



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 2070-M-08: A request to rezone 2200 S. Philo Road from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple Family Residential.

Introduction and Background

St. Matthew Lutheran Church of Urbana has submitted a petition to rezone a 6.4 acre parcel located at 2200 S. Philo Road from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple Family Residential. St. Matthew Lutheran Church first developed the subject parcel in 1962 with the existing church. The Church is preparing to undertake a building expansion in July. The expansion will add approximately 4,800 square feet to the existing building and will include such improvements as a nursery, multi-purpose room, youth activity room and restrooms accessible for persons with disabilities. St. Matthew Lutheran Church also owns a 4.6 acre parcel to the east of the church site that is zoned R-4, Medium Density Multiple Family Residential. The property is currently farmed. There are no future development plans for the property at this time.

When the subject property was originally developed, churches were permitted by right in the R-1, R-2 and R-3 Zoning Districts. Under the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance (Ord. 7980-68), the Zoning Ordinance was changed so that churches were only permitted in the R-1, R-2 or R-3 Zoning District as a special use. A special use permit must be approved to allow for a church in the R-1, R-2 or R-3 Zoning Districts. As it stands, St. Matthew Lutheran Church would need to apply for a special use permit to expand the existing church. In addition, the Church would also have to apply for a special use permit for any future expansion. To provide zoning consistency with their adjoining property and allow for future church expansion, St. Matthew Lutheran Church is requesting that the property at 2200 S. Philo Road be zoned to the R-4 Zoning District, which permits churches by right.

Adjacent Land Uses and Zoning Designations

There is a range of zoning and land uses in the surrounding area. The property immediately north of the subject property along the east side of S. Philo Road is zoned B-3 General Business and is currently farmed. Further north along the east side of S. Philo Road is also zoned B-3, General Business and includes such businesses and Dollar General and Pro-Nails (Southgate Shopping Plaza), a storage facility, church and funeral home. To the immediate east of St. Matthew Lutheran Church is a vacant

parcel owned by the Church. The property is zoned R-4 and is currently farmed. Property further east of the vacant Church property is also zoned R-4 and includes a mix of residential uses such as Amber Glen Alzheimer’s Special Care Center, Canterbury Ridge Retirement and Assisted Living Community and Amber Pointe Apartments. The Meijer Development is to the south of St. Matthew Lutheran Church and is zoned B-3. There are both single-family homes and duplexes along the west side of S. Philo Road. The property along the west side of S. Philo Road and across from the Church is zoned R-3.

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-3, Single and Two-Family Residential	St. Matthew Lutheran Church	Institutional
North	B-3, General Business	Vacant – currently farmed	Community Business
South	B-3, General Business	Meijer Development	Regional Business
East	R-4, Medium Density Multiple Family Residential	Vacant land owned by St. Matthew Lutheran Church Amber Glen, Canterbury Ridge and Amber Pointe Apartments	Mixed-Residential (Suburban Pattern)
West	R-3, Single and Two-Family Residential	Single-family homes and duplexes	Residential (Suburban Pattern)

Comprehensive Plan

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

Institutional uses generally include public, quasi-public, and private uses, such as governmental, educational, medical, religious, or university facilities as well as cemeteries. Institutional uses may range from single buildings to campuses.

The proposed rezoning would rezone the subject property to a zoning district which allows churches by right. Churches are considered institutional uses as defined by the Comprehensive Plan. The proposed rezoning would therefore be consistent with the 2005 Urbana Comprehensive Plan.

Issues and Discussion

The two properties owned by St. Matthew Lutheran Church have two different zoning designations. The property which has been developed with the church facility is zoned R-3, Single and Two-Family Residential. The other parcel that the Church owns, which is currently vacant, is zoned R-4, Medium Density Multiple Family Residential. The R-3 Zoning District is intended to provide areas for low-

density residential development, including single-family attached and detached dwellings and two-family dwellings. The R-4 Zoning District is intended to provide areas for multiple-family dwellings at low and medium densities. The R-3 Zoning District allows churches as a special use, whereas churches are allowed by right in the R-4 Zoning District. The subject property is the only parcel along the east side of S. Philo Road that is zoned R-3. The subject property is surrounded by B-3 zoning and commercial uses to the north and south, and higher density residential uses to the east. Rezoning the subject property to R-4 would provide an appropriate transition from the higher intensity B-3 zones and the higher density residential areas to the east. In addition, rezoning the subject property to R-4 would be consistent with the other property owned by St. Matthew Lutheran Church, and allow for future expansion of the church without the need to obtain a special use permit.

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 subject parcel has contained a church since it was first developed in 1962. The proposed zoning is consistent with the existing use of the property as a church and is intended to facilitate future expansion of the church if necessary. The proposed zoning is also consistent with the vacant church property and higher intensity residential uses to the east, all of which are zoned R-4. The remaining surrounding area is developed as a mixture of residential and business uses. The property to the north and south is zoned B-3, General Business, and the property to the west is zoned R-3, Single and Two-Family Residential.

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-3, Single and Two-Family Residential and the value it would have if it were rezoned to R-4, Medium Density Multiple Family Residential.

Under the current zoning, a church is only permitted as a special use. Any future expansion of the church would require the approval of a special use permit. Should a special use permit not be granted for a proposed expansion, the value of the land to St. Matthew Lutheran Church would be diminished. In addition, having property that has two different zoning designations (split zoning) is not favorable from a value standpoint.

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.*

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?

The rezoning of the property should not jeopardize the health, safety, morals or general welfare of the public. The subject property has been used as a church since it was first developed in 1962. The proposed rezoning would allow for the church to continue as a permitted use and allow for possible expansion in the future.

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 current use of the site as a church is consistent with the Comprehensive Plan as the area is designated as “Institutional”. The R-4 Zoning District permits a church by right. In addition, since the subject property was developed as St. Matthew Lutheran Church, the adjacent properties to the south and east have developed with higher intensity land uses. Although the property to the immediate north is currently vacant, it has the potential to be developed at a higher intensity since it is zoned B-3, General Business.

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 not currently vacant due to its zoning. The property was originally developed in 1962 when a church was a permitted use in the R-1, R-2 and R-3 Zoning Districts. Since then, the Zoning Ordinance has been amended so that a church is only permitted as a special use in the R-1, R-2 and R-3 Zoning Districts. If the property is not rezoned, a special use permit for any future development could potentially be denied, thereby not allowing expansion of the St. Matthew Lutheran Church.

Summary of Staff Findings

1. The property is currently zoned R-3, Single and Two-Family Residential, and contains St. Matthew Lutheran Church. Churches are not permitted by right in the R-3 Zoning District.
2. The petitioner is requesting a rezoning from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple-Family Residential. Churches are permitted by right in the R-4 Zoning District.

3. The proposed rezoning to R-4, Medium Density Multiple-Family Residential would be consistent with the current land use of the church, the multi-family residential uses to the east and the commercial development to the north and south.
4. The 2005 Urbana Comprehensive Plan future land use map designates this property as Institutional. The proposed rezoning would be consistent with the Comprehensive Plan.
5. Split zoning of property under one ownership and use, is not favorable.
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 2070-M-08:

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. 2070-M-08 to the Urbana City Council with a recommendation for **APPROVAL**.

Prepared by:

Lisa Karcher, Planner II

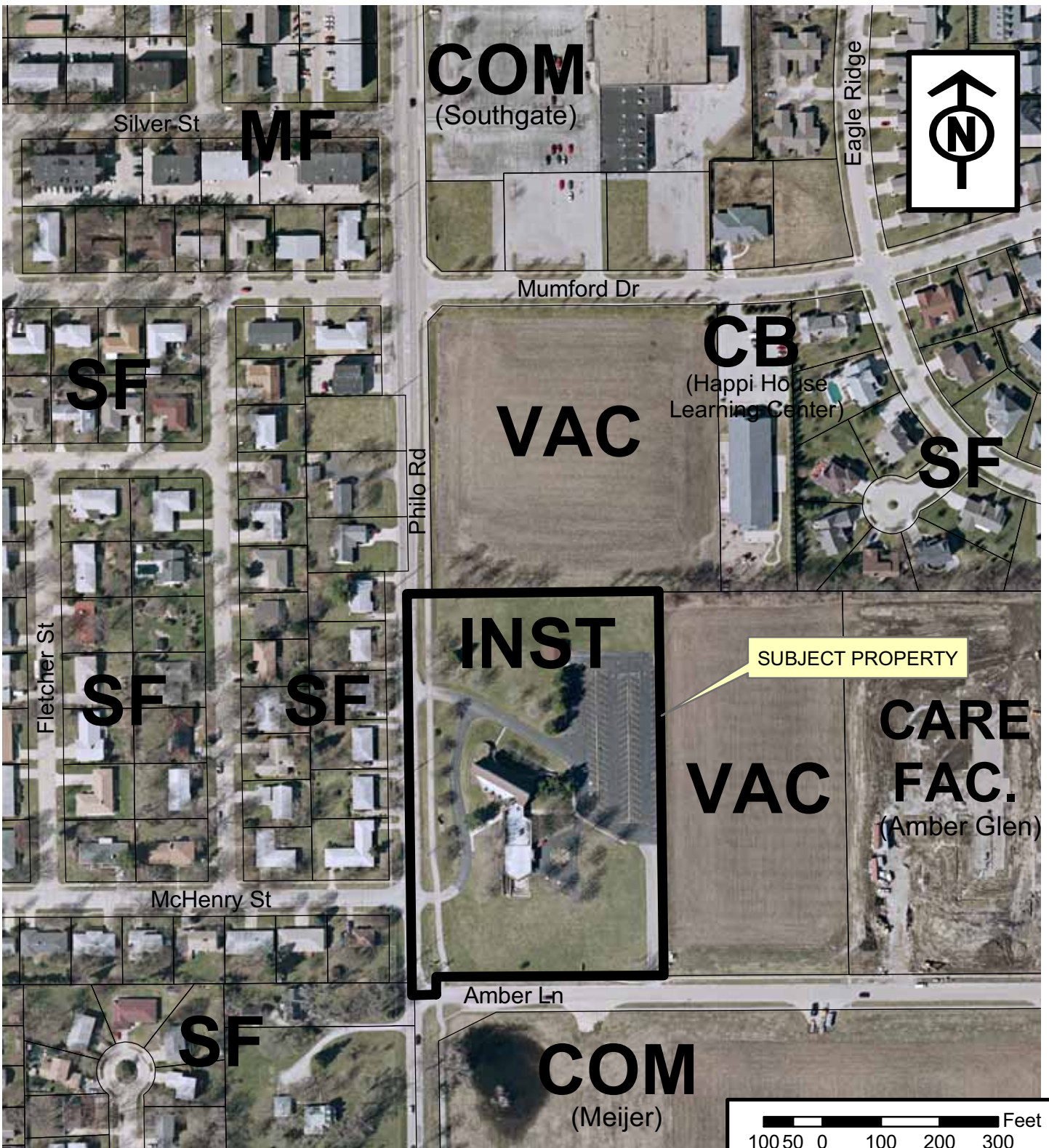
Attachments: Exhibit A: Location Map and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Petition for Zoning Map Amendment

cc: Pastor Robert Rasmus
St. Matthew Lutheran Church
2200 South Philo Road
Urbana, IL 61802

Al Klein
1611 Beckman Court
Urbana, IL 61802

Paul Lucas
1607 Beckman Court
Urbana, IL 61802

EXHIBIT A: Location and Existing Land Use Map

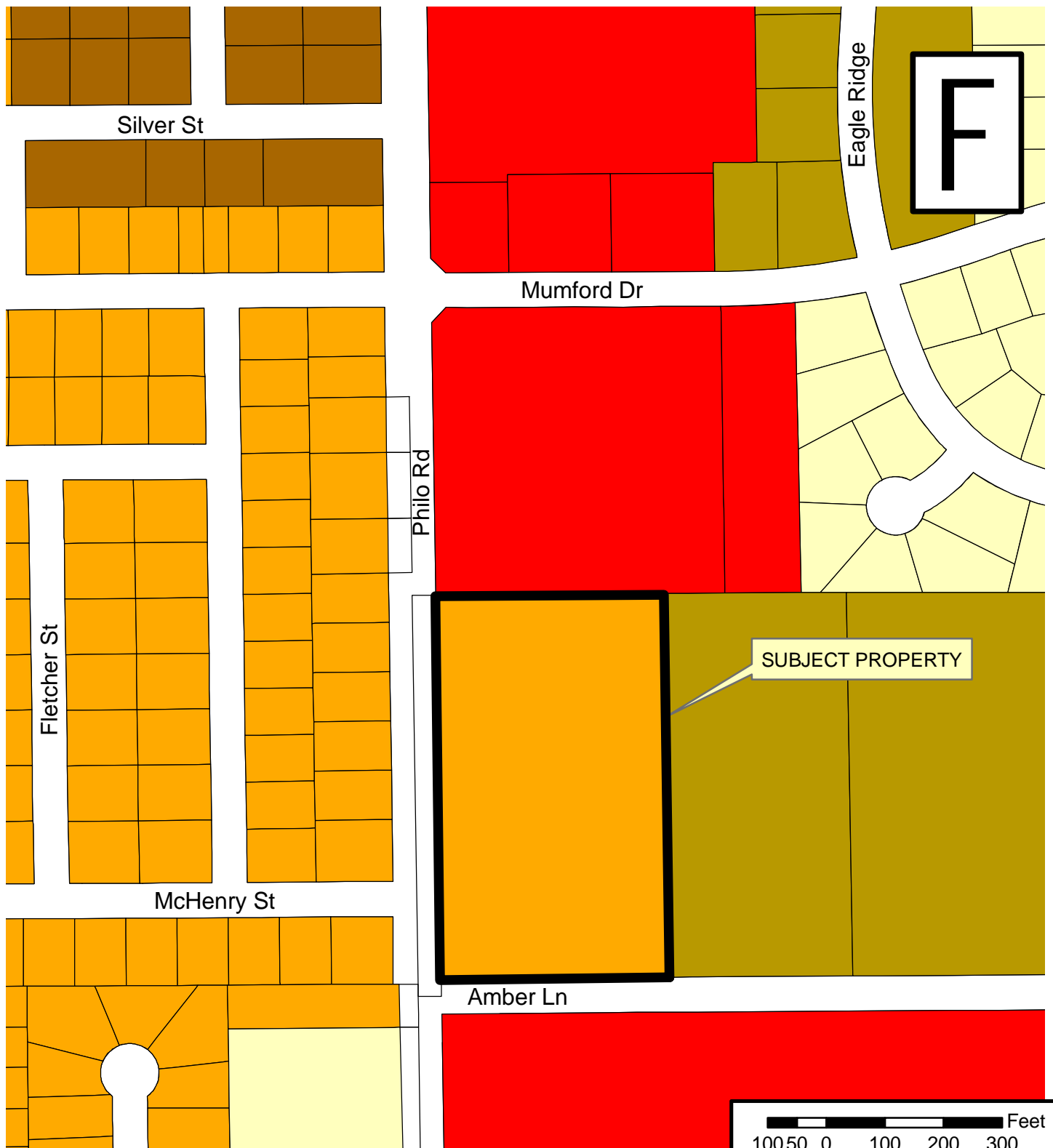


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Prepared 5/08 by Community Development Services - Ikk

CB - Community Business
 COM - Commercial
 INST - Institutional
 MF - Multi-Family
 SF - Single-Family
 VAC - Vacant

EXHIBIT B: Existing Zoning Map



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



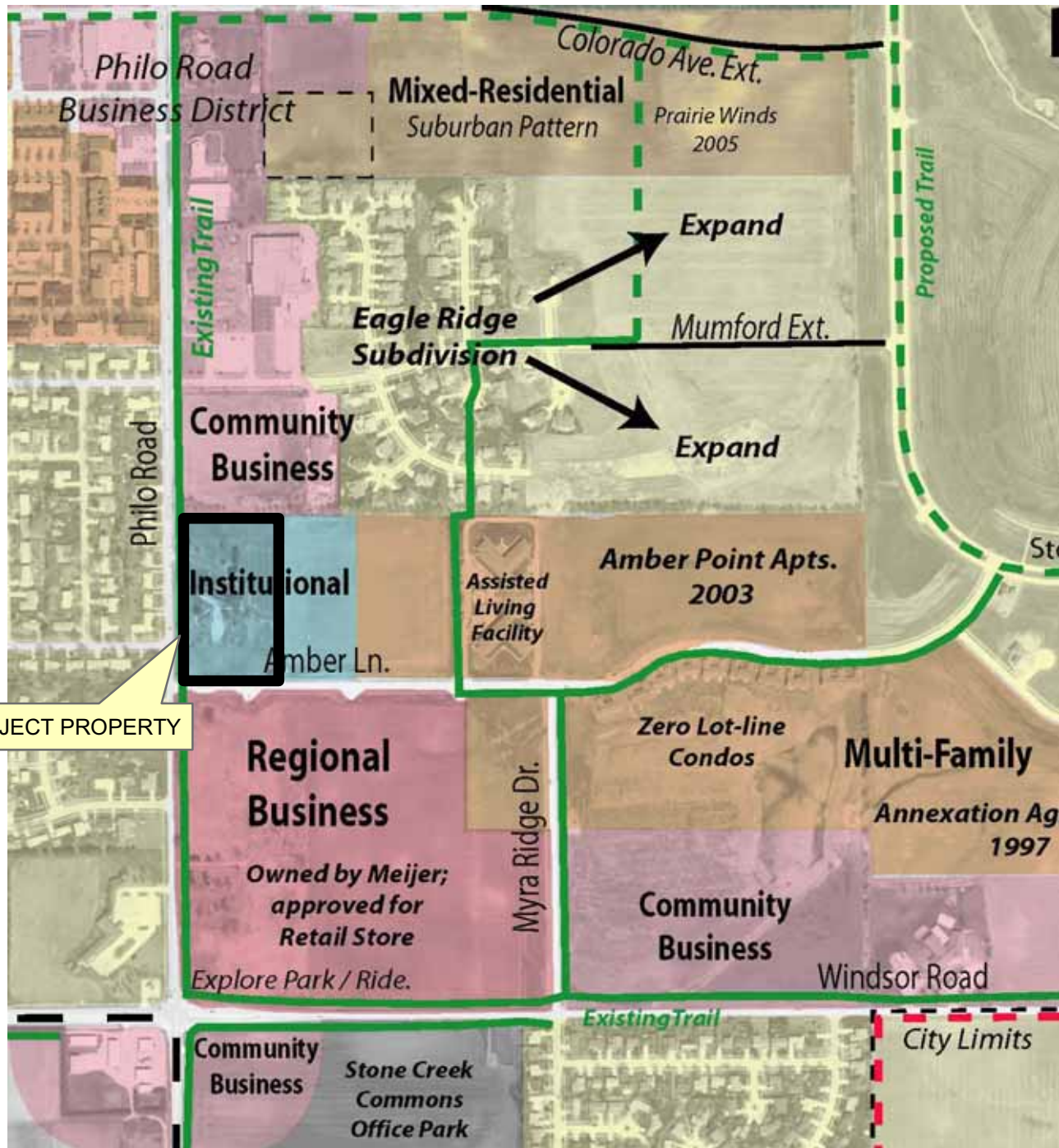
	B3
	R1
	R3
	R4
	R5

EXHIBIT C: Future Land Use Map



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