



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** The Urbana Plan Commission

**FROM:** Lisa Karcher, Planner II

**DATE:** May 16, 2008

**SUBJECT:** Plan Case 2068-M-08: A request to rezone properties located at 701, 705 and 707 N. Lincoln Avenue; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street from R-2, Single-Family Residential to B-3U, General Business-University.

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### **Introduction and Background**

Howard Wakeland has applied to rezone nine properties generally located along the west side of N. Lincoln Avenue between Hill Street and Church Street from R-2, Single-Family Residential to B-3U, General Business-University. The properties are commonly known as 701, 705 and 707 N. Lincoln Avenue; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street. Mr. Wakeland owns eight of the nine properties. It is stated in the Petition for Zoning Map Amendment that the owner of the other lot, Viola Bradley, supports the proposed rezoning. There are a total of eleven properties that comprise the block. The two remaining properties located at 703 N. Lincoln Avenue and 907 Hill Street are not proposed to be rezoned.

The petitioner is requesting that the subject properties be rezoned from R-2 to B-3U to allow for the construction of a maintenance and storage building on the southwest corner of the subject properties to serve the apartment complexes the petitioner owns to the south of University Avenue. The petitioner also plans to move an eight unit apartment building to the subject site, construct his offices on the site and seek a commercial renter, possibly a restaurant. The petitioner has indicated in his application that the time schedule for development is over the next two years.

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

Five of the nine properties to be rezoned are occupied by single-family homes. Four of these five properties are rental units and the other is owner occupied. The remaining four properties to be rezoned are vacant. In addition to the properties to be rezoned, there are two other properties in the block. These two properties are occupied by single-family rental units. Photographs of the homes can be found in Exhibit D. Church Street, which lies to the south of the subject properties, is unimproved.

There are single-family homes to the immediate west of the subject properties and east of N. Lincoln Avenue, all of which are zoned R-2, Single-Family Residential. The homes in the block east of the

subject properties and along the east side of N. Lincoln Avenue are owned by Carle Foundation and are currently residential rental units. The Carle Spine Institute is located at the southeast corner of N. Lincoln Avenue and Church Street. Illinois American Water Company is located to the south of the subject properties and is zoned IN, Industrial. To the north is the former Family Video building that currently houses Hanger Prosthetics and Orthotics. That property is zoned B-1, Neighborhood Business.

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	R-2, Single-Family Residential	Single-family homes	Community Business
North	B-1, Neighborhood Business	Commercial - Hanger Prosthetics & Orthotics	Community Business
	R-2, Single-Family Residential	Single-family homes	
South	IN, Industrial	Institutional - Illinois American Water Company	Community Business
East	R-2, Single-Family Residential	Single-family homes	Residential
West	R-2, Single-Family Residential	Single-family homes	Residential

### Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the area containing the site as “Community Business”. The Plan defines “Community Business” as follows:

*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 or 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.*

Future Land Use Map #3 of the Comprehensive Plan also has the following annotation for the site: “Promote community business that can serve the University population and immediate neighborhood”. Rezoning the subject properties to B-3U is consistent with the designation of the site in the Comprehensive Plan as well as the following Comprehensive Plan Goals and Objectives:

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

*Objectives*

- 4.1 Encourage a variety of land uses to meet the needs of a diverse community.
- 4.2 Encourage development patterns that offer the efficiencies of density and a mix of uses.

**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.
- 25.3 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

**Issues and Discussion**

The subject properties are currently zoned R-2, Single-Family Residential. According to the Urbana Zoning Ordinance, the intent of the R-2 Zoning District is to provide areas for single-family detached dwellings at a low density. Five of the nine properties to be rezoned are occupied by single-family homes and the other four properties are vacant. The petitioner is proposing to develop the subject properties with a mixture of both commercial and multi-family residential uses. More specifically, it is the petitioner’s intent to construct maintenance and storage building on the southwest corner of the subject properties to serve the apartment complexes the petitioner owns to the south of University Avenue. The petitioner also plans to move an eight unit apartment building to the subject site, construct his offices on the site and seek a commercial renter, possibly a restaurant. The petitioner is proposing to rezone the subject properties to from R-2 to B-3U to accommodate his plans for redevelopment of the site. Section IV-2 of the Zoning Ordinance defines the purpose of the B-3U district 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.*

Most properties currently zoned B-3U in the City of Urbana contain residential uses. Most are multi-family, but a few are duplex or single-family rentals. Those properties currently zoned B-3U are located immediately adjacent to the University. More specifically along the west side of Lincoln Avenue from W. Green Street north to a half-block south of University Avenue and extending west to Harvey Street.

The properties to be rezoned are generally located in the 700 block of N. Lincoln Avenue, west of N. Lincoln Avenue between Hill Street and Church Street. Eleven properties comprise the block where the rezoning is proposed; however, only nine of the eleven properties are proposed to be rezoned. The other two remaining properties are located in between the properties to be rezoned. (See Exhibit A) One of the properties fronts on Hill Street and the other fronts on N. Lincoln Avenue. Inclusion of these two lots would be more favorable from a planning and development standpoint. However, the Urbana

Zoning Ordinance requires screening or a buffer area between properties zoned R-2 and B3-U per Section VI-6. In addition, Section VIII-3 requires that off-street parking located directly adjoining a residential zoning district or use, be screened.

The subject site borders Lincoln Avenue. Lincoln Avenue is a major north-south corridor in Urbana and serves as an important route from I-74 to the University of Illinois. Commercial development along N. Lincoln Avenue is supported by the 2005 Urbana Comprehensive Plan. The plan designates the subject properties as well as other properties along the west side of N. Lincoln Avenue from University Avenue north to King Park as “Community Business”. Future Land Use Map #3 also notes that this area is to “promote community business that can serve the University population and immediate neighborhood”.

The B-2 Neighborhood Business-Arterial, B-3U, General Business-University and CCD, Campus Commercial District are three zoning districts consistent with the Comprehensive Plan designation of the subject properties. Of these three zoning districts that allow a mix of residential and commercial uses, the B-3U Zoning District is the most flexible in permitted uses and the most intense in relation to development regulations. Zoning Description Sheets for the B-2, B3-U and CCD zoning districts can be found in Exhibit E.

The B-3U Zoning District would allow for higher intensity development than what is currently in the area. The N. Lincoln Avenue corridor from University Avenue north to Hill Street is an area that is in transition. A mixed-use, office/retail development is proposed at the southwest corner of Lincoln and University Avenues that will provide for a “gateway” to the University. In addition, Carle Hospital is undergoing development/expansion of their campus. Carle Hospital is currently updating their master plan. In a preliminary plan map update, the properties along the east side of N. Lincoln Avenue between Church Street and Hill Street that are owned by Carle are proposed to be developed in the near future. In addition Carle is proposing a new hospital building and heart and vascular center, several new parking lots, the closure of three public streets, changes to circulation patterns and improvements in traffic control. Segments of Coler, Busey and Park Streets were recently vacated by the City to facilitate the construction of a new Heart and Vascular Institute and to improve safety on campus. The street vacations will alter the flow of traffic. Traffic will be diverted to Church Street and will connect with either N. Lincoln Avenue or McCullough Street and then to University Avenue. To accommodate the redevelopment that is occurring in the area, the City will be increasing the right-of-way along N. Lincoln Avenue to provide for a center turn lane along N. Lincoln Avenue from University Avenue to Fairview Avenue. Approximately seven feet of the subject properties along N. Lincoln Avenue will be dedicated as right-of-way to provide for the turn lane. In addition, a new traffic signal is proposed at the intersection of N. Lincoln Avenue and Church Street.

### **The La Salle 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.*

The surrounding properties contain a mix of land uses and zoning. The property to the north is zoned B-1, Neighborhood Business and is used for commercial purposes. Illinois American Water Company is located to the south and is zoned IN, Industrial. There are single-family homes that are zoned R-2, Single-Family Residential to the east and west. The residential properties along the east side of N. Lincoln Avenue and north of Hill Street are anticipated to remain. The existing zoning is compatible with the existing land uses. With the proposed mixed-use retail/office building at the southwest corner of Lincoln and University Avenues and the proposed development/expansion of the Carle Hospital Campus, N. Lincoln Avenue is redeveloping into a higher intensity commercial and institutional corridor, providing for development opportunities. The proposed zoning is compatible with this shift and with the designation of the development patterns in the 2005 Urbana Comprehensive Plan.

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 R-2, Single-Family Residential and the value it would have if it were rezoned to B-3U, General Business--University.*

Under the current zoning, the subject properties can only be used for single-family dwellings at a low density. The petitioner states that the proposed zoning change will allow the subject properties to be developed to enhance and support the expansion in the Carle Campus Plan, the proposed development of the medical corridor, and the proposed development at University and Lincoln Avenues that will serve as an entrance to the University of Illinois. In addition, the petitioner states that the proposed rezoning is consistent with the upgrading of area properties and more intensive use of property in the area that is becoming increasingly more business oriented. The proposed rezoning would allow the petitioner to redevelop the site for a broader range of uses and at a higher intensity. Therefore, the property values of the subject properties should logically increase.

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. (see No. 4 below)*

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

*The questions here 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?*

The proposed rezoning would allow for a wider mix of uses at a higher density on the site. Allowing for a mix of both residential and commercial uses would allow the subject properties to be developed with

sensitivity to the single-family uses to the west. For instance, multi-family structures could be situated on the western portion of the subject properties to serve as a buffer from proposed commercial uses. In addition, the Zoning Ordinance requires screening or a buffer are between B-3U and R-2 zoning districts.

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 properties are located along N. Lincoln Avenue. Lincoln Avenue is a major north-south corridor in Urbana and serves as an important route from I-74 to the University of Illinois. The site is also located in close proximity to the University-Lincoln Avenue intersection where more intensive land uses are promoted by existing zoning and by the designated future land use of the area in the Comprehensive Plan. Redevelopment is currently occurring in the area that is intensifying the existing uses. In light of this redevelopment, development of the subject properties to a higher intensity seems appropriate.

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 petitioner has not claimed that the subject properties are currently vacant due to their zoning. The existing R-2 zoning would however limit the petitioner from developing the subject properties consistent with other development occurring in the surrounding area and as designated by the Comprehensive Plan.

## **Summary of Staff Findings**

1. The subject properties are currently zoned R-2, Single-Family Residential, and are occupied by single-family homes.
2. The petitioner is requesting that the subject Properties be rezoned from R-2, Single-Family Residential to B-3U, General Business-University.
3. The petitioner plans to construct a maintenance and storage building on the subject properties to serve the apartment complexes the petitioner owns to the south of University Avenue. The petitioner also plans to move an eight unit apartment building to the subject site, construct his offices on the site and seek a commercial renter, possibly a restaurant.
4. The subject properties are generally located in the 700 block of N. Lincoln Avenue, west of the N. Lincoln Avenue between Hill Street and Church Street. There are eleven properties in this block. Only nine of the eleven properties are proposed to be rezoned.

5. The 2005 Urbana Comprehensive Plan future land use map designates the properties as Community Business with a note that the area “promote community business that can serve the University population and immediate neighborhood”. The proposed rezoning to the B-3U Zoning District would be consistent with the Comprehensive Plan.
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 regarding Plan Case 2068-M-08:

1. Forward this case to City Council with a recommendation for approval, or
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. 2068-M-08 to the Urbana City Council with a recommendation for **APPROVAL**.

Prepared by:

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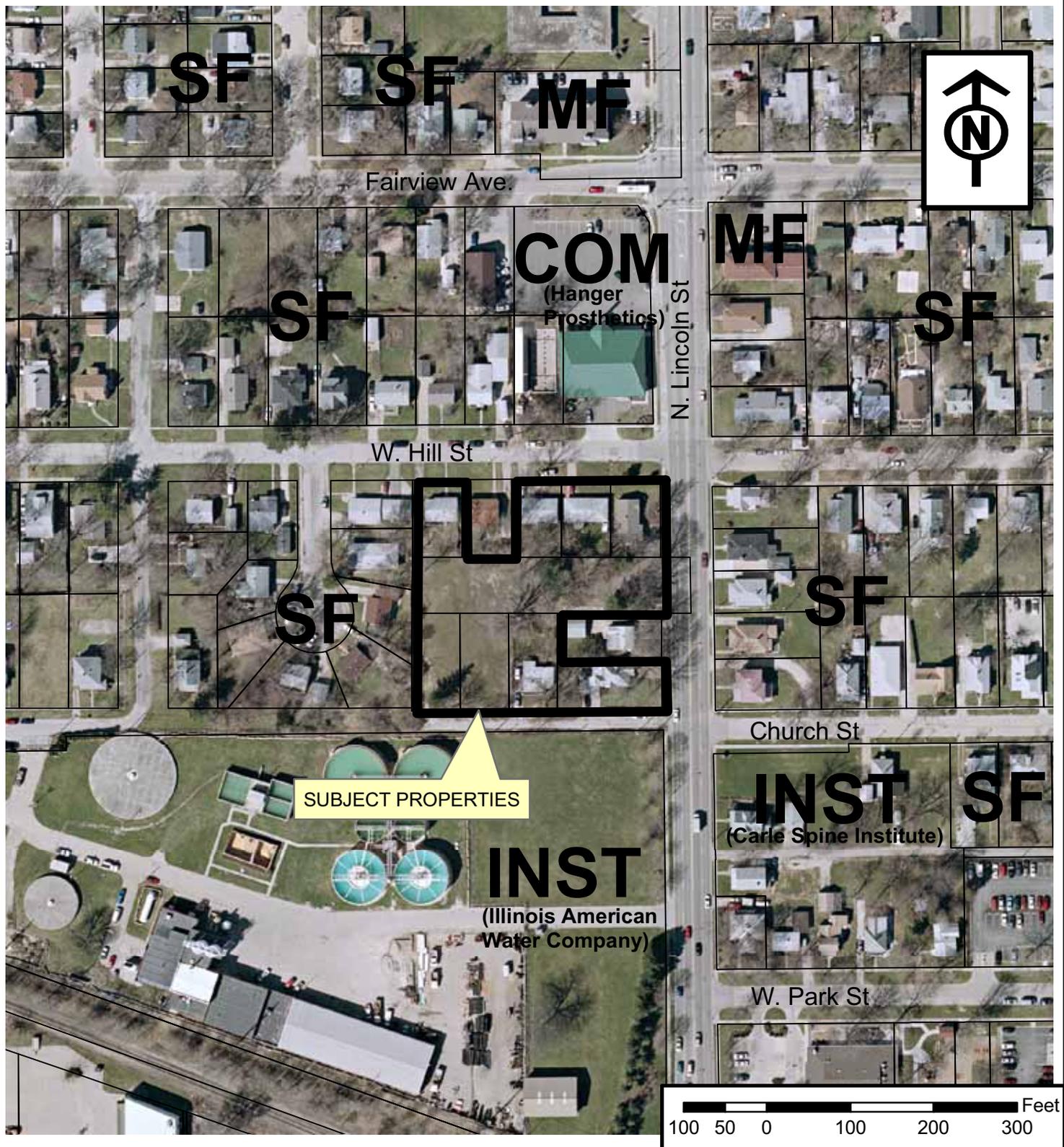
Lisa Karcher, Planner II

Attachments: Exhibit A: Location Map and Existing Land Use Map  
Exhibit B: Existing Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Photographs of Subject Properties  
Exhibit E: Zoning Description Sheets (B-2, B3-U and CCD)  
Exhibit F: Petition for Zoning Map Amendment

cc: Howard Wakeland  
1811 A Amber Lane  
Urbana, IL 61802

Viola Bradley  
903 W. Hill Street  
Urbana, IL 61801

# Exhibit A: Location and Existing Land Use Map

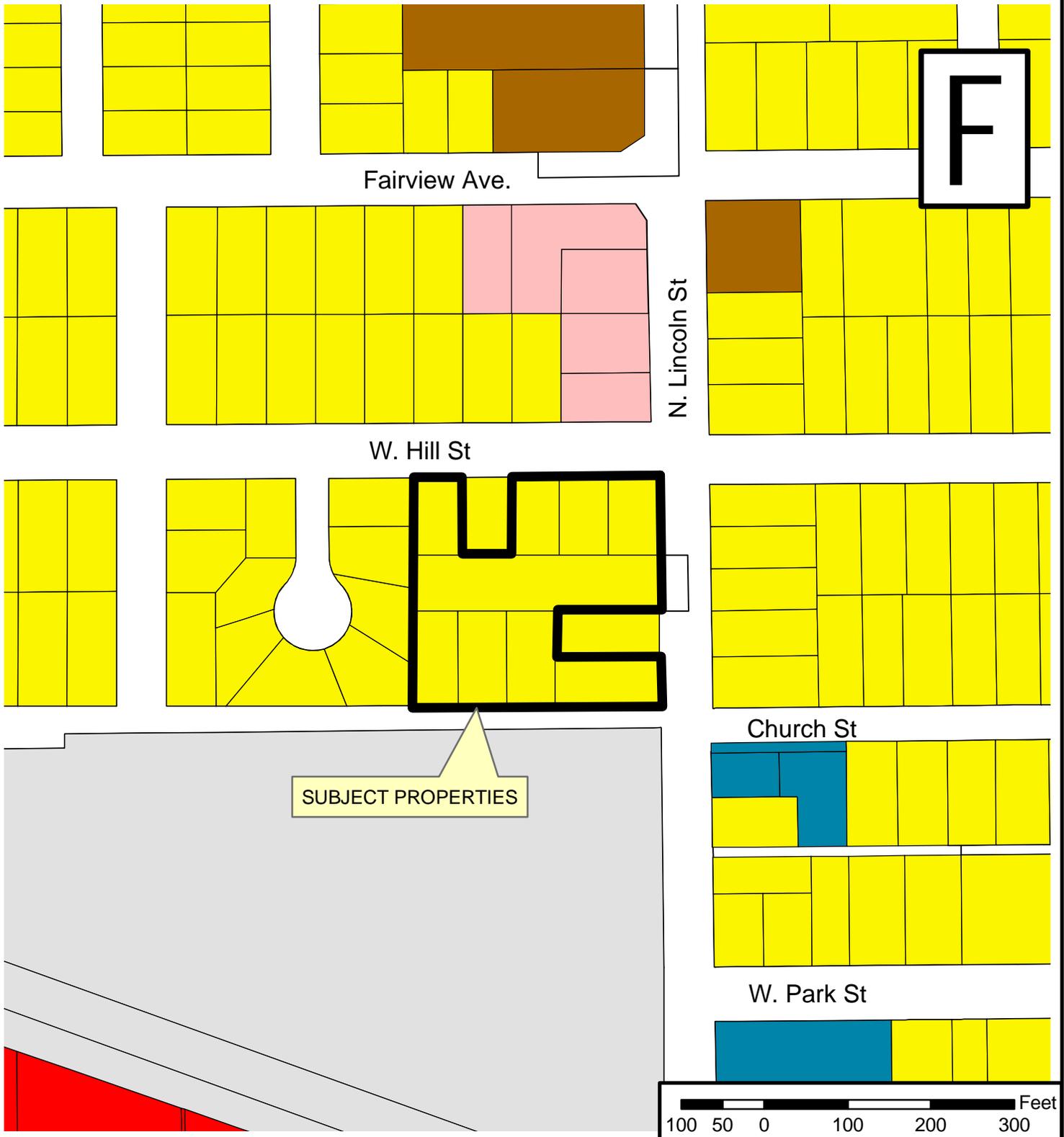


**Plan Case:** 2068-M-08  
**Petitioner:** Howard Wakeland  
**Location:** 701, 705 and 707 N. Lincoln Street; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street.  
**Description:** Request to rezone the subject properties from R-2, Single-Family Residential to B3-U, General Business University.

Prepared 5/08 by Community Development Services - Ikk

COM - Commercial  
 INST - Institutional  
 MF - Multi-Family  
 SF - Single-Family

# Exhibit B: Existing Zoning Map



F

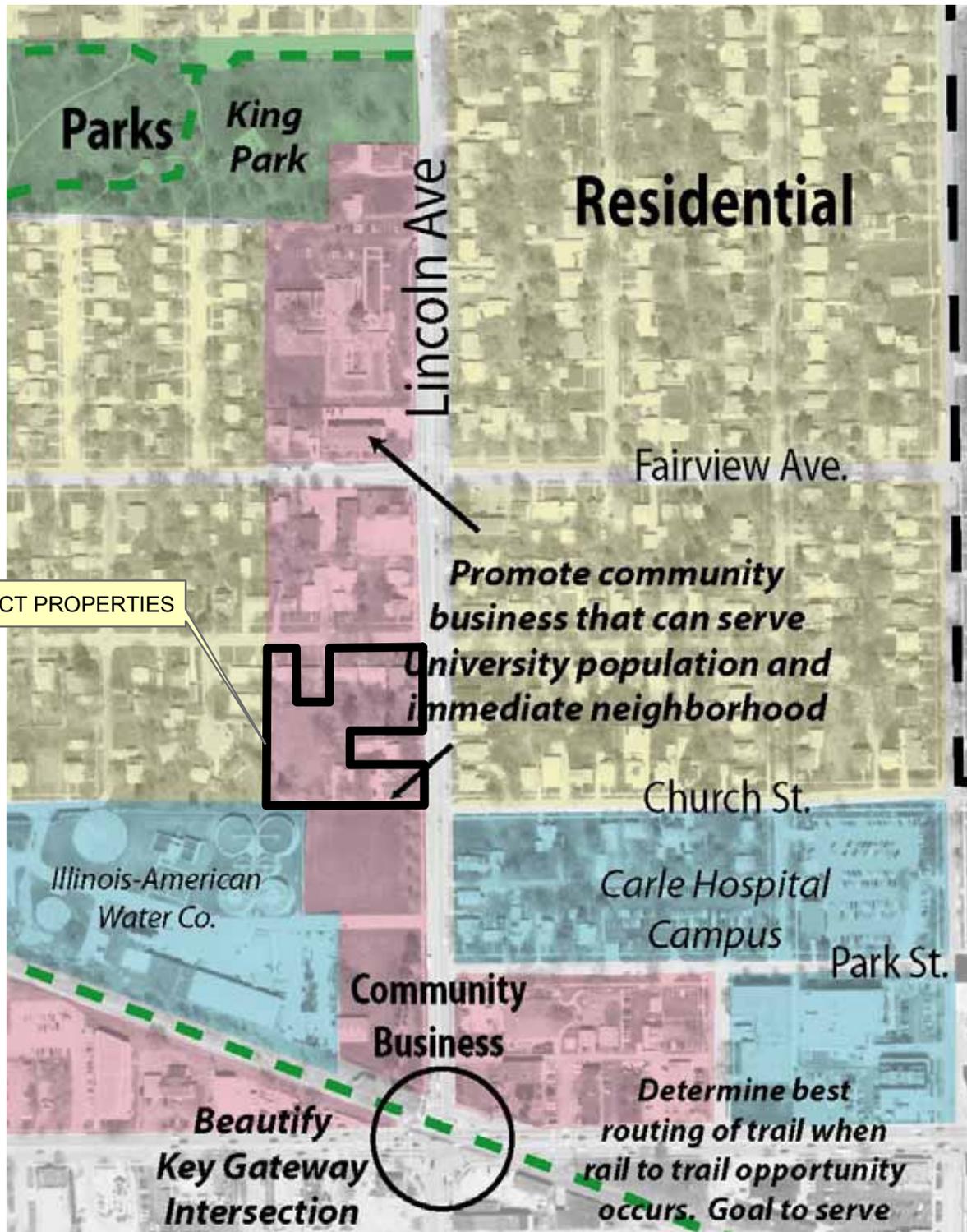


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Prepared 5/08 by Community Development Services - lkk

	B1		R5
	B3		
	IN		
	MIC		
	R2		

# Exhibit C: Future Land Use Map



**Plan Case:** 2068-M-08  
**Petitioner:** Howard Wakeland  
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# EXHIBIT D: Photos of Subject Properties



909 Hill Street



907 Hill Street (NOT TO BE REZONED)



905 Hill Street



903 Hill Street



707 N. Lincoln Street



703 N. Lincoln Street (NOT TO BE REZONED)



701 N. Lincoln Street