for an area that the 2012 Downtown Urbana Plan included as part of downtown. The proposed B-4 zoning designation

eliminates minimum parking requirements and required yard setbacks. The Urbana Zoning Ordinance states that the R-6 and B-4 zoning districts serve these purposes (emphases added):

The R-6, High Density Multiple-Family Residential District is intended to provide areas for **multiple-family dwellings at densities ranging up to high.**

The B-4, Central Business District is intended to provide **an area for the focus of the city**, in which the **full range of commercial and business uses** may locate **in a limited area of high intensity uses**, with the appropriate forms of physical development at a high density.

The *La Salle & Sinclair* Criteria

In the case of *La Salle National Bank v. County of Cook*, 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. In addition to the six *La Salle* Criteria, the court developed two more factors in the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. All eight factors are discussed below to compare the current zoning to the proposed zoning. In order to maximize the defensibility of their decision, City Council's decision must be based only on an objective application of these criteria.

La Salle Factor #1. The existing land uses and zoning of the nearby property. (What is the degree of compatibility between the existing and proposed zoning districts with the existing land uses and land use regulations in the immediate area?)

The proposed rezoning to B-4, Central Business is compatible with the zoning and land uses of the immediate area (see Exhibits A and B). To the north is a parking lot, to the east is a library, and to the south is a retail boutique, all zoned B-4. To the west are offices, apartment buildings and other commercial and residential uses zoned MOR. The expansion of the surrounding B-4 district should weigh *in favor* of the applicant's request for rezoning.

La Salle Factor #2. The extent to which property values are diminished by the restrictions of the ordinance. (What is the difference in the value of neighboring properties with the subject property's current R-6 zoning compared to their value if the subject property were zoned B-4, Central Business?)

The proposed rezoning to B-4, Central Business is the initial step in pursuing an "adaptive reuse of existing historic structures" as stated in the application, increasing the subject property's potential use while maintaining the structure's current integrity. Adding a commercial use to the currently-residential structure would increase the diversity of the local economy, which already boasts a boutique retail shop, two yoga studios, a bed & breakfast, and professionals' offices. This additional commercial site would serve to further stabilize the area and increase synergy between neighboring uses: patrons of the library may shop or eat at the site, or future site patrons may stroll around to the boutique or over to shop or visit at the Market at the Square. All of these interactions would be beneficial for those neighboring businesses, resulting in a potential increase in property value and should weigh *in favor* of the applicant's request for rezoning.¹

¹ It should be noted that the Urbana City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

La Salle Factor #3. The extent to which the ordinance promotes the health, safety, morals or general welfare of the public. (Does the proposed rezoning potentially impact of the public welfare?)

The proposed rezoning to B-4, Central Business will not affect the health, safety, morals, or general welfare of the public in any foreseeable way and should weigh either *neutrally or in favor* of the applicant's request for rezoning.

La Salle Factor #4. The relative gain to the public as compared to the hardship imposed on the individual property owner. (Do the restrictions provide gain to the public which offsets the hardships imposed on the property owner by the restrictions?)

The public may see gain from the future potential business opportunities that could be incorporated into the building under the proposed B-4, Central Business zoning district, while they would see no gain in keeping the site as simply a three-unit apartment building. Conversely, the property owner would continue to experience potentially significant hardship from the reduced development potential that is allowed by the R-6 zoning. The relative gain to the public and the elimination of hardship to the individual owner created by the proposed rezoning should weigh *in favor* of the applicant's request for rezoning.

La Salle Factor #5. The suitability of the subject property for the zoned purposes. (Are there 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 could be well-suited for the proposed B-4, Central Business uses by eliminating the current parking space requirements, which would allow for better use of the structure itself without having to sacrifice either building footprint or open space to provide additional parking. Given the existing B-4 zoning adjacent to the north, east, and south, the proposed B-4 district is logical, and reflects the "Central Business" Future Land Use designation shown in the 2005 Comprehensive Plan. This suitability should weigh *in favor* of the applicant's request for rezoning.

La Salle Factor #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. (Has the property remained vacant for a significant period of time because of restrictions in that zoning district?)

The subject property has been occupied since its relocation to the site in 1930. The higher and better use of the site through adaptive reuse, as a result of the proposed rezoning to B-4, Central Business increases the likelihood that the property will remain economically viable, and should weigh either *neutrally or in favor* of the applicant's request for rezoning.

Sinclair Factor #1. The community's need for more of the proposed use.

The uses allowed in the proposed B-4, Central Business zoning district are varied, and would add to the diversity already present in downtown Urbana (Exhibits D & E). Future uses will likely be based on market research to confirm the need for any proposed use. The absence of current needs research should weigh *neutrally* on the applicant's request for rezoning.

Sinclair Factor #2. The care with which the community has planned its land use development.

When the City adopted its 2005 Comprehensive Plan, the area of the subject property, due to its proximity to downtown Urbana, was generally envisioned as part of the "Central Business" Future Land Use designation, before the area transitions to "Mixed Residential" designation further south

and west. The proposed rezoning would meet the following Goals of the Comprehensive Plan and should weigh *in favor* of the applicants' requests for rezoning:

Goal 18.0 Promote infill development.

Goal 28.0 Develop a diversified and broad, stable tax base.

Goal 34.0 Encourage development in areas where adequate infrastructure already exists.

Plan Commission

Thomas Bruno, a nearby landowner, submitted a letter in support of the proposed rezoning (Exhibit F). Public comments during the Plan Commission meeting were negative: one commenter expressed concerns that the proposed zoning district's elimination of yard setbacks might result in a zero lot-line development if the existing structure was not adaptively reused, and might make it economically more profitable to demolish and rebuild than to adaptively reuse. The commenter opined that a lower-intensity commercial zoning designation might allow more uses than the current R-6 zoning and still better ensure that the existing structure would be reused. A second commenter expressed opposition; they later realized they were mistaken about the location of the subject property and contacted staff to retract their comments.

Discussion at Plan Commission focused on the development regulations and the allowed uses in the proposed zoning district compared to the current R-6 and possible alternate R-6B, High Density Multiple-Family Residential-Restricted Business zoning districts. Upon inquiry, staff initially stated the structure was a Local Landmark and on the Demolition Delay List, which is only partially correct. Although the structure is on the Demolition Delay List, it was nominated in 2005 to become a Local Landmark by the then owner, but later withdrawn. Other discussion items included previous zonings of other parcels on the block, the subject property's status as the only non-B-4-zoned parcel on the block, the role of the B-4 district for eliminating yard setbacks, and the buffering aspects of Cedar and Green Streets to the adjacent MOR and residential districts. The draft minutes of this meeting are attached (Exhibit G).

Summary of Staff Findings

1. Jonah Weisskopf has petitioned to rezone 206 South Cedar Street from R-6, High Density Multiple-Family Residential to B-4, Central Business to match the future land use designation in the Urbana Comprehensive Plan.
2. The proposed zoning map amendment is consistent with the 2005 Urbana Comprehensive Plan.
3. The proposed zoning map amendment generally meets the *La Salle* and *Sinclair* criteria.

Options

The City Council has the following options:

1. Approve the ordinance as presented;
2. Approve the ordinance as modified by specific suggested changes; or
3. Deny the ordinance.

Recommendation

At its October 18, 2018, meeting, the Plan Commission voted six (6) ayes to zero (0) nays to forward this case to the City Council with a recommendation to **APPROVE** the request. Staff likewise recommends approval of this ordinance.

Prepared by:

A handwritten signature in black ink that reads "Marcus Ricci". The signature is written in a cursive, flowing style.

Marcus Ricci, Planner II

Attachments: Exhibit A: Location and Existing Land Use
Exhibit A2: Still & Satellite Photographs of Existing Land Uses
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Zoning Description Sheets for R-6 and B-4 Districts
Exhibit E: Weisskopf Zoning Map Amendment Application
Exhibit F: Public Comments
Exhibit G: Draft Minutes of Plan Commission Meeting of October 18, 2018

CC: Jonah Weisskopf, Applicant

ORDINANCE NO. 2018-11-078

AN ORDINANCE AMENDING THE URBANA ZONING MAP

(Rezoning 206 South Cedar from R-6 to B-4 / Jonah Weisskopf – Plan Case 2352-M-18)

WHEREAS, Jonah Weisskopf, the owner of certain real property, has applied to the City of Urbana (“City”) for a Zoning Map Amendment to rezone the approximately 0.16-acre parcel commonly addressed as 206 South Cedar Street in downtown Urbana from R-6, High Density Multiple-Family Residential to B-4, Central Business; and

WHEREAS, the Plan Commission held a public hearing on such application at 7:00 p.m. on Thursday, October 18, 2018, in Plan Case No. 2352-M-18; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in The News-Gazette, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

WHEREAS, the Urbana Plan Commission voted six (6) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request will promote the general health, safety, and welfare of the public; and

WHEREAS, the City Council finds that 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 City Council finds that the requested rezoning is consistent with the criteria contained in *La Salle Nat. Bank of Chicago v. Cook County*, 12 Ill. 2d 40, 145 N.E.2d 65 (1957) and *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill.2d 370 (1960); and

WHEREAS, after due consideration, the City Council further finds that an amendment to the Urbana Zoning Map as herein provided will protect the public health, safety, and welfare.

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:

The subject property to be rezoned from R-6, High Density Multiple-Family Residential to B-4, Central Business is more accurately described as follows:

Lot 33, except 50 feet thereof, and the West Half of Lot 34, except the South 50 feet thereof, all in James T. Roe's Second Addition to the City of Urbana, as per plat recorded in Deed Record "D" at Page 189, in Champaign County, Illinois.

and

The South Half of the vacated alley lying north of and adjacent to said Lot 33 and West Half of Lot 34, as per ordinance of vacation recorded July 28, 1924 in Miscellaneous Record 17 at Page 587, in Champaign County, Illinois.

Permanent Index No.: 92-21-17-141-004

Section 2.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

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: **(Rezoning 206 South Cedar Street from R-6 to B-4 / Jonah Weisskopf – Plan Case 2352-M-18)** 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



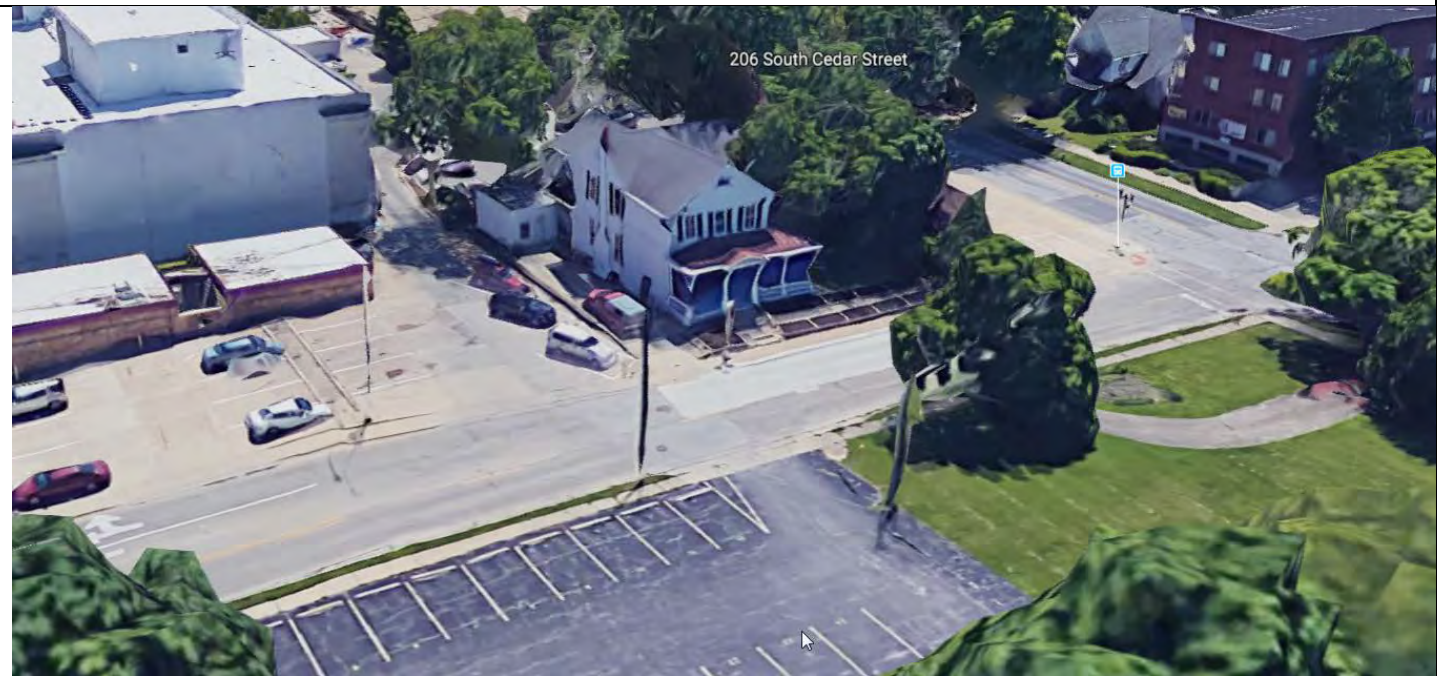
Case: 2352-M-18
 Subject: Weisskopf Rezoning
 Location: 206 South Cedar
 Petitioner: Jonah Weisskopf

 Subject Property

Exhibit A2: Photos & Satellite Renderings of Existing Land Use



From South Cedar Street



From Northwest Above

Exhibit A2: Photos & Satellite Renderings of Existing Land Use

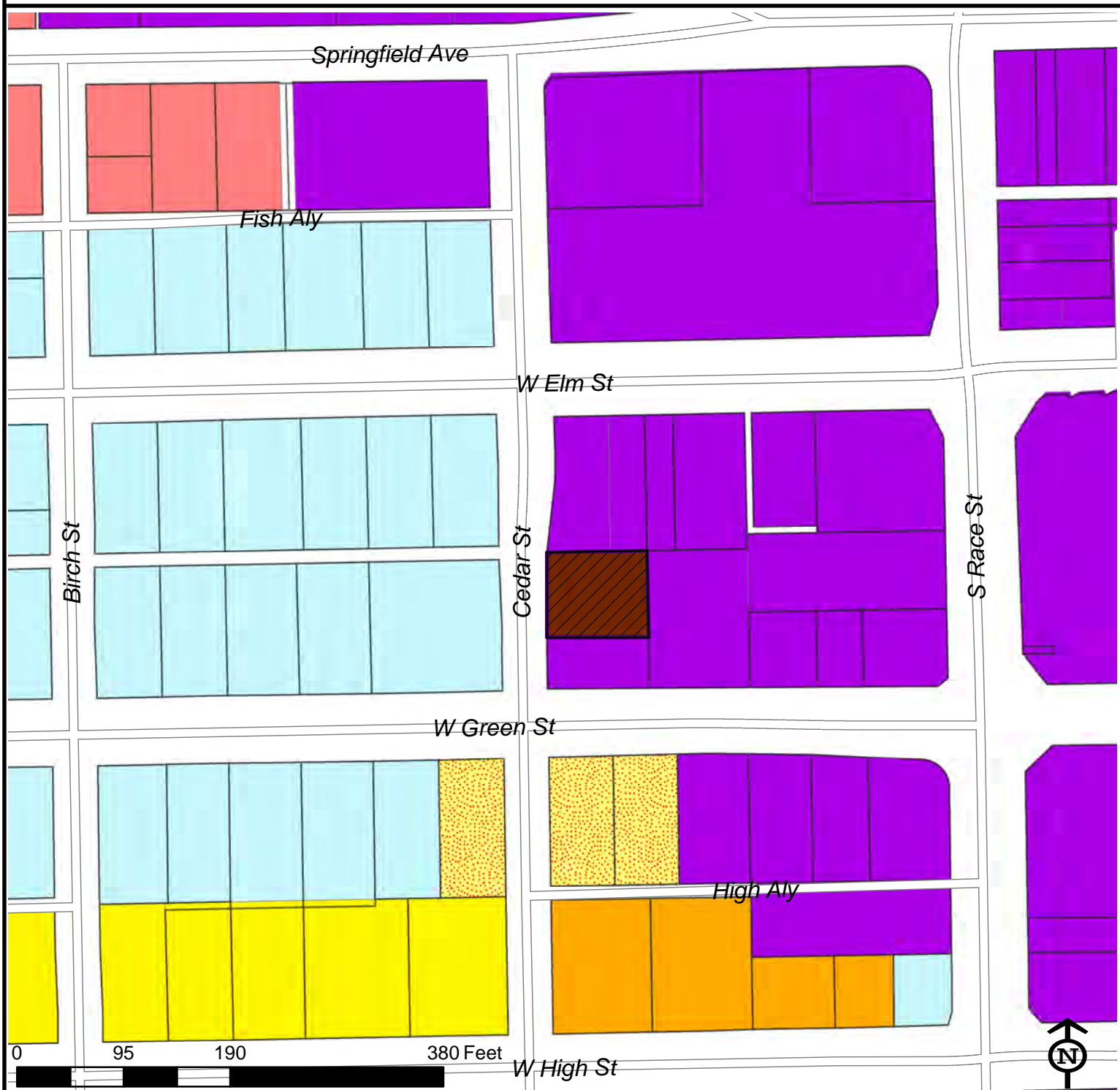


From Northwest at Elm Street



From Southwest at Green Street

Exhibit B: Zoning Map



Case: 2352-M-18
 Subject: Weisskopf Rezoning
 Location: 206 South Cedar
 Petitioner: Jonah Weisskopf









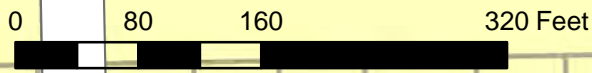
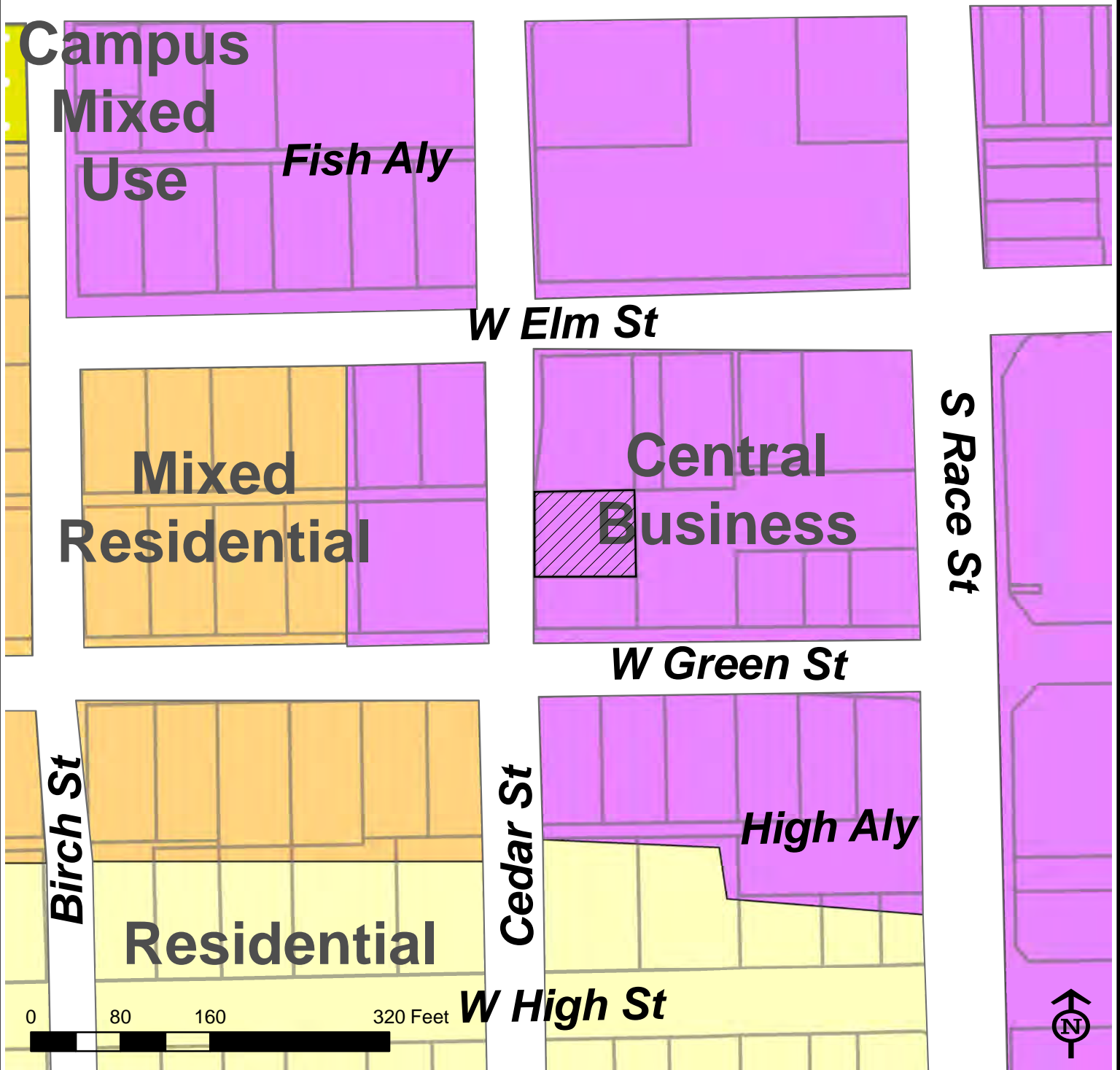
- | | | | | | | | |
|---|------------------|---|-----|---|----|---|-----|
|  | B2 |  | MOR |  | R3 |  | R6B |
|  | B4 |  | R2 |  | R6 | | |
|  | Subject Property | | | | | | |

Exhibit C: Future Land Use Map



Case: 2352-M-18
 Subject: Weisskopf Rezoning
 Location: 206 South Cedar
 Petitioner: Jonah Weisskopf






-  Residential
-  Mixed Residential
-  Campus Mixed Use
-  Central Business
-  Subject Property

Exhibit D: Zoning Description Sheets



R-6 – HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-6 Zoning District is as follows:

"The R-6, High Density Multiple-Family Residential District is intended to provide areas for multiple-family dwellings at densities ranging up to high."

The following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the R-6 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
Lodge or Private Club

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
Methadone Treatment Facility
Municipal or Government Building
Park

Residential

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

SPECIAL USES:

Public and Quasi-Public

Hospital or Clinic
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 Planned Unit Development (*See Section XIII-3*)

Exhibit D: Zoning Description Sheets

CONDITIONAL USES:

Agriculture

Artificial Lake of One (1) or More Acres

Business – Professional and Financial Services

Professional and Business Office

Business – Miscellaneous

Day Care Facility (*Non-Home Based*)

Public and Quasi-Public

Electrical Substation

Business – Personal Services

Mortuary

Residential

Bed and Breakfast, Owner Occupied

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-6 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-6	6,000	60	See Note ¹⁵	1.40	0.25	15	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.

Footnote¹⁵ – In the R-6 and R-6B Districts, the maximum height is twice the distance from the street centerline to the face of the building.

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

Exhibit D: Zoning Description Sheets



B-4 – CENTRAL BUSINESS ZONING DISTRICT

ZONING DESCRIPTION SHEET

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

"The B-4, Central Business District is intended to provide an area for the focus of the city, in which the full range of commercial and business uses may locate in a limited area of high intensity uses, with the appropriate forms of physical development at a high density."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-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

Garden Shop
Plant Nursery or Greenhouse

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
(*10,000 square feet of gross floor area or less*)
Medical Cannabis Dispensary
Radio or TV Studio

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
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 Services
Professional and Business Office
Vocational, Trade or Business School

Business - Transportation

Motor Bus Station

Business - Vehicular Sales and Service

Automobile Accessories (*New*)

Exhibit D: Zoning Description Sheets

PERMITTED USES Continued:

Business - Recreation

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

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 (*Excludes 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

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
University/ College
Utility Provider

Residential

Bed and Breakfast Inn
Bed and Breakfast, Owner Occupied
Boarding or Rooming House
Dwelling, Community Living Facility, Category II
and Category III
Dwelling, Home for Adjustment
Dwelling, Loft
Dwelling, Multi-family
Dwelling, Multiple-Unit Common-Lot-Line***
Dwelling, Transitional Home, Category I and II
Hotel or Motel

Exhibit D: Zoning Description Sheets

SPECIAL USES:

Business - Miscellaneous

Shopping Center – Convenience
Shopping Center – General

Public and Quasi-Public

Correctional Institution or Facility
Elementary, Junior High School or Senior High School
Hospital or Clinic
Radio or Television Tower and Station

PLANNED UNIT DEVELOPMENT USES:

Business - Miscellaneous

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

CONDITIONAL USES:

Agriculture

Feed and Grain (*Sales Only*)

Business – Miscellaneous

Day Care Facility (*Non-Home Based*)
Wholesale Business

Business – Transportation

Taxi Service

Business – Vehicular Sales and Service

Automobile/Truck Repair
Gasoline Station

Public and Quasi-Public

Nonprofit or Governmental, Educational and
Research Agencies

Residential

Assisted Living Facility
Dormitory
Nursing Home

Industrial

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

Table V-1 Notes:

- *** See Section VI-3 for lot area and width regulations for duplex and common-lot line dwelling units.
- **** See Table VII-1 for Standards for Specific Conditional Uses.
- ***** The establishment requesting a license for a principal use gaming hall shall be a minimum of five hundred feet from any other licensed gaming hall or pre-existing Day Care Facility, Day Care Home, School, or Place of Worship, as defined under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). The establishment requesting a license for a principal use gaming hall shall also be a minimum of two hundred and fifty feet away from any previously existing establishment containing a licensed video gaming terminal. Said distances shall be measured as the intervening distance between business frontages.

Exhibit D: Zoning Description Sheets

DEVELOPMENT REGULATIONS IN THE B-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
B-4	2,000	20	None ³	9.00	None	None	None	None ¹⁸

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.

Footnote¹⁸ – In the B-4, B-4E and IN-2 Districts, if the property is adjacent to a residential district, a ten foot rear buffer is required, in accordance with Table VI-3.

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 or (217) 384-2367 fax
www.urbanaininois.us

Exhibit E: Application



Application for Zoning Map Amendment

PLAN COMMISSION

RECEIVED
OCT 09 2018

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 10-09-2018 Plan Case No. 2352-M-18
Fee Paid - Check No. 3061 Amount \$200.00 Date 09-11-2018

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Jonah Weisskopf Phone: 217-369-2150
Address (street/city/state/zip code): 307 East Illinois, Urbana, IL 61801
Email Address: jonahweisskopf@hotmail.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): Sole owner is Jonah Weisskopf Phone: 217-369-2150
Address (street/city/state/zip code): 307 East Illinois, Urbana, IL 61801
Email Address: jonahweisskopf@hotmail.com
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: 206 South Cedar
PIN # of Location: 92-21-17-141-004
Lot Size: 6870
Current Zoning Designation: R-6
Proposed Zoning Designation: B-4
Current Land Use (vacant, residence, grocery, factory, etc): Multi-family
Proposed Land Use: integrated coffee shop and multifamily or music venue
Present Comprehensive Plan Designation: It mirrors the comprehensive plan.

Exhibit E: Application

How does this request conform to the Comprehensive Plan?

Legal Description *(If additional space is needed, please submit on separate sheet of paper):*
Lot 33, except the South 50 feet thereof, and the West Half of Lot 34, except the South 50 feet thereof, all in James T. Roe's Second Addition of the City of Urbana, as per plat recorded in Deed Record "D" at Page 189, in Champaign county, Illinois. And the South half of the vacates alley lying north and adjacent to said Lot 33 and the West Half of Lot 34, as per ordinance of vacation recorded July 28, 1924 in Miscellaneous Record 17 at Page 587, in Champaign County, Illinois.

4. CONSULTANT INFORMATION

Name of Architect(s): Phone:

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

Email Address:

Name of Engineers(s): Phone:

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

Email Address:

Name of Surveyor(s): Phone:

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

Email Address:

Name of Professional Site Planner(s): Phone:

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

Email Address:

Name of Attorney(s): Phone:

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

Email Address:

5. REASONS FOR MAP AMENDMENT:

What error in the existing Zoning Map would be corrected by the Proposed Amendment?
It is not fixing an error in the zoning map

What changed or changing conditions warrant the approval of this Map Amendment?
The continued growth and expansion of downtown Urbana and the adaptive reuse of existing historical structures.

Exhibit E: Application

Explain why the subject property is suitable for the proposed zoning.
Proximity to downtown, no residential neighbors, public library foot traffic, and the retail feel of the block.

~~What other circumstances justify the zoning map amendment~~

Time schedule for development *(if applicable)*

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

Date

10/9/18

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

Exhibit F: Public Comment

From: Thomas Bruno
To: [Ricci, Marcus](#)
Cc: [Tony Bruno](#); [Evan Bruno](#); [Beth Matthias](#)
Subject: Plan Case 2352-M-18 206 S. Cedar
Date: Wednesday, October 10, 2018 8:56:38 AM

Dear Marcus Ricci:

I have received Notice of Public Hearing in case 2352-M-18.

Please make this email correspondence a part of the formal record of the Public Hearing.

I own the properties at 301 W Green (since 1986) and 303 W. Green (since 1982).

I operate Bruno Law Offices, together with my sons (and law partners) at 301 W Green Street. There are 4 residential apartments at 301 W. Green and 2 apartments at 303 W. Green. My tenants have historically sought proximity to the Urbana Downtown amenities.

This would allow for the highest and best use of the subject property and would be consistent with the way this area is used and envisioned by the public.

I support re-zoning the subject property to B-4, Central Business.

--

Thomas A. Bruno
Bruno Law Offices LLC
301 W Green St
Urbana, IL 61801-3200
Phone 217-328-6000

www.tombruno.com

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: October 18, 2018

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Jane Billman, Tyler Fitch, Nancy Ouedraogo, Daniel Turner, Chenxi Yu

MEMBERS ABSENT: Andrew Fell, Lew Hopkins, Jonah Weisskopf

STAFF PRESENT: John Schneider, Director of Community Development; Marcus Ricci, Planner II; Lily Wilcock, Planner I; Teri Anandel, Administrative Assistant II

OTHERS PRESENT: David Atchley, Milo Black, Nila Blair, Allen Booth, Mary Ann Bunyan, David Crow, John Kiser, Bridget Logue, Gina Pagliuso, Paul Tatman

NEW PUBLIC HEARINGS

Plan Case No. 2352-M-18 – A request by Jonah Weisskopf to rezone an approximately 0.16-acre parcel located at 206 South Cedar Street from R-6 (High Density Multiple Family Residential) to B-4 (Central Business) Zoning District.

Chair Fitch opened the public hearing for this case.

Marcus Ricci, Planner II, introduced Lily Wilcock as the new Planner I for the City of Urbana. He then presented the staff report for the proposed map amendment. He began by stating that approval of the proposed request would make the zoning of the property consistent with the designation shown in the Future Land Use Map of the 2005 Comprehensive Plan. He pointed out a correction of the address in the Summary of Findings, which should say 206 South Cedar Street rather than 406 North Lake Street. He noted the location, zoning, existing land uses and future land use designations of the subject property as well as for the surrounding adjacent properties. He reviewed the *LaSalle* and the *Sinclair* Supreme Court case criteria and how they pertain to the proposed rezoning. He read the options of the Plan Commission and presented City staff's recommendation for approval.

Exhibit G: Plan Commission Meeting Minutes

October 18, 2018

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

Ms. Billman asked if the Plan Commission usually had a third option somewhere in between approving the case as requested and denying it. Mr. Ricci replied that there is not a third option in a rezoning case.

Mr. Turner wondered if there was an immediate plan for a change of use in the property. Mr. Ricci responded that while there is a slate of potential uses in the B-4 Zoning District, the application mentioned adaptive reuse possibly providing an integrated coffee shop or a music venue.

Chair Fitch stated that it appears the rest of the block is zoned B-4. He noted the major differences between the B-3 (General Business) Zoning District and the B-4 Zoning District, which are as follows: 1) there are no yard setback requirements in the B-4 Zoning District, 2) no height requirement and 3) the Floor Area Ratio (FAR) is higher. He asked how tall a building could be constructed on the property if the proposed rezoning was approved. Mr. Ricci did not believe it would be very tall because of the size of the lot.

Ms. Yu asked about the R-6B Zoning District located across Green Street. Chair Fitch explained that while the R-6B Zoning District has similar residential uses as the B-4 Zoning District, it has fewer business uses than the B-4 District. Mr. Ricci added that there are fewer uses permitted in the R-6B District and is primarily high-density multiple family residential. The existing use of three-unit apartment building would be allowed to continue as a non-conforming use under the existing zoning of R-6; however, if it is rezoned to B-4 and the existing use is discontinued, then it would not be allowed to be re-established. If it were rezoned to R-6B, then the use would be allowed to continued, and if it stopped, it would be allowed to start up again. The request to be rezoned to B-4 comes from the Future Land Use designation of "Central Business" in the 2005 Comprehensive Plan.

Ms. Billman asked if the subject property had been considered for historical status. Mr. Ricci believed it to be a local historic landmark. Ms. Billman questioned if the historical status would have any impact on the proposed rezoning. Mr. Ricci said no. Due to being a historical landmark, the existing structure would cause the property to be on the Demolition Delay List and there would be additional requirements if the owner would want to demolish the existing building.

Chair Fitch reviewed the procedure for a public hearing. He then opened the hearing for public input. Mr. Ricci announced that the petitioner, Jonah Weisskopf, was not able to address the board due to being a member of the Plan Commission. Also, Mr. Weisskopf did not designate a representative to speak.

Allen Booth approached the Plan Commission to speak in opposition of the proposed rezoning. He discussed the development issues of the New Yorker building at 302 Cedar Street and gave history of the immediate area. He stated that the neighborhood is delightfully quiet and quite charming. It is part of the Faculty/Professors' Ghetto. If the City rezones the subject property to B-4, there are many permitted uses that would diminish the character of the neighborhood.

Exhibit G: Plan Commission Meeting Minutes

October 18, 2018

Gina Pagliuso approached the Plan Commission to speak in opposition of the proposed rezoning. She stated that she serves on the Historic Preservation Commission, but she was not speaking on behalf of the Commission. She clarified that the subject property is not a local historic landmark; however, it is on the list of the 100-Most Significant Homes in Urbana. Because of the age of the existing home and depending on its zoning, it may or may not be on the 45-day demolition delay list.

She stated that she was not necessarily against rezoning the property; however, she is definitely against some of the uses that would be allowed if the property is rezoned to the B-4 Zoning District. The owner talks about adaptive reuse, but there is nothing that binds the owner to do so. The existing structure has been located at 206 Cedar Street since 1930, but it has been located on the block since the late 1800s.

She expressed concern about the elimination of setback requirements in the B-4 District should the rezoning be approved and the owner decide to demolish the existing building and redevelop the lot. She suggested the City take a middle road and rezone the property to R-6B where some business would be allowed but it could still also be used as residential.

The subject property is the only property on the block not owned by the Urbana Free Library or the City of Urbana. She would hate for the City to lose another gorgeous building in Urbana that has existed almost as long as the City itself. So, she hoped that the City finds a middle of the road options, one that would consider the historic significance of the building and the neighborhood and would allow the owner to get some additional use out of the building that might bring some more income that might in turn make the owner feel like it is worth adaptively reusing the existing building. Rezoning to B-4 makes it more financially feasible to demolish the building and redevelop the lot.

Mr. Ackerson asked what would make it eligible for historic landmark status. Ms. Pagliuso replied that it is on the list of 100 Most Significant Homes in Urbana. The Historic Preservation Commission discussed hundreds of homes for several hours to narrow the list down to 100 properties, and the existing structure was chosen by the Historic Preservation Commission to be on the list. While it has not been nominated to be a local historic landmark, that does not mean it won't be in the future.

Ms. Billman inquired if the City approves the rezoning, will the property still be able to become a historic landmark. Ms. Pagliuso answered yes.

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

Mr. Turner asked for verification of the historical status of the subject property and the ownership of the other properties on the block. Mr. Ricci verified that Ms. Pagliuso's testimony was accurate. Some of the lots were recently rezoned to B-4 earlier this year.

Ms. Yu asked what the previous zoning was of the property to the south of the subject property. Mr. Ricci said it was previously zoned B-1, Neighborhood Business.

Exhibit G: Plan Commission Meeting Minutes

October 18, 2018

Mr. Ackerson stated that this is a tough decision because he could appreciate the historic nature of the existing structure. However, when thinking about the Comprehensive Plan, the subject property sticks out like a sore thumb to be the only property not zoned B-4 on the block. He is sensitive to the adjacent neighborhood and fond of the Faculty Ghetto aspect even though it is adjacent to it.

Mr. Turner agreed that it made logical sense to think of the property as B-4. Although we cannot predict the future, the owner was not talking about tearing the existing structure down.

Chair Fitch said that the purpose of the B-4 Zoning District is to stimulate additional development in the downtown area. The existing structure could be torn down and redeveloped as a large structure with a variety of uses that could be compatible to the downtown area but not necessarily compatible with the adjacent neighborhood.

Mr. Turner asked if the City had any plans for the lots on the block owned by the City of Urbana. Mr. Ricci stated that the lot to the south is occupied by a boutique, and the lot to the north is additional parking for the library.

Ms. Billman commented that she would have more trouble with the rezoning if the property was located on the other side of Green Street. The proposed property is adjacent to the Professor Ghetto. She felt the City needs to balance quiet, walkable neighborhoods with stimulating business growth in the downtown area. With regards to the historic nature of the existing building, she would hate to see it demolished and hoped that the Historic Preservation Commission would begin the process towards making the property a local historic landmark. She stated that she intended to vote in favor of the proposed rezoning.

Mr. Turner shared his experience with visiting some adaptive reuse of existing historic structures in other communities. One cannot predict what will happen.

Chair Fitch pointed out that the 2005 Comprehensive Plan designates the proposed site as community business. He talked about other possible business zoning districts and stated that he planned to support the proposed rezoning.

Mr. Ackerson moved that the Plan Commission forward Case No. 2352-M-18 to the City Council with a recommendation for approval. Ms. Billman seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fitch	-	Yes
Ms. Ouedraogo	-	Yes	Mr. Turner	-	Yes
Ms. Yu	-	Yes	Mr. Ackerson	-	Yes

The motion passed by unanimous vote. Mr. Ricci noted that this case would be forwarded to the City Council on Monday, November 5, 2018