



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Matt Wempe, Planner I

DATE: November 4, 2005

SUBJECT: Plan Case 1964-M-05: A request to rezone 2007 N. Lincoln Avenue from IN, Industrial to B-3, General Business

Introduction

Marathon/Speedway Super America has requested that a portion of their property at 2007 N. Lincoln Avenue be rezoned from IN, Industrial to B-3, General Business. The portion of the property zoned IN, Industrial is currently occupied as a Speedway gas station, and the remainder of the property is vacant. As shown on Exhibit B, the remainder of the property is already zoned B-3, General Business.

The petitioners are in the process of relocating the gas station to the southwest corner of Killarney and Lincoln. A minor plat is currently being reviewed by staff that will join the two tracts into a single tract. Although the property will become a single tract, this does not automatically change the zoning of either tract. The petitioners have indicated that once the construction of the new Speedway gas station is complete, the property will be subdivided to create a lot for the gas station and, another for any subsequent commercial development.

Background

The site has been a service/gas station for many years, and has always been operated by Marathon/Speedway. The property used to be part of a larger industrial tract that has since been developed as the Holiday Inn, Ramada Inn, and the existing Speedway gas station. While the station property was never rezoned, the City encouraged the remainder of the property to be rezoned to a commercial zoning district. There are two existing curb cuts along Lincoln Avenue, both of which will be utilized for future development.

As part of the minor plat, the petitioners have agreed to install sidewalks along Killarney. A four-foot sidewalk already exists along Lincoln Avenue.

Adjacent Land Uses and Zoning Designations

The property is surrounded by a number of commercial, residential, and lodging uses. Immediately west and north of the property are several hotels and a convention center. To the east are a regional commercial use (Andrae's Harley-Davidson), a gas station and another hotel. Capstone Condominiums, an upscale condominium development targeted towards students, is located immediately south of the property.

The property is located immediately south of the Lincoln Avenue / I-74 interchange. The majority of properties near the interchange are currently zoned B-3.

Zoning and Land Use Table

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	2005 Comprehensive Plan – Future Land Use
Subject Property	IN, Industrial	Gas Station	Regional Business
North	B-3, General Business	Hotel	Regional Business
South	R-5, Medium High Density Multiple Family Residential	Student Condominiums	Multiple Family Residential
East	B-3, General Business	Commercial	Regional Business
West	B-3, General Business	Hotel and Convention Center	Regional Business

Issues and Discussion

The County zoning for this area has traditionally been industrial, and many of the sites along Lincoln Avenue that are still unincorporated are zoned County IN, Industrial. Over the years, many of the properties along Lincoln Avenue have been rezoned to B-3 (including a number of gas stations) to take advantage of proximity to the highway interchange.

The tract is currently surrounded by property owned by the petitioner that is already zoned B-3. The petitioner is platting the site into a single tract and constructing a new gas station at the southwest corner of Killarney and Lincoln. They intend to market the remaining acreage for commercial uses. This is consistent with the future land use recommendation from the 2005 Urbana Comprehensive Plan. The Plan recognized the need for commercial opportunities to serve adjacent residences and hotels, and this site is the last undeveloped property with direct frontage on Lincoln Avenue.

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.

While there are industrial uses along North Lincoln Avenue, the majority of properties immediately adjacent to the Lincoln Avenue / I-74 interchange are zoned B-3. The existing uses include hotels, restaurants, gas stations and a motorcycle dealer. Most of these businesses are aimed at taking advantage of the proximity to the highway interchange and offer commercial opportunities to both Urbana residents and travelers. The B-3 District allows a greater breadth of uses compared to the IN District, and would allow the petitioners to better market their property for commercial uses. The existing gas station would be allowed in both districts, so the zoning is primarily intended to serve as a marketing tool to attract other businesses to the property.

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 IN, Industrial and the value it would have if it were rezoned to B-3, General Business, to permit the proposed use.

The B-3 District offers a larger breadth of commercial uses than the IN District, especially when related to retail uses. If the property is rezoned, a wider variety of uses are possible on the property, thus creating a broader appeal for the site. This would presumably make the site more valuable to the petitioner.

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 of zoning on the value of the property. Therefore, any discussion pertaining to specific property values should be considered speculative.

3. *The extent to which the ordinance promotes 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 question here applies 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?

A gas station is permitted by right in either the IN or B-3 Districts, so there is no difference with regard to the current use. The current zoning is not consistent with the City's desire to see this land develop as regional business, as identified in the 2005 Urbana Comprehensive Plan.

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 location of the property (immediately off one of the two highway exits in Urbana) lends the site to commercial uses. Many of the other properties on Lincoln Avenue near the interchange have already been rezoned from IN to B-3. The area has developed uses that are consistent with the proximity to the highway, including hotels, a restaurant, and gas stations.

In addition to the highway proximity, the site is adjacent to a number of larger student apartment buildings, hotels, and a convention complex. Currently, students and travelers have no option but to drive several miles to the nearest commercial areas. The site offers an ideal location to serve the needs of students and travelers without the need to travel to the North Prospect area.

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 has been developed as a service/gas station for a number of years. The remainder of the site is currently vacant, which is more likely a result of the gas station location rather than zoning. The intention of the rezoning is to allow for development on the remainder of the site when the gas station relocates. Since the rest of the site is currently zoned B-3, it is desirable for the property to have consistent zoning.

Summary of Staff Findings

1. The property surrounding the tract, also owned by the petitioner, is already zoned B-3, General Business.
2. The proposed B-3, General Business zoning for the subject property is generally consistent with the overall goals of the 2005 Urbana Comprehensive Plan and future land use intent for the area.
3. The majority of properties adjacent to the Lincoln Avenue / I-74 interchange have been rezoned B-3, General Business to take advantage of proximity to the highway interchange.
4. The location of the site in close proximity to the highway interchange makes the subject property desirable as a commercial land use to serve travelers and adjacent hotel patrons.
5. The location of the site in close proximity to student apartment complexes makes the subject property desirable as a commercial land use to serve the daily needs of students.

6. 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 1943-M-05, the Plan Commission may:

1. Forward this case to City Council with a recommendation for approval.
2. Forward this case to City Council with a recommendation for denial.

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. 1964-M-05 to the Urbana City Council with a recommendation for **APPROVAL**.

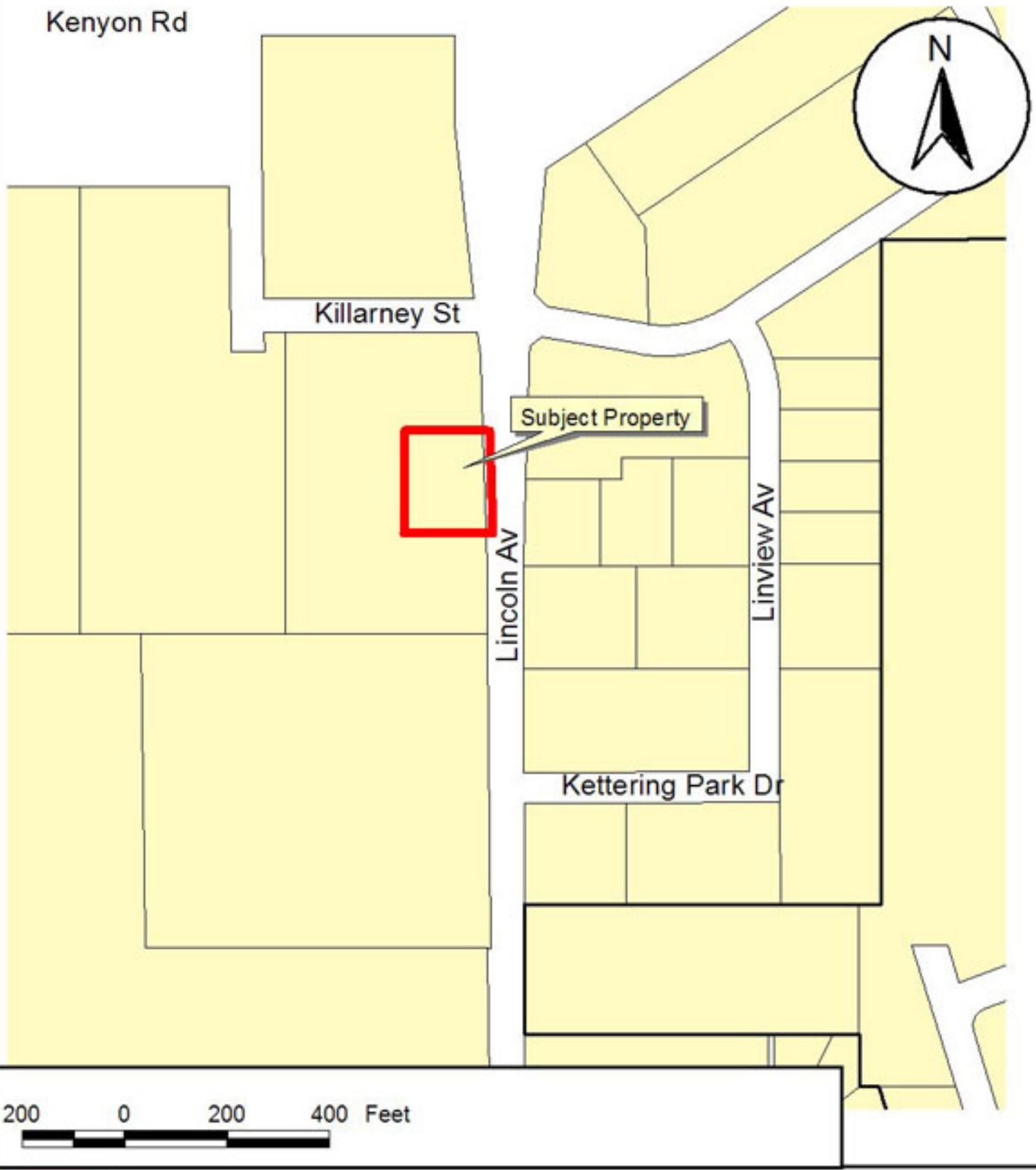
Prepared by:

Matt Wempe, Planner I

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Existing Land Use Map
Exhibit D: Future Land Use Map
Exhibit E: Aerial Map

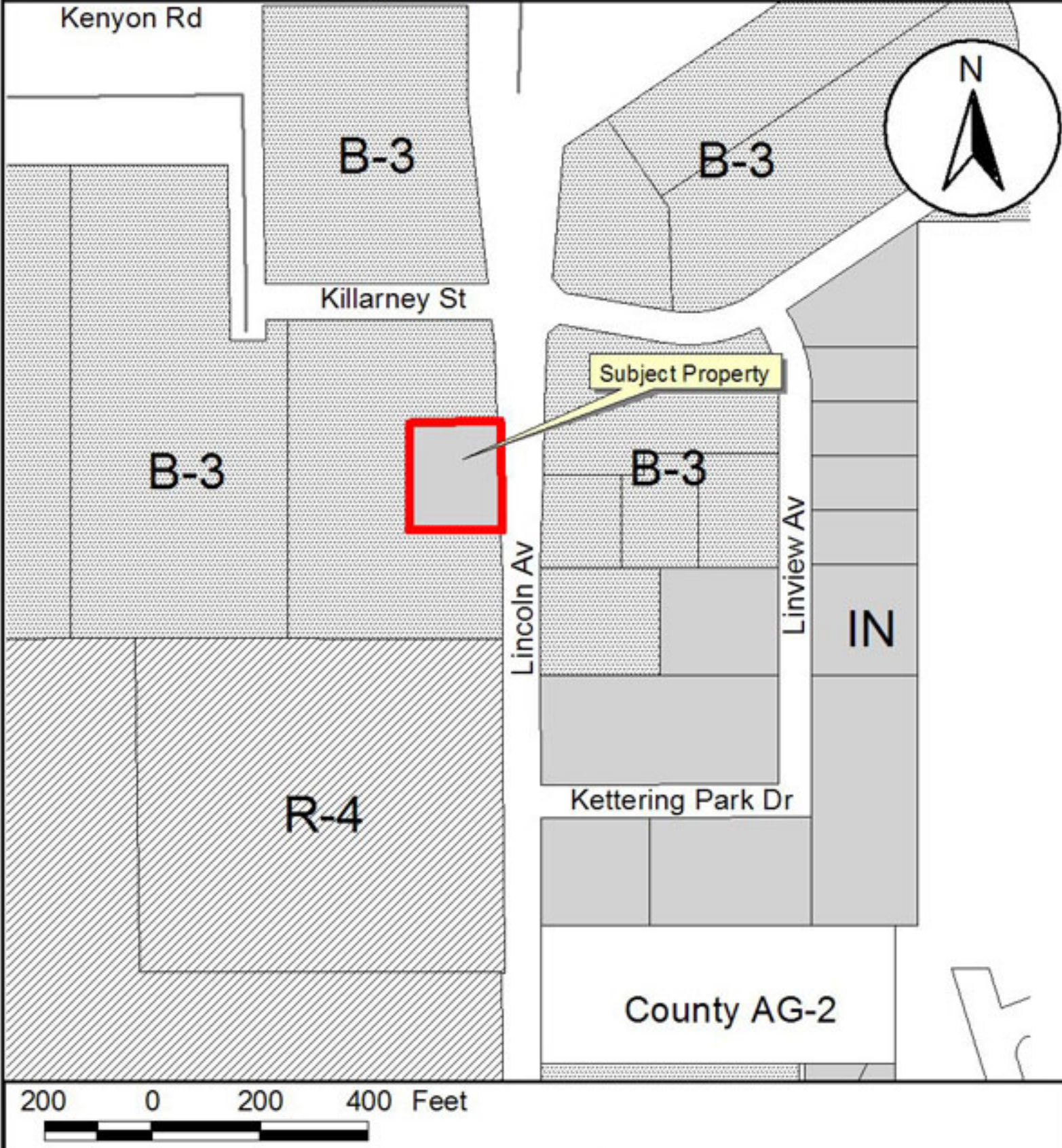
CC: Jan Fiola
Corporate Design Group
261 S. Roselle Road
Schaumburg, IL 60193

Exhibit A: Location Map



Plan Case: 1964-M-05
Petitioner: Speedway Super America
Location: SW Corner of Killarney and Lincoln
Description: Rezone from IN to B-3

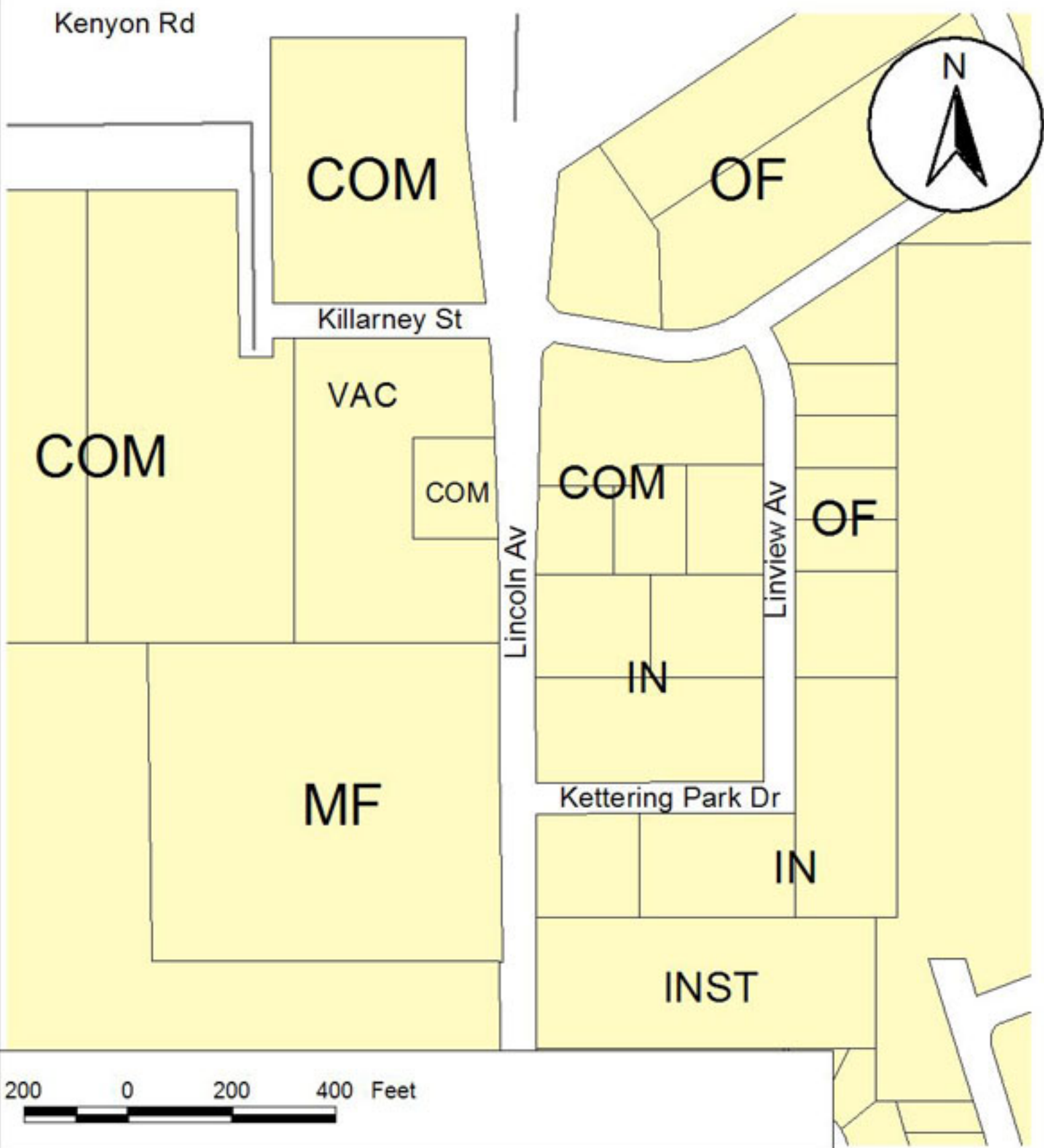
Exhibit B: Zoning Map



Plan Case: 1964-M-05
Petitioner: Speedway Super America
Location: SW Corner of Killarney and Lincoln
Description: Rezone from IN to B-3

- R4 - Medium Density Multiple-Family
- IN - Industrial
- B3 - General Business

Exhibit C: Existing Land Use Map

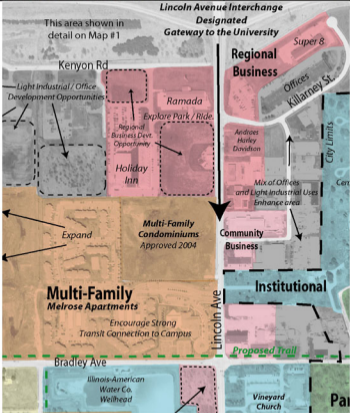


Plan Case: 1964-M-05
Petitioner: Speedway Super America
Location: SW Corner of Killarney and Lincoln
Description: Rezone from IN to B-3

Prepared 10/26/2005 by Community Development Services - mhw

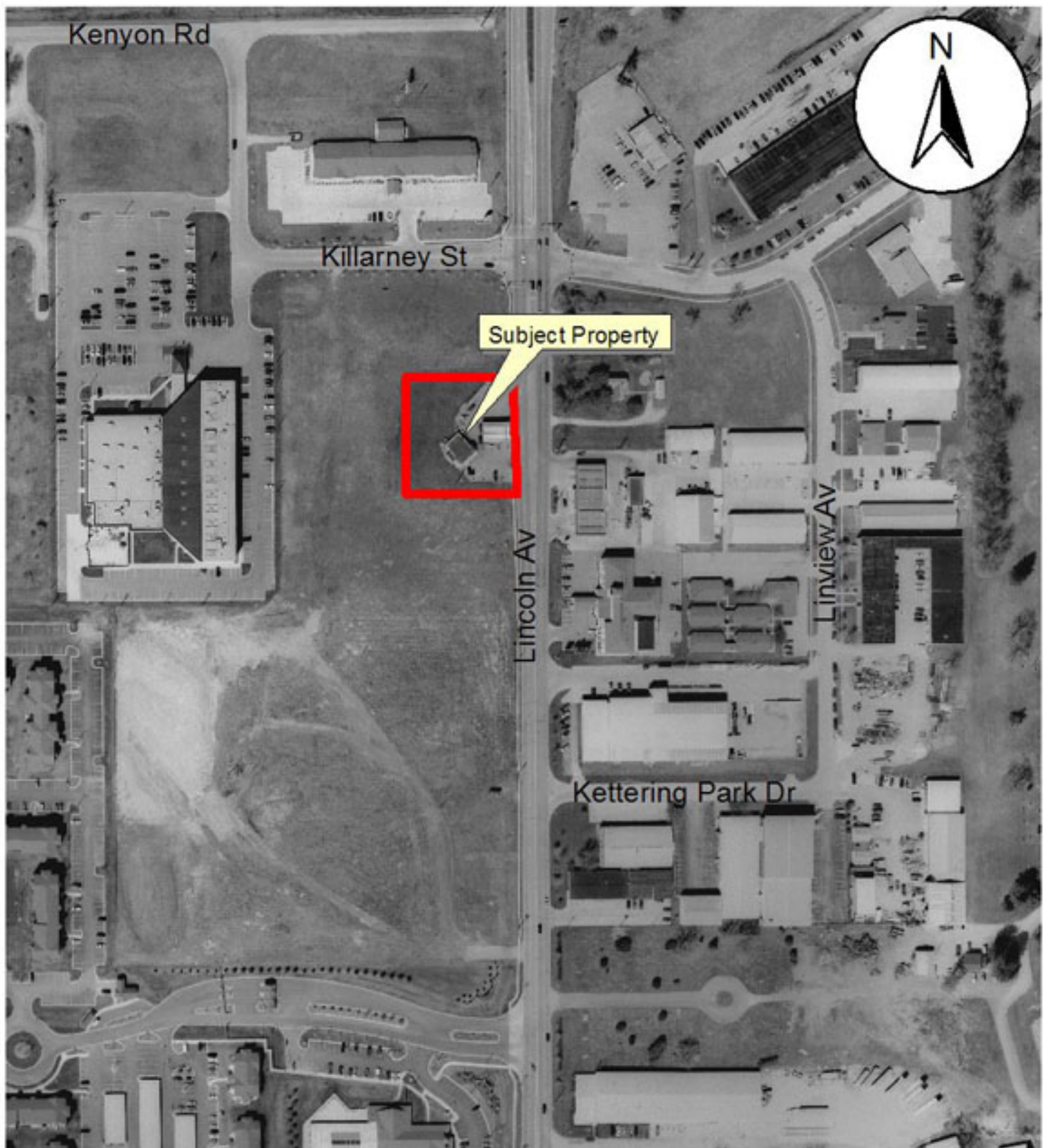
MF - Multi-Family
OF - Office
COM - Commercial
IN - Industrial
INST - Institutional

Exhibit D: Future Land Use Map



Plan Case: 1964-M-05
Petitioner: Speedway Super America
Location: SW Corner of Killarney and Lincoln
Description: Rezone from IN to B-3

Exhibit E: Aerial Map



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