



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Robert Myers, AICP, Planning Manager

DATE: June 16, 2006

SUBJECT: Plan Case 1999-M-06: A request to rezone 15 properties located in the 800 block of W. Clark Street from B-2, Neighborhood Business – Arterial and R-4, Medium Density Multiple Family Residential to B-3, General Business District and B-3U, General Business -- University District.

Introduction and Background

This case is a request by members of the Wakeland family to rezone 15 parcels in the 800 block of West Clark Street from B-2, Neighborhood Business – Arterial and R-4, Medium Density Multiple Family Residential to B-3 (General Business District) and B-3U (General Business – University District). All of the parcels are owned by the petitioners and are contiguous with commercial property also owned by the petitioners at the southeast corner of University and Lincoln Avenues (currently occupied by Wakeland Rental and the English Hedgerow Store and Restaurant). Rezoning would allow for lot consolidation and redevelopment of a relatively large area at the southeast quadrant of University and Lincoln Avenues. Lincoln Avenue is the main gateway between Interstate 74 and the University of Illinois campus, and University Avenue is one of Urbana's primary commercial corridor in terms of vehicle trips.

In addition to the rezoning, the petitioners have asked the City of Urbana to also consider vacating an alley located behind The English Hedgerow, as well as to possibly vacate the 800 block of West Clark Street in order to provide a consolidated development site with improved opportunities for access off of Lincoln Avenue. This request, however, is separate from the rezoning petition presently being considered and will require separate action by the City Council. Alley and street vacations require approval by all affected property owners. Street vacations also require a public hearing before the City Council and neighborhood notices. If all 15 properties, The English Hedgerow site on University Avenue, as well as the alley and Clark Street right-of-way were consolidated into one development property, it would comprise a redevelopment site of up to 4.1 acres.

According to the petitioners (see application and letter from Attorney Jenny Park), the requested rezoning is desirable for the following reasons: 1) to create a consolidated redevelopment site as described above; 2) to better match the zoning to the development vision expressed in the 2005 Comprehensive Plan; and 3) to reduce the level of split zoning and midblock zoning breaks currently found in the area of common ownership. The owners have actively marketed the site for redevelopment over the past few years, but have been unable to attract a developer due to the current zoning and access

pattern and because the properties are not zoned consistent with the development potential of the site, as expressed in the Comprehensive Plan. Developers that been in touch with the owners have expressed a desire to develop a variety of commercial or mixed commercial/residential uses along University and Lincoln Avenues and higher density residential uses in the southern portion of the site along the south side of Clark Street.

The parcels under consideration for rezoning are occupied by single-family rental units and apartments. Those properties on the south side of Clark Street back up to single-family homes in the 800 block of West Main Street, and some Main Street property owners have expressed a strong concern that rezoning could allow incompatible development behind their homes. To be included as part of this rezoning petition, setbacks, transitions, and buffers for properties on the south side of Clark Street must be sensitive to adjacent single-family properties on Main Street. The potential for commercial uses in the eastern portion of the south Clark Street properties should also be restricted for improved compatibility with these homes. The petitioners have indicated his willingness to abide by land use and buffering restrictions that may be placed in this area (See letter from Jenny Park attached to Petition).

Current Zoning: R-4 (Medium Density Multiple-Family Residential) and B-2 (Neighborhood Business – Arterial)

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-4 zoning district regulations are 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.”

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-2 zoning district regulations are as follows:

“The B-2, Neighborhood Business-Arterial District is intended to provide areas of limited size along arterial streets in proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide areas for new high density residential uses. These business and residential uses may occur in the same structure. Due to the location of arterial streets in many residential neighborhoods where commercial and high density residential uses would not be appropriate, the B-2 District shall be limited to only those areas that have been so designated by the City’s adopted Comprehensive Plan and related amendments.”

A significant requirement of the district from the Urbana Zoning Ordinance Section V-7 is as follows:

“In the B-2 District, if the floor area of a principal structure is to be occupied by a residential use of more than three thousand (3,000) square feet, a business use shall also be established on the zoning lot. When a business use is required, the floor area devoted to the business use shall be equal to or greater than twenty-five percent (25%) of the total floor area that is occupied by the residential use on the zoning lot. When a business use is required, the use shall conform to the list of uses permitted in the B-2 District as designated in Table V-1.”

Proposed Zoning: B-3 (General Business District) and B-3U (General Business – University District)

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3, General Business District regulations are as follows:

“The B-3, General Business District is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City.”

Also according to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3U, General Business – University District regulations are as follows:

“The B-3U, General Business-University District is intended to provide areas in proximity to the University of Illinois for a range of business and office uses to meet the needs of persons and businesses associated with the University. This district is also intended to provide areas for high density residential uses to insure an adequate supply of housing for persons who desire to reside near the campus. These business and residential uses may occur as mixed uses in the same structure. The development regulations in this district are intended to allow buildings which are compatible with the size and scale of the University’s buildings.”

Table VI-1 of the Zoning Ordinance lists many business, retail, office, institutional, and residential uses as permitted by right in the B-3 and B-3U zoning districts.

Adjacent Land Uses and Zoning Designations

The 15 properties under consideration for rezoning are mostly occupied by single-family homes used as rental units but include one apartment building. This block of Clark Street is bounded by Lincoln Avenue on the west, properties fronting along University Avenue and a railroad right-of-way on the north, Busey Avenue on the east, and properties fronting on Main Street to the south. Properties along Busey Avenue to the east of the site include warehouses and St. Patrick’s Church to the south. There is also a small apartment building at the southwest corner of Clark Street and Busey Avenue that is not owned by the petitioners and is not included in the rezoning request.

Zoning and Land Use Table

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

Location	Current Zoning*	Existing Land Use	2005 Comprehensive Plan – Future Land Use
Subject Properties	B-2 and R-4 (north side of Clark St.) R-4 (south side of Clark St.)	Single-Family and Multi-Family Residential	“Community Business” (north side of Clark St.) “Campus Mixed-Use” and “Multi-Family” (south side of Clark St.)
North	B-3 (along University Ave.)	Commercial	“Community Business”

South	R-2 (along Main St.)	Single-Family Residential	“Residential”
East	B-3 (east of Busey Ave.) R-4 (west of Busey Ave.)	Commercial Apartments	“Institutional” (east of Busey Ave.) Multi-Family” (west of Busey Ave.)
West	B-3U (west of Lincoln Ave.)	Residential	“Campus Mixed Use” (west of Lincoln Ave.)

*R-2 is Single-Family Residential District

R-4 is Medium Density Multiple-Family Residential District

B-2 is Neighborhood Business – Arterial District

B-3 is General Business District

Issues and Discussion

In considering the zoning map amendment for the subject properties, the Plan Commission must consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City's 2005 Comprehensive Plan and zoning law decisions in the Illinois Courts provide a framework for this consideration.

2005 Comprehensive Plan

The Urbana 2005 Comprehensive Plan Map #8 designates the Future Land Use of the subject property as “Community Business” north of Clark Street, and “Campus Mixed Use” and “Multi-Family” south of Clark Street. More specific descriptions of these future land use designations are as follows:

“Community Business. Community Business centers are designed to serve the overall community as well as the immediate neighborhood but are less intense than regional commercial centers. Located along principal arterial routes at major intersections. Community Business centers contain a variety of business and service uses at scales and intensities that make them generally compatible with surrounding neighborhoods. Encourage planned-unit developments to create a variety of uses, and to transition intensities to adjoining neighborhoods. Design facilities to permit pedestrian, bicycle, and transit access as well as automobile traffic.” Page 63

“Campus Mixed Use. The Campus Mixed-Use classification is intended for limited areas that are close to campus. These areas promote urban-style private development with a mix of uses that commonly include commercial, office and residential. Design Guidelines shall ensure that developments contain a strong urban design that emphasizes a pedestrian scale with buildings close to the street, wide sidewalks, and parking under and behind structures. The design and density of development should capitalize on existing and future transit routes in the area. Large-scale developments containing only single uses are discouraged within this classification.” Page 65

“Multi-Family Residential. 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 provisions for transit service and pedestrian access.” Page 60

Additionally, at the intersection of University and Lincoln Avenues, the Comprehensive Plan shows, “Promote as ‘gateway’ to University District through architecture and urban design, of mixed use redevelopment”.

In summary, the proposed rezoning would be generally consistent with the overall goals and intent of the 2005 Comprehensive Plan. Proposed B-3 zoning north of Clark Street would be consistent with the

plan's Community Business designation. Proposed B-3U zoning south of Clark Street is consistent with the future land use designation of "Campus Mixed Use" and can be consistent with the designation of "Multi-Family Residential" in that B-3U zoning allows multi-family dwellings. The petitioners have indicated that their purpose for rezoning to that district is that it allows apartments to be constructed to urban standards.

It should be emphasized that the Multi-Family Residential land use designation in the Comprehensive Plan recognizes the need for "...a density buffer when transitioning to a lower-density residential area". Having a meaningful buffer along the south property line will be necessary to properly transition to single-family homes fronting on Main Street. Limitation of land uses in the area shown as "Multi-Family Residential" to multi-family residential or limited mixed use residential is also proposed by the petitioners.

Comprehensive Plan Goals, Objectives and Policies

The proposed zoning amendment should be considered in light of other goals, objectives and policies contained in the 2005 Comprehensive Plan. The following objectives of the 2005 Urbana Comprehensive Plan relate to this case:

Goal 1.0 Preserve and enhance the character of Urbana's established residential neighborhoods.

Objectives

- 1.5 Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

Goal 2.0 New development in an established neighborhood will be compatible with the overall urban design and fabric of that neighborhood.

Objectives

- 2.1 Ensure that the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood.

Goal 4.0 Promote a balanced and compatible mix of land uses that will help create long-term, viable neighborhoods.

Objectives

- 4.2 Promote the design of new neighborhoods that are convenient to transit and reduce the need to travel long distances to fulfill basic needs.
- 4.3 Encourage development patterns that offer the efficiencies of density and a mix of uses.

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

- 16.1 Encourage a mix of land use types to achieve a balanced growing community.
- 16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.

Goal 17.0 Minimize incompatible land uses.

Objectives

- 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 18.0 Promote infill development.

Objectives

- 18.1 Promote the redevelopment of underutilized property using techniques such as tax increment financing, redevelopment loans/grants, enterprise zone benefits, marketing strategies, zoning incentives, etc.

Goal 25.0 Create additional commercial areas to strengthen the city's tax base and service base.

Objectives

- 25.1 Provide a sufficient amount of land designated for various types of community and regional commercial uses to serve the needs of the community.
- 25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.
- 25.4 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

Goal 26.0 Improve the appearance of Urbana's commercial and industrial areas.

Objectives

- 26.1 Use a variety of available economic development tools (such as tax increment financing) to improve the appearance and functionality of Urbana's commercial and industrial areas.
- 26.2 Promote the beautification of commercial areas especially along University Avenue, Cunningham Avenue, and Philo Road.

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 established factors for evaluating the legal validity of a change of 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 petitioners. These factors should be reviewed as a whole, and no one factor should be considered as controlling.

1. The existing land uses and zoning of 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.

Rezoning to B-3 on the north side of Clark Street from the existing B-2 and R-4 districts would be consistent with the existing B-3 zoning to the north and east, as well as existing B-3U zoning on the west and proposed B-3U zoning on the south. Rezoning to B-3U on the south side of Clark Street from the existing R-4 zoning district would be consistent with the proposed B-3 zoning on the north side of Clark Street as well as the existing B-3U zoning to the west. B-3U zoning could transition well with the existing R-4 zoning district to the east but would transition less well to the existing R-2 zoned properties to the south along Main Street. Special consideration should be given to setbacks, buffering, and land use transitions along the south part of this proposed rezoning area where it would adjoin the rear yards of homes in the 800 block of West Main Street.

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 currently zoned B-2 (Neighborhood Business – Arterial) and R-4 (Medium Density Multiple Family Residential) versus the value it would have if it were rezoned to B-3 (General Business) and B-3U (General Business – University).

The property owners have accumulated adjoining parcels over a period of years. If these 15 relatively small parcels can be rezoned and consolidated to create a commercially-zoned area of up to 4.1 acres, it is likely that the property's value will rise significantly. The current pattern of fragmented zoning and platting and shallow lot depth along major road frontages appear to be holding the property back from reaching its significant development potential. This significant potential is due to its location at the southeast quadrant of one of Urbana's busiest roadway intersections, as well as being the primary gateway to the University of Illinois campus from Interstate 74.

The rezoning factors provided by the La Salle case, which was decided in 1957, concern the change in value of the property to be rezoned rather than for adjoining properties. Regarding the values of adjacent areas, rezoning would logically lead to increased property values to the north, west, and east. The effect on residential properties just to the south is difficult to predict but would likely depend on having a proper transition of uses and sufficient setbacks and buffering south of Clark Street. Sensitive treatment on these issues can help insure that new development supports the property values of single-family homes along Main Street.

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.

Both the City of Urbana and Champaign County have policies encouraging infill development over development of "green field" sites on the edge of the urban area. The reasons for these policies include avoiding conversion of prime farmland to development, as well as enjoying the benefits of compact development such as reduced infrastructure costs and reduction of automobile dependence. If Urbana is to reduce outward growth, the city must promote infill and grow "upward". Unless developers can find vacant parcels within the current city limits, some existing buildings will have to be replaced with higher density development in order to reduce outward growth. There are other benefits to allowing infill development at a higher density in that mixed uses can be promoted, mobility can be enhanced and the overall urban quality can be improved.

For the reasons previously stated, the southeast quadrant of Lincoln and University Avenues is one of the sites with the highest potential for redevelopment in the City of Urbana. If these 15 relatively small parcels can be rezoned and consolidated to create a commercially-zoned area of up to 4.1 acres, a site will be created with good potential to meet the needs of both the community at large and University of Illinois in particular and the market potential of the site can be met. Increased tax revenues generated by

the redeveloped site would be a benefit to the public, as would the redevelopment of deteriorated properties.

While redevelopment of the site would involve the loss of rental housing units, the proposed rezoning would promote replacement with a larger number of units. The petitioners have stated that they intend for apartments or a mixed commercial/residential building to be constructed south of Clark Street.

The broad benefits accrued to the community by redevelopment of this site should not overshadow the concerns of the adjoining residential properties, specifically those in the 800 block of West Main Street. The concerns expressed include possible land use conflicts, as well as setbacks, buffering, and the need for transitioning of uses along common property lines.

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?

The site is addressed by the 2005 Comprehensive Plan which contains Future Land Use and development objectives considered to promote the public welfare. The Future Land Use designation of the property is Community Business, Campus Mixed Use, and Multi-Family Residential, which are generally compatible with the proposed B-3, General Business and B-3U General Business – University zoning. With the exception of the need to buffer the B-3U zone from the adjacent R-2 district, there is no great advantage to the public welfare offered by the current zoning relative to the proposed zoning districts. In addition, both the public and the property owner will be better served by the higher value of the property under the proposed B-3 and B-3U zoning.

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 subject property is well suited for redevelopment with commercial and residential uses under the proposed zoning districts. It is in an urbanized area that is well served by arterial and local roadways, utilities, transit, and access to goods and services. Many significant commercial uses are located near the site on Lincoln Avenue and University Avenue, including the campuses of the University of Illinois and Carle Clinic and Hospital. Creation of a consolidated redevelopment site as a result of the rezoning and requested alley vacation would help to improve the safety of access onto the site from Lincoln Avenue.

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 petitioners have made no claims that these 15 properties have remained vacant due to the current zoning.

Summary of Staff Findings

1. There are specific difficulties for development of this property that relate to fragmented zoning, platting, poor access, and lack of lot depth. The proposed rezoning would help to create a consolidated site that will allow redevelopment consistent with the vision expressed by the Comprehensive Plan.
2. The subject property is located at an intersection of two major commercial arterials in an area adjacent to the University that has a demonstrated need for commercial, mixed use, and multi-family residential uses.
3. The proposed B-3, General Business and B-3U, General Business – University zoning for the subject site is generally consistent with the overall goals and intent of the 2005 Comprehensive Plan and the Future Land Use designation for the area.
4. The proposed B-3, General Business and B-3U, General Business – University zoning would be compatible with existing B-3 zoning to the north and east and B-3U zoning to the west.
5. The proposed B-3U, General Business – University zoning would be less compatible with R-2 zoning to the south and will require transitional buffering and restrictions on use to residential and mixed-use residential to achieve compatibility.
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 1999-M-06, the Plan Commission may:

- a. Forward this application to the City Council with a recommendation for approval of this rezoning request, to include properties on the north side of Clark Street to B-3 (General Business District) and properties on the south side of Clark Street to B-3U (General Business – University District).
- b. Forward this application to the City Council with a recommendation for approval for a portion of the requested rezoning.
- c. Forward this application to the City Council with a recommendation for denial of this rezoning request.

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, City staff recommends that the Plan Commission forward Plan Case No. 1999-M-06 to the Urbana City Council with a recommendation for **APPROVAL**. For the properties on the south side of Clark Street, this recommendation is predicated on the need to apply a transitional buffer to the southern portion of these properties where they abut properties that are zoned R-2. The transitional buffer should be at least 15 feet in depth and should be designed to respond to the particular characteristics and needs of adjoining properties. This recommendation is further predicated on the restriction of uses in the area on the south side of Clark Street to multi-family residential and/or limited mixed use residential consistent with the descriptions contained within the Comprehensive Plan. These recommended limitations are consistent with the petitioners' stated intent.

While it is not possible to condition the proposed rezoning, the City of Urbana can require these restrictions by means of a separate development agreement with the petitioners and/or as part of an ordinance vacating the public alley along the northern boundary of the subject properties and/or any possible vacation of Clark Street that may subsequently be approved. Staff recommends that some form of agreement to guarantee these provisions be undertaken by the City Council as an associated action in close correspondence to final action on the rezoning.

Attachments:

Exhibit A:	Location Map	Exhibit F:	Re Zoning Application / Petition
Exhibit B:	Zoning Map	Exhibit G:	B-2, Zoning Description Sheet
Exhibit C:	Current Land Use Map w/ Aerial Photo	Exhibit H:	B-4, Zoning Description Sheet
Exhibit D:	Future Land Use Map		
Exhibit E:	Site Photos		

cc:

Howard Wakeland, 406 N Lincoln Ave, Suite 2, Urbana, IL 61801-2437

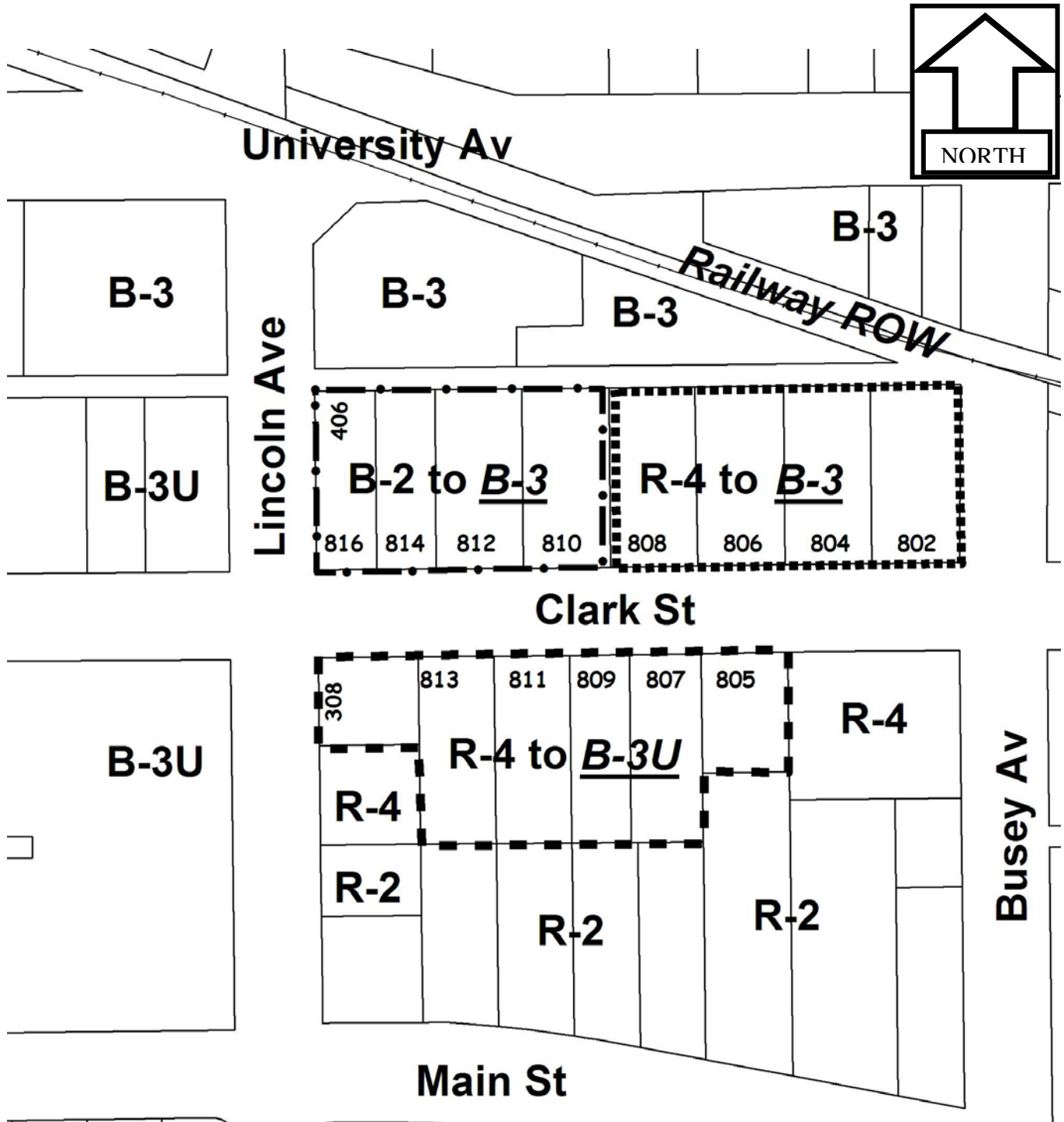
Ward F. McDonald, Meyer Capel Law Offices, 306 W Church Street, PO Box 6750,
Champaign, IL 61826-6750

Carolyn Baxley (6 copies)

Dan Folk

Location

EXHIBIT "A"

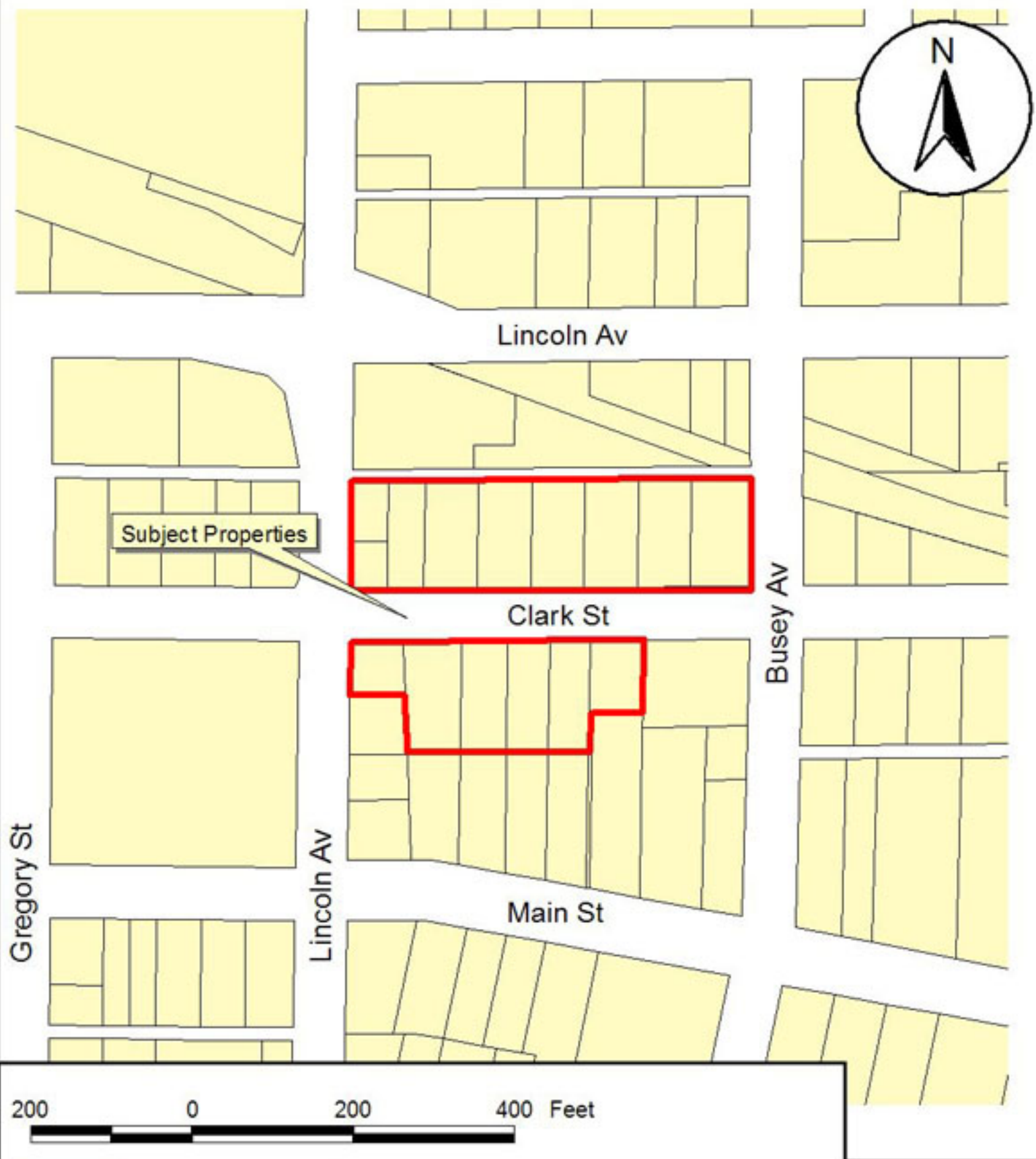


Plan Case: 1999-M-06 - Rezoning
Petitioner: Howard Wakeland
Location: 800 block West Church Street at Lincoln Avenue
Existing Zoning:
 R-4, Medium Density Multiple Family Residential,
 B-2, Neighborhood Business-Arterial

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R-4
 existing zoning
B-3
 Proposed zoning

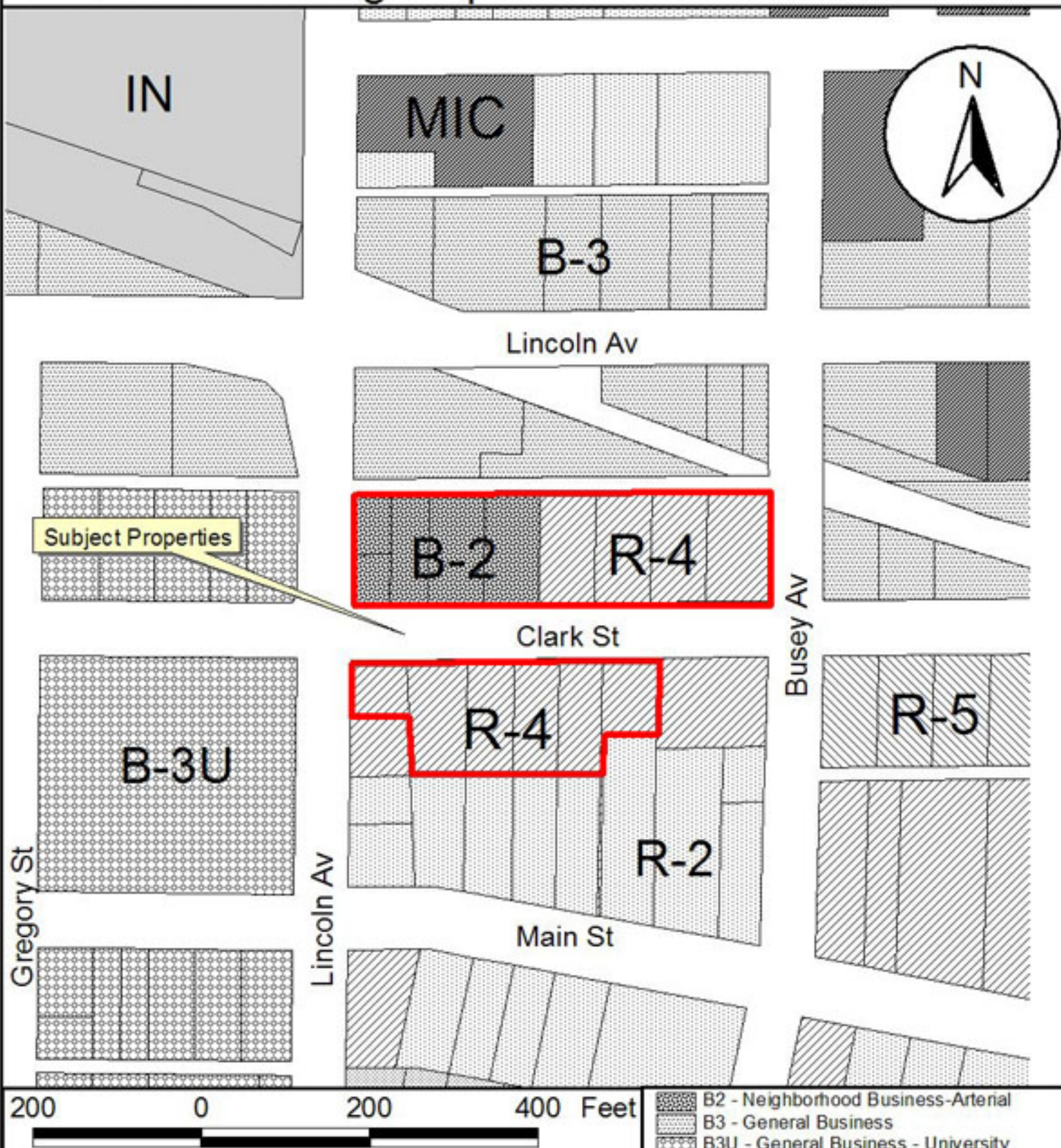
Exhibit A: Location Map



Plan Case: 1999-M-06
Petitioner: Howard Wakeland
Location: Clark Street between Lincoln and Busey
Description: Rezone multiple properties to B-3, General Business and B-3U, General Business-University

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Exhibit B: Zoning Map



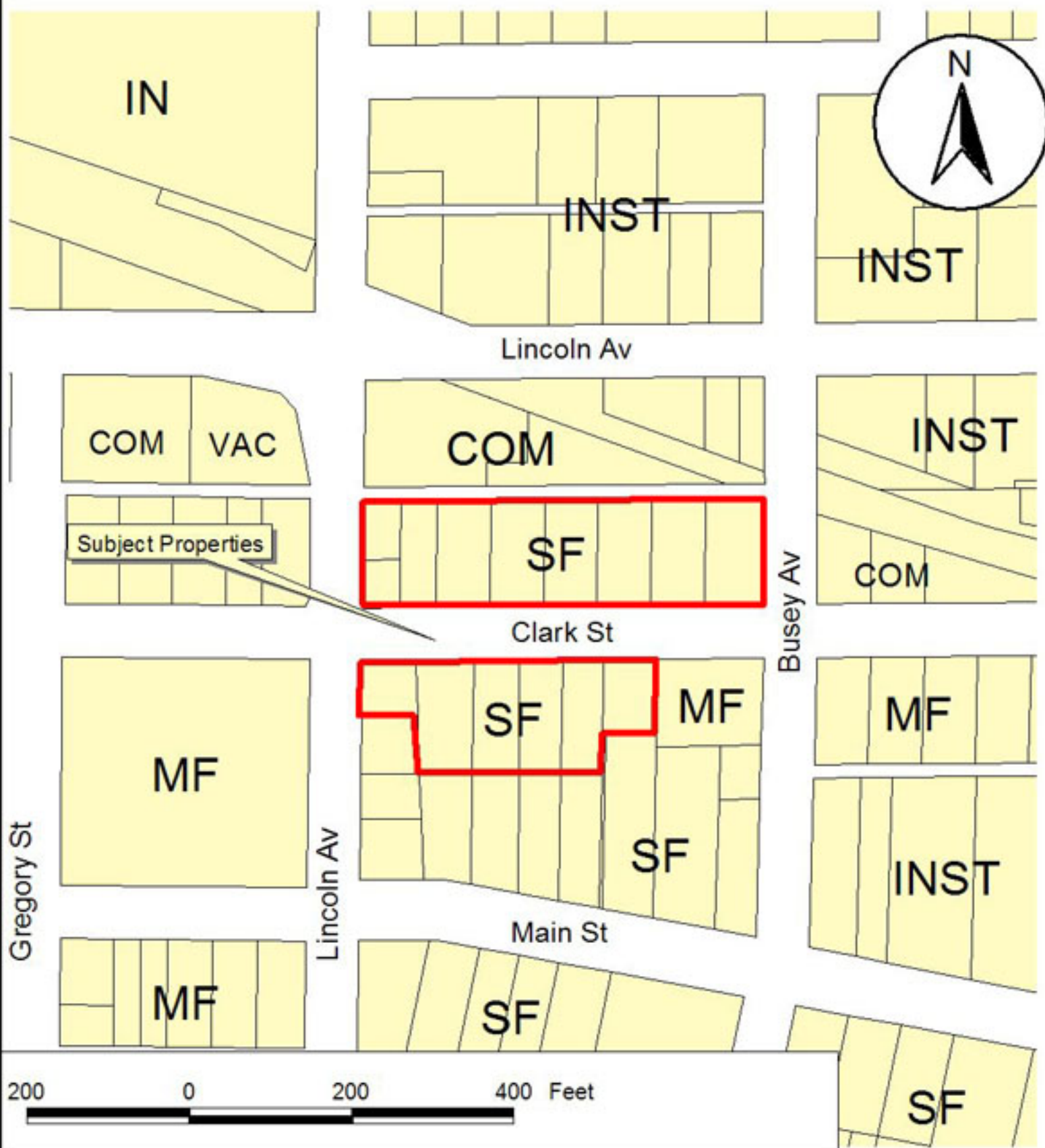
Plan Case: 1999-M-06
Petitioner: Howard Wakeland
Location: Clark Street between Lincoln and Busey
Description: Rezone multiple properties to B-3, General Business and B-3U, General Business-University

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- B2 - Neighborhood Business-Arterial
- B3 - General Business
- B3U - General Business - University
- IN - Industrial
- MIC - Medical Institutional Campus
- R2 - Single Family
- R4 - Medium Density Multiple-Family
- R5 - Medium High Density Multiple-Family

Exhibit C: Existing Land Use Map

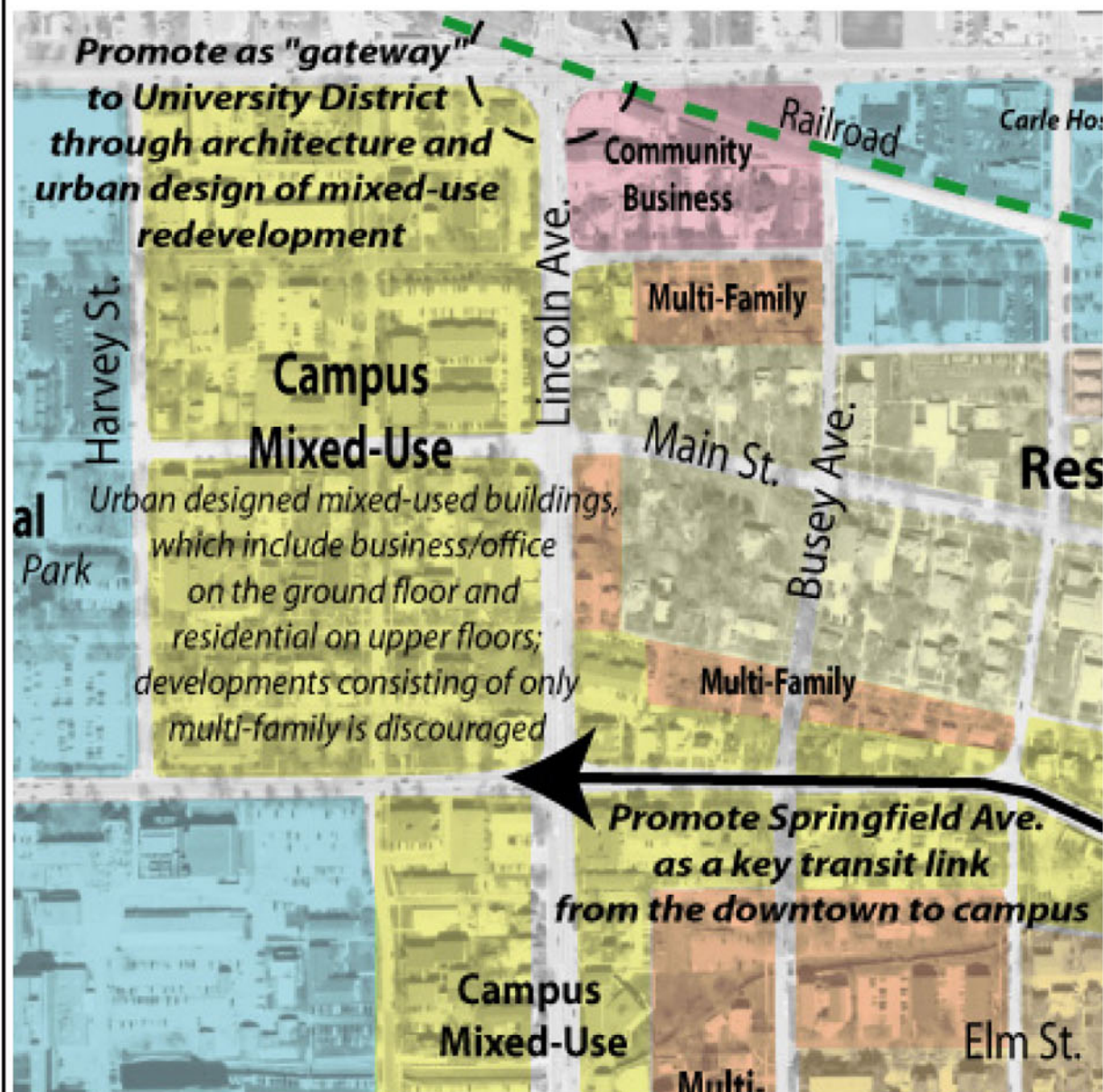


Plan Case: 1999-M-06
Petitioner: Howard Wakeland
Location: Clark Street between Lincoln and Busey
Description: Rezone multiple properties to B-3, General Business and B-3U, General Business-University

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COM - Commercial
INST-Institutional
IN - Industrial
SF - Single Family
MF - Multi Family
VAC - Vacant Land

Exhibit D: Future Land Use Map



Plan Case: 1999-M-06
Petitioner: Howard Wakeland
Location: Clark Street between Lincoln and Busey
Description: Rezone multiple properties to B-3, General Business and B-3U, General Business-University

Prepared 6/16/2006 by Community Development Services - mhw

Exhibit E: Aerial Map



Plan Case: 1999-M-06
Petitioner: Howard Wakeland
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Description: Rezone multiple properties to B-3, General Business and B-3U, General Business-University

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