



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

### MEMORANDUM

**TO:** The Urbana Plan Commission

**FROM:** Rob Kowalski, AICP, Planning Manager

**DATE:** July 16, 2004

**SUBJECT:** Plan Case No. 1901-M-04: A request by Fredrick Enterprises, Inc. for a rezoning of 505 South Urbana Avenue from the R-3, Single and Two-Family Residential Zoning District to the R-4, Medium Density Multi-Family Residential Zoning District.

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#### **Introduction and Background**

Chet Fredrick of Fredrick Enterprises, Inc. has submitted a petition to rezone 505 South Urbana Avenue from the R-3 Zoning District to the R-4 Zoning District. The petitioner intends to raze the existing vacant single-family structure on the lot and redevelop the lot with a four-unit apartment building.

The R-3, Single and Two-Family Residential Zoning District is intended to provide areas for low-density residential development, including single-family attached and detached dwellings and two-family dwellings. The Zoning Ordinance states that the R-4, Medium Density Multi-Family Residential Zoning District is intended to provide areas for multiple-family dwellings at low and medium densities.

The property is located on the west side of Urbana Avenue one lot north of California Avenue and three lots south of Illinois Street. The lot totals 8,238 square feet and measures 59.7-feet wide by 138-feet deep.

#### **Adjacent Land Uses and Zoning Designations**

The area has a range of zoning and land uses. The west side of Urbana Avenue on this block contains both single-family and multi-family zoning with single-family detached homes and an apartment building. Immediately adjacent to the north of the property is an apartment building zoned R-6. The east side of Urbana Avenue is zoned exclusively for single and two-family uses. West of the site are lots that front onto Vine Street and include a commercially zoned gas station and bridal store. To the south of the site are two lots. One lot is zoned B-4, Central Business and

was the former location of a printing business. Also immediately adjacent to the south is a single-family home zoned R-3.

**COMPREHENSIVE PLAN DESIGNATION, ZONING, AND LAND USE TABLE**

<b>Direction</b>	<b>1982 Comprehensive Plan</b>	<b>Zoning</b>	<b>Land Uses</b>
Site	Commercial	R-3, Single and Two-Family	Vacant Single-Family Structure
North	Commercial	R-6, High Density Multiple Family Residential	Apartment Building
East	Low Density Residential	R-3, Single and Two-Family Residential	Single-Family
South	Commercial	B-4, Central Business; and R-3, Single and Two-Family	Former printing business and a single-family home.
West	Commercial	B-3, General Business; and B-4, Central Business	Gas Station and Bridal Store

**Issues and Discussion**

*Comprehensive Plan and Zoning*

The 1982 Comprehensive Plan identifies the entire block from California Avenue to the south to Illinois Street to the north and Vine Street to the west and Urbana Street to the east as appropriate for commercial uses. Much of the block is currently developed with commercial uses including the gas station and a bridal store which was formally a liquor store. The proposed rezoning would be generally compatible with the commercial zoning and land uses to the west as well as the multi-family apartment building to the north.

*Proposal*

The Urbana Zoning Ordinance states that the R-4 Medium Density Multiple-Family Residential District is intended to provide areas for multiple-family dwellings at low and medium densities. Mr. Fredrick intends to purchase the lot, raze the existing structure and develop a four-unit apartment building. Although building plans have not be formulated at this time, it is expected that the four-unit building would be developed as in a “quad” building with each unit being a corner unit each with one bedroom. There would be four parking spaces required for the

development which would be located on the east side of the lot along Urbana Avenue. Since the lot is only 8,238 square feet in area, the building will be relatively small in order to provide the required parking and also meet all the required development regulations of the zoning ordinance.

The subject area is well suited for medium density residential development. It is centrally located in the community and within walking distance of Urbana's downtown. Residential development in the area will have the potential for the dual outcome of improving the property which currently contains a dilapidated structure as well as providing new housing opportunities to residents in a location that is within walking distance from the central business district.

### **Comprehensive Plan Goals, Objectives and Policies**

The proposed Zoning Map amendment should be considered in light of other goals, objectives and policies contained in the 1982 Comprehensive Plan. The following goals and policies of the 1982 Urbana Comprehensive Plan relate to this case:

*Objective 1.110*

Continue to provide high standards of living environment both in the older and developing portions of the City to attract population forecasted in the Plan.

*Objective 1.23*

Encourage infill development of vacant and underutilized land within the City limits, with emphasis on downtown where appropriate.

*Objective 1.410*

Promote the redevelopment and conservation of urbanized areas.

*Goal 3.100*

To organize and develop land uses and adjacent properties in a balanced and mutually compatible manner relative to the functional needs of the City.

*Goal 3.110*

Promote development in the City and surrounding unincorporated areas in a manner which minimizes conflicting land uses and/or adjacent development.

*Goal 3.300*

To arrange land uses in a manner that minimizes the distance between uses that are mutually dependent.

*Objective 3.310*

Encourage development to occur in area where there is a demonstrated need for a particular use.

*Objective 3.311*

Review all land use changes that are controlled by the Zoning Ordinance, Subdivision Ordinance or annexation procedures to minimize the distance between uses that are mutually dependent.

### **The La Salle National Bank Criteria**

In the case of La Salle National Bank v. County of Cook (the “La Salle” case), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

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

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

Nearby properties contain a mix of land uses and zoning. To the north, west and south are commercial and multi-family zoning districts and uses.

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

This is the difference in the value of the property as zoned for single and two-family and the value it would have if it were rezoned to medium density multi-family residential to permit the proposed use.

Over the past several years the property has suffered from neglect and has not been well kept. The value of the property redeveloped as R-4 should be greater than the existing value of the property as R-3.

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

Questions 3 and 4 apply to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

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

The rezoning of the property should not jeopardize the health, safety, morals or general welfare of the public. The site is located in an area close to downtown where more intense land uses are generally acceptable and encouraged.

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

The site is currently in neglect and does not contribute to the health or visual aesthetic of the neighborhood. In general, redevelopment of the property would assist in improving the block.

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

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The site is generally suited for the development and the anticipated development has been preliminarily determined to meet all the applicable development standards of the Zoning Ordinance.

The current redevelopment plan is consistent with the Comprehensive Plan as it would introduce medium density housing to an area close to the downtown.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

The property is currently vacant and the existing structure suffers from neglect of maintenance. The fact that the property is vacant is perhaps not due to the restrictions of the current zoning but instead more due to the physical condition of the structure.

## **Summary of Staff Findings**

1. The proposed rezoning is generally consistent with the 1982 Comprehensive Plan which identifies the site as appropriate for commercial. The rezoning would result in a intense zoning designation than envisioned in the Comprehensive Plan.
2. The proposed rezoning to the R-4, Medium Density Multiple Family zoning district would allow for the residential development of the property which would be a benefit to the community and contribute to the tax revenues of the city.

3. The proposed R-4, Medium Density Multiple Family zoning district for the subject site would be consistent with the current multi-family residential and commercial development in the vicinity of the site.
4. The proposed rezoning would not be detrimental to the public health, safety or general welfare and would be a benefit to the public because it will create the opportunity for residential uses in close proximity to downtown Urbana.
5. The proposed rezoning appears to generally meet the LaSalle Case criteria.

## Options

The Plan Commission has the following options for recommendations to the City Council. In Plan Case 1901-M-04, the Plan Commission may:

- a. Forward this case to City Council with a recommendation for approval of the rezoning from R-3, Single and Two-Family Residential to R-4, Multi-Family Residential; or
- b. Forward this case to City Council with a recommendation for denial of the rezoning from R-3, Single and Two-Family Residential to R-4, Multi-Family Residential.

## 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 that the Plan Commission forward Plan Case No. 1901-M-04 to the Urbana City Council with a recommendation for APPROVAL.**

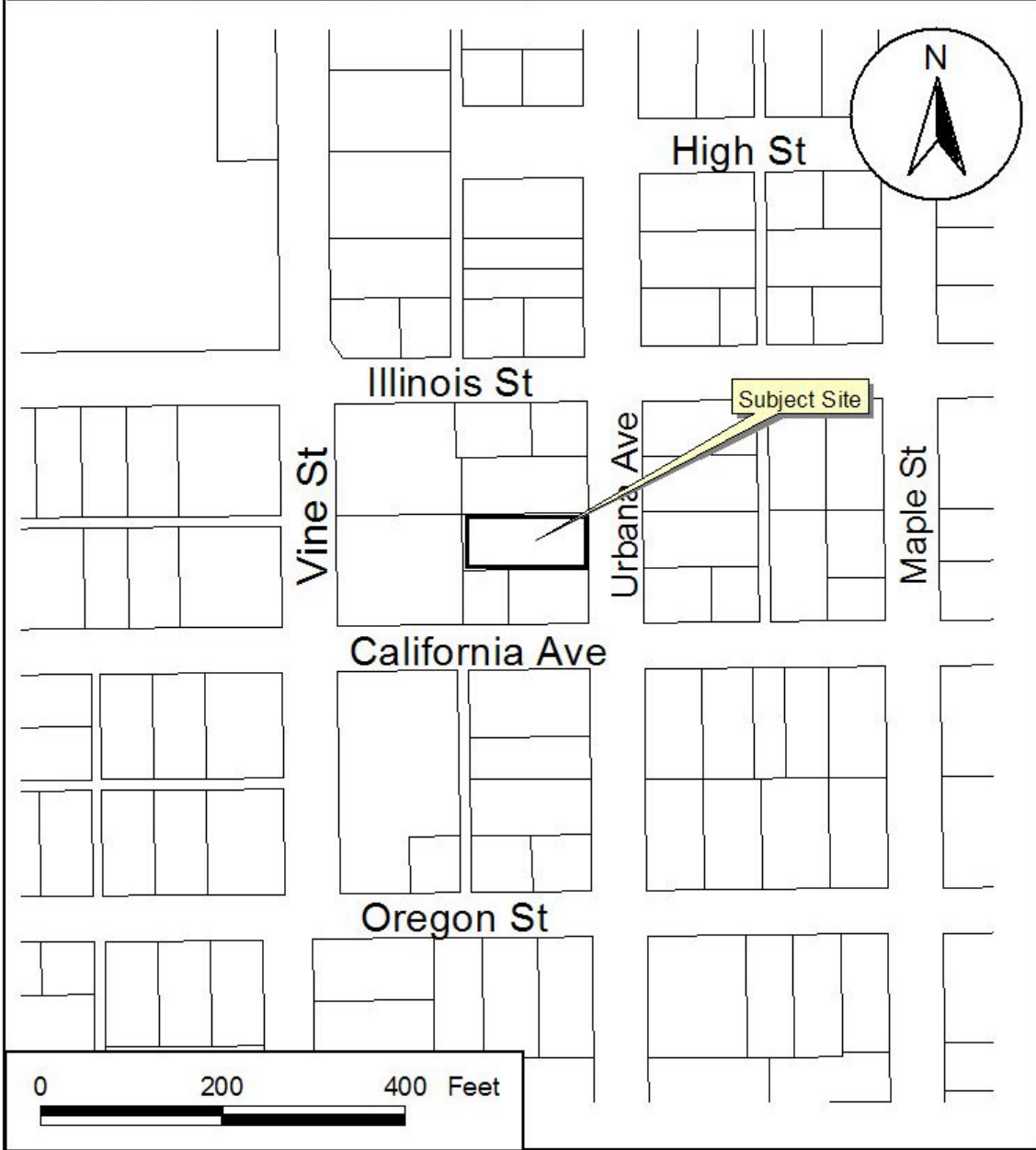
Attachments:      Exhibit A, Location Map  
                         Exhibit B, Zoning Map  
                         Exhibit C, Existing Land Use Map  
                         Exhibit D, Future Land Use Map  
                         Exhibit E, Aerial Photo  
                         Exhibit F, R-3, Single and Two-Family Residential Zoning District Summary  
                         Exhibit G, R-4, Multi-Family Residential District Summary  
                         Exhibit H, Petition for Zoning Map Amendment  
                         Exhibit I, Letter to Surrounding Property Owners

Cc:

Chet Fredrick  
Fredrick Enterprises, Inc.  
P.O. Box 111  
Urbana, IL 61803

Don Aldeen  
Meyer Capel Law Offices  
306 West Church Street  
Champaign, IL 61826

# Exhibit "A": Location Map

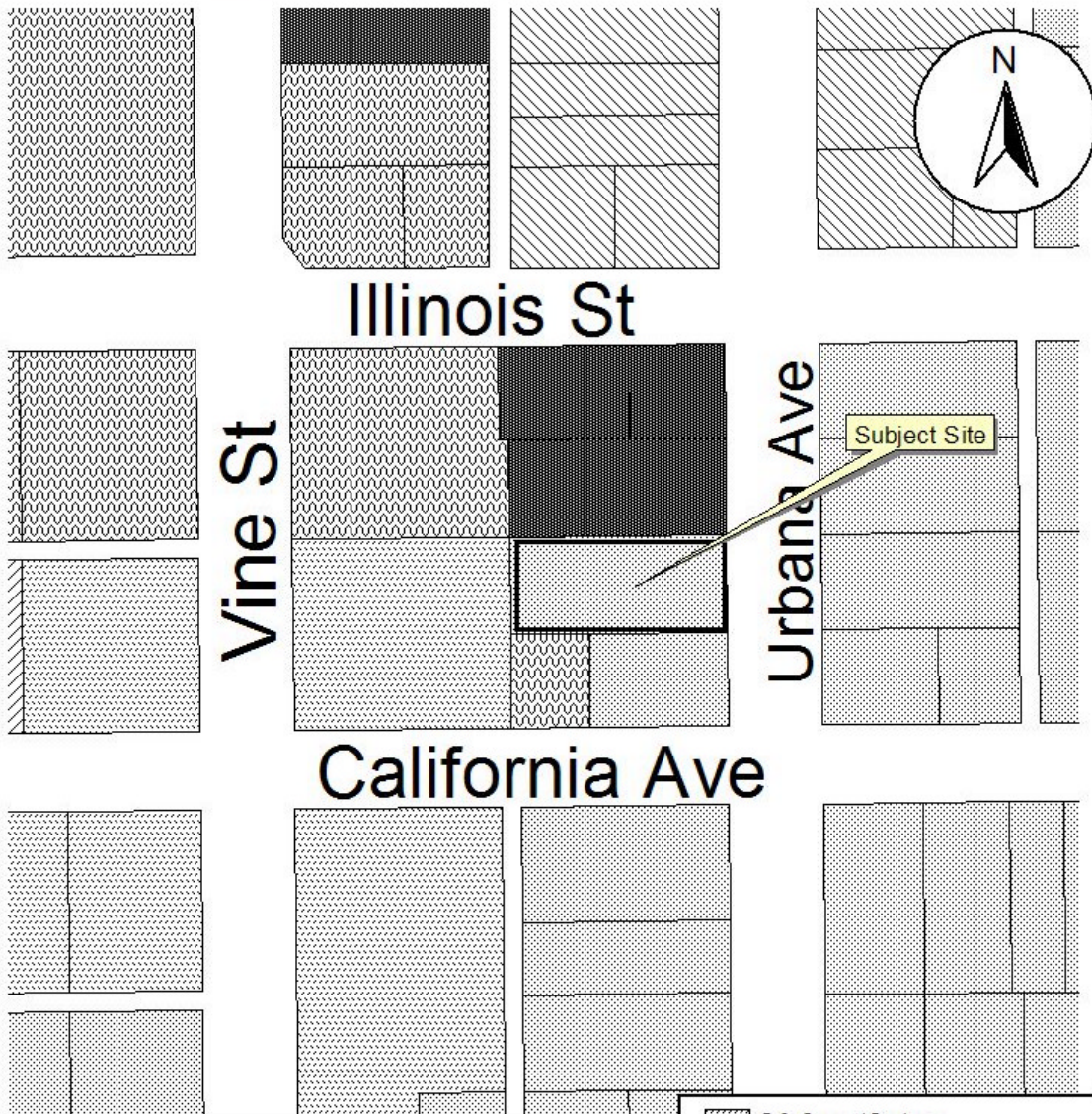


Plan Case: 1901-M-04  
Rezoning of 505 S. Urbana Ave from R-3 Single and Two-Family Residential  
to R-4 Medium Density Multiple Family Residential  
Petitioner: Frederick Enterprises, Inc.

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# Exhibit "B": Zoning Map



0 90 180 270 Feet

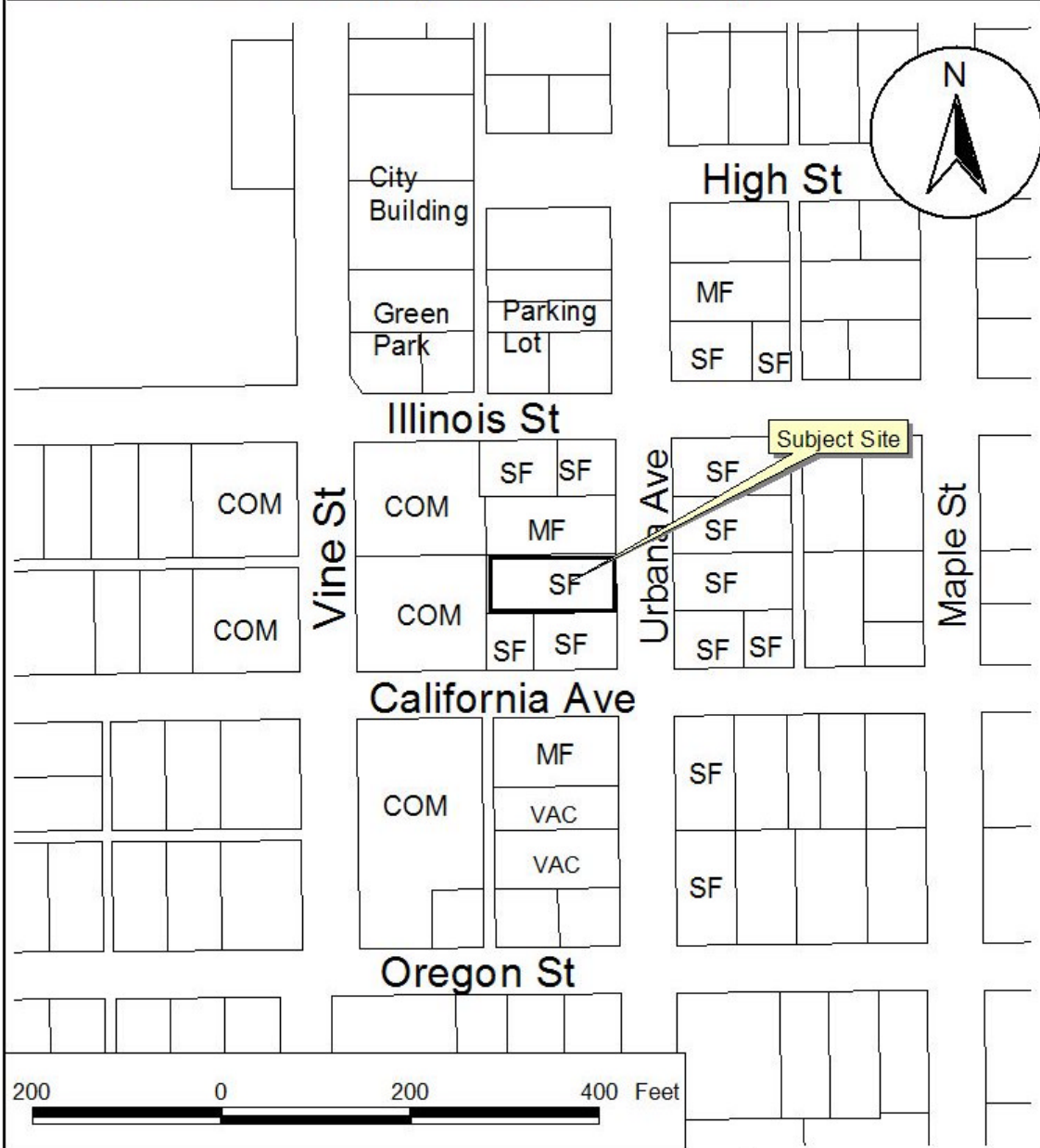
- B-3, General Business
- B4 - Central Business
- R2 - Single Family
- R3 - Single- and Two-Family Residential
- R-5, Medium High Density Multiple-Family Residential
- R6 - High Density Multiple Family Residential



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 from R-3 Single and Two-Family Residential  
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Prepared 7/07/04 by Community Development Services - pal

# Exhibit "C": Existing Land Use Map



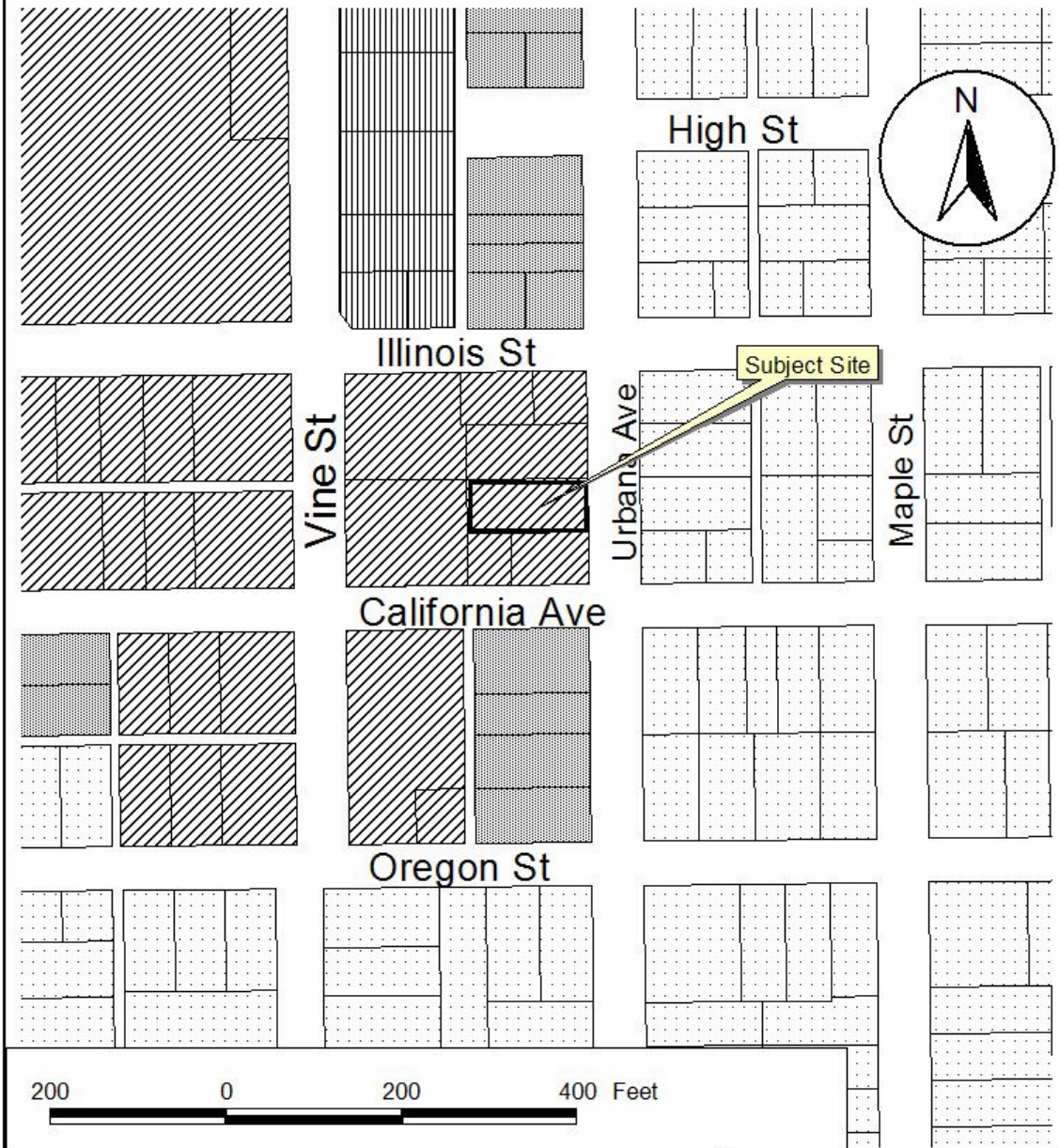
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VAC - Vacant  
 SF - Single Family  
 MF - Multi Family  
 COM - Commercial







# Exhibit "D": Future Land Use Map



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-  Commercial
-  Low Density Residential
-  Institutional
-  High Density Residential

## Exhibit "E" : Aerial Photo



Plan Case: 1901-M-04  
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from R-3 Single and Two-Family Residential  
to R-4 Medium Density Multiple Family Residential  
Petitioner: Frederick Enterprises, Inc.

Prepared 7/07/04 by Community Development Services - pal



# R-3 SINGLE- AND TWO-FAMILY RESIDENTIAL ZONING DISTRICT

## ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-3 Zoning District is as follows:

"The R-3 Single- and Two-Family Residential District is intended to provide areas for low density residential development, including single-family attached and detached dwellings and two-family dwellings."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the R-3 District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Board of Zoning Appeals.

### PERMITTED USES:

#### **Public and Quasi-Public Facilities -**

Public Elementary, Junior High School or Senior High School

Public Park

#### **Residential Uses -**

Community Living Facility, Category I

Community Living Facility, Category II

Duplex Dwelling

Duplex Dwelling (Extended Group Occupancy)

Single Family Dwelling (Extended Group Occupancy)

Single Family Dwelling

Two-unit Common-Lot-Line Dwelling

#### **Resource Production and Agricultural Uses –**

Agriculture, Cropping

#### **Business Uses –**

Country Club or Golf Course

### SPECIAL USES:

#### **Public and Quasi-Public Facilities -**

Church or Temple

Electrical Substation

Institution of an Educational, Philanthropic or Eleemosynary Nature

Police or Fire Station

Public Library, Museum or Gallery

#### **Residential Uses –**

Residential Planned Unit Development

### CONDITIONAL USES:

#### **Public and Quasi-Public Facilities -**

Municipal or Government Building

Telephone Exchange

#### **Residential Uses –**

Bed and Breakfast, Owner Occupied

## R-3 Zoning District Summary cont .

### Conditional Uses cont.

#### **Resource Production and Agricultural Uses –**

Artificial Lake of one (1) or more acres

#### **Business Uses -**

Lodge or Private Club.

Private Kindergarten or Day Care Facility

### DEVELOPMENT REGULATIONS IN THE R-3 DISTRICT

ZONE	MIN LOT SIZE	MIN OR AVERAGE WIDTH	MAX HEIGHT	MAX FAR	MIN OSR	MIN FRONT YARD	MIN SIDE YARD	MIN REAR YARD
R-3	6,000 <sup>1</sup>	60' <sup>2</sup>	35'	0.40	0.40	15' <sup>3</sup>	5'	10'

**FAR= FLOOR AREA RATIO**

**OSR= OPEN SPACE RATIO**

<sup>1</sup> In the R-3 District, any lot platted after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than nine thousand (9,000) square feet. A lot platted on or before December 21, 1970 on which there is proposed to be erected or established a duplex, shall contain an area of not less than six thousand (6,000) square feet.

<sup>2</sup> In the R-3 District, any lot platted after December 21, 1970, on which there is proposed to be erected or established a duplex shall have an average width of not less than eighty (80) feet. A lot platted on or before December 21, 1970 on which there is proposed to be erected or established a duplex shall have an average width of not less than sixty (60) feet.

<sup>3</sup> In the R-3 District, the required front yard shall be the average depth of the existing buildings in the block, or 15 feet, whichever is greater as required in Section VI-5-D(1).

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, IL 61801  
(217) 384-2440  
(217) 384-2367 fax  
[www.city.urbana.il.us](http://www.city.urbana.il.us)

Revised 4/12/02



# R-4 MEDIUM 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-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 and Conditional Uses in the R-4 District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Board of Zoning Appeals.

### PERMITTED USES:

#### **Public and Quasi-Public Facilities -**

Church or Temple  
Institution of an Educational, Philanthropic, or  
Eleemosynary Nature  
Municipal or Government Building

Public Elementary, Junior High School or Senior  
High School  
Public Library, Museum or Gallery  
Public Park

#### **Residential Uses -**

Boarding or Rooming House  
Community Living Facility, Category I, Category  
II and Category III  
Dormitory  
Duplex Dwelling  
Duplex Dwelling (Extended Group Occupancy)

Multifamily Dwelling  
Single Family Dwelling (Extended Group  
Occupancy)  
Single Family Dwelling  
Two-Unit, Common-Lot-Line Dwelling

#### **Resource Production and Agricultural Uses –**

Agriculture, Cropping

#### **Business Uses –**

Country Club or Golf Course

### SPECIAL USES:

#### **Public and Quasi-Public Facilities -**

Police or Fire Station  
Parking Garage or Lot

#### **Residential Uses -**

Home for Adjustment  
Residential Planned Unit Development

#### **Business Uses –**

Professional and Business Office

R-4 Zoning District Summary cont.

**CONDITIONAL USES:**

**Public and Quasi-Public Facilities** -

Electrical Substation  
Telephone Exchange

**Residential Uses** -

Home for the Aged  
Nursing Home

Bed and Breakfast, Owner Occupied

**Resource Production and Agricultural Uses** -

Artificial Lake of one (1) or more acres

**Business Uses** -

Private Kindergarten or Day Care Facility  
Lodge or Private Club

Residential Athletic Training Facility

**DEVELOPMENT REGULATIONS IN THE R-4 DISTRICT**

ZONE	MIN LOT SIZE	MIN OR AVERAGE WIDTH	MAX HEIGHT	MAX FAR	MIN OSR	MIN FRONT YARD	MIN SIDE YARD	MIN REAR YARD
R-4	6,000	60	35'	0.50	0.35	15' <sub>1</sub>	5'	10'

1. In the R-4 District, the required front yard shall be the average depth of the existing buildings in the block, or 15 feet, whichever is greater as required in Section VI-5-D(1).

**FAR= FLOOR AREA RATIO**

**OSR= OPEN SPACE RATIO**

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, IL 61801  
(217) 384-2440  
(217) 384-2367 fax  
[www.city.urbana.il.us](http://www.city.urbana.il.us)

Revised 4/12/02





DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES  
Planning Division  
400 S. Vine  
Urbana, IL 61801  
(217) 384-2440

July 7, 2004

**NOTICE OF PUBLIC HEARING IN REGARD TO A PROPOSED REZONING**

Dear Property Owner:

NOTICE IS HEREBY GIVEN to all interested persons that a public hearing will be held by the Plan Commission of the City of Urbana, Illinois, on Thursday, July 22, 2004 at 7:30 P.M. in the Urbana City Council Chambers at 400 South Vine, Urbana, Illinois, at which time and place the Commission will consider a request in Plan Case 1901-M-04.

**Plan Case 1901-M-04** is a request to rezone property located at **505 South Urbana Avenue**, Urbana, Illinois from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple-Family Residential.

Detailed information on this case is available at the City of Urbana Community Development Services Department, 400 South Vine Street, Urbana, Illinois 61801. The case is subject to change during the public hearing process.

You have been sent this notice because you are a nearby property owner. The Urbana Plan Commission welcomes your comments at the public hearing, or in writing if received prior to the hearing.

Persons with disabilities needing services or accommodations for this public hearing should contact the Community Development Services Department at 384-2444, or the City of Urbana Americans with Disabilities Act Coordinator at 384-2466, or TTY 384-2360. If you have any questions concerning these requests, please feel free to contact me at (217) 384-2440.

Sincerely,

Rob Kowalski, AICP  
Planning Manager

Cc: Mayor & City Councilmembers