



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** Urbana Plan Commission

**FROM:** Christopher Marx, Planner I

**DATE:** April 29, 2016

**SUBJECT:** **Plan Case 2278-M-16:** A request by Lacey's Place LLC Series Urbana to rezone a parcel totaling approximately 0.81 acres from the B-1, Neighborhood Business zoning district to the B-3, General Business zoning district located at 805 North Lincoln Avenue, Urbana.

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### **Introduction and Background**

Lacey's Place LLC has submitted an application to rezone a parcel located at 805 North Lincoln totaling 0.81 acres from B-1, Neighborhood Business to B-3, General Business zoning district. The lot is occupied by an existing video rental store and a prosthetics business that shares the building. The applicant, in cooperation with the property owner, seeks to have the property rezoned for the purpose of operating a Gaming Hall in the existing building. The applicant states that the rezoning would allow the property owner to better repurpose a vacant space and contribute more tax dollars to the City of Urbana.

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

### **Background**

The subject property is located at the southwest corner of the intersection of Lincoln Avenue and Fairview Avenue. The subject property is bordered by single-family homes and two apartment buildings. The single-family homes to the west that are zoned R-2, Single-Family Residential. A house is also zoned B-1, Neighborhood Business. Towards the south and across Fairview are more single-family homes zoned R-2, Single-Family Residential. To the west, across Lincoln Avenue, there are three single-family homes also zoned R-2, Single-Family Residential, and a small apartment building zoned R-5, Medium High Density Multiple-Family Residential. The property is a commercial space designated to serve a nearby residential neighborhood and a minor arterial connecting Interstate 74 with the University campus.

Following is a summary of zoning, existing land uses and Comprehensive Plan future land use designations for the subject site and surrounding properties. Exhibits A, B, and C further illustrate this information.

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	B-1, Neighborhood Business	Video Rental Store, Prosthetics Office, Vacant Office Space	Community Business
North	R-5, Medium High Density Multiple-Family Residential	Apartment Building	Community Business
South	R-2, Single-Family Residential	Single-Family Homes	Community Business
East	R-2, Single-Family Residential R-5, Medium High Density Multiple-Family Residential	Apartment Building Single-Family Homes	Residential
West	R-2, Single-Family Residential B-1, Neighborhood Business	Single-Family Homes	Community Business

## Recent Area Rezoning Requests

The subject property previously existed in the R-2, Single Family Residential zoning district before it was rezoned to B-1, Neighborhood Business in Plan Case No. 1833-M-02 in 2002. Its last rezoning was to accommodate the video rental store.

In recent years, the City has considered similar rezoning requests for other parcels just south of the subject property. In Plan Cases 2262-M-15, the property owner of 701, 705, and 707 North Lincoln Avenue petitioned the Urbana Plan Commission for a rezoning from B-2, Neighborhood Business Arterial and R-2, Single-Family Residential to B-3, General Business. Only the property at 705 North Lincoln Avenue was approved for rezoning to B-2. The original application was not approved because of considerations for protection of the single-family homes adjacent to the properties.

## Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the subject site as “Community Business.” The Comprehensive 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 No. 3 of the 2005 Comprehensive Plan includes the following notation for the properties on the west side of the Lincoln Avenue corridor between University Avenue and King Park: “Promote community business that can serve University population and immediate neighborhood.”

The following Comprehensive Plan Goals and Objectives also pertain to the rezoning:

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

*Objectives*

- 1.2 Encourage investment in older properties to help maintain their appearance and long-term potential
- 1.5 Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

**Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.**

*Objectives*

- 15.1 Plan for new growth and development to be contiguous to existing development here possible in order to avoid “leapfrog” developments.

**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 area 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.

## **Discussion**

The applicant requests to change the zoning of the subject property from B-1, Neighborhood Business to B-3, General Business to allow the operation of a Gaming Hall at the site. According to the Table of Uses in the Zoning Ordinance, Table V-1, Gaming Halls are not permitted in the B-1 zoning district, but are allowed in the B-3, B-4, and B-4E zoning districts. They also require approval of the appropriate liquor and gaming licenses from the city and state. B-1 and B-3 zoning districts are distinguished by their permitted uses and development regulations, summarized below and in the zoning description purpose sheets in Exhibit E.

In the City’s Zoning Ordinance, the B-1 district is described as follows:

*“The B-1, Neighborhood Business District is intended to provide commercial areas of limited size, for*

*basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently."*

Some of the permitted uses for a B-1 property include a Bed and Breakfast Inn, Barber/Beauty Shop, Church, Bakery, Confectionary Store, and other stores with a square footage of 3,500 gross square feet or less. The development regulations for the B-1 district include a Floor area ratio (FAR) that is limited to 0.30 and building height limits of 35 feet.

The B-3 district is described in the City's Zoning Ordinance 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."*

Some of the permitted uses for a B-3 property include Hardware Store, Automobile Rental, Gasoline Station, Jewelry Store, University/College, or Copy and Printing Service. The development regulations for the B-3 district include a Floor Area ratio (FAR) that is limited to 4.00. Building heights are only limited by setbacks and neighboring building heights. More specifically, building heights above 25 feet are restricted in proportion to the size of their respective side and rear yards.

As Exhibit E demonstrates, the B-3 district is designed to allow a wider range of uses and more intensive development than what is allowed in the B-1 district. Uses within the B-3 district are intended to serve the entire city, whereas B-1 district establishments are meant to serve the surrounding neighborhood.

The subject property, as well as its neighboring properties to the north and south, have all been designated as *Community Business* in the City's Comprehensive Plan, with an additional note that the businesses should serve the University population and immediate neighborhood. The Comprehensive Plan's description of the designation also specifically describes it as an area with businesses and services that "are at scales and intensities that make them generally compatible with surrounding neighborhoods."

While the proposed new zoning would permit a new use that could contribute to many of the goals of the Comprehensive Plan, rezoning the property from B-1 to B-3 would allow a sizeable increase in allowed development intensity and land use permissions for the subject property. A rezoning would not create any nonconformities for the existing building or use, but it would expand the range of available uses or structures that are permitted for the property. This significant increase would make it incompatible with the surrounding single-family neighborhoods and therefore not consistent with the Future Land Use designation in the Comprehensive Plan.

Should a higher-intensity zoning be desired, the B-2, Neighborhood Business Arterial zoning designation would be a more appropriate designation than B-3. The B-2 district is intended for properties located adjacent to residential neighborhoods and arterial streets. The B-2 district is also more consistent with the Community Business designation in the Comprehensive Plan. The applicant did not request B-2 zoning, however, as Gaming Halls are not permitted use in that district.

## **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 existing B-1 zoning and the land uses of a video rental store, medical office and vacant commercial space are compatible with the current and proposed zoning. The proposed use of a Gaming Hall would involve a more intense use with a liquor license, and could be incompatible with the surrounding neighborhood. Rezoning the subject property to the more intensive B-3 district could also be inconsistent with the 2005 Urbana Comprehensive Plan, which calls for uses at “scales and intensities that make them generally compatible with surrounding neighborhoods,” and with development patterns of the area.

*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 B-1, Neighborhood Business and the value it would have if it were rezoned to B-3, General Business.*

Because the proposed rezoning would allow more types of uses and with a greater intensity, the property values could theoretically increase. However, residential properties to the north, west, and east of the subject property would have undetermined effects on their property values because of closer proximity to a B-3 district.

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 existing B-1, Neighborhood Business zoning is intended to allow a business to serve the nearby area while not being too intensive for nearby homes. Allowing a B-3, General Business zoning would make the property available for a wider range of uses that could be disruptive to the surrounding neighborhood. The requested zoning would allow a scale and intensity of uses that could be incompatible with the surrounding neighborhood and therefore potentially inconsistent with the 2005 Comprehensive Plan.

The public would not receive any greater gain from the property existing as B-3 instead of B-1. The hardship to the property owner is minimal because other commercial uses would be permitted to operate in the space under current 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 located along Lincoln Avenue, a minor arterial that serves as a north-south corridor and an important route from I-74 to the University of Illinois. The current zoning of the site allows uses that serve the nearby neighborhood of primarily lower density, single-family homes. The subject property, at less than an acre in area, would have limited usefulness in one of the City's most permissive commercial districts. Its location next to an arterial makes it appropriate for a commercial district, but its size and proximity to single-family residential homes does not make it appropriate for a larger scale or for a more intensive commercial uses.

*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.*

Only a portion of the building is currently vacant. The other two units are occupied by existing businesses.

## **Summary of Staff Findings**

1. Lacey's Place LLC has filed a petition to amend the Urbana Zoning Map for the subject property from B-1, Neighborhood Business to B-3, General Business.
2. The subject property is located at 805 North Lincoln Avenue and is zoned B-1, Neighborhood Business with a Future Land Use Designation of "Community Business" in the Comprehensive Plan.
3. The applicant is requesting the rezoning for the purpose of opening a Gaming Hall on the property which is not permitted in the B-1 district.
4. The proposed rezoning to B-3 would not generally conform to all of the LaSalle Criteria, as it would allow more intensive land uses than appropriate to be compatible with the surrounding neighborhood, and as a result could be inconsistent with the 2005 Comprehensive Plan.
5. The proposed rezoning would not conform to the La Salle Criteria of being compatible with the nearby zoning and land uses, as they are residential.
6. The proposed rezoning would potentially increase the subject property's value but would have

undeterminable effects on the value of surrounding properties.

7. The proposed rezoning would not conform to the La Salle Criteria regarding promoting public welfare and gain compared to the hardship imposed on the property owner. The neighborhood would receive little gain from the potential for a large scale building with a wider range of more intense uses at the site. The property owner does not have a hardship as the building is already occupied with existing businesses.
8. The proposed rezoning would not conform to the La Salle Criteria as far as suitability for zoned purposes. The property's characteristics, including its relatively small size and location within a residential neighborhood, favor a B-1, Neighborhood Business or B-2 zoning as opposed to a B-3, General Business designation.
9. The proposed rezoning would not conform to the La Salle Criteria as the subject property is not fully vacant, nor has the partial vacancy been longstanding.

## Options

The Plan Commission has the following options for recommendations to the City Council regarding Plan Case 2278-M-16:

1. Forward this case to City Council with a recommendation for **approval** of the rezoning request as presented herein; or
2. Forward this case to City Council with a recommendation for **approval of a portion**, but not all, of the area, or an alternative zoning of a lesser intensity; or
3. Forward this case to City Council with a recommendation for **denial** of the rezoning request. If the Plan Commission finds the application is inconsistent with the criteria and denies the application, the Plan Commission should provide the reasons 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 the Plan Commission vote on a recommendation to the City Council of **DENIAL** for Plan Case No. 2278-M-16, rezoning 805 North Lincoln Avenue to B-3, General Business zoning district.

Attachments:

Exhibit A: Location and Existing Land Use Map

Exhibit B: Existing Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: Site Pictures

Exhibit E: B-1, Neighborhood Business and B-3, General Business Zoning Description Sheets

Exhibit F: Petition for Zoning Map Amendment

CC: Lacey's Place LLC

Renee Sclafani



# Exhibit A: Location & Existing Land Use Map



0 40 80 160 Feet

 Subject Property

Case: Plan Case 2278-M-16  
Subject: Rezoning from B-1, Neighborhood Business to B-3, General Business  
Location: 805 North Lincoln Avenue  
Petitioners: Lacey's Place LLC Series Urbana

Prepared 4/29/2016 by Community Development Services - Christopher Marx











# Exhibit B: Zoning Map



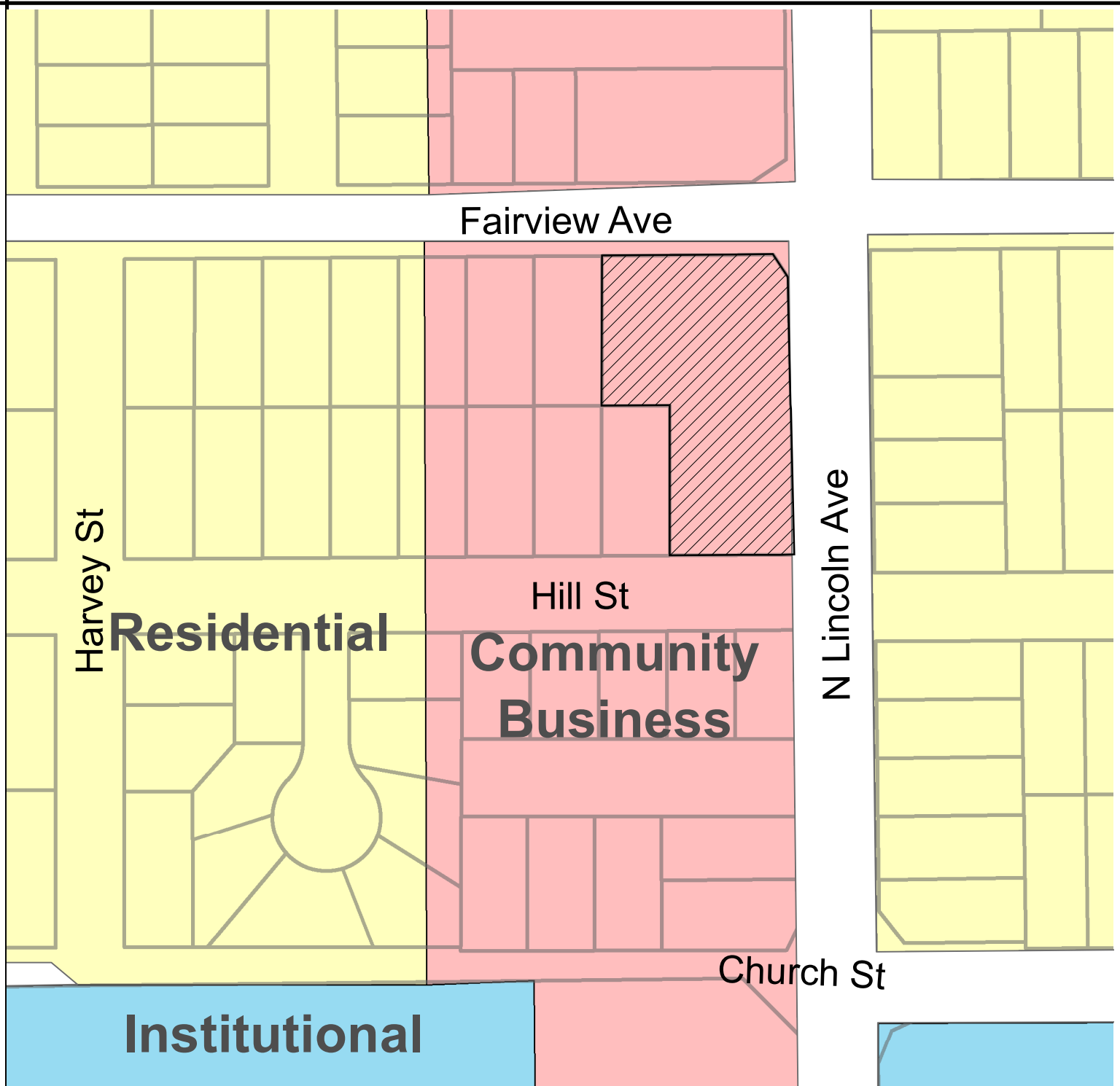
0 40 80 160 Feet

Case: Plan Case 2278-M-16  
 Subject: Rezoning from B-1, Neighborhood Business to B-3, General Business  
 Location: 805 North Lincoln Avenue  
 Petitioners: Lacey's Place LLC Series Urbana

Prepared 4/29/2016 by Community Development Services - Christopher Marx

	Subject Property		IN-1		R5
	B1		MIC		
	B2				
	CRE		R2		





# Exhibit C: Future Land Use Map



0 40 80 160 Feet

Case: Plan Case 2278-M-16  
Subject: Rezoning from B-1, Neighborhood Business to B-3, General Business  
Location: 805 North Lincoln Avenue  
Petitioners: Lacey's Place LLC Series Urbana

Prepared 4/29/2016 by Community Development Services - Christopher Marx

-  Subject Property
-  Residential
-  Community Business
-  Institutional

## Exhibit D: Site Pictures









## B-1 – NEIGHBORHOOD BUSINESS ZONING DISTRICT

### ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-1 Zoning District is as follows:

"The B-1, *Neighborhood Business District* is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-1 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

#### PERMITTED USES:

##### **Agriculture**

Garden Shop

##### **Business - Food Sales and Services**

Bakery (*less than 2,500 square feet*)

Confectionery Store

Meat and Fish Market

Supermarket or Grocery Store\*\* –

(*3,500 gross square feet or less per floor*)

##### **Business - Personal Services**

Barber/ Beauty Shop

Health Club/Fitness\* –

(*3,500 gross square feet or less per floor*)

Massage Therapist

Pet Care/ Grooming

Self-Service Laundry

Shoe Repair Shop

Tailor and Pressing Shop

##### **Business - Professional and Financial Services**

Bank, Savings and Loan Association

Copy and Printing Service

Professional and Business Office

##### **Business – Recreation**

Dancing School\* –

(*3,500 gross square feet or less per floor*)

##### **Business - Retail Trade**

Antique or Used Furniture Sales and Service\* –  
(*3,500 gross square feet or less per floor*)

Appliance Sales and Service

Art and Craft Store and/or Studio\* –

(*3,500 gross square feet or less per floor*)

Bicycle Sales and Service\* –

(*3,500 gross square feet or less per floor*)

Clothing Store –

(*3,500 gross square feet or less per floor*)

Electronic Sales & Service

Florist

Hardware Store

Jewelry Store

Music Store

Pet Store\* (*3,500 gross square feet or less per floor*)

Photographic Studio and Equipment Sales and

Service\* (*3,500 gross square feet or less per floor*)

Shoe Store\* –

(*3,500 gross square feet or less per floor*)

Sporting Goods\* –

(*3,500 gross square feet or less per floor*)

Stationery, Gifts or Art Supplies

Tobacconist

Variety Store

Video Store\* –

(*3,500 gross square feet or less per floor*)

## PERMITTED USES Continued:

### **Public and Quasi-Public**

Church, Temple or Mosque  
Institution of an Educational or Charitable  
Nature  
Library, Museum or Gallery  
Municipal or Government Building  
Park  
Police or Fire Station

### **Residential**

Bed and Breakfast Inn  
Bed and Breakfast, Owner Occupied  
Dwelling, Loft

## SPECIAL USES:

### **Business - Food Sales and Services**

Convenience Store  
Supermarket or Grocery Store\*\* –  
*(Greater than 3,500 gross square feet per floor)*

### **Business – Miscellaneous**

Shopping Center - Convenience

### **Business – Personal Services**

Dry Cleaning or Laundry Establishment  
Landry and/or Dry Cleaning Pickup

### **Business - Recreation**

Theater, Indoor

### **Business - Retail Trade**

Drugstore  
Video Store\*\* –  
*(Greater than 3,500 gross square feet per floor)*  
All Other Retail Stores

### **Business - Vehicular Sales and Services**

Gasoline Station

### **Industrial**

Motion Picture Production Studio

### **Residential**

Dwelling, Multiple-Unit Common-Lot-Line\*\*\*

## PLANNED UNIT DEVELOPMENT USES:

### **Business – Miscellaneous Business**

Mixed-Use Planned Unit Development

## CONDITIONAL USES:

### **Agriculture**

Plant Nursery or Greenhouse

### **Business - Food Sales and Services**

Banquet Facility  
Café or Deli  
Catering Service  
Fast-Food Restaurant  
Restaurant

### **Business - Miscellaneous**

Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)  
Day Care Facility (*Non-Home Based*)  
Lawn Care and Landscaping Service  
Mail-Order Business –  
*(Less than 10,000 square feet of gross floor area)*  
Radio or TV Studio



## CONDITIONAL USES Continued:

### **Business - Personal Services**

Health Club/ Fitness\* –

*(Greater than 3,500 gross square feet per floor)*

Mortuary

### **Business - Professional and Financial Services**

Check Cashing Service

Packaging/ Mailing Service

### **Business - Recreation**

Dancing School\* –

*(Greater than 3,500 gross square feet per floor)*

Lodge or Private Club

### **Business - Vehicular Sales and Services**

Automobile Accessories *(New)*

### **Public and Quasi-Public**

Electrical Substation

### **Residential**

Dwelling, Community Living Facility, Category I,  
Category II, Category III

Dwelling, Duplex\*\*\*

Dwelling, Duplex\*\*\* *(Extended Occupancy)*

Dwelling, Multi-Family

Dwelling, Single Family

Dwelling, Single-Family *(Extended Occupancy)*

### **Business - Retail Trade**

Antique or Used Furniture Sales and Service\* –

*(Greater than 3,500 gross square feet per floor)*

Art and Craft Store and/or Studio\* –

*(Greater than 3,500 gross square feet per floor)*

Bicycle Sales and Service\* –

*(Greater than 3,500 gross square feet per floor)*

Clothing Store\* –

*(Greater than 3,500 gross square feet per floor)*

Heating, Ventilating, Air Conditioning Sales and Service

Pet Store\* –

*(Greater than 3,500 gross square feet per floor)*

Photographic Studio and Equipment Sales and Service\* *(Greater than 3,500 gross square feet per floor)*

Shoe Store\* –

*(Greater than 3,500 gross square feet per floor)*

Sporting Goods\* –

*(Greater than 3,500 gross square feet per floor)*

### **Table V-1 Notes:**

\* Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Conditional Use when the gross square footage is greater than 3,500 square feet per floor.

\*\* Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Special Use when the gross square footage is greater than 3,500 square feet per floor.

\*\*\* See Section VI-3 for lot area and width regulations for duplex and common-lot line dwelling units.

## DEVELOPMENT REGULATIONS IN THE B-1 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet) <sup>1</sup>	MIN SIDE YARD (in feet) <sup>1</sup>	MIN REAR YARD (in feet) <sup>1</sup>
B-1	6,000	60	35 <sup>3</sup>	0.30	None	15	7	10

FAR = Floor Area Ratio

OSR = Open Space Ratio

**Footnote<sup>1</sup>** – See Section VI-5 and Section VIII-4 for further information about required yards.

**Footnote<sup>3</sup>** – In the AG, CRE, B-1, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.F.3 and Section VI-5.G.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; however, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

For more information on zoning in the City of Urbana call or visit:

**City of Urbana**

**Community Development Services Department**

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone / (217) 384-2367 fax

[www.urbanailinois.us](http://www.urbanailinois.us)



## B-3 – GENERAL BUSINESS ZONING DISTRICT

### ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3 Zoning District is 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."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-3 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

#### PERMITTED USES:

##### **Agriculture**

Farm Equipment Sales and Service  
Feed and Grain (*Sales Only*)  
Garden Shop  
Plant Nursery or Greenhouse  
Roadside Produce Sales Stand

##### **Business - Adult Entertainment**

Adult Entertainment Uses

##### **Business - Food Sales and Services**

Bakery (*Less than 2,500 square feet*)  
Banquet Facility  
Café or Deli  
Catering Service  
Confectionery Store  
Convenience Store  
Fast-Food Restaurant  
Liquor Store  
Meat and Fish Market  
Restaurant  
Supermarket or Grocery Store  
Tavern or Night Club

##### **Business - Miscellaneous**

Auction Sales (*Non-Animal*)  
Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)  
Lawn Care and Landscaping Service  
Mail Order Business  
Medical Cannabis Dispensary  
Radio or TV Studio  
Shopping Center – Convenience  
Shopping Center – General  
Wholesale Business

##### **Business - Personal Services**

Ambulance Service  
Barber/ Beauty Shop  
Dry Cleaning or Laundry Establishment  
Health Club/ Fitness  
Laundry and/or Dry Cleaning Pick-up  
Massage Therapist  
Medical Carrier Service  
Mortuary  
Movers  
Pet Care/ Grooming  
Self-Service Laundry  
Shoe Repair Shop  
Tailor and Pressing Shop

## **PERMITTED USES Continued:**

### **Business - Professional and Financial Services**

Bank/ Savings and Loan Association  
Check Cashing Service  
Copy and Printing Service  
Packaging/ Mailing Service  
Professional and Business Office  
Vocational, Trade or Business School

### **Business - Retail Trade**

Antique or Used Furniture Sales and Service  
Appliance Sales and Service  
Art and Craft Store and/or Studio  
Bicycle Sales and Service  
Building Material Sales (*All Indoors Excluding Concrete or Asphalt Mixing*)  
Clothing Store  
Department Store  
Drugstore  
Electronic Sales and Services  
Florist  
Hardware Store  
Heating, Ventilating, Air Conditioning Sales and Service  
Jewelry Store  
Monument Sales (*Excluding Stone Cutting*)  
Music Store  
Office Supplies/Equipment Sales and Service  
Pawn or Consignment Shop  
Pet Store  
Photographic Studio and Equipment Sales and Service  
Shoe Store  
Sporting Goods  
Stationery, Gifts, or Art Supplies  
Tobacconist  
Variety Store  
Video Store  
All Other Retail Stores

### **Business - Vehicular Sales and Service**

Automobile Accessories (*New*)  
Automobile, Truck, Trailer or Boat Sales or Rental  
Automobile/ Truck Repair  
Car Wash  
Gasoline Station  
Mobile Home Sales  
Truck Rental

### **Business - Recreation**

Athletic Training Facility  
Bait Sales  
Bowling Alley  
Dancing School  
Driving Range  
Gaming Hall\*\*\*\*  
Lodge or Private Club  
Miniature Golf Course  
Outdoor Commercial Recreation Enterprise (*Except Amusement Park*)\*\*\*\*  
Pool Hall  
Private Indoor Recreational Development  
Theater, Indoor

### **Business - Transportation**

Motor Bus Station  
Taxi Service

### **Industrial**

Microbrewery

### **Public and Quasi-Public**

Church, Temple or Mosque  
Electrical Substation  
Farmer's Market  
Institution of an Educational or Charitable Nature  
Library, Museum or Gallery  
Methadone Treatment Facility  
Municipal or Government Building  
Park  
Police or Fire Station  
Principle Use Parking Garage or Lot  
Public Maintenance and Storage Garage  
University/College  
Utility Provider

### **Residential**

Bed and Breakfast Inn  
Bed and Breakfast Inn, Owner Occupied  
Dwelling, Community Living Facility, Category II or Category III  
Dwelling, Home for Adjustment  
Dwelling, Loft  
Hotel or Motel

## SPECIAL USES:

### Business – Retail

Firearm Store†

### Business – Vehicular Sales and Service

Towing Service

Truck Stop

### Public and Quasi-Public

Correctional Institution or Facility

Hospital or Clinic

### Residential

Dwelling, Multifamily

## PLANNED UNIT DEVELOPMENT USES:

### Business – Miscellaneous

Commercial Planned Unit Development (*See Section XIII-3*)

Mixed-Use Planned Unit Development (*See Section XIII-3*)

## CONDITIONAL USES:

### Business - Miscellaneous

Crematorium

Day Care Facility (*Non-Home Based*)

Self-Storage Facility

Veterinary Hospital (*Small Animal*)\*\*\*\*

### Public and Quasi-Public

Nonprofit or Governmental, Educational and  
Research Agencies

Radio or Television Tower and Station

### Residential

Assisted Living Facility

Nursing Home

### Industrial

Bookbinding

Confectionery Products Manufacturing and  
Packaging

Electronics and Related Accessories - Applied  
Research and Limited Manufacturing

Engineering, Laboratory, Scientific and Research  
Instruments Manufacturing

Motion Picture Production Studio

Printing and Publishing Plants for Newspapers,  
Periodicals, Books, Stationery and Commercial  
Printing

Surgical, Medical, Dental and Mortuary

Instruments and Supplies Manufacturing

### Table V-1 Notes:

\*\*\*\* See Table VII-1 for Standards for Specific Conditional Uses

† See Section VII-5.D for Standards for Firearm Stores

## DEVELOPMENT REGULATIONS IN THE B-3 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet) <sup>1</sup>	MIN SIDE YARD (in feet) <sup>1</sup>	MIN REAR YARD (in feet) <sup>1</sup>
B-3	6,000	60	None <sup>3</sup>	4.00	None	15 <sup>7f</sup>	5 <sup>7</sup>	10

FAR = Floor Area Ratio  
OSR = Open Space Ratio

**Footnote<sup>1</sup>** – See Section VI-5 and Section VIII-4 for further information about required yards.

**Footnote<sup>3</sup>** – In the AG, CRE, B-1, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.F.3 and Section VI-5.G.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; however, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

**NOTE:**

- ¶ *Section VIII.4.F.5* – In the B-3 Zoning District, parking may locate in the required side yard setback (up to within 18 inches of the property line per Section VII-4.G) if the zoning District adjacent to the setback is designated B-1, B-2, B-3, B-3U B-4, B-4E, IN-1 or MIC and if the adjacent area is also used for parking.
- ¶¶ *Section VIII.4.F.6* – Parking in the B-2, B-3, B-3U, IN-1 and IN-2 Zoning District shall be permitted to encroach 10 feet into the required front yard if the buffer yard requirements set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8 are met.

For more information on zoning in the City of Urbana call or visit:

**City of Urbana**  
**Community Development Services Department**  
400 South Vine Street, Urbana, Illinois 61801  
(217) 384-2440 phone / (217) 384-2367 fax  
[www.urbanainillinois.us](http://www.urbanainillinois.us)





# Application for Zoning Map Amendment

## 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 \_\_\_\_\_ Plan Case No. \_\_\_\_\_

Fee Paid - Check No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

#### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

##### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Lacey's Place LLC Series Urbana

Phone: 618 781 2893

Address (street/city/state/zip code): 1903 N Neil St - Ste C, Champaign, IL 61820

Email Address: highlandmanagementgroup@gmail.com

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Tenant

##### 2. OWNER INFORMATION

Name of Owner(s): Family Video Movie Club, Inc.

Phone: 00000000003

Address (street/city/state/zip code): 0000 High Ave. Interview 000000

Email Address: enee.sclafani@legacypro.com

Is this property owned by a Land Trust? ☐ Yes ☒ No

If yes, please attach a list of all individuals holding an interest in said Trust.

##### 3. PROPERTY INFORMATION

Address/Location of Subject Site: 805 N. Lincoln Avenue Urbana, IL 61801

Text

PIN # of Location: 000000000000003

Lot Size: 00,000 sf

Current Zoning Designation: B1

Proposed Zoning Designation: B3

Current Land Use (vacant, residence, grocery, factory, etc): retail

Proposed Land Use: gaming

Present Comprehensive Plan Designation:

How does this request conform to the Comprehensive Plan?

Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### 4. CONSULTANT INFORMATION

**Name of Architect(s):** \_\_\_\_\_ Phone: \_\_\_\_\_

Address (*street/city/state/zip code*): \_\_\_\_\_

Email Address: \_\_\_\_\_

**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):** \_\_\_\_\_ Phone: \_\_\_\_\_

Address (*street/city/state/zip code*): \_\_\_\_\_

Email Address: \_\_\_\_\_

#### 5. REASONS FOR MAP AMENDMENT:

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

There is no error that is being corrected.

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

The tenant has other existing locations in Urbana and Champaign and is looking to expand this market.

The owner of the property is building a multi location portofolio with this tenant and is looking at repurposing or shrinking underperforming locations and does not want to create vacancies in their properties.

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

This tenant will be contributing \$30,000/ year in taxes per location directly to the city.

What other circumstances justify the zoning map amendment? \_\_\_\_\_

\_\_\_\_\_

Time schedule for development (if applicable). \_\_\_\_\_

\_\_\_\_\_

Additional exhibits submitted by the petitioner. Attached are build out illustrations. The tenant is looking to put in high end finishes to produce a warm, friendly, inviting environment for their gaming cafe.

***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

3-16-16

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









