



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: December 17, 2012

SUBJECT: A request by B & H Real Estate Ventures, LLC, for a Special Use Permit to expand a Pawn Shop at 1004 West University Avenue in the B-3, General Business Zoning District (Plan Case 2196-SU-12)

Introduction and Background

This case is a request by B & H Real Estate Ventures, LLC. to allow an expansion of an existing pawn shop located at 1004 West University Avenue in the B-3, General Business Zoning District. Pursuant to Plan Case No. 2192-T-12, the Urbana Zoning Ordinance Table V-1, “Table of Uses”, now requires a Special Use Permit for any new or expanded Pawn Shop in B-3 zoning districts. The applicant is in the process of purchasing the property, which is currently known as the Gold and Diamond Exchange. The applicant will renovate and expand the building and re-open it as the Pawn King. The renovations include replacing the roof and adding a 1,600 square foot storage space on the northwest portion of the building.

The subject property is a 0.43-acre tract located on the north side of University Avenue, the major east-west corridor in central Urbana-Champaign, between the intersections of Lincoln and Goodwin Avenues. The area immediately surrounding the subject property is currently commercial in character, and the proposed Campus Circle mixed-use development is expected to add 197 dwelling units on the property immediately to the west.

The existing pawn shop is a legally nonconforming use in the B-3 District, which can now expand only with a Special Use Permit. The applicant in September 2012 submitted a building permit application for expansion which has been held pending a Zoning Ordinance amendment and Special Use Permit. When initially submitted, a “Pawn or Consignment Shop” was allowed only in the B-4 and B-4E districts and permitted by right. A City-staff initiated Zoning Ordinance amendment (Plan Case No. 2192-T-12) has been reviewed by the Plan Commission and recommended for approval by the Urbana Committee of the Whole with a requirement that Pawn Shops be allowed in B-3, B-4, and B-4E Districts with a Special Use Permit. Council is set to vote on this text amendment on December 17, 2012. In anticipation of this Zoning Ordinance change, the prospective owners have submitted a Special Use Permit application to accommodate their purchase and expansion plans. The Urbana Plan Commission will hold a public hearing regarding the proposed application on Thursday, December 20th, 2012. Staff will

report any public input and Plan Commission action regarding this case to City Council at a Special City Council meeting to be held on December 21st.

Adjacent Land Uses and Zoning Descriptions

The area immediately surrounding the subject property to the east, west and south is commercial in nature. Businesses such as Tri-Color Locksmiths and LTJ3 VIP Tours are located to the east; and restaurants such as Niro's Gyros, Taco Bell and Dairy Queen are located along University Avenue south of the subject property. To the west is the site of the future Campus Circle mixed-use development, Hot Wok restaurant, and the former Cocina Real restaurant. To the north of the subject property is a railroad spur and the Illinois American Water Company. The property to the north is zoned IN-1, Light Industrial-Office.

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	B-3, General Business	Gold & Diamond Exchange Pawn Shop	Community Business
North	IN-1, Light Industrial-Office	Railway spur right-of-way Illinois American Water Co	Institutional
South	B-3, General Business	Commercial – Restaurants	Campus Mixed-Use
East	B-3 General Business	Commercial – Retail	Community Business
West	B-3, General Business	Vacant (Campus Circle Site) Commercial – Restaurants	Community Business

Comprehensive Plan Goals, Objectives and Policies

The City of Urbana’s 2005 Comprehensive Plan, Future Land Use Map 3, designates the future land use of this property as “Community Business”. The Comprehensive Plan defines “Community Business” as:

“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 development 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.”

The proposed project appears to fit well within the Community Business category in that it is a community-serving business located along an arterial roadway and provides access to pedestrian and transit facilities.

Additionally, the proposed Special Use Permit has been reviewed under the goals and objectives contained in the 2005 Urbana Comprehensive Plan. The following goals and objectives relate to this case:

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

- 25.2 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.

The proposed Special Use Permit appears to comply with the Urbana's 2005 Comprehensive Plan in terms of future land uses, goals, and objectives.

Discussion

B & H Real Estate Ventures, LLC, has a contract to purchase the existing Gold & Diamond Exchange pawn shop and convert it into a Pawn King pawn shop. Gold & Diamond Exchange has been operating successfully at this location for 25 years. The petitioner is proposing to renovate the existing pawn shop and to add a storage room for the business. Renovations would include a new roof, new exterior siding, and new signs. The storage room addition will require some interior walls to be removed. The proposed site plan is included as Exhibit E.

Under Plan Case 2192-T-12, pawn shops are anticipated to be allowed only as a Special Use in the B-3, General Business district. Therefore, in order to expand the pawn shop, Plan Commission must review and City Council must approve a Special Use Permit. The petitioner and the current owner would like to complete the sale of the pawn shop by the end of the year. Since the expansion of a pawn shop was not allowed in the B-3 district, the Zoning Administrator applied for a Zoning Ordinance text amendment to allow "Pawn or Consignment Shop" in the B-3 district, permitted by right. City Council requested a change to the text amendment which would require a Special Use Permit for a pawn shop in the B-3 zoning district, and the revised amendment is scheduled to be approved on December 17th, 2012. In order to meet the petitioner's request for final action by the end of the year, this application for a Special Use Permit will be heard at a Plan Commission public hearing on December 20th, and then will be heard before a special meeting of City Council on December 21st.

In addition to the City's Special Use Permit requirements, a pawn shop must conform to state law. Pawnshops in Illinois are regulated by the State of Illinois Department of Financial and Professional Regulation under 205 ILCS 510 (the Pawnbroker Regulation Act). This act imposes requirements designed to protect consumers and to provide a reporting system to insure that transactions are communicated daily to local police. Pawn shops must obtain identification from anyone wishing to pawn or sell items, and must send the County Sheriff and Urbana Police Department a list of all items that have been bought or pawned. As part of this Special Use Permit, the Urbana Police Department reviewed the application and does not have any comments or concerns with the proposed expansion.

Requirements for a Special Use Permit

Special Use Permit applications generally must demonstrate that they meet the following three criteria as provided in italics. (Please see the attached Petition for Special Use Permit for the applicant's specific response to each question.)

1. That the proposed use is conducive to the public convenience at that location.

The proposed use is conducive to the public convenience in terms of its location. The subject property is located along University Avenue, the main east-west commercial corridor in central Urbana-Champaign. The site has contained a pawn shop for several years. The applicant is simply seeking to improve and expand the building.

2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

The proposed use would not be unreasonably injurious or detrimental to the district in which it is located. A pawn shop is a retail and financial service use, both of which are common uses in the B-3, General Business District. The proposed addition of a storage room to the pawn shop would have no impact to the district or the public welfare. There may be more customers and traffic visiting the site, but as the site is on an arterial road with sidewalk access, it should not impact the area. In the future, the property immediately to the west will become a mixed-use development, with businesses on the ground floor and residential above. The proposed pawn shop expansion will not negatively impact the adjacent residents, as it is a generally quiet use with a smaller amount of traffic than most of the other businesses in the area.

3. That the proposed use conforms to the applicable regulations and standards and preserves the essential character of the district in which it shall be located.

The proposed development will preserve the general character of the University Avenue corridor as well as contribute to the economic vibrancy of the area. The properties surrounding the subject property on University Avenue are all community-serving, automobile-oriented commercial uses. The project would meet height, floor area ratio, parking, and front yard setback requirements. The only development regulations that will be impacted are parking and floor area ratio, which will increase from 0.24 to 0.33. The maximum floor area ratio in the B-3 district is

4.00. The expansion of storage space will increase the required off-street parking for the pawn shop from 15 to 16 spaces. Staff has requested an updated site plan to show a parking lot striping plan that provides all of the required parking. The petitioner has agreed and will provide an updated site plan prior to the Plan Commission public hearing. The petitioner has not yet applied for a sign permit. Any new signage must meet Zoning Ordinance requirements.

In summary, City staff finds that the application meets the specific criteria for Special Use Permits provided in Section VII-4 of the Zoning Ordinance.

Consideration

City Council shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the Special Use Permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, City Council shall make a decision for or against the proposed special use, and may also adopt additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance, including but not limited to the following:

1. Regulating the location, extent, and intensity of such use;
2. Requiring adherence to an approved site plan;
3. Requiring landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulating a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulating vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Requiring conformance to health, safety, and sanitation requirements as necessary;
7. Regulating signs and outdoor lighting;
8. Imposing any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings

In Plan Case No. 2196-SU-12, the following Summary of Findings is proposed:

1. City Council will vote on December 17th, 2012 to approve a Zoning Ordinance text amendment to allow pawn shops in the B-3, General Business Zoning District with a Special Use Permit.
2. The petitioner has applied to renovate the exterior and add a 1,600 square foot storage room to the existing pawn shop at 1004 West University Avenue.

3. The proposed Special Use is conducive to the public convenience as the property is currently in use as a pawn shop, and the University Avenue corridor contains several other community-serving businesses.
4. The proposed use will not be unreasonably injurious or detrimental to the district in which it will be located, or otherwise injurious or detrimental to the public welfare because it is a low-impact retail use.
5. The proposed development is consistent with the development regulations for properties in the B-3 Zoning District and similar to other uses in the area and therefore preserves the essential character of the district in which it shall be located.
6. The Urbana Police Department has reviewed the proposed Special Use and does not have any objections or comments on the application.
7. The proposed development is consistent with the 2005 Urbana Comprehensive Plan in terms of its goals and objectives as well as the future land use designation of the subject property as “Community Business”.

Options

In Plan Case No. 2196-SU-12 the Urbana City Council has the following options:

1. Approve the Special Use Permit;
2. Approve the Special Use Permit subject to any additional conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance;
3. Deny the request for the Special Use Permit.

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 the Urbana City Council **APPROVE** the Special Use Permit, subject to the following conditions:

1. The development shall be constructed in general conformance with the attached site plan. The Zoning Administrator shall have the authority to approve minor changes substantially in compliance with the approved site plan necessary for the project to comply with City regulations including building, fire, and site development codes.
2. The applicant shall submit and implement a parking lot striping plan that meets the satisfaction of the Zoning Administrator and City Engineer.

The Urbana Plan Commission will hold a public hearing regarding the proposed application on Thursday, December 20th, 2012. Staff will report any public input and Plan Commission action regarding this case to City Council at the Special City Council meeting on December 21st.

Prepared By:

Jeff Engstrom, AICP

cc: Bruce Hunter, B & H Real Estate Ventures, LLC.
Bob Rigdon, Gold and Diamond Exchange

Attachments:

Exhibit A: Location & Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application
Exhibit E: Site Plan and Conceptual Elevations

ORDINANCE NO. 2012-12-116

An Ordinance Approving a Special Use Permit

(To Allow Expansion of a Pawn Shop in the B-3, General Business Zoning District
- Plan Case No. 2196-SU-12 / 1004 West University Avenue - B & H Real Estate
Ventures, LLC)

WHEREAS, B & H Real Estate Ventures, LLC has petitioned the City for a Special Use Permit to allow expansion of an existing pawn shop in the B-3, General Business Zoning District; and

WHEREAS, the Urbana Zoning Ordinance identifies *pawn shops* within the B-3 Zoning District as being permitted with the granting of a Special Use Permit; and

WHEREAS, the proposed use is conducive to the public convenience at this location as the property is currently in use as a pawn shop, and the University Avenue corridor contains several other community-serving businesses; and

WHEREAS, the proposed use will not be unreasonably injurious or detrimental to the district in which it will be located, or otherwise injurious or detrimental to the public welfare; and

WHEREAS, the proposed development is consistent with the development regulations for properties in the B-3 Zoning District and similar to other uses in the area and therefore preserves the essential character of the district in which it shall be located; and

WHEREAS, the proposed development is consistent with the 2005 Urbana Comprehensive Plan in terms of its goals and objectives as well as the future land use designation of the subject property as "Community Business"; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on December 20, 2012 concerning the petition filed by the petitioner in Plan Case No. 2196-SU-12; and

WHEREAS, the Urbana Plan Commission voted _ ayes and _ nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions specified in Section 1 herein; and

WHEREAS, approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow expansion of a pawn shop in the B-3, General Business Zoning District with the following condition:

1. The development shall be constructed in general conformance with the site plan attached as Attachment A. The Zoning Administrator shall have the authority to approve minor changes substantially in compliance with the approved site plan necessary for the project to comply with City regulations including building, fire, and site development codes.
2. The applicant shall submit and implement a parking lot striping plan that meets the satisfaction of the Zoning Administrator and City Engineer.

LEGAL DESCRIPTION:

Lot Thirteen (13) except the West 4 Feet thereof, and Lot Fourteen (14) in John Stipes' Subdivision of a part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section Seven (7), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, situated in Champaign County, Illinois.

Permanent Index No: 91-21-07-431-011

LOCATED AT: 1004 West University Avenue, Urbana, Illinois.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the Corporate Authorities this _____ day of

_____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,

_____.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ___ day of _____, 2012, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "An Ordinance Approving a Special Use Permit (To Allow Expansion of a Pawn Shop in the B-3, General Business Zoning District - Plan Case No. 2196-SU-12 / 1004 West University Avenue - B & H Real Estate Ventures, LLC)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2012, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2012.

ATTACHMENT A: SITE PLAN

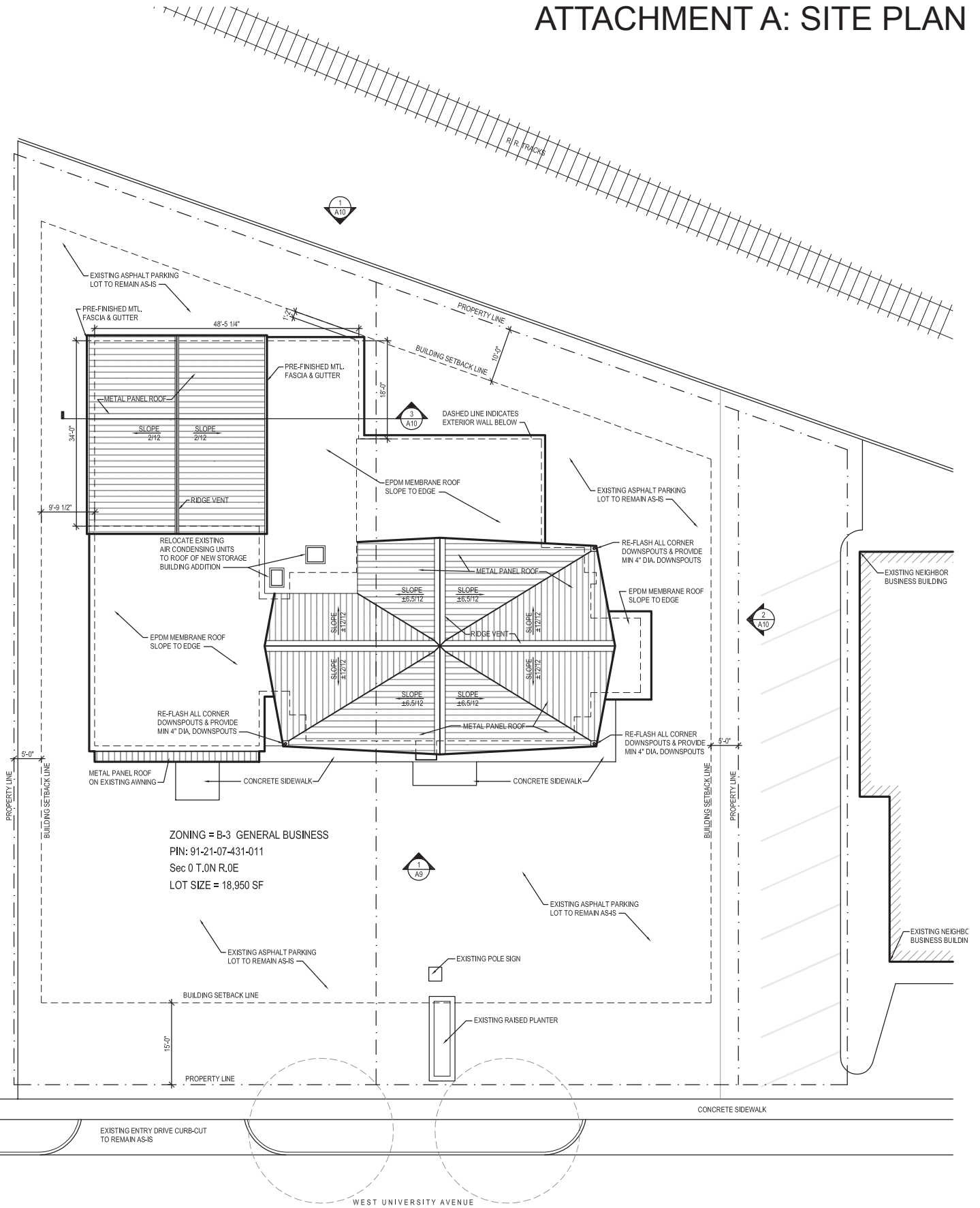


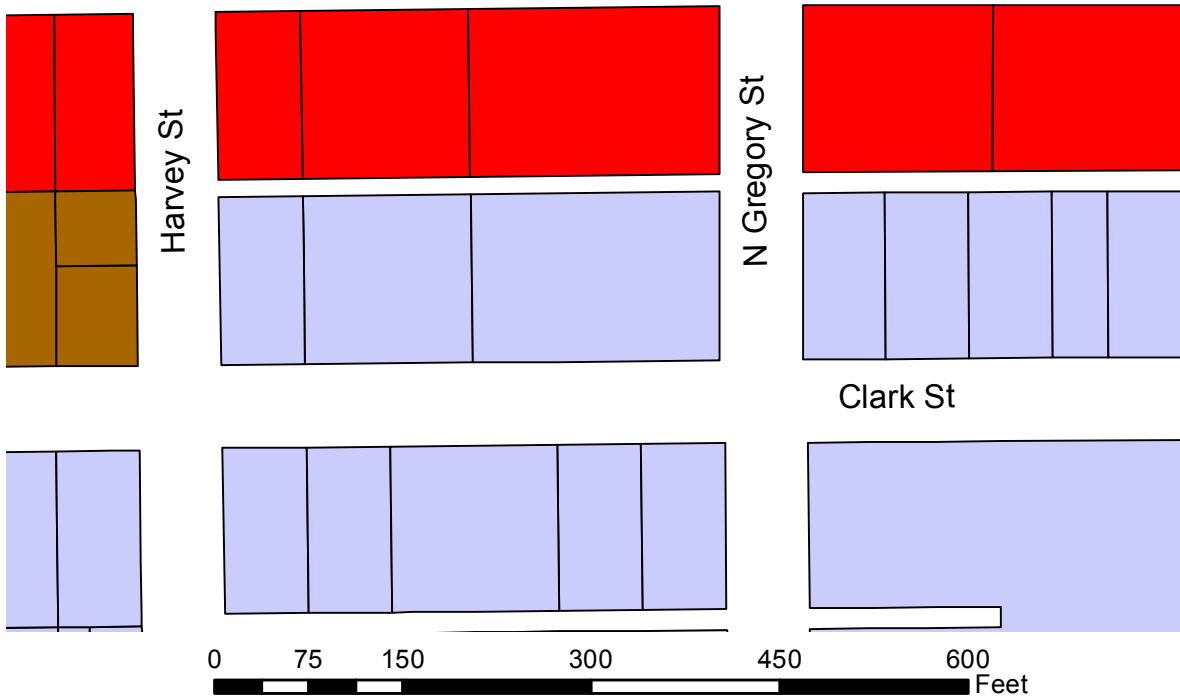
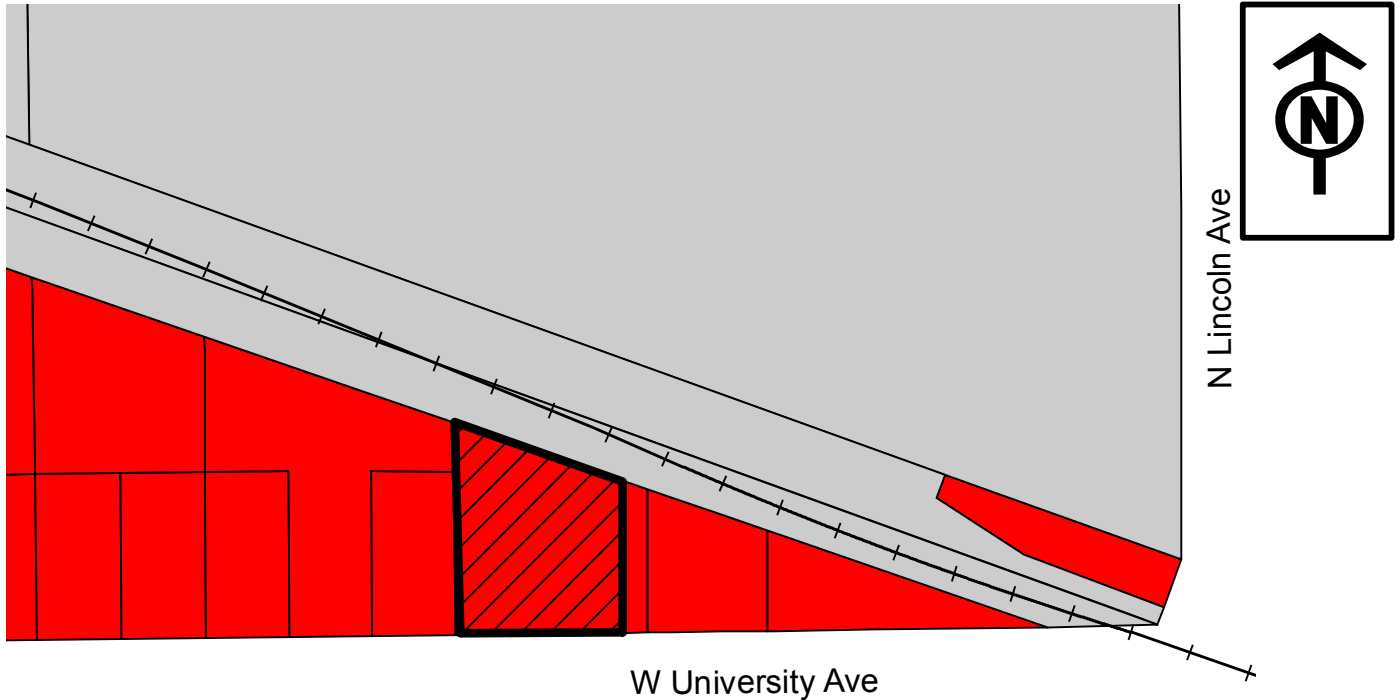
Exhibit A: Location and Current Land Use Map




Case: 2196-SU-12
Subject: Special Use Permit to allow expansion of a Pawn Shop
Location: 1004 W University Ave
Petitioner: B & H Real Estate Ventures, LLC

 Subject Property

Exhibit B: Zoning Map



Case: 2196-SU-12
 Subject: Special Use Permit to allow expansion of a Pawn Shop
 Location: 1004 W University Ave
 Petitioner: B & H Real Estate Ventures, LLC

 Subject Property





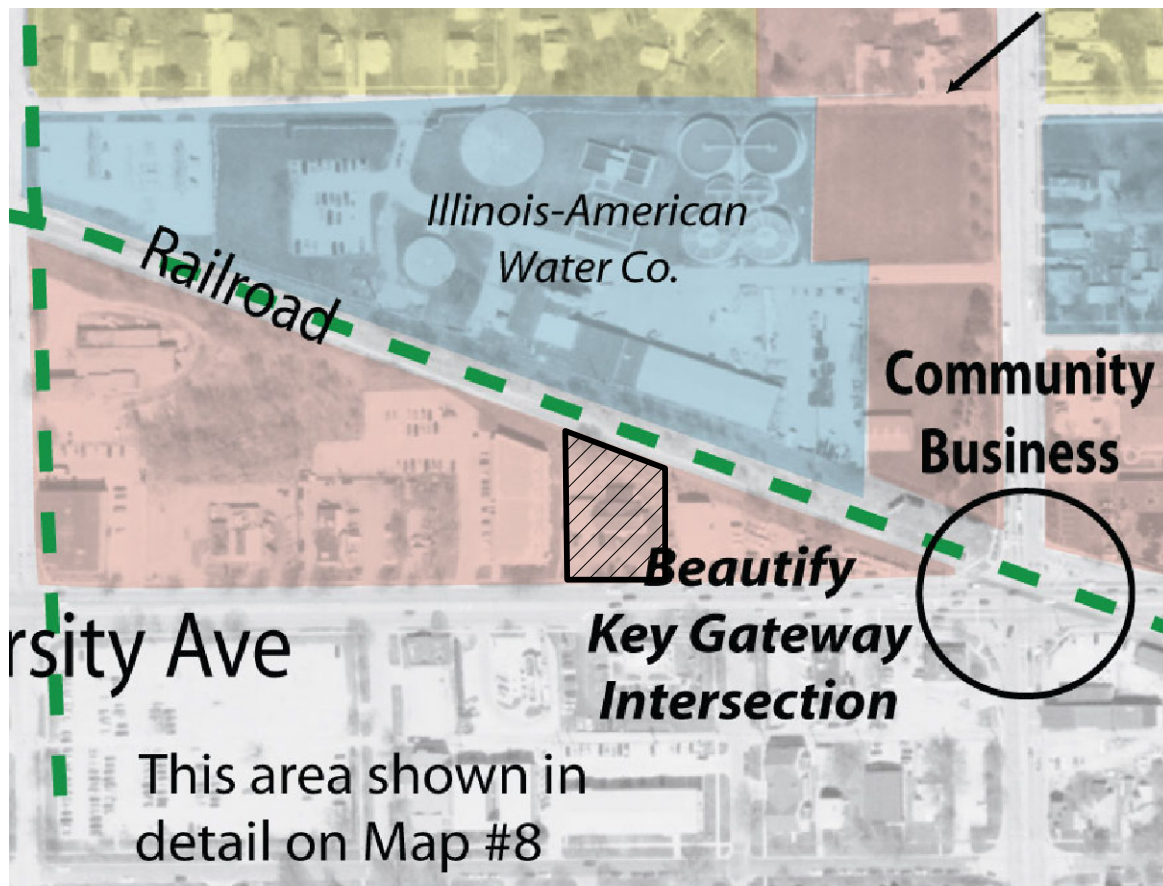
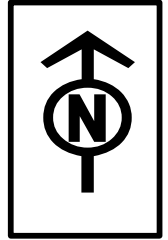
 IN-1	 B3U
 B3	 R5

Exhibit C: Future Land Use Map



Case: 2196-SU-12
Subject: Special Use Permit to allow expansion of a Pawn Shop
Location: 1004 W University Ave
Petitioner: B & H Real Estate Ventures, LLC

 Subject Property



Application for
Special Use Permit

Plan
Commission

APPLICATION FEE - \$175.00

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 11/29/12 Plan Case No. 2196-SU-12
 Fee Paid - Check No. Cash Amount \$175.00 Date 11/29/12

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A SPECIAL USE PERMIT is requested in conformity with the powers vested in the Plan Commission to recommend to the City Council under Section _____ of the Urbana Zoning Ordinance to allow *(Insert proposed use)* PAWN SHOP on the property described below.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Bruce H. Hunter Phone: 217-791-4278
 Address (street/city/state/zip code): B+H Real Estate Ventures LLC
107 West Cook St. Suite A Springfield IL 62704
 Email Address: bruce.h.hunter@gmail.com

2. PROPERTY INFORMATION

Address/Location of Subject Site: 1004 West University Avenue
 PIN # of Location: 91-21-07-431-011
 Lot Size: _____
 Current Zoning Designation: B-3 general business district
 Current Land Use (vacant, residence, grocery, factory, etc): PAWN SHOP
 Proposed Land Use: Pawn Shop Storage
 Legal Description: _____

3. CONSULTANT INFORMATION

Name of Architect(s): David Lipe Phone: 217-827-4038
Address (street/city/state/zip code): 603 school st NOKOMIS, IL. 62705
Email Address: david@lpe-architecture.com

Name of Engineers(s): Phone:
Address (street/city/state/zip code):
Email Address:

Name of Surveyor(s): Phone:
Address (street/city/state/zip code):
Email Address:

Name of Professional Site Planner(s): Phone:
Address (street/city/state/zip code):
Email Address:

Name of Attorney(s): Todd Turner Phone: 217-544-1144
Address (street/city/state/zip code): 1 North old State Capitol Plaza, Suite 200
Email Address: tturner@sohlglaw.com P.O. Box 5131
Springfield IL. 62705

4. REASONS FOR SPECIAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

The subject property is operating as a Pawnshop now & for the last 25 years. We just need additional storage on the back of the existing bldg.

Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

We simply need additional storage so we can safely store the customers pawned items.

Explain how the proposed use conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.

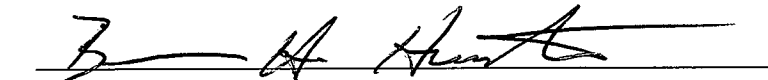
Surrounding businesses are all retail uses.

NOTE: *If additional space is needed to accurately answer any question, please attach extra pages to the application.*

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

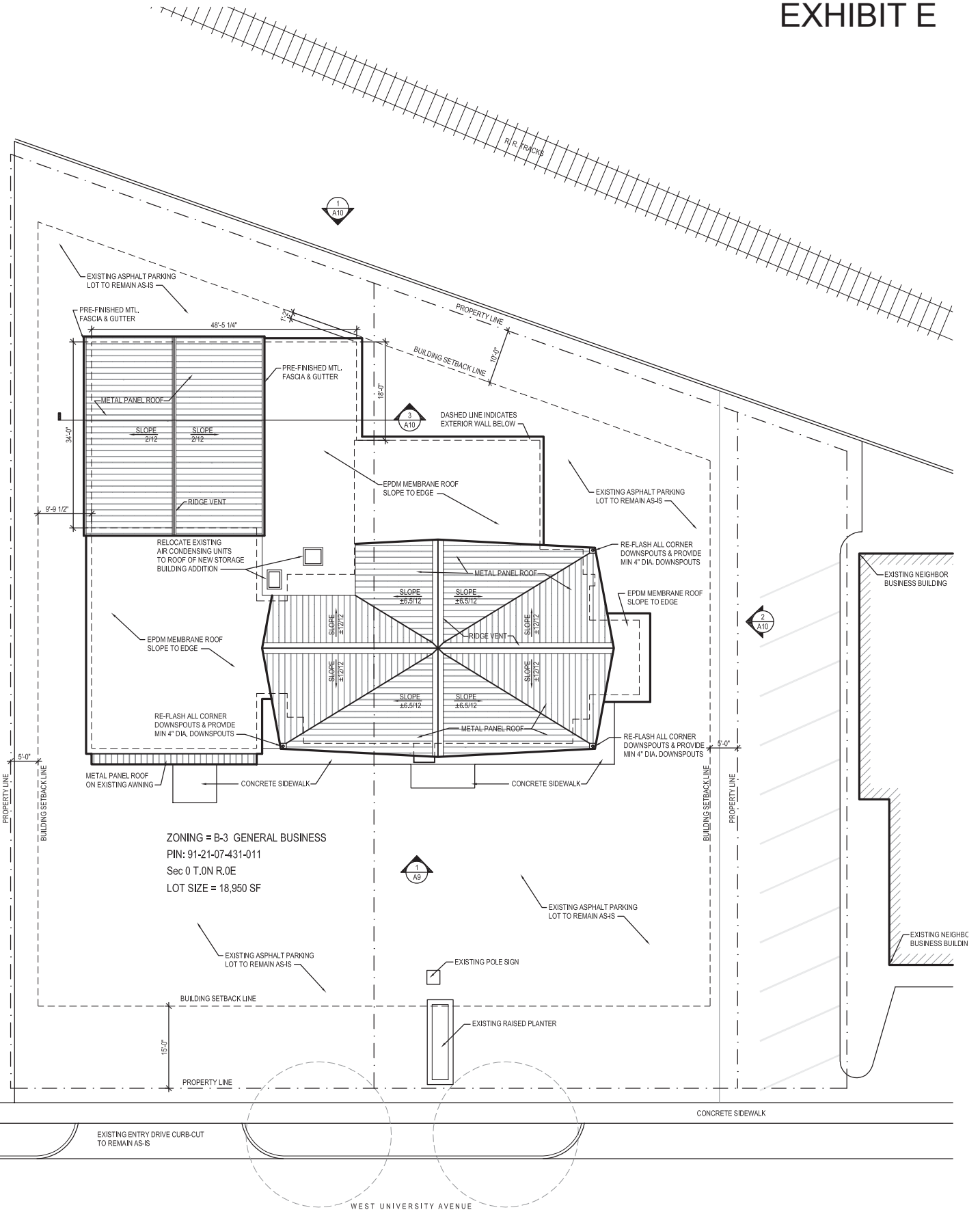

Applicant's Signature

11-29-12
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

EXHIBIT E



1 SITE / ROOF PLAN - PROPOSED
A6 SCALE: 3/32" = 1'-0"