



**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 Members

**FROM:** John A. Schneider, MPA, Director, Community Development Services Department

**DATE:** December 13, 2018

**SUBJECT:** **An Ordinance Amending the Urbana Zoning Map** (Rezoning 307 South Busey, 401 South Busey, and 403 South Busey/802 West Illinois from R-4 to R-5 / AGRJ Investments, LLC – Plan Case 2357-M-18)

**Introduction**

Jonah Weisskopf has submitted a request on behalf of AGRJ Investments, LLC to rezone three parcels from R-4, Medium Density Multiple-Family Residential to R-5, Medium High Density Multiple-Family Residential Zoning District. The requested changes would reflect the Future Land Use designation of “Multi-Family Residential” attributed to these parcels in the 2005 Comprehensive Plan.

On Thursday, December 6, 2018, the Urbana Plan Commission voted 5-0 to recommend City Council approve this request. City Council approval is required for a Zoning Map Amendment request.

**Background**

The properties are located on the west side of South Busey Avenue, and north of Illinois Street. The properties contain two buildings, one two-story, two-unit apartment building, and a large house that has been divided into 10 units. The properties are currently zoned R-4; it was rezoned from R-5, Medium High Density Multiple Family Residential to R-4, Medium Density Multiple Family Residential, in 1991 (Exhibit D).

**Subject and Surrounding Property Information Summary**

<b>PROPERTIES</b>	<b>Zoning</b>	<b>Land Use</b>	<b>Future Land Use</b>
<b>Subject Properties</b>	R-4	Multi-Family Residential	Multi-Family Residential
<b>North</b>	R-5	Multi-Family Residential	Multi-Family Residential
<b>East</b>	R-2	Single-Family Houses, rented	Single-Family Residential
<b>South</b>	R-6	Multi-Family Residential	Medium Density Multi-Family Residential
<b>West</b>	R-5	Multi-Family Residential	Multi-Family Residential

## Discussion

The 2005 Comprehensive Plan designated this area as suitable for Multi-Family Residential Future Land Use. Specifically, that designation is described:

“Multi-Family residential is for areas planned primarily for apartment complexes and other multi-family buildings. Located close to major centers of activity such as business centers, downtown, and campus. May include supporting business services for convenience needs of the residents. Multi-family residential areas should allow for a density buffer when transitioning to a lower-density residential area. These areas should incorporate provision for transit service and pedestrian access.”

The properties were downzoned from R-5 to R-4 in February 1991 as part of the rezoning of dozens of parcels after adoption of the Downtown to Campus Plan. The ordinance (see excerpt in Exhibit D) approving the downzoning cited several reasons to support the rezoning, including that the area experiences “severe parking shortages” and are “located in an area where the sanitary and storm sewers may have insufficient capacity to accommodate the increased demands resulting from new high density multiple-family residential development...” Since the rezoning was approved by that ordinance, conditions have changed to make those justifications no longer applicable.

First, there are approximately 22 available open-street parking spaces in the 300 and 400 blocks of South Busey Avenue and the 800 and 700 blocks of West Illinois Street. In the past year, ten on-street parking permits have been issued. In addition to the ample on-street parking, if the site is redeveloped, off-street parking will be required.

Secondly, since the downzoning was approved, the City has instituted requirements to manage stormwater. Any additional impervious area introduced as part of a redevelopment of the site would trigger the need for a stormwater management plan and stormwater detention to account for the increased runoff. The post-development flow from the site would be restricted based on the pre-development conditions. This would prevent any significant impact on the storm sewers due to the redevelopment. The sanitary sewer system has also been improved by the 1990 Coler Avenue Area Sewer Improvements project, which was completed after the rezoning was approved. The project provided a relief sewer along Coler Avenue and a larger sanitary sewer downstream of the subject site. The Assistant City Engineer for Development has indicated that the increase in density from R-4 to R-5 for this site would generate a near-negligible increase in sanitary sewer flows.

### **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 R-5, Medium High Density Multiple Family Residential is compatible with the zoning and land uses of the immediate area (see Exhibits A and B). The three parcels are on a block that is zoned almost exclusively R-5 and contain several other apartment buildings, a single-family rental, a church, and a gas station. To the south there are higher density apartment buildings zoned R-6. To the east there are single-family rental residences zoned R-2; further northeast there is a mix of R-3 and R-4 zoning adjacent to MOR, Mixed Office Residential.

*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 should not reduce the property values of neighboring properties. The single-family homes across the street from the properties are already facing apartment buildings on the parcels in question. The primary differences between the R-4, Medium Density Multiple-Family Residential and R-5, Medium High Density Multiple-Family Residential zoning districts are an increase in the number of allowed uses and a reduction of several development regulations (e.g. required yards, Floor Area Ratio, etc.; see Exhibits F and G). Many of the uses allowed in R-5 but not in R-4 require a Special Use or Conditional Use Permit, which would require an another level of review for approval. Most residential land uses are the same between the two zoning districts. Increasing the flexibility of these properties for future use should not reduce the property values of the surrounding properties.<sup>1</sup>

*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 will not affect the health, safety, morals, or general welfare of the public in any significant way. There is little difference between the current R-4, Medium Density Multiple-Family Residential zoning and the proposed R-5, Medium High Density Multiple-Family Residential zoning in this regard. As an example, the current R-4 zoning could allow up to 0.7 FAR (if there was 2,000 square feet of lot area per unit), while R-5 zoning allows up to 0.9 FAR. Combined, these lots are 22,319 square feet. Under R-4 zoning, 15,623 square feet of buildings could be constructed. Under the proposed R-5 zoning, 20,087 square feet could be constructed, an increase of 4,400 square feet. Please note the development requires the same maximum height between R-4 and R-5.

*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 would gain little if the existing zoning is maintained, as the properties would likely continue to be used in their current form. If the properties are rezoned, the small increase in density allowed under the R-5 zoning could reduce some of the pressure to develop more apartments east

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<sup>1</sup> 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.

of Busey Avenue, which the neighborhood may consider a benefit. For the property owner, the rezoning would allow the properties to be redeveloped at a slightly higher density, which would be a benefit to them. It is uncertain whether the existing zoning could be considered a “hardship”. The property owner will not see a significant increase in permitted uses (as shown in Exhibit F).

*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 properties are well-suited for medium-high density residential housing, which would be allowed under the proposed R-5 zoning. Given the existing R-5 zoning to the west and north, the proposed R-5 district is logical. It also reflects the Multi-Family Residential Future Land Use designation shown in the 2005 Comprehensive Plan. Sanitary sewer improvements in the area and current stormwater management requirements eliminate the previous concerns over capacity and flooding, respectively. As the property is close to the University of Illinois campus, with 45,000 students, the applicant has stated that medium-high density housing is in demand in this area.

*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 property is already in use as medium density residential housing and is not vacant.

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

The property owner cites the growing student population as a need for higher density housing close to campus. The 2005 Comprehensive Plan takes into consideration the need and benefit of student housing in the Multi-Family Residential designation (Exhibit C).

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

When the City adopted its Comprehensive Plan in 2005, the previous plan for the area, the Downtown to Campus Plan, was superseded. The Comprehensive Plan created areas with different levels of residential intensities: Regional, Community, and Central. The area where these properties are located, due to the proximity to the University of Illinois campus, was envisioned as part of the higher density “Multi-Family Residential” Future Land Use designation, a transitional area between single-family homes to the east and University property to the west. The proposed rezoning to R-5, Medium High Density Multiple-Family Residential Zoning District would be consistent with this designation.

## **Plan Commission**

The Plan Commission held a public hearing on the case on December 6, 2018. Prior to the meeting, three people submitted emails in opposition to the zoning district change, citing concerns over the adjacent R-2 zoning to the east, changing the residential character of the neighborhood to a more commercial character, the creep of high-density residential uses in the West Urbana neighborhood, and poor condition and lack of maintenance of older rental houses. There were no public comments given at the Plan Commission meeting.

After staff presented their findings, commissioners asked a few follow-up questions. Lew Hopkins asked if the maximum height restriction is the same as R-4, which is 35 feet. Staff confirmed this. Mr. Hopkins was then curious if parking minimums were the same between R-4 and R-5. Staff confirmed there is no difference in the parking requirement between the two zones. Lastly, Mr. Hopkins wanted

to know if the property on the northeast corner of Busey and Illinois is legally non-conforming. Staff was unsure but after the meeting it was confirmed that east of the properties in question has legally non-conforming buildings.

Plan Commission then opened up discussion of the case. Barry Ackerson expressed confusion at the email addressing student housing moving further and further east. The properties in question have been rented for some time and it seems like the property owner, by rezoning, may address the maintenance concerns. The Plan Commission voted 5-0 (with recusal by Weisskopf) to recommend City Council approve the zoning map amendment.

The draft minutes of this meeting are attached (Exhibit I).

### **Summary of Staff Findings**

1. Jonah Weisskopf, part owner, on behalf of AGRJ Investments, LLC, has petitioned to rezone three parcels: 307, 401, and 403 South Busey Avenue (also known as 802 West Illinois Street.)
2. The properties would be rezoned from R-4, Medium Density Multiple-Family Residential to R-5, Medium High Density Multiple-Family Residential Zoning District, to meet the demands of the continued growth of the University's student body.
3. The proposed rezoning is consistent with the 2005 Urbana Comprehensive Plan.
4. The proposed rezoning generally meets the rezoning 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 December 6, 2018, meeting, the Plan Commission voted five (5) 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:



Lily Wilcock, Planner I

Attachments: Exhibit A: Location and Existing Land Use  
Exhibit A2: Photos of Subject Properties

Exhibit B: Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Excerpt from Ordinance 9091-75  
Exhibit E: AGRJ Investments Zoning Map Amendment Application  
Exhibit F: Differences of R-4 and R-5  
Exhibit G: Zoning Description Sheets for R-4 and R-5 Districts  
Exhibit H: Correspondence  
Exhibit I: Draft Minutes of Plan Commission Meeting of December 6, 2018

CC: Jonah Weisskopf, Applicant

**ORDINANCE NO. 2018-12-084**

**AN ORDINANCE AMENDING THE URBANA ZONING MAP**

**(Rezoning 307 South Busey, 401 South Busey, and 403 South Busey/802 West Illinois from R-4 to R-5 / AGRJ Investments, LLC – Plan Case 2357-M-18)**

**WHEREAS**, AGRJ Investments, LLC, the owner of certain real property, has applied to the City of Urbana (“City”) for a Zoning Map Amendment to rezone the approximately 0.55-acre parcel commonly addressed as 307 South Busey Avenue, 401 South Busey Avenue, and 403 South Busey Avenue, also known as 802 West Illinois Street, in west Urbana from R-4, Medium Density Multiple-Family Residential to R-5, Medium High Multiple-Family Residential; and

**WHEREAS**, the Plan Commission held a public hearing on such application at 7:00 p.m. on Thursday, December 6, 2018, in Plan Case No. 2357-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 (5) 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 properties to be rezoned from R-4, Medium Density Multiple-Family Residential to R-5, Medium High Multiple-Family Residential is more accurately described as follows:

THE NORTH 60 FEET OF THE EAST ONE-HALF OF LOT FIVE OF J. W. SIMS ADDITION OF OUT LOTS TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 328, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, ALSO DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH EAST CORNER OF LOT FIVE OF THE J. W. SIMS ADDITION OF OUT LOTS TO THE TOWN (NOW CITY) OF URBANA, RUNNING THENCE WEST ON THE NORTH LINE OF SAID LOT TO CENTER OF SAID LOT FIVE, THENCE SIXTY FEET, THENCE EAST TO THE EAST LINE OF SAID LOT, THENCE NORTH ALONG THE EAST LINE OF SAID LOT TO THE PLACE OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 307 South Busey Avenue. Permanent Index No.: 92-21-17-103-016

THE SOUTH FIFTY FEET OF THE NORTH ONE HUNDRED TEN FEET OF THE EAST ONE-HALF OF OUT LOT FIVE J. W. SIMS ADDITION OF OUT LOTS TO URBANA, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 401 South Busey Avenue. Permanent Index No.: 92-21-17-103-017

THE EAST HALF OF LOT FIVE, EXCEPT THE NORTH ONE HUNDRED AND TEN FEET THEREOF, OF JOSEPH W. SIMS ADDITION OF OUT LOTS TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 328, IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 403 South Busey Avenue; And 802 West Illinois Street. Permanent Index No.: 92-21-17-103-018

**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:

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Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Diane Wolfe Marlin, Mayor

# Exhibit A: Location & Existing Land Use Map



Case: 2357-M-18  
 Subject: Zoning Map Amendment  
 Location: 307-403 S Busey Ave  
 Petitioner: Jonah Weisskopf, AGRJ Investments LLC

 Subject Property



Property to the north of subject area.  
Properties directly north are R-5.



307 S Busey Avenue.  
Current zoning is R-4.



307 S Busey Avenue.

307 South Busey, Urbana



\$2150 per month

Already leased for Fall 2019-20I

- 4-5 bedrooms/2bathrooms
- Hardwood floors
- Central Ac
- Fully furnished
- Kitchen washer/dryer
- Fenced in backyard
- Backyard deck

You pay all utilities

Call 217-369-2150 or westurbanarentals@gmail.com



This is as good as it gets for a student rental one block from campus!



Fully furnished 307 South Busey has central air, a fenced in backyard, a hangout back deck, hardwood floors, stackable washer/dryer on the first floor, free parking, a piano!!! All the attraction of West Urbana neighborhoods and quality of life only ONE block from campus and green street. Check out the pictures!!!

4-5 bedrooms!

307 S Busey Avenue.  
House is currently rented.



401 S Busey Avenue.



403 S Busey Avenue.  
Same structure as 802 W Illinois Street



802 W Illinois Street.  
Same structure as 403 S Busey Avenue.












Property to the west of subject area.  
Properties directly west are R-5.

**Exhibit A2**

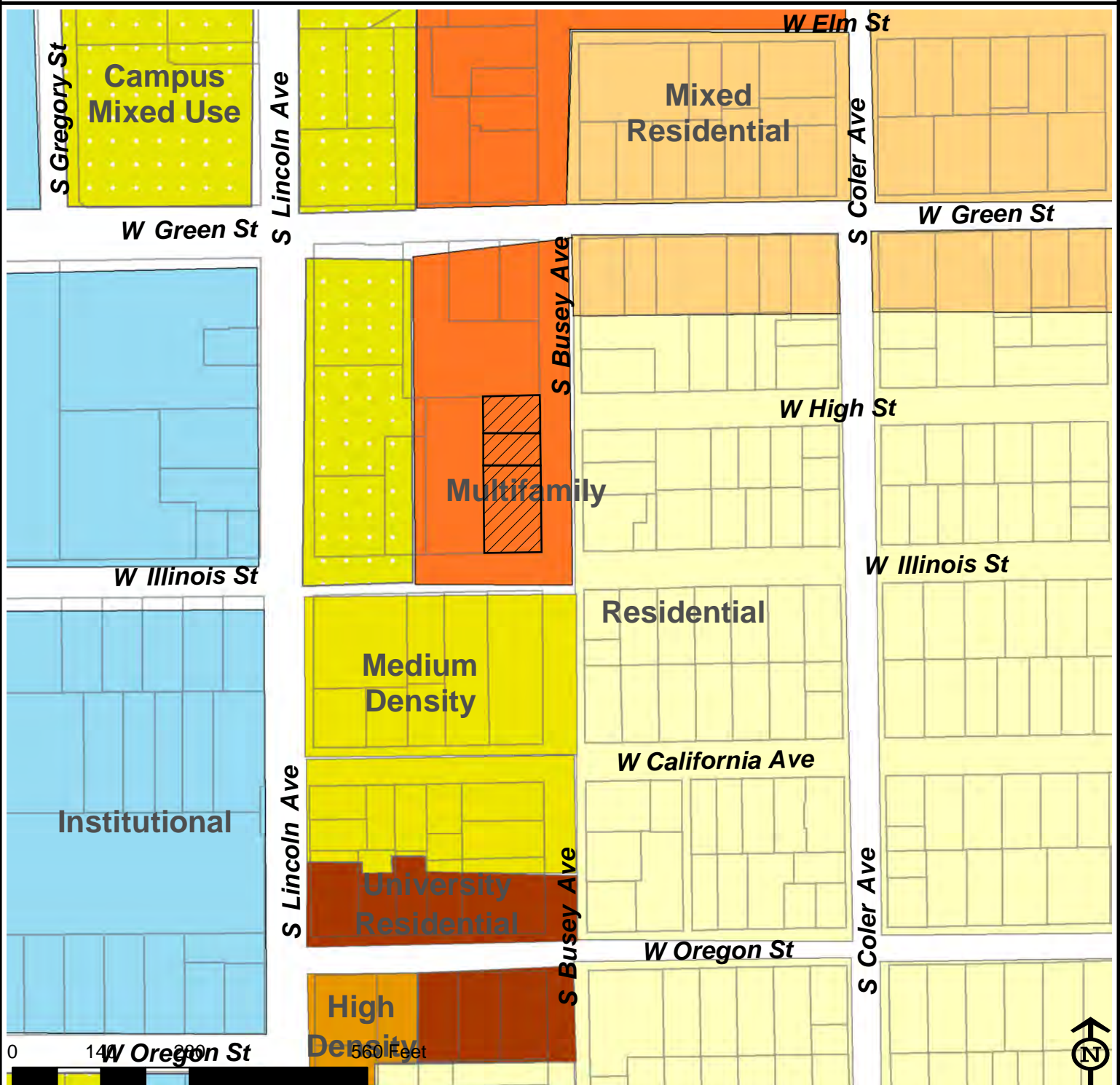
# Exhibit B: Zoning Map



Case: 2357-M-18  
 Subject: Zoning Map Amendment  
 Location: 307-403 S Busey Ave  
 Petitioner: Jonah Weisskopf, AGRJ Investments LLC

- |   |                  |   |    |   |    |
|---|------------------|---|----|---|----|
|  | B1               |  | R2 |  | R5 |
|  | B3U              |  | R3 |  | R6 |
|  | MOR              |  | R4 |   |    |
|  | Subject Property |   |    |   |    |

# Exhibit C: Future Land Use Map



Case: 2357-M-18  
 Subject: A proposal to rezone from R-4 to R-5  
 Location: 307-403 S Busey Ave and 802 W Illinois St  
 Petitioner: AGRJ Investments, LLC

- |                        |                          |
|------------------------|--------------------------|
| Residential            | Multi-Family Residential |
| High Density           | Campus Mixed Use         |
| University Residential | Institutional            |
| Medium Density         | Subject Property         |
| Mixed Residential      |                          |



## Exhibit D

WHEREAS, the preservation and rehabilitation of the Downtown to Campus neighborhood would be threatened by such incompatible and inappropriate development if multiple-family residential development occurred at the densities permitted by the existing zoning on the properties described in Section 1 herein; and

WHEREAS, the Urbana City Council finds that 90% of the structures on the properties described in Section 1 herein were first built as or are still being used as single-family homes; that only 20% of the properties are owner-occupied dwellings; that they are located near other single-family homes; that they are located in an area experiencing severe parking shortages; that they are located in an area where the sanitary and storm sewers may have insufficient capacity to accommodate the increased demands resulting from new high density multiple-family residential development; that they are suitable and appropriate for new medium density apartment development to provide opportunities for new housing near the University of Illinois; and that they are under increasing pressure for new high density residential development which would damage the residential character and density of the adjacent neighborhood; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to differ with the recommendation of the Urbana Plan Commission and to amend the Official Zoning Map as described in Section 1 herein for the reasons contained herein as well as for the reasons spread upon the records of both this Plan Case and the Downtown to Campus Plan.

### Section 1.

The following described properties located along Busey, Illinois, Lincoln and California are hereby rezoned from R-5 (Medium High Density Multiple Family Residential) to R-4 (Medium Density Multiple Family Residential).

1. Tax Parcel #92-21-17-103-016, the north 60' of the east half of Lot 5 of Sim's Add. of Outlots, commonly known as 307 S. Busey
2. Tax Parcel #92-21-17-103-017, the south 50' of the north 110' of the east half of Lot 5 of Sim's Add. of Outlots, commonly known as 401 S. Busey
3. Tax Parcel #92-21-17-103-018, the south 136.18' of the east half of Lot 5 of Sim's Add. of Outlots, commonly known as 802 W. Illinois



**Application for Zoning  
Map Amendment**

**PLAN  
COMMISSION**

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 11-01-2018 Plan Case No. 2357-M-18  
Fee Paid - Check No. 892 Amount \$200.00 Date 11-01-2018

**PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION**

**1. APPLICANT CONTACT INFORMATION**

Name of Applicant(s): Jonah Weisskopf on behalf of AGRJ I Phone: 217-369-2150  
Address (street/city/state/zip code): 206 West Main  
Email Address: jonahweisskopf@hotmail.com  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Owner

**2. OWNER INFORMATION**

Name of Owner(s): Bob Schimmel, Jonah Weisskopf, AGRJ Phone:  
Address (street/city/state/zip code): 2114 Strand Dr  
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: 802 West Illinois/403 South Busey, 401 South Busey, 307  
PIN # of Location: 92-21-17-103-018 92-21-17-103-017 92-21-17-103-016  
Lot Size: 31,920  
Current Zoning Designation: R-4  
Proposed Zoning Designation: R-5  
Current Land Use (vacant, residence, grocery, factory, etc): Multifamily  
Proposed Land Use: Multifamily  
Present Comprehensive Plan Designation: multi-family

How does this request conform to the Comprehensive Plan? It matches the contiguous parcels in :  
Legal Description *(If additional space is needed, please submit on separate sheet of paper):*

#### 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?

What changed or changing conditions warrant the approval of this Map Amendment?  
The continued growth of the campus University along with the student body. The new zoning would match the current zoning in the entire block and be closer to its R-6 neighbor to the South.

Explain why the subject property is suitable for the proposed zoning.  
Its proposed zoning would bring it in line with the zoning of the entire block

What other circumstances justify the zoning map amendment  
They block is high intensity in the Lincoln Busey guidelines.

Time schedule for development (if applicable)  
NA


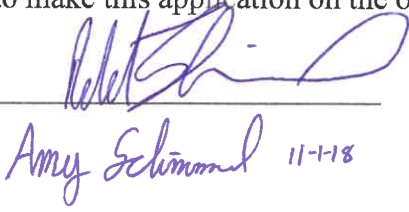
Additional exhibits submitted by the petitioner.  
NA

**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.

 11/1/18  
Applicant's Signature  
 11-1-18  
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

802 West Illinois/403 South Busey

The East Half of Lot 5, except the North 110 feet thereof, of Joseph W. Sims's addition of Outlots to the Town(now city) of Urbana, as per Plat recorded in Deed Record 8 at Page 328, in Champaign County, Illinois.

307 South Busey

The North 60 Feet of the East 1/2 of Lot 5 of J.W. Sims Addition of Out Lots to the Town(now city) of Urbana, as per plat recorded in deed record 8 at page 328, Situated in

Champaign county Illinois; also described as follows:

Beginning at the North East corner of Lot 5 of J.W. Sims addition of Out Lots to the Town

(now City) Of Urbana, running Thence West on the North Line of said Lot to the center of said Lot 5,

Thence South 60 feet, Thence to the East line of said Lot, thence North along the East Line of said Lot

To the Place of Beginning, situated in Champaign County, Illinois.

401 South Busey

The South Fifty feet of the North One Hundred Ten feet of the East One-Half of Out Lot Five of J.W. Sim's Addition of Out Lots to Urbana, in Champaign County Illinois



# DIFFERENCES BETWEEN R-4 ZONING DISTRICT AND R-5 ZONING DISTRICT

## ZONING DESCRIPTION SHEET

The City of Urbana has 211 common land uses specified in the city’s Zoning Ordinance. For each land-use there is what is permitted by right, what is allowed with a Special Use Permit, and what is allowed with a Conditional Use Permit. This can be found in the city’s Zoning Ordinance, which can be found online at <https://www.urbanaininois.us/zoning>.

Please note that that 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.

Following is a table of the land uses allowed that are different between R-4 and R-5 zoning districts.

### LAND USE DIFFERENCES BETWEEN R-4 AND R-5

	R-4	R-5
<b>Public and Quasi-Use</b>		
Hospital or Clinic		S
Methadone Treatment Facility		S
<b>Business</b>		
Mortuary		
Professional and Business Office	S	C
Lodge or Private Club	C	P
<b>Residential</b>		
Assisted Living Facility	C	P
Dwelling, Home for Adjustment	S	P
Dwelling, Transitional Home, Type II	C	P
Nursing Home	C	P

*P – Permitted, C – Conditional Use Permit Required, S – Special Use Permit Required*

### DEVELOPMENT REGULATIONS IN THE R-4 AND R-5 ZONING DISTRICTS

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet) <sup>1</sup>	MIN SIDE YARD (in feet) <sup>1</sup>	MIN REAR YARD (in feet) <sup>1</sup>
R-4	6,000	60	35 <sup>17</sup>	0.50 <sup>14</sup>	0.35	15 <sup>9</sup>	5	10
R-5	6,000	60	35	0.90	0.30	15 <sup>9</sup>	5	5

FAR = Floor Area Ratio  
OSR = Open Space Ratio

**Footnote<sup>1</sup>** – See Section VI-5 and Section VIII-4 for further information about required yards.

**Footnote<sup>9</sup>** – 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 Section 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 Section VI-5.D.1. (*Ordinance No. 9596-58, 11-20-95*) (*Ordinance No. 9697-154*) (*Ordinance No. 2001-03-018, 03-05-01*)

**Footnote<sup>14</sup>** – 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.

**Footnote<sup>17</sup>** – 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.

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](http://www.urbanaininois.us)

# Exhibit G



## 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, Transitional Home, Category I  
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 Planned Unit Development (*See Section XIII-3*)



# Exhibit G

## 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  
 Dwelling, Transitional Home, Category II  
 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) <sup>1</sup>	MIN SIDE YARD (in feet) <sup>1</sup>	MIN REAR YARD (in feet) <sup>1</sup>
R-4	6,000	60	35 <sup>17</sup>	0.50 <sup>14</sup>	0.35	15 <sup>9</sup>	5	10

FAR = Floor Area Ratio

OSR = Open Space Ratio

**Footnote<sup>1</sup>** – See Section VI-5 and Section VIII-4 for further information about required yards.

**Footnote<sup>9</sup>** – 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 Section 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 Section VI-5.D.1. (*Ordinance No. 9596-58, 11-20-95*) (*Ordinance No. 9697-154*) (*Ordinance No. 2001-03-018, 03-05-01*)

**Footnote<sup>14</sup>** – 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.

**Footnote<sup>17</sup>** – 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.

# Exhibit G

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# Exhibit G



## R-5 – MEDIUM 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-5 Zoning District is as follows:

"The R-5, Medium High Density Multiple-Family Residential District is intended to provide areas for multiple-family dwellings at densities ranging up to medium high."

The following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the R-5 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  
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  
Methadone Treatment Facility  
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 G

## CONDITIONAL USES:

**Agriculture**

Artificial Lake of One (1) or More Acres

**Business – Personal Services**

Mortuary

**Business – Miscellaneous**

Day Care Facility (*Non-Home Based*)

**Business – Professional and Financial Services**

Professional and Business Office

**Public and Quasi-Public**

Electrical Substation

**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-5 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) <sup>1</sup>	MIN SIDE YARD (in feet) <sup>1</sup>	MIN REAR YARD (in feet) <sup>1</sup>
R-5	6,000	60	35	0.90	0.30	15 <sup>9</sup>	5	5

FAR = Floor Area Ratio

OSR = Open Space Ratio

**Footnote<sup>1</sup>** – See Section VI-5 and Section VIII-4 for further information about required yards.

**Footnote<sup>9</sup>** – 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 Section 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 Section VI-5.D.1. (*Ordinance No. 9596-58, 11-20-95*) (*Ordinance No. 9697-154*) (*Ordinance No. 2001-03-018, 03-05-01*)

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# Exhibit H

**From:** [Thomas Hays](#)  
**To:** [Wilcock, Lily](#)  
**Subject:** Plan Case 2357-M-18  
**Date:** Monday, November 26, 2018 4:41:54 PM

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Lily

I do not believe the zoning change is the correct thing to do as just across Busey street to the east the zoning is single family zoning. To upgrade the density of the zoning abutting single family zoning does not seem to me to be the right thing to do.

Thomas Hays

----- Original message -----

From: Evelyn Shapiro <[esha4mail@gmail.com](mailto:esha4mail@gmail.com)>

Date: 12/1/18 10:39 AM (GMT-06:00)

To: "Pearson, Lorrie" <[llpearson@urbanainlinois.us](mailto:llpearson@urbanainlinois.us)>

Subject: Rezoning on Busey a terrible idea

Dear Lorrie,

Could you share my note with the zoning commissioners?

I heard about the upcoming meeting. Unfortunately we have a school event at the same time or I would come to register my opposition. Upzoning those properties on Busey Street is a terrible idea. I've lived in WUNA since 1995, including a rental on High just around the corner from there.

Please don't allow the developers to change the residential character of this area. It's not necessary (plenty of other large apt buildings available) and detrimental to keeping this area residential, not commercial.

Best regards,

Evelyn Shapiro

311 W Illinois St

217-337-6575

WUNA renter 1995-2005

WUNA homeowner since 2005

**From:** [Bev Fagan](#)  
**To:** [ddpakey@eiu.edu](mailto:ddpakey@eiu.edu); [Pearson, Lorrie](#)  
**Subject:** Re: [wuna-list] Proposed re-zoning for Busey & Illinois  
**Date:** Saturday, December 01, 2018 4:50:31 PM

---

I hope they do not change South Busey from R-4 to R-5. The high density area keeps creeping into the WUNA neighborhood. Those older rental houses in that area are becoming quite rundown when they are not maintained.  
Beverly Fagan

Sent from my iPad

> On Dec 1, 2018, at 2:27 PM, Donald D Pakey <[ddpakey@eiu.edu](mailto:ddpakey@eiu.edu)> wrote:

>

> to

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** December 6, 2018

**TIME:** 7:00 P.M.

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

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**MEMBERS PRESENT:** Barry Ackerson, Jane Billman, Tyler Fitch, Lew Hopkins, Nancy Ouedraogo, Jonah Weisskopf

**MEMBERS ABSENT:** Andrew Fell, Daniel Turner, Chenxi Yu

**STAFF PRESENT:** Lorrie Pearson, Planning Manager; Lily Wilcock, Planner I; Teri Anel, Administrative Assistant II

**OTHERS PRESENT:** Karen Fresco, Alice Novak

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**COMMUNICATIONS**

- Email from Bev Fagan in opposition of Plan Case No. 2357-M-18
- Email from Evelyn Shapiro in opposition of Plan Case No. 2357-M-18

**NEW PUBLIC HEARINGS**

**Plan Case No. 2357-M-18 – A request by Joan Weisskopf on behalf of AGRJ Investments, LLC to rezone three parcels totaling approximately 0.55-acres located at 307 South Busey Avenue, 401 South Busey Avenue, and 403 South Busey Avenue (also known as 802 West Illinois Street) from R-4 (Medium Density Multiple Family Residential) to R-5 (Medium High Density Multiple Family Residential).**

Chair Fitch opened the public hearing for this case. Jonah Weisskopf recused himself due to a conflict of interest.

Lorrie Pearson, Planning Manager, introduced Lily Wilcock as the newest Planner for the City of Urbana.



Lily Wilcock, Planner I, presented the staff report for the proposed map amendment. She began by giving zoning background information on the subject parcels. She discussed two concerns of the City when properties in the area were downzoned as part of the Downtown to Campus Plan. Those concerns were severe parking shortages and the insufficient capacity of the sanitary and storm sewers to accommodate increased demands of multi-family residential development in this neighborhood. Since the rezoning in 1991, conditions have changed to make those justifications no longer applicable. More parking spaces have been provided on-site for multiple family developments than are being used by the residents of those buildings. The City now requires developers to provide stormwater detention for new projects, and the Sanitary District has provided relief sewer along Coler Avenue and a larger sanitary sewer downstream.

She showed a map indicating the location and existing land uses of the subject property as well as for the surrounding adjacent properties. She reviewed the *LaSalle National Bank* and the *Sinclair Supreme Court* cases criteria and how they pertain to the proposed rezoning. She summarized staff findings, 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. Hopkins asked if the apartment building on the northeast corner of Busey Avenue and Illinois Street was non-conforming. Ms. Wilcock replied that she would need to research it before providing an answer.

Mr. Hopkins asked for verification that the parking requirements and maximum height were the same for the R-4 and R-5 Zoning Districts. Ms. Pearson stated that the parking requirements are calculated by use, not by zoning district, so it would remain the same. Ms. Wilcock noted that the height limit for both zoning districts is 35 feet.

Chair Fitch reviewed the procedure for a public hearing. He then opened the hearing for public input. There was none, so Chair Fitch closed the public input portion and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Ackerson noted that the main concern in the emails received in opposition seemed to be that they did not want an increase of density in the neighborhood. While the Plan Commission cannot consider the proposed use when considering a rezoning request, he believed that there were some permitted uses in the R-5 Zoning District that would be consistent with the rest of the block and would replace older housing that has become run-down.

Ms. Billman asked what the advantages and disadvantages of rezoning the subject parcels. Chair Fitch responded saying that the property owner could not have a taller building; however, they could have a larger footprint.

Mr. Ackerson commented that he did not believe a slightly larger building on the block would be a problem. Ms. Billman agreed.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2357-M-18 to the City Council with a recommendation for approval. Mr. Ackerson seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Ms. Ouedraogo	-	Yes
Mr. Ackerson	-	Yes			

The motion passed by unanimous vote. Ms. Pearson noted that this case would be forwarded to the City Council on Monday, December 17, 2018.