#### DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

#### memorandum

**TO:** The Urbana Plan Commission

**FROM:** Kevin Garcia, AICP, Planner II

**DATE:** January 18, 2019

SUBJECT: Plan Cases 2361-M-18 & 2362-SU-18: A request by Rael Development Corporation

to rezone approximately 1.5 acres from B-2, Neighborhood Business - Arterial, and R-4, Medium-Density Multiple-Family Residential, to B-3, General Business, and for a Special Use Permit to allow Multi-Family Residential use in the B-3, General Business District, at 802, 804, 806, 808, 810, 812, 814, and 816 Clark Street, 406, 406 ½, and

408 North Lincoln Avenue.

#### Introduction

Rael Development Corporation requests a rezoning and Special Use Permit to allow a mixed use development for several properties on the southeast corner of Lincoln and University Avenues. The proposed development would include apartments, extended stay hotel rooms, and retail. The properties currently have mixed zoning: B-3, General Business; B-2, Neighborhood Business – Arterial; and R-4, Medium-Density Multiple Family Residential. The request would make all of the parcels consistently zoned as B-3, General Business. In the B-3 district, multifamily housing is only allowed with a Special Use Permit. Since the proposed development includes apartments, the applicant requests a Special Use Permit in addition to the rezoning.

The applicant also plans to build townhomes on the south side of Clark Street in a "by right" development. Those townhomes are not subject to the Special Use Permit or rezoning requests.

On January 15<sup>th</sup>, 2019, at Saint Patrick Catholic Church, the applicant held an open house about the project (including the "by right" townhome development south of Clark Street). More than 50 people attended. The developer answered questions about the project's design, building height and orientation, screening, parking, and more.

The Plan Commission must review the applications, hold a public hearing, and make recommendations to the Urbana City Council. The City Council must then approve, approve with certain conditions, or deny the applications.

#### **Background**

#### **Description of the Site and Surrounding Properties**

The property consists of several parcels totaling approximately 1 ½ acres. It is east of Lincoln Avenue, south of University Avenue, west of Busey Avenue, and north of Clark Street (see Exhibit A). The property contains a mix of smaller-scale commercial buildings at Lincoln/University and residential buildings along Clark Street. The commercial buildings have vehicle access from Lincoln Avenue and Clark Street.

The surrounding area is commercial, residential, and medical- and university-related. To the west is a three-story commercial building (with Einstein's Bagels on the corner); to the northwest is "The Retreat," a townhome development that is under construction; to the north, northeast, and east are Carle properties; and to the south are residential properties, most of which the applicant plans to develop with townhomes.

The following chart identifies the current zoning, existing land uses, and Comprehensive Plan future land use designations of the site and surrounding properties (see Exhibits A, B, and C).

Direction	Zoning	Existing Land Use	Future Land Use
Site	B-3, General Business / B-2, Neighborhood Business-Arterial / R-4, Medium Density Multiple-Family Residential	Commercial / Residential	Community Business / "Gateway"
North	MIC, Medical Institutional Campus / B-3, General Business	Hospital / Clinic	Community Business
East	B-3, General Business	Hospital	Institutional
South	R-4, Medium Density Multiple-Family Residential	Single-Family Residential	Multifamily / Campus Mixed Use
West	B-3, General Business / B-3U, General Business - University	Commercial	Campus Mixed Use

#### **Proposed Use**

The proposed uses are apartments, an extended-stay hotel, and retail that is accessory to the hotel and apartments. The preliminary site plan (Exhibit E) indicates there will be approximately 15,000 sq. ft. of amenity space, 2,500 sq. ft. of accessory cafe space, 7,000 sq. ft. of terraces, 40 extended stay units, 212 apartments, and 187 parking spaces<sup>1</sup> on the site. While the site plan is preliminary, the applicant

<sup>&</sup>lt;sup>1</sup> The Zoning Ordinance requires 222 parking spaces for the proposed development. The remaining 35 spaces will be accommodated on the townhome development proposed on the south side of Clark Street.

will be required to submit final plans that conform with all of the City of Urbana's development regulations prior to construction.

#### Discussion

#### 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-3 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 and east are Carle hospital properties, to the west are commercial properties zoned B-3 and B-3U, and to the south residential properties that are zoned for medium density multifamily residential.

This criterion weighs in favor of the proposed rezoning.

2. The extent to which property values are diminished by the restrictions of the ordinance.<sup>2</sup>

(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-3, Central Business.)

Rezoning the parcels to B-3 would allow more business uses on the properties, and would allow the proposed apartments to be built. Currently, as zoned (B-2 and R-4), the properties are underdeveloped and probably do not enhance the value of surrounding properties.

It is also unlikely that the rezoning would diminish the value of surrounding properties. If anything, the rezoning would make it more likely that the parcels are redeveloped in a way that could increase nearby property values.

This criterion weighs in favor of the proposed rezoning.

3. The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.

The proposed rezoning would not harm the health, safety, morals, or general welfare of the public. The current zoning already allows business and multi-family uses, though not in a unified development as is proposed. It is unlikely the rezoning would affect the general welfare of the public in any way beyond what is currently allowed.

This criterion weighs in favor of the proposed rezoning.

<sup>&</sup>lt;sup>2</sup> 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.

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

The rezoning would allow the redevelopment of an underutilized block at one of the most significant street intersections in the City. The redevelopment of the site could be very beneficial to the public, especially if the proposed development is built.

This criterion weighs in favor of the proposed rezoning.

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

The properties are well-suited for commercial uses, which the B-3 district allows. The site is on the important (but underdeveloped) corner of Lincoln and University Avenues. University Avenue is one of the major commercial corridors in Urbana, and rezoning the parcels along the north side of Clark Street would allow the entire site to be redeveloped as a cohesive development, which is difficult given the mixed zoning that currently exists.

This criterion weighs in favor of the proposed rezoning.

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 parcels are not vacant, but they are underdeveloped given the importance of the location they occupy at corner of Lincoln and University Avenues. Several earlier attempts to rezone the parcels failed due in part to a lack of a development plan for the site (i.e. the rezoning requests were speculative). The proposed development would ensure that if rezoned, the parcels could be put to better use than at present.

This criterion weighs in favor of the proposed rezoning.

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

Urbana has few extended stay hotel options, especially so close to the University, OSF, and Carle campuses, which are all likely to be served by that use. While there have been many new apartment developments in Urbana (and Champaign) in the recent past, the proposed development is very close to the University and both hospitals. It is likely to be attractive to people who want to live near one (or more) of those. At such a prominent corner (Lincoln and University Avenue), more cafe/retail space is desirable.

This criterion weighs in favor of the proposed rezoning.

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

In the 2005 Comprehensive Plan, the parcels are identified as "Community Business." They are further identified by a note stating "Promote as 'gateway' to University District through architecture and urban design of mixed-use redevelopment." The existing uses on the site do not provide such a gateway. The proposed rezoning would allow the redevelopment of the site, which could help to realize the goal of the Comprehensive Plan: to have a mixed-use "gateway" at the corner of Lincoln and University Avenue.

This criterion weighs in favor of the proposed rezoning.

#### Requirements for a Special Use Permit

According to Section VII-4.A of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

1. That the proposed use is conducive to the public convenience at that location.

The property is located at a very important intersection in Urbana. Adding a mix of apartments, retail, and extended stay hotel units to this corner would be beneficial to the public. The site is along University Avenue, a commercial corridor. The retail space will add to the commercial mix along University Avenue and the apartments and extended stay units will add more customers for the nearby businesses.

The Urbana Comprehensive Plan designates this area of the City for Community Business uses, and further highlights the site as a mixed-use "gateway" to the University District. The proposed building is designed to complement the commercial building across Lincoln Avenue to provide an identifiable gateway to the corridor to the south.

2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.

The proposed use will not be injurious to the public at this location. The area is highly suitable for commercial and residential uses, and the addition of 40 extended stay hotel units so close to Carle Foundation Hospital, OSF HealthCare, and the University of Illinois' campus would be beneficial to the public.

3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.

The character of the B-3, General Business District would be preserved and enhanced with the proposed use. The proposed development must meet all requirements for setbacks, screening, parking, drainage, and all other applicable development requirements prior to construction.

The Plan Commission shall determine whether the reasons set forth in the applications, and the evidence adduced during the public hearing, justify the granting of the Special Use Permits, and whether the proposed uses will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Plan Commission shall make a recommendation to the City Council for or against the proposed special uses, and may also recommend such additional conditions and requirements on the operation of the proposed uses as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to conditions that:

1. Regulate the location, extent, and intensity of such uses;

- 2. Require adherence to an approved site plan;
- 3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
- 4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;
- 5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
- 6. Require conformance to health, safety, and sanitation requirements as necessary;
- 7. Regulate signs and outdoor lighting;
- 8. Any other conditions deemed necessary to effect the purposes of the Zoning Ordinance.

#### **Summary of Findings**

- 1. Rael Development, Inc. requests a rezoning to B-3, General Business, and a Special Use Permit to allow Multi-Family Residential use in the B-3, General Business District, at 802, 804, 806, 808, 810, 812, 814, and 816 Clark Street and 406, 406 ½, and 408 North Lincoln Avenue
- 2. The properties would be rezoned from their current designations to B-3, General Business to provide consistent zoning for a unified development.
- 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.
- 6. The proposed use is conducive to the public convenience at this location, as the retail space will add to the commercial mix along University Avenue and the apartments and extended stay units will add more customers for the nearby businesses.
- 7. The proposed use would not be unreasonably injurious or detrimental to the district in which it shall be located, as the area is highly suitable for commercial and residential uses, and the addition of 40 extended stay hotel units will be beneficial to the public.
- 8. The proposed use meets the regulations and standards of, and preserves the essential character of the B-3 district in which it shall be located, as it will meet setbacks, screening, drainage, and other requirements of the district.
- 9. The proposed use is consistent with the Community Business designation, and the "gateway" notation as identified in the 2005 Urbana Comprehensive Plan Future Land Use Map.

#### **Options**

The Plan Commission has the following options for recommendations to the City Council in Case No. 2361-M-18:

- 1. Recommend approval of the rezoning request as presented; or
- 2. Recommend denial of the rezoning request.

The Plan Commission has the following options for recommendations to the City Council in Case No. 2362-SU-18:

- 1. Recommend approval of the special use permit without any additional conditions.
- 2. Recommend approval of the special use permit with any conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance
- 3. Recommend denial of the special use permit.

#### 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 that the Plan Commission forward Plan Case No. 2361-M-18 to the Urbana City Council with a recommendation for APPROVAL, and that the Plan Commission forward Plan Case No. 2362-SU-18 to the Urbana City Council with a recommendation for APPROVAL with the following condition:

- The development shall be constructed in general conformance with the attached site plans and renderings.

Attachments: Exhibit A: Location and Existing Land Use Map

Exhibit B: Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: Application for Zoning Map Amendment and Special Use Permit

Exhibit E: Preliminary Site Plans, Floor Plans, and Renderings

CC: Graeme Rael, Rael Development Corporation Jarrett Cooper, Rosemann & Associates Architects

## **Exhibit A: Location & Existing Land Use Map**





Case: 2361-M-18 / 2362-SU-18

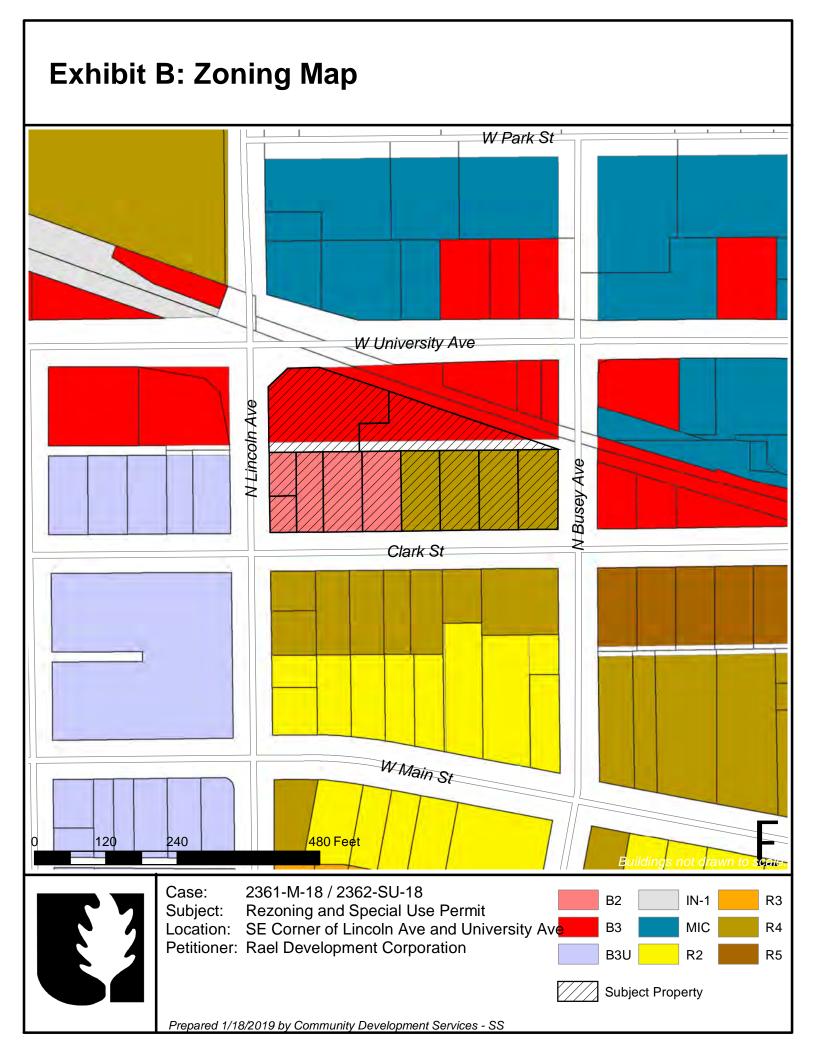
Subject: Rezoning and Special Use Permit

Location: SE Corner of Lincoln Ave and University Ave

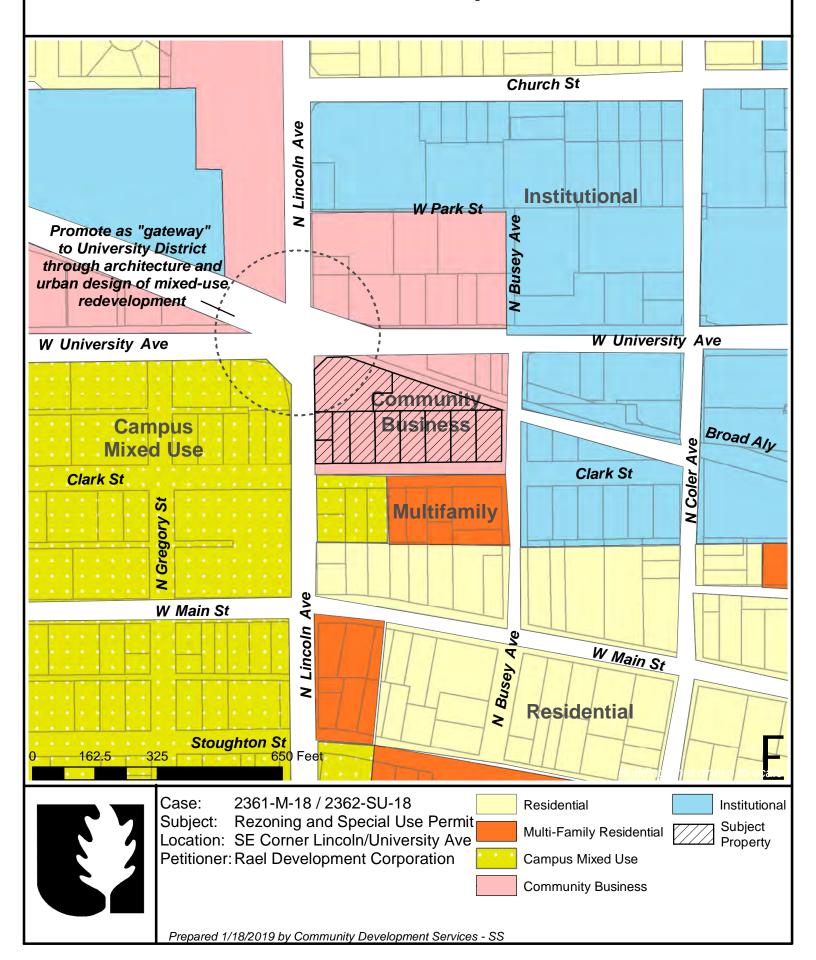
Petitioner: Rael Development Corporation

Subject Property

Proposed By Right Townhome Development



## **Exhibit C: Future Land Use Map**





## 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.urbanaillinois.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

Dat	e Request Filed	Plan (	Case No.	
Fee	Paid - Check No.	Amount	Date	
_				
	PLEASE PRINT	OR TYPE THE FOLLO	OWING INFORMATION	
1.	APPLICANT CONTAC	T INFORMATION		
	Name of Applicant(s): Rael I	Development Corporation	Phone: 214.272.9790	
	Address (street/city/state/zip code): 14850 Montfort Dr, Suite 185 / Dallas / TX / 75254			
	Email Address: graeme@rae	lcorp.com		
	Property interest of Applican	t(s) (Owner, Contract Buyer, etc	:.); Contract Buyer	
2.	OWNER INFORMATIO	ON		
	Name of Owner(s):		Phone:	
	Address (street/city/state/zip	code):		
	Email Address:			
	Is this property owned by a If yes, please attach a list of	Land Trust? Yes fall individuals holding an in	No terest in said Trust.	
3.	PROPERTY INFORMA	TION		
	Address/Location of Subject Site: North of W. Clark Street between N. Lincoln and N. Busey Ave, South of W. University Ave			
		804, 806, 808, 810 812, 814, 816		
	Lot Size: 91,175 +/- sq.ft. = 2	2.1 +/- acres		
	Current Zoning Designation:	Mixed including B-3, B-2 and R-4	1	
	Proposed Zoning Designatio	n: B-3 General Business with Special U	se Permit for Purpose Built Student Housing / Apt	
	Current Land Use (vacant, re	esidence, grocery, factory, etc: V	acant, Commercial, Residential	
	Proposed Land Use: Extende	ed Stay Hotel and Purpose Built S	tudent Housing Apartments	
	Present Comprehensive Plan	Designation: Community Busines	ss	

How does this request conform to the Comprehensive Plan? Continues the transition from Res to commercial and higher density development. Legal Description (*If additional space is needed, please submit on separate sheet of paper*): See attached "Exhibit A"

4. CONSULTANT INFORMATIO
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Name of Architect(s): Rosemann & Associates, P.C. Phone: 314.678.1448

Address (street/city/state/zip code): 168 N. Meramec, Suite 200 / St. Louis / MO/ 63105

Email Address: jcooper@rosemann.com

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? Modification would consolidate the block in question and extend the existing B-3 zoning on the north half of the parcel to the entire site.

What changed or changing conditions warrant the approval of this Map Amendment? Subject property is being consolidated to allow for redevelopment.

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

Higher density development at the intersection of University and Lincoln, that includes extended stay accommodations at the corner, is a good transition from medium density residential currently planned to the south, and single family beyond that. By approving this amendment the Zoning map will be clarified to allow a single B-3 Zone for the entire block.

What other circumstances justify the zoning map amendment

Major intersection of University and Lincoln is a higher traffic intersection and not conducive to lower density development. Also the property is cut off from access to the north by the existing railroad tracks (future park and trail) and needs to have primary access from the south.

Time schedule for development (if applicable)

Anticipate fast track development of the property starting as soon as possible in 2019 for 2020 school year.

Additional exhibits submitted by the petitioner.

Proposed Site Plan and Building Elevations dated November 20, 2018.

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

#### 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



## Application for Special Use Permit

### PLAN COMMISSION

The application fee must accompany the application when submitted for processing. Please refer to the City's website at http://www.urbanaillinois.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		Plan Case No			
Fee	Paid - Check No	Amount	Date		
_	4-7.40		dan tan besita (same		
	PLEASE PRINT	OR TYPE THE FOLLO	OWING INFORMATION		
A S	SPECIAL USE PERMIT is	requested in conformity with	the powers vested in the Plan		
Cor	nmission to recommend to	the City Council under Section	on of the Urbana Zonir		
Ord	linance to allow (Insert pr	oposed use) Mixed Use Devel	on the property described		
belo	ow.				
1.	APPLICANT CONTAC	T INFORMATION			
	Name of Applicant(s): Real	Development Corporation	Phone: 214.272.9790		
	Address (street/city/state/zij	code): 14850 Montfort Dr, Suite	185 / Dallas / TX / 75254		
	Email Address: graeme@rae	elcorp.com			
2.	PROPERTY INFORMA	TION			
	Address/Location of Subject Site: North of W. Clark Street between N. Lincoln and N. Busey Ave, South of W. University Av				
	PIN # of Location: 406, 802	804, 806, 808, 810 812, 814, 816			
	Lot Size; 91,175 +/- sq.ft. = 2	2.1 +/- acres			
	Current Zoning Designation	: Mixed including B-3, B-2 and R-4	1		
	Current Land Use (vacant, residence, grocery, factory, etc: Vacant, Commercial, Residential				
	Proposed Land Use: Extend	ed Stay Hotel and Purpose Built St	tudent Housing Apartments		
	Legal Description (If additional See Attached "Exhibit A"	nal space is needed, please submit	on separate sheet of paper):		

#### 3. CONSULTANT INFORMATION

Name of Architect(s): Rosemann & Associates, P.C.	Phone:	314.678.1448
Address (street/city/state/zip code): 168 N. Meramec Ave, Suite 200 / St. Louis / N	MO / 6310S	
Email Address: jcooper@rosemann.com		
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):		

## Name of Attorney(s):

Phone:

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

**Email Address:** 

Email Address:

#### 4. REASONS FOR SPECIAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

Property location near the University at the intersection of University and Lincoln is currently an underutilized series of parcels with sporadic uses and access. The proposed development will clarify access points for both vehicular and pedestrian traffic, eliminating the curb cuts and access into private parking lots along Lincoln.

Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

Primary improvements will define vehicular traffic patterns by eliminating curb cuts on Lincoln and bringing a majority of access to Clark Street.

Explain how the proposed use conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.

The proposed development maintains the character of and enhances Clark Street by maintaining the paver street surface and installing protective landscaped curb islands to guide and slowdown traffic, as well as protect parrallel parking spaces. Street trees and enhanced street lighting are proposed along all sides of the property.

Reference attached Site Plan and Building Elevations dated "November 20, 2018"

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

November 20, 2018

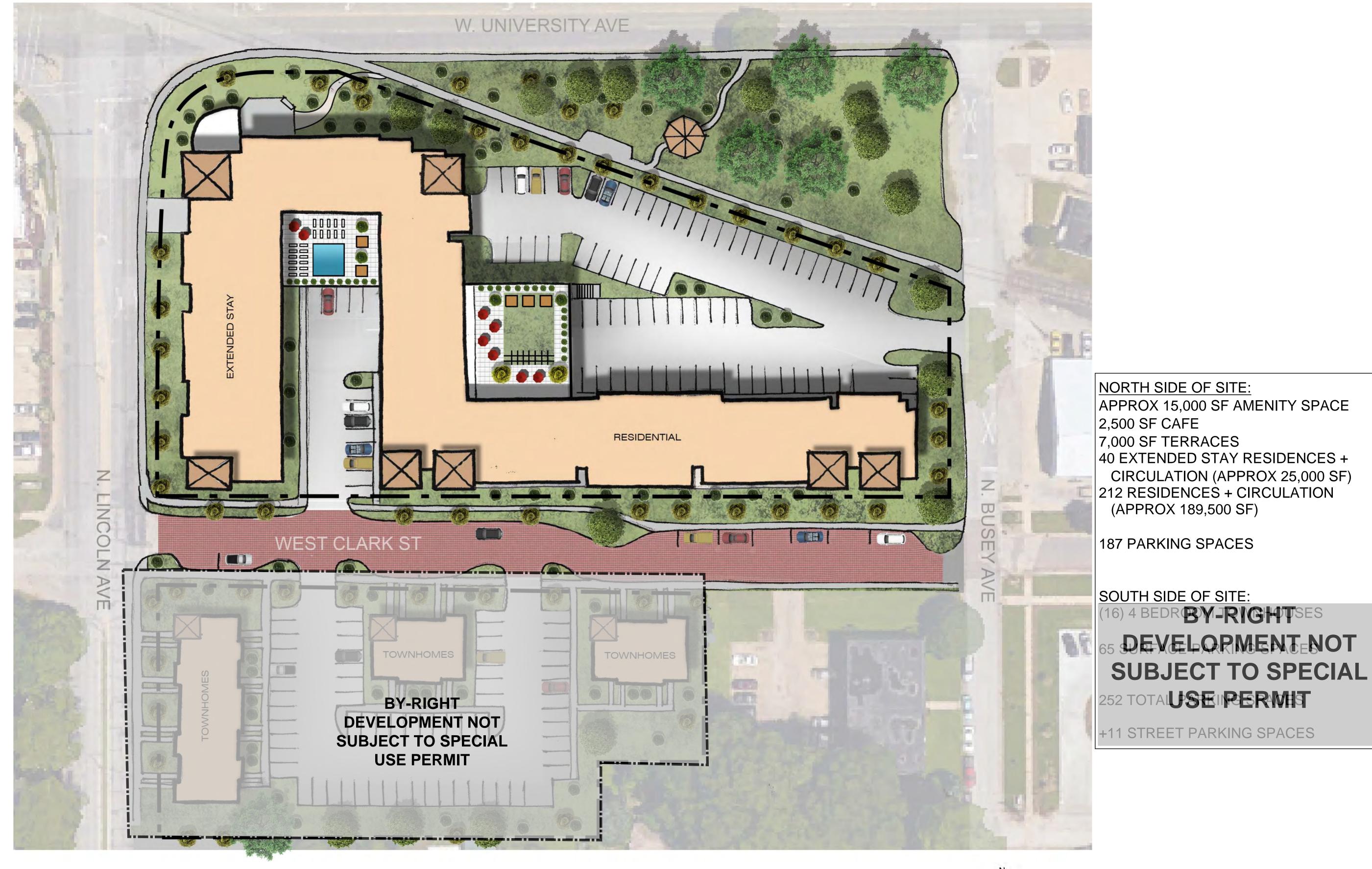
Date

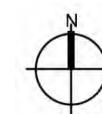
#### PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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

Phone: (217) 384-2440 Fax: (217) 384-2367

# Exhibit E: Site Plan





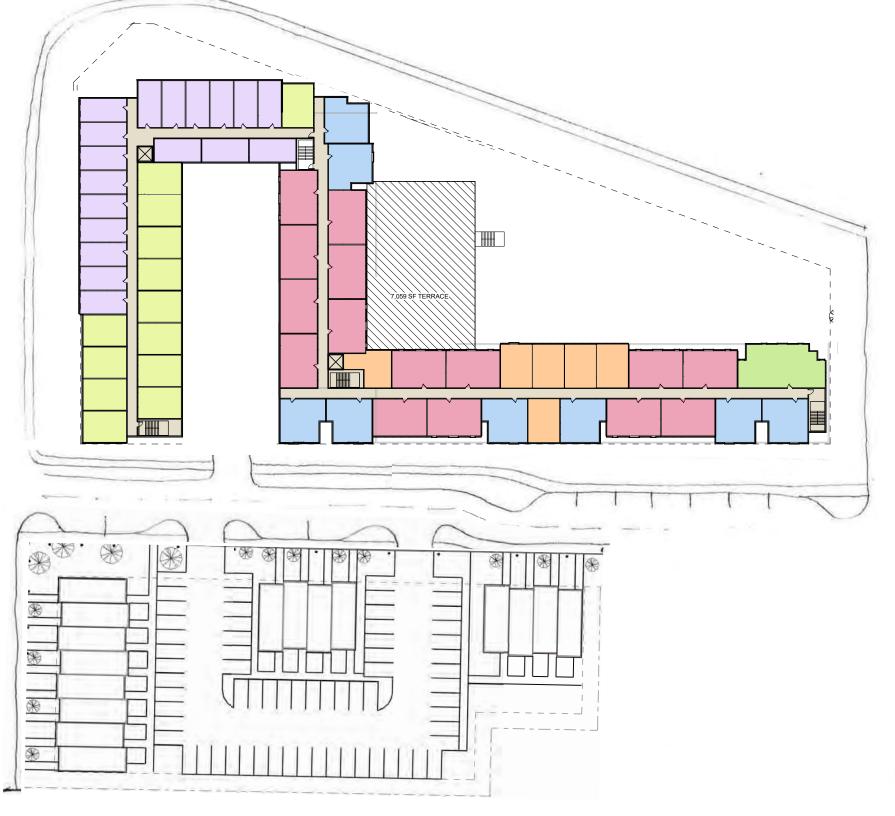


(APPROX 189,500 SF)

DEVELORMENTENOT

01/15/19

## Exhibit E: Floor Plan



#### LEGEND

#### NORTH OF CLARK STREET (5 STORY)

EXTENDED STAY RESIDENCE (1 BED)

2 BED 2 BATH

4 BED 4 BATH

2 BED 1 BATH

CORRIDOR/ PUBLIC SPACE

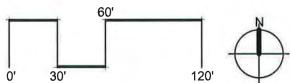
EXTENDED STAY RESIDENCE (STUDIO)

1 BED 1 BATH

#### SOUTH OF CLARK STREET

4 BED TOWNHOMES (3 STORY)

	<u>UNITS</u>	<u>BEDS</u>	
FIRST FLOOR EXTENDED STAY STUDI	O: 21	21	
EXTENDED STAY 1 BED		19	
SECOND-FIFTH FLOOR			
STUDIO	54	54	
1 BED	62	62	
2 BED/ 1 BATH	32	64	
2 BED/ 2 BATH	60	120	
4 BED/ 4 BATH	4	<u> 16</u>	
TOTAL NORTH SIDE	252	356	
4 BED/4 BATH TH	16	64	
TOTAL	268	420	



osemann & ASSOCIATES = C



