



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: August 15, 2008

SUBJECT: Plan Case 2082-CP-08: A request to amend the 2005 Urbana Comprehensive Plan future land use map designation for 502, 504 and 508 East Elm Street from Central Business to Residential (Urban Pattern).

Plan Case 2083-M-08: A request to rezone 502, 504 and 508 East Elm Street from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.

Introduction and Background

The petitioners Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams have submitted two requests concerning property at 502, 504, and 508 East Elm Street. The first request is to amend the 2005 Urbana Comprehensive Plan future land use designation for the subject properties from Central Business to Residential (Urban Pattern). The second request is to rezone the properties from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential. The subject properties are located on the north side of East Elm Street between Maple Street and Grove Street. (See Exhibit A) There are five properties in this block. The subject properties are currently occupied by single-family homes. The other two properties, which lie between 504 East Elm Street and 508 East Elm Street are used for multi-family purposes. The multi-family use at 504½ East Elm Street is a single-family dwelling that has been converted into three units. The other multi-family use located at 506 East Elm Street is a single story five unit apartment building.

Pursuant to the Urbana Zoning Ordinance, the Plan Commission may either recommend approval or denial of the proposed requests to City Council for final action.

Adjacent Land Uses and Zoning Designations

There is currently both residential and commercial zoned property and land uses in the surrounding area. The property immediately to the north of the subject properties is zoned B-4 Central Business and is occupied by Long's Garage. There is a mix of both single-family, two-family and multi-family uses to the east, west and south of the subject properties. The area to the east, west and south is zoned R-5, Medium High Density Multiple Family Residential.

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-5, Medium High Density Multiple Family Residential	Residential - Single Family Homes	Central Business
North	B-4, Central Business	Commercial – Long’s Garage & John Smith Auto Sales	Central Business
South	R-5, Medium High Density Multiple Family Residential	Residential – Single and Multi-Family	Residential (Urban Pattern)
East	R-5, Medium High Density Multiple Family Residential	Residential – Single and Multi-Family	Residential (Urban Pattern)
West	R-5, Medium High Density Multiple Family Residential	Residential – Two-Family and Multi-Family	Central Business

Zoning Districts

The subject properties are currently zoned R-5, Medium High Density Multiple Family Residential and are proposed to be rezoned to R-3, Single and Two-Family Residential. According to Section VI-2 of the Urbana Zoning Ordinance, the purpose and intent of the R-5 Zoning District is as follows:

“The R-5, Medium High Density Multiple Family Residential District is intended to provide areas for multiple-family dwellings at densities ranging up to medium high.”

In comparison, 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”.

The petitioners are requesting that the subject properties be rezoned so that the zoning is consistent with the current use of the properties. Since the subject properties are currently occupied by single-family homes, the R-3 Zoning District would be more consistent with the existing use than the R-5 Zoning District.

Comprehensive Plan

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

“The Central Business land use designation is exemplified by Downtown Urbana but also includes other mixed-use areas. Contains a dense, highly intensive land use pattern focusing on an urban style of development and architecture. Pedestrian, bicycle and transit access are emphasized to ensure areas are walkable. Contains a mix of land uses ranging from commercial, high-density residential, office as well as institutional. Mixed-use developments offer residential uses above first floor commercial and office space.”

The petitioners are proposing to amend the future land use designation of the subject properties to Residential (Urban Pattern). Residential (Urban Pattern) is defined by the Comprehensive Plan as follows:

“Residential areas contain primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.”

“Urban Pattern of Development is a pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.”

The Comprehensive Plan serves as a guiding document for future development in and around the City of Urbana. Proposals and developments submitted as plan cases are reviewed for consistency with the goals, objectives and land use recommendations of the Comprehensive Plan. For this reason it is appropriate for the proposed rezoning to be consistent with the Comprehensive Plan. The petitioners are proposing to rezone the subject properties from R-5 to R-3. So that the proposed rezoning is consistent with the Comprehensive Plan, an amendment to the Comprehensive Plan is also recommended. Since the subject properties are currently occupied by single-family homes, the petitioners are proposing a Comprehensive Plan Map Amendment from Central Business to Residential (Urban Pattern) so that the land use designation of the subject properties in the 2005 Comprehensive Plan will be consistent with the current use of the properties and with the proposed zoning designation.

Discussion

In considering the proposed Comprehensive Plan Map Amendment and rezoning of the subject properties, the Plan Commission should consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City’s Comprehensive Plan and zoning law decisions in the Illinois Courts provide the framework for this consideration.

Comprehensive Plan Goals, Objectives and Policies

The proposed Comprehensive Plan Map Amendment should be considered in light of other goals, objectives and policies contained in the 2005 Urbana Comprehensive Plan. The following goals and objectives of the 2005 Urbana Comprehensive Plan relate to the cases:

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 12.0 Preserve the characteristics that make Urbana unique.

Objectives

- 12.1 Identify and protect neighborhoods and areas that contain significant historical and cultural resources.

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.

The subject properties are in the Historic East Urbana Neighborhood. Properties to the east of the subject properties are the subject of a plan case that is concurrently before the Plan Commission. The purpose of this plan case is to correct inconsistencies between existing multi-family zoning and current single-family land uses in an area designated in the Comprehensive Plan. The goal is to preserve the single-family nature of the neighborhood by rezoning the properties to R-3, Single and Two-Family Residential. The petitioners are also proposing to rezone the subject properties so that the zoning is consistent with the existing use of the properties for single-family purposes; thereby protecting the integrity of the properties as single-family residences. The difference however is that the Comprehensive Plan designates the future land use of the subject properties as Central Business. In addition, the subject properties are not within the area identified by the Comprehensive Plan to be reviewed for inconsistencies between existing zoning and land uses. A Comprehensive Plan Map Amendment is therefore recommended prior to any rezoning of the properties.

The Comprehensive Plan designates areas both north and south of East Main Street as Central Business from Vine Street east to Grove Street on the south side of East Main Street, and to the east property line of Auto Zone on the north side of East Main Street. With the exception of Kurland Steel, the properties along the north side of East Main Street have realized their commercial potential of the Central Business land use designation with the Schnuck's development and Auto Zone. On the other hand, the area designated as Central Business along the south side of East Main Street is a mix of commercial, office, and residential uses. The subject properties are at the southeast boundary of the area designated as Commercial Business south of East Main Street. The properties to the east and south of the subject properties are designated by the Comprehensive Plan as Residential (Urban Pattern). These properties are occupied by both single and multi-family residential uses. In addition, although the Central Business designation extends from East Main Street south to Elm Street, the properties along Elm Street remain occupied by single-family, two-family and multi-family dwellings. These properties are a part of the established Historic East Urbana Neighborhood. Elm Street functions as a local street providing access to the East Urbana Neighborhood. Amending the Comprehensive Plan designation for the subject properties from Central Business to Residential (Urban Pattern) seems appropriate considering the surrounding residential uses and residential character of the area. The Central Business designation would still remain for the property to the north of the subject properties. This property fronts on East Main Street, which would provide much better visibility and access for commercial development. In addition the proposed Comprehensive Plan Amendment would not result in a substantial diminishment of the future Central Business area.

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.

Lowering the intensity from an R-5 Zoning District to an R-3 Zoning District for the subject parcels would not adversely affect surrounding uses. With the exception of the property immediately north of the subject properties, the surrounding area is a mix of single-family, two-family and multi-family residential uses. The subject properties are currently occupied by single-family homes. Rezoning the subject properties to R-3, Single and Two-Family Residential would be more consistent and representative of the current use of the properties as compared to the existing zoning designation of R-5, Medium High Density Multiple 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-5, Medium High Density Multiple Family Residential and the value it would have if it were rezoned to R-3, Single and Two-Family Residential.

The R-5 uses not permitted by right in the R-3 Zoning District would restrict to a greater degree the use of the subject properties, especially for redevelopment for multi-family uses. Overall, however, the property values should not be greatly affected by the proposed rezoning.

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 subject properties should not jeopardize the health, safety, morals or general welfare of the public. The subject properties have been occupied by single-family homes for many years. The petitioners have noted that the “amendment would help to stabilize the value of the neighborhood by preserving historic single family homes (built 1883, 1893, 1918) and preventing further encroachment of unattractive higher-density apartment complexes.”

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 lot sizes, location near downtown shopping and employment areas, and the fact that the neighborhood has remained largely dominated by single-family uses even though the area is zoned for multi-family uses, all seem to indicate that the subject properties are appropriate for continued single-family residential uses. It is important to note that the subject properties were designated by the 1982 Comprehensive Plan for commercial uses, but have to this date not been developed as such.

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 subject properties are not currently vacant due to their zoning. The properties have been developed with single-family homes. A single-family dwelling is a permitted use under the current R-5 Zoning District, for which the properties are currently zoned.

Summary of Staff Findings

1. The subject properties are currently designated by the 2005 Urbana Comprehensive Plan as Central Business and are zoned R-5, Medium High Density Multiple Family Residential.
2. The subject properties are currently occupied by single-family homes which, according to the petitioners were built in 1883, 1893, and 1918.
3. The petitioners are requesting a Comprehensive Map Amendment from Central Business to Residential (Urban Pattern) and a Zoning Map Amendment from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.
4. A residential land use designation in the Comprehensive Plan seems appropriate for the subject properties, given their location in the Historic East Urbana Neighborhood and their proximity to other residential uses.
5. The proposed Comprehensive Plan Amendment would not result in a substantial diminishment of the future Central Business area.
6. The proposed rezoning to R-3, Single and Two-Family Residential would be consistent with the current land use of the properties.
7. The proposed rezoning and Comprehensive Plan Amendment are consistent with the proposed rezonings for the surrounding Historic East Urbana Neighborhood.
8. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

The Plan Commission has the following options for recommendations to the Urbana City Council in Plan Case Nos. 2082-CP-08 and 2083-M-08:

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

Staff Recommendation

For proper procedure, staff recommends that the Plan Commission take action on the Comprehensive Plan Amendment (Plan Case No. 2082-CP-08) prior to taking action on the rezoning (Plan Case No. 2083-M-08). 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 both Plan Case Nos. 2082-CP-08 and 2083-M-08 to the Urbana City Council with a recommendation for **APPROVAL**.

Prepared by:

Lisa Karcher, Planner II

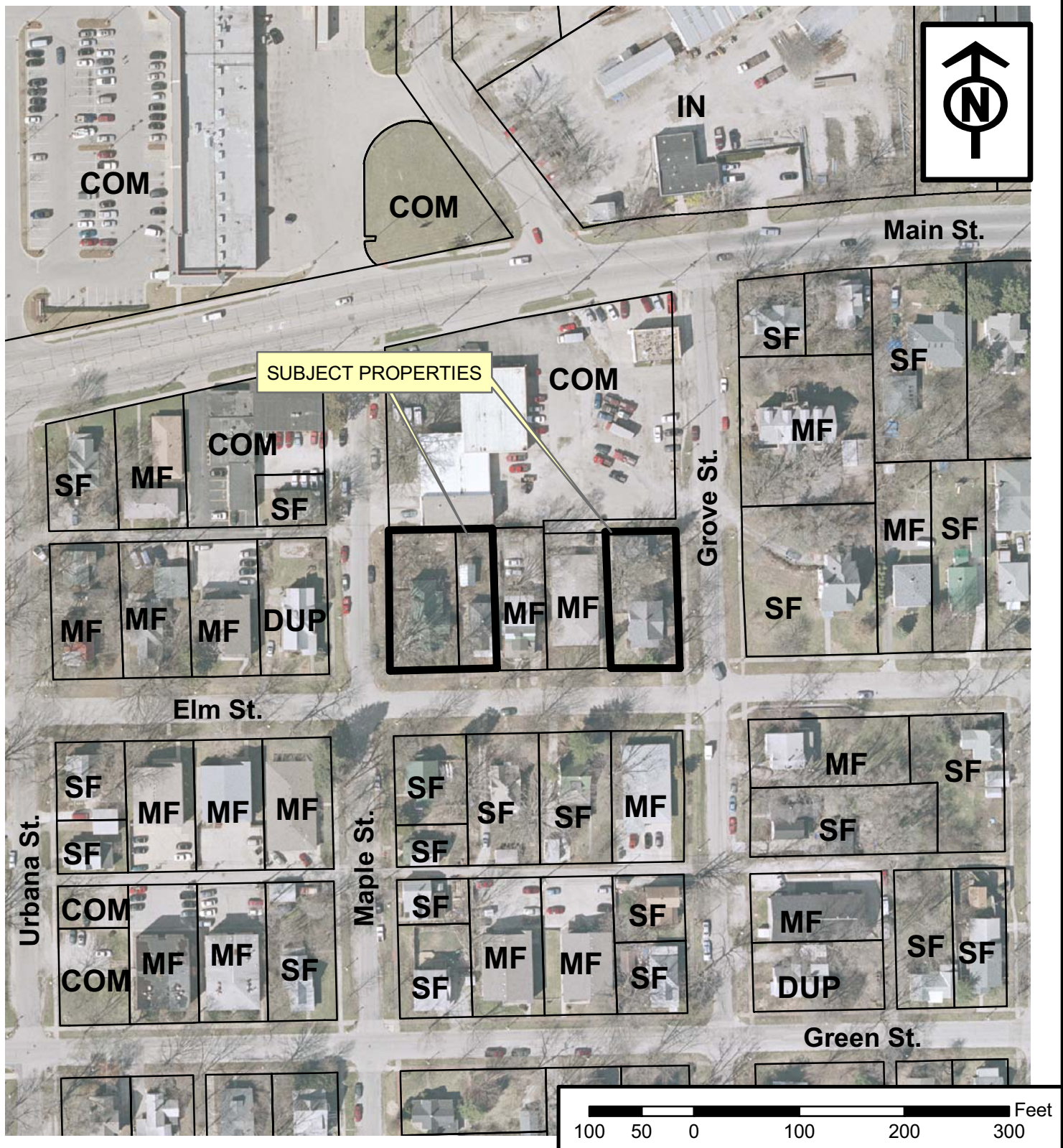
Attachments: Exhibit A: Location Map and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Petition for Comprehensive Plan Map Amendment
Exhibit E: Petition for Zoning Map Amendment

cc: Sara Metheny
502 East Elm Street
Urbana, IL 61802

Jason Finley
504 East Elm Street
Urbana, IL 61802

Samuel Santos & Elizabeth Abrams
508 East Elm Street
Urbana, IL 61802

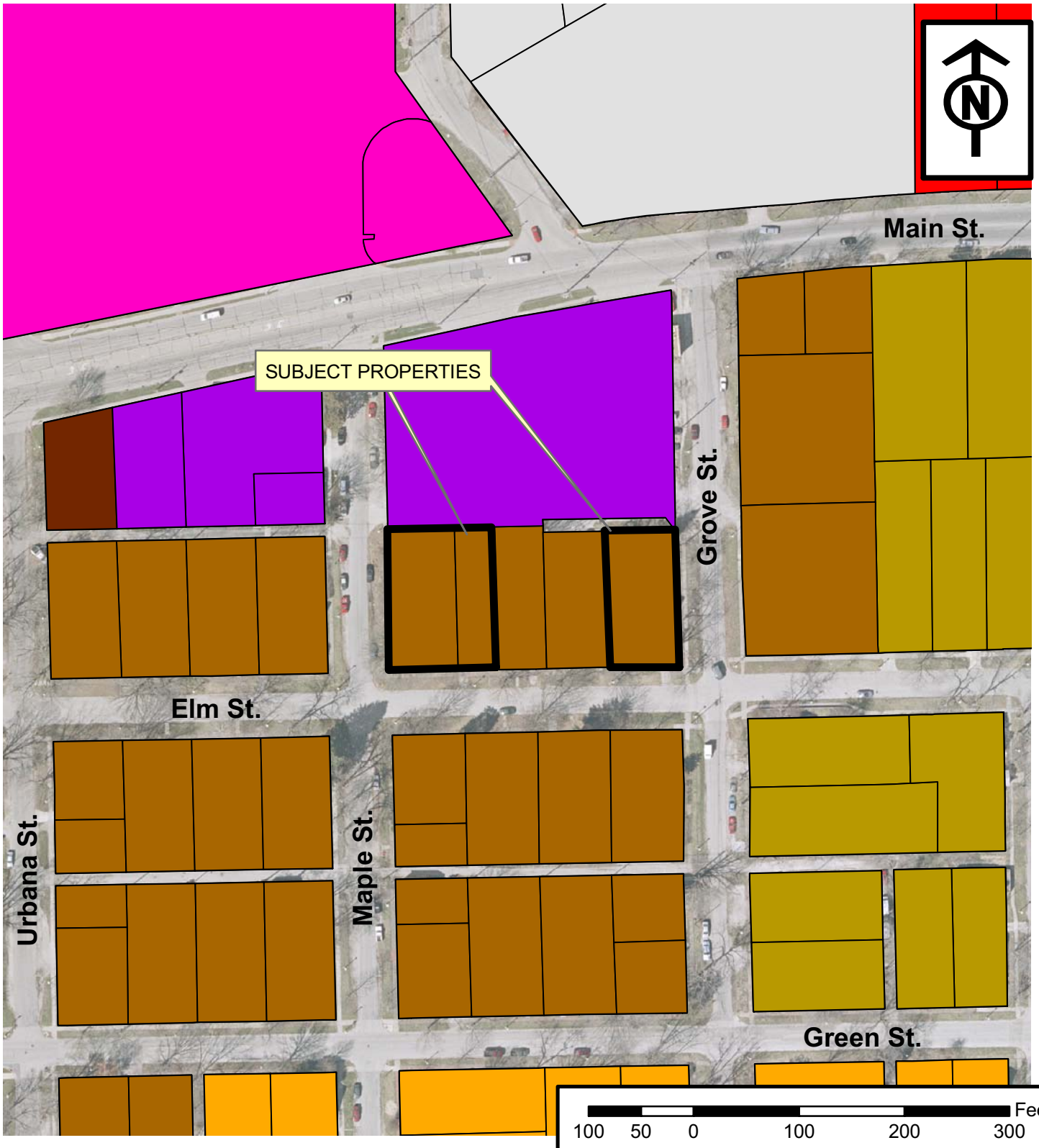
EXHIBIT A: Location and Existing Land Use Map



Plan Case: 2082-CP-08 and 2083-M-08
Petitioner: Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams
Location: 502, 504 and 508 East Elm Street
Description: Request to amend the future land use designation from Central Business to Residential (Urban Pattern); and to rezone the subject properties from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.

COM - Commercial
 MF - Multi-Family
 SF - Single-Family
 IN - Industrial
 DUP - Duplex

EXHIBIT B: Existing Zoning Map

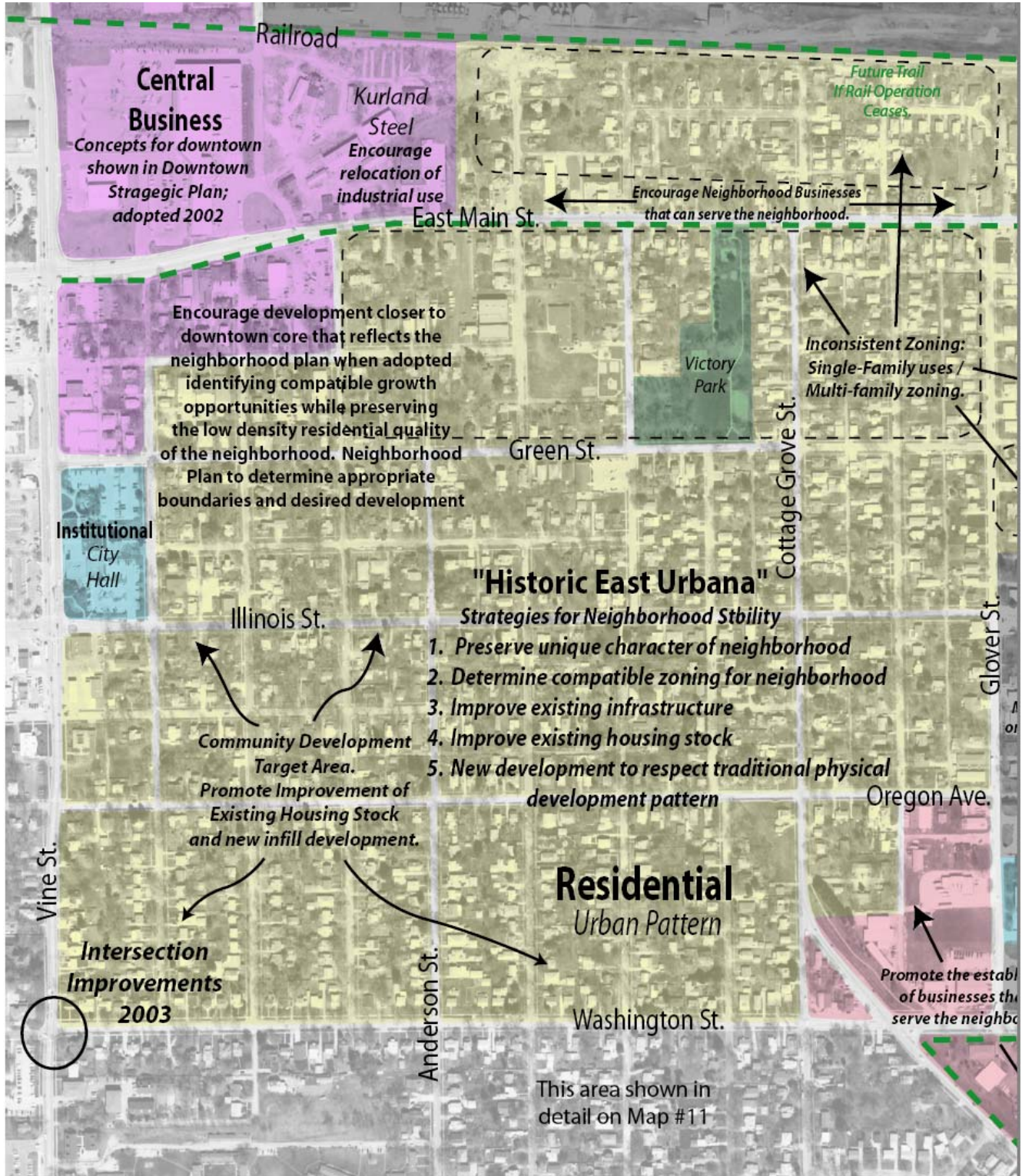


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Prepared 8/08 by Community Development Services - lkk

	B3		R3
	B4		R4
	B4E		R5
	IN		R6

Exhibit C: Future Land Use Map



Plan Case: 2082-CP-08 and 2083-M-08

Petitioner: Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams

Location: 502, 504 and 508 East Elm Street

Description: Request to amend the future land use designation from Central Business to Residential (Urban Pattern); and to rezone the subject properties from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.

Prepared 8/08 by Community Development Services - Ikk



Petition for Comprehensive Plan Map Amendment

Plan Commission

APPLICATION FEE - \$150.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ Plan Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

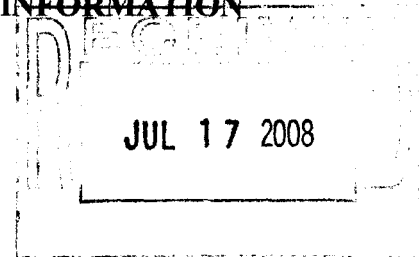
PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. Portion(s) of Comprehensive Plan affected by petition:

Change #1: Map - 10 Page - 80

Change #2: Map - _____ Page - _____

Change #3: Map - _____ Page - _____



2. Location of Subject Site North half of 500 block of E Elm St.
3. PIN # of Location 92-21-17-229-003, 92-21-17-229-004, 92-21-17-229-007
4. Name of Applicant/Petitioner(s) Sara Metheny Phone 217-766-8577
Address 502 E. Elm St. Urbana, IL 61802
(street/city) (state) (zip)

Property interest of Applicant(s) owner
(owner, contract buyer, etc)

see Appendix A

5. Name of Owner(s) Sara Metheny Phone 217-766-8577
Address 502 E. Elm St. Urbana, IL 61802
(street/city) (state) (zip)

If there are additional owners, please attach extra pages to the application.

see Appendix A

6. Name of Professional Site Planner(s) N/A Phone _____
Address _____
(street/city) (state) (zip)

7. Name of Architect(s) _____ N/A _____ Phone _____

Address _____
(street/city) (state) (zip)

8. Name of Engineers(s) _____ N/A _____ Phone _____

Address _____
(street/city) (state) (zip)

9. Name of Surveyor(s) _____ N/A _____ Phone _____

Address _____
(street/city) (state) (zip)

If there are additional consultants, please attach extra pages to application.

DESCRIPTION, USE, AND ZONING OF PROPERTY: Attach an additional sheet if necessary

Legal Description _____

Lot 2, and the West 33 feet of Lot 3, and Lot 5
in Block 1 of James Thorpe's Subdivision of Blocks 1 and 2
of James Thorpe's Addition to the City of Urbana,
according to the plat of said Subdivision recorded
August 25, 1897 in Book "A" of Plats at page 331,
situated in Champaign County, Illinois.

Lot Size 171 feet x 130 feet = 22,230 square feet

Present Use of Property Single family residences
(vacant, residence, grocery, factory, etc)

Present Comprehensive Plan Designation Central Business

Proposed Use of Property continue as single family residences and/or duplexes

Proposed Comprehensive Plan Designation Residential (Urban Pattern)

10. Why is this Comprehensive Plan amendment needed? (What are the implications on the City of the proposed amendment? To better achieve the goals and objectives of the Comprehensive plan, specifically:

- "Preserve and enhance the character of Urbana's established residential neighborhoods"
- "Promote established neighborhoods close to campus and the downtown as attractive places for people to live"
- "Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area."

11. What error in the existing Comprehensive Plan would be corrected by the proposed Amendment? The present Comprehensive Plan designation is inconsistent with existing land use; the proposed amendment would correct this and also bring designation/zoning in line with the 2008 East Urbana Neighborhood rezoning which covers the surrounding area including the south half of the 500 block of E Elm St.
12. What changed or changing conditions warrant the approval of this Amendment? The properties in question fall within the boundaries of Historic East Urbana, yet were excluded from the 2008 East Urbana Neighborhood rezoning, which rezones most of the neighborhood to R3 zoning. The primary applicant, Sara Metheny, has resided on her property for 22 years and attests to the stable low-density residential nature of this block.
13. What other circumstances justify the Amendment? Properties are suitable for R3 as they meet the R3 development regulations, including distance of buildings from the street, and all three houses are structurally sound. Properties also contain several beautiful oak trees about 200 years old, descendants or remnants of the Big Grove of oaks that stood until the 1800s. Amendment would help stabilize the value of the neighborhood by preserving historic single family homes (built 1883, 1893, 1918) and preventing further encroachment of unattractive higher-density apartment complexes.
14. Time schedule for development (if applicable) N/A
15. Additional exhibits submitted by the petitioner see Appendix B

WHEREFORE, the petitioner prays that this petition be heard by the Urbana Plan Commission and the petition for change of zoning be granted.

Respectfully submitted this 28 day of March 2008

Sara Metheny
Signature of Property Owner

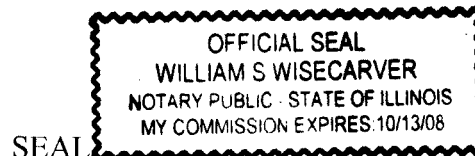
same as owner
Signature of Petitioner

STATE OF ILLINOIS)
) SS
CHAMPAIGN COUNTY)

I, SARA METHENY, being first duly sworn on oath, deposes and says, that he is the same person named in and who subscribed the above and foregoing petition, that he has read the same and knows the contents thereof, and that the matters and things set forth are true in substance and in fact as therein set forth.

Subscribed and sworn to me this 28th day of MARCH 2008.

William S. Wisecarver
Notary Public



Petitioner's Attorney _____ N/A _____

Address _____

Phone _____

Appendix A

Additional Applicants/Owners:

Name of Applicant/Owner:

Jason R. Finley

Phone:

217-328-0722

Address:

504 E. Elm St.
Urbana, IL 61802

Names of Applicants/Owners:

Samuel Santos & Elizabeth Abrams

Phone:

217-344-7995

Address:

508 E. Elm St.
Urbana, IL 61802

Appendix B

Photographs of Homes:

502 E Elm St.



504 E Elm St.



508 E Elm St.



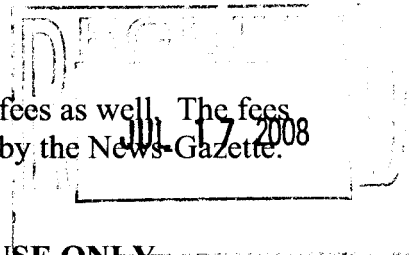


Petition for Zoning Map Amendment

Plan Commission

APPLICATION FEE ~ \$150.00

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DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ Plan Case No. _____
Fee Paid - Check No. _____ Amount _____ Date _____

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2. PIN # of Location 92-21-17-229-003, 92-21-17-229-004, 92-21-17-229-007
3. Name of Applicant/Petitioner(s) Sara Metheny Phone 217-766-8577
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Property interest of Applicant(s) owner
(owner, contract buyer, etc)

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see Appendix A

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Address _____
(street/city) (state) (zip)

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in Block 1 of James Thorpe's Subdivision of Blocks 1 and 2
of James Thorpe's Addition to the City of Urbana,
according to the plat of said Subdivision recorded
August 25, 1897 in Book "A" of Plats at page 331,
situated in Champaign County, Illinois.

Lot Size 171 feet x 130 feet = 22,230 square feet

Present Use of Property Single family residences
(vacant, residence, grocery, factory, etc)

Present Zoning Designation R5

Proposed Use of Property continue as single family residences and/or duplexes

Proposed Zoning Designation R3

9. Present Comprehensive Plan Designation Central Business. See accompanying petition with proposal to change to
10. How does this request conform to the Comprehensive Plan? Residential (Urban Pattern).

See accompanying petition to amend 2006 Comprehensive Plan.

11. What error in the existing Zoning Map would be corrected by the Proposed Amendment? _____

See accompanying petition to amend 2006 Comprehensive Plan.

12. What changed or changing conditions warrant the approval of this Map Amendment? _____

See accompanying petition to amend 2006 Comprehensive Plan.

13. Explain why the subject property is suitable for the proposed zoning _____

See accompanying petition to amend 2006 Comprehensive Plan.

14. What other circumstances justify the zoning map amendment? _____

See accompanying petition to amend 2006 Comprehensive Plan.

15. Time schedule for development (if applicable) _____

See accompanying petition to amend 2006 Comprehensive Plan.

16. Additional exhibits submitted by the petitioner _____

see Appendix B

WHEREFORE, the petitioner prays that this petition be heard by the Urbana Plan Commission and the petition for change of zoning be granted.

Respectfully submitted this 1st day of April 2008

[Signature] Elizabeth M. Abrams
Signature of Property Owner same as owner
[Signature] Samuel Santos
Signature of Petitioner

STATE OF ILLINOIS)
) SS
CHAMPAIGN COUNTY)

I, JOHN DUNKELBERGER, being first duly sworn on oath, deposes and says, that ~~he is~~ ^{he is} the same person named in and who subscribed the above and foregoing petition, that ~~he has~~ ^{he has} read the same and knows the contents thereof, and that the matters and things set forth are true in substance and in fact as therein set forth.

Subscribed and sworn to me this 1st day of APRIL 2008.

[Signature]
Notary Public



Petitioner's Attorney _____ N/A
Address _____ N/A
Phone _____ N/A