



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission
FROM: Kevin Garcia, AICP, Planner II
DATE: January 4, 2019
SUBJECT: **Plan Case 2354-M-18:** A request by the City of Urbana to rezone three parcels from R-4, Medium Density Multiple-Family Residential and R-6, High Density Multiple-Family Residential to B-4, Central Business, located at 502-504 South Broadway Avenue and 202 East California Avenue.

Introduction

The Zoning Administrator requests a Map Amendment to rezone three City-owned parcels in downtown Urbana to the B-4, Central Business Zoning District. The changes would match the future land use designation of “Central Business” attributed to the parcels in the 2005 Comprehensive Plan. Two of the parcels are zoned R-6, High Density Multiple-Family Residential (502 and 504 S. Broadway Ave.); the other parcel is zoned R-4, Medium Density Multiple-Family Residential (202 E. California Ave.). All three parcels are currently used as parking lots.

The City of Urbana and Brinshore Development are working together to redevelop all of the City-owned parcels between Illinois Street and California Avenue into an arts-centered affordable housing development.¹ Rezoning the three parcels to match the B-4 zoning of the remaining City-owned parcels along Illinois Street would help facilitate the proposed development.

Discussion

The proposed arts-centered project would include an apartment building with six artist live-work units on the ground floor and an arts and cultural center to be operated by the City’s Arts & Culture program. The project would also include nine single-family tiny homes. While the residential uses would be allowed under the existing zoning, rezoning to B-4 would allow the proposed arts center by right. It would also allow for more flexibility in site design, since the B-4 district does not require any yards (“setbacks”) or any minimum amount of parking.

The existing zoning designations are holdovers from the uses that existed on the properties prior to their conversion into parking lots. There is no good rationale for leaving them zoned as is, even if the proposed development does not come to fruition. The parcels were identified in the 2005 Comprehensive Plan as “Central Business”, and the rezoning request would align the zoning with the Comprehensive Plan.

¹ See www.urbanaininois.us/urbanaartsdevelopment for more information.

Rezoning Summary Table

Address	Proposed Rezoning	Land Use	Future Land Use	Owner	Reason for Rezoning
502 and 504 S. Broadway Ave.	R-6 to B-4	Parking	Central Business	City	Match future land use; make consistent w/ surroundings. Facilitate redevelopment.
202 E. California Ave.	R-4 to B-4	Parking	Central Business	City	Same as above.

Current Zoning and Future Use Table

PROPERTIES	Zoning	Land Use	Future Land Use
Subject Properties	R-4/R-6	Parking Lot	Central Business
North	B-4	Parking/ Shopping Mall	Central Business
East	B-4, R-4	Commercial/Apartments	Central Business
South	B-3, R-5	Commercial/Apartments/ Single-Family	Central Business/Residential
West	B-4, B-3	Commercial	Central Business

Rezoning Criteria

In the case of *La Salle National Bank v. County of Cook* (the “La Salle” case), the Illinois Supreme Court developed a list of factors that are used to evaluate 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*. Together, all eight factors are discussed below to compare the current zoning to the proposed zoning.

1. The existing land uses and zoning of the nearby property.

Rezoning to the B-4 district would be compatible with the zoning and land uses of the areas surrounding all of the parcels in this request (see Exhibit A). To the north is Lincoln Square Mall, and to the west, south, and east are business and residential uses.

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

(This is the difference in the value of the neighboring properties with the current zoning of the subject properties, compared to the value of the neighboring properties if the subject properties are zoned B-4, Central Business.)

Rezoning the parcels to B-4 would allow for a variety of commercial and residential uses to be built on them, while the current zoning limits the parcels to residential uses. It is uncertain whether surrounding property values would be affected by the change in zoning, but it is unlikely that

² Please note that the Urbana City Planning Division staff are not professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Any discussion pertaining to property values must be considered speculative and inconclusive.

rezoning would diminish the value of surrounding properties. The rezoning would make it more likely that the parcels are redeveloped in some way, which may increase nearby property values.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public; and,*
The proposed rezoning would not harm the health, safety, morals, or general welfare of the public.
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

The rezoning would allow the potential for the proposed arts center, which would be beneficial to the public. In addition, the B-4 district would make affordable housing more likely for these parcels, since the B-4 district has more flexible development regulations than the current zoning. More affordable units would be beneficial to the public.

5. *The suitability of the subject property for the zoned purposes.*

The properties are well-suited for central business-type uses, which would be allowed by rezoning to B-4. Given the surroundings of each of the parcels, the B-4 district is highly appropriate and was contemplated by the Central Business future land use designation in the 2005 Comprehensive Plan. If the proposed redevelopment takes place, the artist spaces, residences, and arts center will be highly compatible with the surrounding area. Specifically, the lower-density single-family units would be sited along California Avenue, across from residential uses, while the higher-density apartment units would be located along Broadway Avenue at Illinois Street.

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.*

The parcel at 202 East California has been a parking lot since the 1970s or 1980s, while the parcels on Broadway Avenue have been parking lots for at least seven years. Rezoning to B-4 would make them more likely to be redeveloped into a productive use than with their current zoning designations.

7. *The community's need for more of the proposed use.*

The Comprehensive Plan includes the provision of affordable housing as a goal, and that sentiment has been echoed during recent community discussions of proposed developments. The Comprehensive Plan also includes an objective to expand the City's creative community by promoting arts-related uses and events. The proposed rezoning would support a development that would contribute to each of these stated community goals/objectives. City staff consistently are told that Urbana needs more affordable housing and more space for artists. A dedicated space for an arts and cultural center would be a welcome addition to Downtown Urbana.

8. *The care with which the community has planned its land use development.*

In the 2005 Comprehensive Plan, the parcels were identified as "Central Business". At that time, these parcels were being used for housing and parking, but it was recognized that in the future the parcels would best be suited for central business-type uses.

Summary of Staff Findings

1. The Zoning Administrator has submitted a petition for a multipart map amendment to the Urbana Zoning Map for 3 properties: 502 and 504 South Broadway Avenue and 202 East California Avenue.
2. The properties would be rezoned from their current designations to B-4, Central Business, to match the future land use designations in the Urbana Comprehensive Plan.
3. The proposed zoning map amendment would correct inconsistencies in the Zoning Map.
4. The proposed zoning map amendment is consistent with the 2005 Urbana Comprehensive Plan.
5. The proposed zoning map amendment generally meets the rezoning criteria.

Options

The Plan Commission has the following options for recommendations to the City Council in Plan Case No. 2354-M-18:

1. Forward the case to City Council with a recommendation to approve the requests as presented;
or
2. Forward the case to City Council with a recommendation to deny the requests.

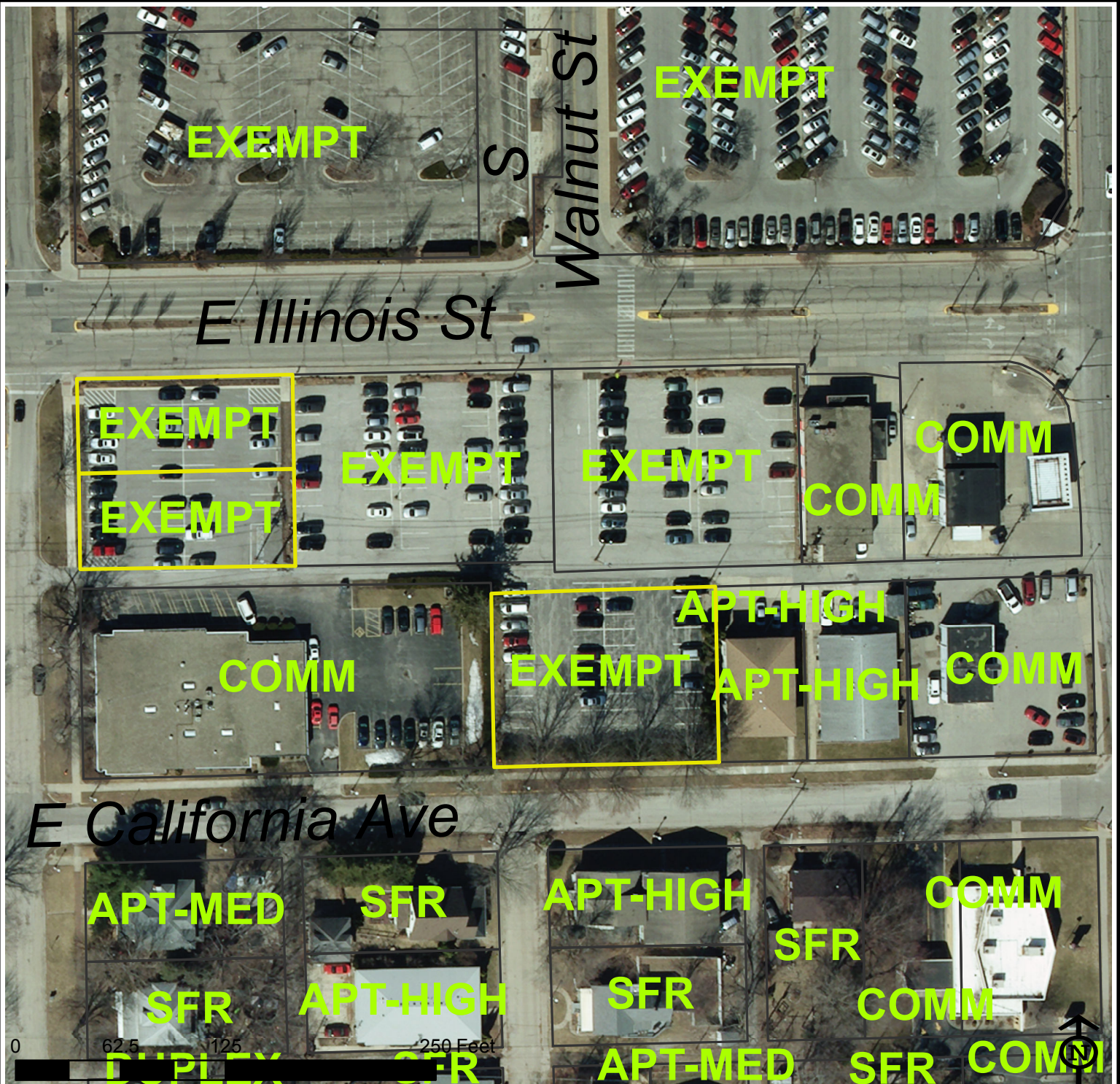
Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends the Plan Commission forward Case No. 2354-M-18 to the City Council with a recommendation to **APPROVE** the proposed rezonings.

Attachments:

- Exhibit A: Location and Existing Land Use Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use Map
- Exhibit D: Zoning Description Sheets for R-6, R-4, and B-4 Districts

Exhibit A: Location & Existing Land Use Map



Case: 2354-M-18
 Subject: City or Urbana Rezoning
 Location: E Illinois St
 Petitioner: City or Urbana

 Subject Property

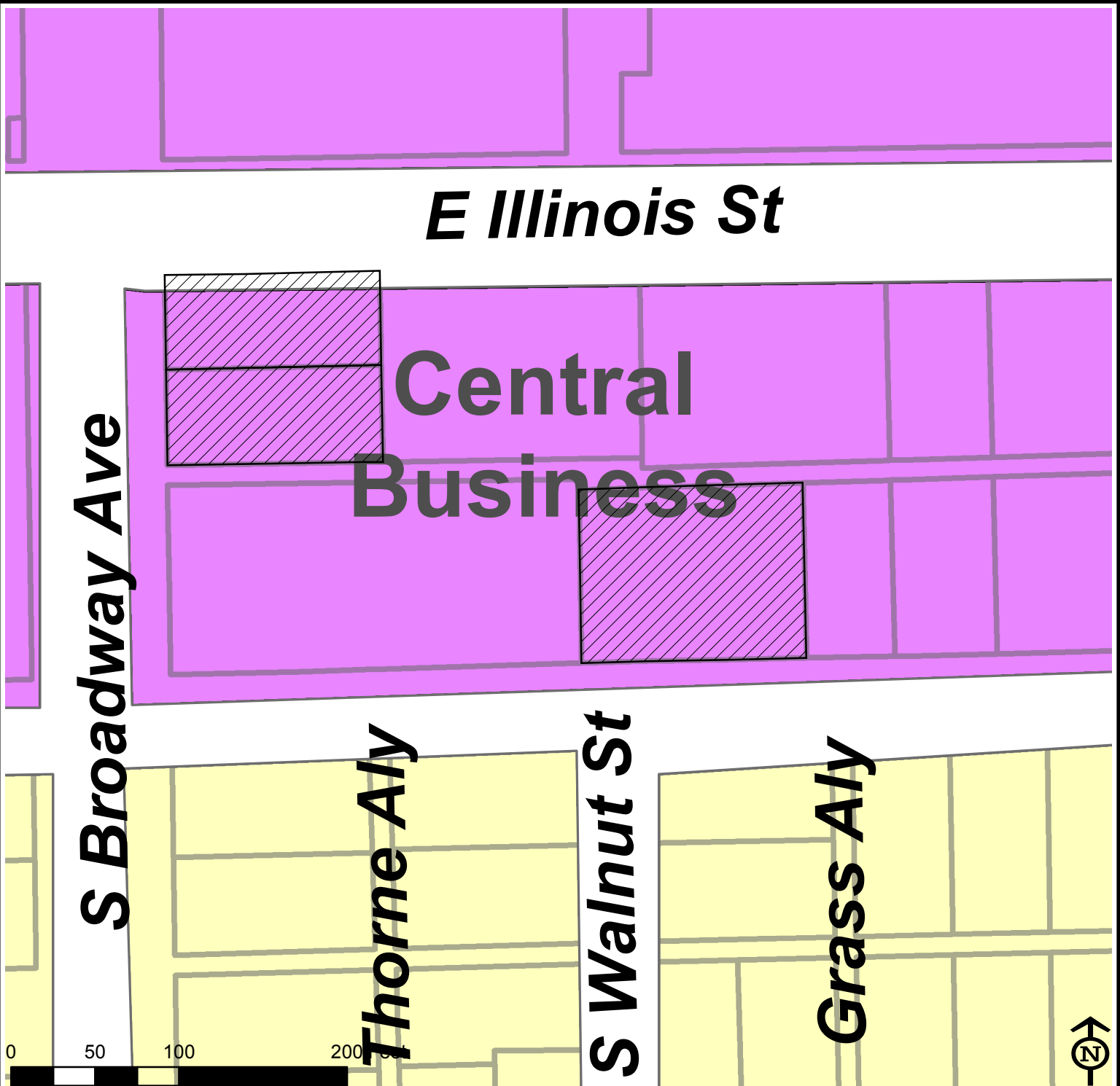
Exhibit B: Zoning Map






Case: 2354-M-18
 Subject: City or Urbana Rezoning
 Location: E Illinois St
 Petitioner: City or Urbana

	B3		R3		R6
	B4		R4		R5
	R2				
	Subject Property				

Exhibit C: Future Land Use Map



Case: 2354-M-18
Subject: City of Urbana Rezoning
Location: E Illinois St
Petitioner: City of Urbana

-  Residential
-  Central Business
-  Subject Property



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*)

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

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.

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	None³	9.00	None	None	None	None¹⁸

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



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*)

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

FAR = Floor Area Ratio

OSR = Open Space Ratio

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

Footnote⁹ – In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in 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*)

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

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



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*)

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 Note¹⁵	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