



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Jeff Engstrom, Planner II

DATE: May 4, 2012

SUBJECT: Plan Case 2167-T-12: A request by the Zoning Administrator to amend the Urbana Zoning Ordinance to remove the IN, Industrial and OP, Office Park Districts and to create the IN-1, Light Industrial/Office District and IN-2, Heavy Industrial District.

Plan Case 2168-M-12: A request by the Urbana Zoning Administrator to rezone multiple properties:

- B-3, General Business District to IN-1, Light Industrial/Office District (1 property)
- IN, Industrial District to IN-1, Light Industrial/Office District (128 properties)
- IN, Industrial District to IN-2, Heavy Industrial District (54 properties)
- IN, Industrial District to B-3, General Business District (8 properties)

Introduction & Background

Plan Cases 2167-T-12 and 2168-M-12 are related requests by the Urbana Zoning Administrator to replace the City's existing OP (Office Park Zoning District) and IN (Industrial Zoning District) with two new districts -- IN-1 (Light Industrial/Office Zoning District) and IN-2 (Heavy Industrial Zoning District) – and concurrently rezone up to 191 industrial properties throughout the City to either IN-1 or IN-2. No properties in Urbana are currently zoned OP (Office Park). Specifically, Plan Case 2168-M-12 would involve rezoning:

- 1 property from B-3, General Business District to IN-1, Light Industrial/Office District
- 128 properties from IN, Industrial District to IN-1, Light Industrial/Office District
- 54 properties from IN, Industrial District to IN-2, Heavy Industrial District
- 8 properties from IN, Industrial District to B-3, General Business District

A list of the specific properties proposed to be rezoned under Plan Case No. 2168-M-12 can be found in Exhibit A.

The Zoning Administrator is requesting this change to the Zoning Ordinance in order to better meet modern practices and trends in industrial use. The approach of having a single zoning designation for all types of industrial uses is inflexible and antiquated. The customary approach now is to have flexible zoning designations for industrial uses in order to recognize that modern industrial facilities have multiple uses, from research and design, which take place in offices and small test facilities, to full manufacturing, to warehousing. A one-size-fits-all approach does not allow for the flexibility to allow less intensive uses in commercial areas while confining more intense uses to less populated areas.

Over the years property owners have approached the City with requests for a zoning district that would allow for a combination of research, office and light manufacturing uses. This “research park” type of use would be a good fit for the proposed IN-1, Light Industrial/Office. Creation of a Light Industrial/Office district has been a work plan goal for several years, and was anticipated by the 2005 Comprehensive Plan.

At the same time, the City’s OP, Office Park district is ready to be retired. This district was created in 1997 under Plan Case 1611-T-96. At the time it was anticipated that office parks, similar to those being developed in Champaign on Fox Drive would be developed in Urbana. The district was developed with a large minimum lot size, in part based on recommendations from potential developers. In the following 15 years there have been no requests to rezone properties in Urbana to OP. The proposed IN-1, Light Industrial/Office district will have a similar purpose and allow for the same office and light manufacturing uses currently allowed in OP, but without the large lot area requirements.

The proposed text amendment would accomplish several goals:

- It will bring the Zoning Ordinance up to date with modern zoning standards.
- It will make important distinctions between heavy industrial uses and light industrial/office uses.
- It will bring the Zoning Ordinance into conformance with the 2005 Comprehensive Plan by creating new Light Industrial/Office and Heavy Industrial districts.
- It will protect residential areas from industrial uses with higher impacts by restricting heavy industrial uses to areas that are not generally near homes.
- It will allow for limited retail uses to service employment hubs such as office and industrial parks.
- It will accommodate property owner requests for a district to allow research, office, and light manufacturing.
- It will eliminate the unused Office Park district.

The proposed text amendment would eliminate the IN and OP districts. All references to these districts will be replaced with IN-1, IN-2, or both. The text amendment would also add a purpose for the new districts, development regulations, and would spell out which uses are allowed in each district.

The two cases under consideration are interrelated such that they must be acted upon together. The text amendment, Plan Case 2167-T-12 should be acted on first. It will eliminate the current IN, Industrial and OP, Office Park districts and will establish the IN-1 and IN-2 districts. Plan Case 2168-M-12 will then assign the appropriate zoning designation to the 191 properties that had been zoned IN based on the Comprehensive Plan Future Land Use Maps and other factors such as current use, surrounding uses, and owner consultation.

Public and Property Owner Input

City staff has been working cooperatively with property owners to avoid creating nonconforming uses. The proposed concept to replace the IN district with a light and heavy industrial district was presented at an open house on March 14, 2012 at the Urbana Civic Center. Over 300 Property owners and tenants (businesses) for properties proposed to be rezoned were mailed an invitation to the open house. About 15 people attended the meeting, and staff explained the proposed rezoning and answered questions. Several property owners and businesses who could not attend the open house contacted the City and received information about how the rezoning would affect their property. Both the proposed Zoning Ordinance text and zoning maps were amended to reflect feedback from this open house and subsequent communications with property owners.

As part of public noticing requirements, staff mailed over 1,300 notices to property owners, businesses, and the properties within 250 feet of the subject properties. With the input received from the public meetings and notices, staff was also able to confirm the proposed zoning of properties in the study area prior to making the final request for rezoning of the properties. A few final adjustments to the proposed zoning text and maps were made at that time to insure existing uses would be accommodated and could continue operations in full conformance with the Zoning Ordinance.

Discussion

2005 Comprehensive Plan

The City's 2005 Urbana Comprehensive Plan has guided both applications. Future Land Use Maps #1, 3, 5, 6, 7 and 10 anticipated the upcoming split of the IN district, and identify the areas in the city where proposed future land uses should be either Heavy Industrial or Light Industrial/Office. (See Exhibit B)

Areas of Urbana which the Urbana Comprehensive Plan generally designates for future Heavy Industrial generally include:

- Lincoln Avenue north of Interstate 74
- south of University Avenue to the east of downtown
- Solo Cup, and
- the North Lierman/Butzow Drive area.

Areas of Urbana which the Urbana Comprehensive Plan generally designates for slated for Light Industrial/Office uses include:

- land north of Airport Road and west of Cunningham Avenue
- the area south of Kenyon Road
- the area near Linview Avenue
- the area southwest of High Cross Road and University Avenue, and
- Small areas in East Urbana.

There are other properties throughout the city that are currently zoned IN, Industrial which are proposed to be rezoned according to their uses and surrounding zoning districts. Exhibit C includes maps of all of the properties to be rezoned.

The 2005 Urbana Comprehensive Plan identifies the future land use for the subject properties, as “Light Industrial/Office” and “Heavy Industrial”. The Plan defines “Light Industrial/Office” and “Heavy Industrial” as follows:

“The Light Industrial / Office land use is intended for planned developments that typically do not generate the intensity of heavy industrial land uses. May include professional and business services, light assembly plants, warehousing, research and development facilities and distribution centers. Light Industrial / Office developments are typically part of a unified development plan..”

“Heavy Industrial areas contain intensive land uses with a strong dependence on transportation facilities such as major roadways, rail or air. Typically require significant amounts of land and can often create conditions that are generally incompatible with residential uses. Heavy manufacturing, truck terminals, construction equipment and material storage are common uses in Heavy Industrial areas.”

Implementation Strategy #3 of the Comprehensive Plan is to amend the Urbana Zoning Map where it doesn’t match the future land use maps of the Comprehensive Plan. Future Land Use Maps #1, 3, 5, 6, 7 and 10 identify the areas in Urbana where future land uses are not consistent with existing zoning, in that these areas should be either Light Industrial/Office or Heavy Industrial.

The following goals and objectives of the 2005 Urbana Comprehensive Plan relate to this case:

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

Objectives

- 4.1 Encourage a variety of land uses to meet the needs of a diverse community.

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

- 16.1 Encourage a mix of land use types to achieve a balanced growing community.

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 27.0 Create a variety of industrial and office developments that can benefit from existing amenities such as convenient access to interstate and rail services and close proximity to the University of Illinois.

Objectives

- 27.1 Encourage the expansion of existing and the creation of new industrial and office park developments in appropriate locations, using a variety of development tools.
- 27.2 Provide for adequate services and incentive packages to promote East University Avenue and North Lincoln Avenue as industrial park areas.
- 27.3 Capitalize on development sites with rail and highway access to promote industrial opportunities.
- 27.4 Pursue annexation of new areas (such as North Lincoln Avenue, East University Avenue, North Cunningham Avenue and Oak Street) for industrial development.

One impetus behind the proposed text amendment and rezonings were the future land use map, goals and objectives, and the implementation program of the 2005 Urbana Comprehensive Plan. The proposed text amendment and rezonings would therefore be consistent with the 2005 Urbana Comprehensive Plan.

Inventory of Existing Land Uses and Zoning

In the spring of 2012, planning and economic development staff completed an analysis of the existing land use and lot area of all properties zoned IN, Industrial in the city. The existing land use for the subject properties were documented by a visual evaluation of the properties and review of the land use as recorded in the Economic Development Division’s business database. The study area included 191 properties. A summary of the existing land uses at the time the study was completed is as follows:

<i>LAND USE</i>	<i>NUMBER OF PROPERTIES</i>	<i>PERCENTAGE</i>
Vacant/Undeveloped/Agriculture	41	21%
Services/Trade	26	14%
Retail/Commercial	15	8%
Heavy Manufacturing	14	7%
Warehouse/Storage	18	11%
Utility or Government	7	4%
Light Manufacturing	3	2%
Other	67	33%
TOTAL	191	100%

As illustrated by the study, 21% of the properties zoned IN, Industrial are not yet developed and/or being used for agriculture. These properties mainly fall on the outskirts of the city in areas that will be developing over the next few decades, such as North Lincoln or Tatman Court. Much of this undeveloped land is in the area surrounding the Frasca Airport, some of which is required for landing zones, and some of which will be developed in the long term. Only 14 of the properties are used for heavy manufacturing. Many properties have retail or service uses which would be allowed in a commercial district such as B-3, General Business. The category for “other” includes a variety of uses that do not quite fit under the other categories, including but not limited to cold storage, water treatment, billboards, parking lots, detention basins, physical therapy, and the airport.

As part of this study staff analyzed lot area and width of the existing IN properties. There were a few properties found to be nonconforming for lot area and width, but these parcels were part of a larger zoning lot. A zoning lot is one or more parcels that have the same owner and same zoning designation. These nonconforming parcels are all part of larger zoning lots that conform to the minimum standards for width and area. An analysis of setbacks was not done due to the amount of time it would take and the uncertainty of exact property line locations in relation to building locations.

Adjacent Land Uses and Zoning Designations

Since the subject properties are spread throughout the city, there are many types of land use and zoning districts adjacent to them. Exhibits B and C show the existing zoning and future land use for the subject properties and properties that surround them. In general, properties currently zoned IN are adjacent to commercial, agricultural and other industrial uses. There are a few locations that have residential uses next to industrial properties, such as in East Urbana (near Solo Cup and along Glover Street).

Proposed Zoning Designations

The main purpose of conducting the land use and zoning study was to identify which properties should be rezoned to IN-1 and which should be IN-2. The goal of the proposed rezoning is to preserve the character of the areas being rezoned, while minimizing the creation of nonconforming uses and avoiding situations where an existing use could not be rebuilt in the event of a catastrophe. The Comprehensive Plan Future Land Use Maps provided a guide, specifying light or heavy industrial. The following is a breakdown of the number of properties by category of existing and proposed zoning as well as a discussion of each. A map illustrating the proposed rezonings can be found in Exhibit D.

<u>Existing Zoning</u>	<u>Proposed Zoning</u>	<u># of Properties</u>
IN, Industrial	IN-1, Light Industrial/Office	128
IN, Industrial	IN-2, Heavy Industrial	54
IN, Industrial	B-3, General Business	8
B-3, General Business	IN-1, Light Industrial/Office	1

Zoning Ordinance Text Amendment: Purpose

Section IV-2 of the Zoning Ordinance lists the purpose of each district. The following purposes are proposed to be added to create the new IN-1 and IN-2 districts.

IN-1 Light Industrial/Office District:

F. The IN-1, Light Industrial/Office district is intended to provide land for employment centers related to research and development, engineering and testing, office uses, warehousing, and limited manufacturing and industrial activities that will not have an adverse effect upon the district in which it is located. In addition, some low intensity commercial uses may be permitted in this district to provide convenient goods and services for employees and patrons in the zoning district. Higher intensity commercial uses are generally prohibited. Low intensity industrial uses are permitted by right or as a special use, depending on the attributes of the proposed land use.

IN-2 Heavy Industrial District:

G. The IN-2, Heavy Industrial district is intended to provide land for employment centers for more intensive industrial uses that typically generate heavy demands on the transportation system, including the need for freight rail service. These uses may cause odors, dust, noise, and vibrations and generate significant amounts of truck and freight rail traffic. Land uses in this district should generally be separated from residential districts by land uses permitted in the IN-1 or B-3 zoning districts.

Zoning Ordinance Text Amendment: Development Regulations

The proposed IN-1, Light Industrial/Office district will allow for a wider variety of commercial and industrial uses, and will not have the large minimum lot size requirement that the IN district has in order to accommodate heavy manufacturing plants. The development regulations for the IN-1 district are similar to the B-3 district, except that floor area ratio is limited to 2.0 in the IN-1 district, where B-3 allows up to 4.0. In the analysis of existing IN lots, it was found that a few lots that are existing nonconformities will remain nonconforming in the IN-1 district due to their narrow width. Some nonconforming properties in the IN district could become conforming due to the smaller minimum lot size and setback requirements. The proposed IN-2 district will continue to allow for intensive uses, and therefore the development regulations will remain the same.

Comparison of Development Regulations by District

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum Floor Area Ratio	Minimum Open Space Ratio	Required Yards (In Feet)		
						Front	Side	Rear
Current IN Industrial Zoning	10,000	90	none	1.00	none	25	none	none
Proposed IN-1 Light Industrial/Office	6,000	60	none*	2.00	none	15	5	10
Proposed IN-2 Heavy Industrial	10,000	90	none	1.00	none	25	none	none

* In the IN-1 District, if the height of a building is two stories or exceeds 25 feet, the minimum side and rear yards shall be increased by three feet for each ten feet or fraction thereof over 25 feet in height.

Zoning Ordinance Text Amendment: Table of Uses

Table V-1, Table of Uses, will be amended to include the proposed districts. The proposed table is attached as Exhibit E. In general, uses allowed in the current IN district will continue to be allowed in the proposed IN-2, Heavy Industrial district. The IN-1, Light Industrial/Office district will exclude more intensive manufacturing uses. However, new commercial and some limited retail uses would be allowed in the IN-1 district, including uses such as:

- Convenience Store
- Café or Restaurant (with Conditional Use Permit)
- Health Club
- Laundry/Dry Cleaning Service
- Copy and Printing Service
- Package/Mailing Service
- Office Supplies and Equipment Store
- Hardware Store
- Hotel

Airports, currently not allowed at all in the IN district, will be allowed with a conditional use permit in both IN-1 and IN-2 districts. Some new uses are proposed to be added to Table V-1, including *Lumber Yard*, *Chemical and Allied Product Manufacturing*, and *Motor Vehicle Parts and Accessories Manufacturing*.

Nonconformities

One goal of the proposed rezonings is to rezone properties so that the zoning is consistent with the current use of the property and surrounding uses. For this reason, few if any nonconformities in relation to use will be created as a result of the proposed rezonings, as indicated in the above-mentioned land use study. It should be noted, however, that properties were not individually

analyzed to determine if they would conform to all of the development regulations of the proposed zoning district (such as setback). Article X of the Urbana Zoning Ordinance addresses nonconformities. Per Article X-1.A, properties which are rendered nonconforming by the proposed rezoning shall be considered lawful, and may continue as nonconformities under the provisions of the Zoning Ordinance. In addition, the following three items are important to note about nonconformities:

- 1) Nonconformities cannot be enlarged, extended, expanded or altered in any way which would increase the nonconformity (Section X-2).
- 2) If nonconforming uses are discontinued for more than six months or are changed to a conforming use, the nonconforming use is considered abandoned and from that point forward the use must conform to the zoning district in which the property is located (Section X-4).
- 3) “If a building or structure occupied by a nonconforming use is damaged by fire, explosion, Act of God or other sudden damage or destruction, then it shall not be reconstructed or repaired if the cost of the reconstruction or repair of the building would exceed 60% of the fair market value of the building or structure immediately prior to the damage, unless its use thereafter is fully conforming to this Ordinance” (Section X-8).

Proposed Rezonings

IN to IN-1

The IN-1 Zoning District is intended to “provide land for employment centers related to research and development, engineering and testing, office uses, warehousing, and limited manufacturing and industrial activities that will not have an adverse effect upon the district in which it is located”. The IN-1 district has more permissive development regulations than the IN district, with smaller required lot sizes and frontages, while allowing for twice as much floor area ratio. Staff has determined that there are no zoning lots proposed to be rezoned that do not conform to the requirements of the IN-1 district. There are a few smaller, odd-shaped lots that will be converted from IN to IN-1, but they are all parts of larger zoning lots under common ownership.

Property owners were given opportunities to work with the City to ensure their land use will still be allowed under the IN-1 district. Some of those properties originally proposed to become IN-1 are now proposed to become IN-2 at the request of those owners. Staff currently is not aware of any uses that will be made non-conforming due to the proposed rezoning.

The majority of the proposed rezonings are for properties which are currently zoned IN to be zoned to IN-1, Light Industrial/Office. The IN district will be replaced with the IN-1 district by default, as this district is most appropriate for most areas in the city. These properties are used for less intensive industrial uses (such as light assembly), service and trade uses (such as HVAC contractors or delivery service depots), retail uses (flooring sales, equipment rental), offices, or are vacant. Areas currently zoned IN, Industrial that have a future land use of Light Industrial/Office or Community Business are proposed to be rezoned to IN-1.

IN to IN-2

The IN-2 Zoning District is intended to “provide land for employment centers for more intensive industrial uses that typically generate heavy demands on the transportation system, including the need for freight rail service”. The IN-2 district has identical development regulations than the IN district, and any existing nonconforming lots will maintain their legal nonconforming status. Staff currently is not aware of any uses that will be made non-conforming due to the proposed rezoning.

Properties with more intensive uses or a future land use of Heavy Industrial which are currently zoned IN are proposed to be zoned IN-2, Heavy Industrial district. These properties, located near railroads and interstates, are used for intensive industrial uses, including asphalt production, auto parts manufacturing, concrete recycling and food distribution. Some parcels are vacant.

IN to B-3

Some parcels that are currently zoned IN are not well-suited to continue to be zoned for industrial uses. These parcels are generally small and contain commercial or hospital uses, billboards, or parking. These parcels are in areas near commercial, hospital, or residential uses, isolated from industrial zones, and therefore are proposed to be rezoned to B-3, General Business.

B-3 to IN-1

Finally, there is one parcel that is proposed to transition from B-3 to IN-1. This property, located at 702 Killarney Street, contains suites with office, research, and confectionary distribution uses. The configuration of the building is suited to light industrial and office uses, with open floor plans and loading docks. The owner has requested the rezoning to help attract tenants for the space. Surrounding uses are industrial and commercial.

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 purpose of the proposed rezoning is to incorporate the new IN-1 and IN-2 districts and to make the subject properties more compatible with surrounding properties. Since this rezoning is part of a text amendment, all industrial properties will need to be rezoned. Subject properties near commercial and residential uses would generally be rezoned to IN-1, Light Industrial/Office. Properties near heavy industrial and agricultural uses will become IN-2, Heavy Industrial, and will be largely isolated by railroad and interstate right-of-ways. The rezonings would bring

conformance with land use regulations set forth in the Comprehensive Plan's Future Land Use Maps.

An inventory of existing uses and zoning was conducted, and there was a conscience effort to minimize nonconforming uses and lots. 95% of parcels rezoned would go from one industrial classification to another so adjacent uses should experience few if any additional negative impacts.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

This is the difference in the value of the properties as they are currently zoned and the value they would have if they were rezoned.

The proposed rezonings from IN to IN-1 would generally reduce development regulations, but restrict the number of high-intensity industrial uses that could be developed on the properties. While there could be a loss in opportunity for some uses, rezoning to IN-1 will allow for an overall greater number of commercial and retail uses, allowing a more diverse pool of users interested in the properties. Properties being rezoned to IN-2 will see few changes in development regulations and will have more allowed uses, so there should be no impact on property values. The few properties being rezoned from Industrial to B-3, General Business District, are with the consent of, or at the request of, their respective property owners. No properties are currently zoned OP, Office Park, so elimination of the district would not effect any property values.

Both the proposed IN-1 and IN-2 District regulations will have a broad range of uses either permitted by right, conditional use, or special uses. Based on the City's inventory and analysis, each of the proposed zoning districts would support a range of economically-viable uses for all affected properties.

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?

Having two industrial districts better reflects the nature and broad range of industrial users and their impacts. The current IN District regulations regulate both intensive and extensive uses with both low and high impacts, and uses both indoors and outdoors. A public benefit is the ability to

create heavy industrial districts which are well suited for such uses in terms of infrastructure, transportation facilities, and being located away from potentially incompatible uses.

Based on City staff's inventory and analysis and land use and zoning, these cases are not expected to impose a hardship on any property involved. City staff has taken care to accommodate existing uses and lots under proposed regulations.

5. *The suitability of the subject property for the zoned purposes.*

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The subject properties are suited for continued use as industrial and office properties, as they all are currently zoned IN, Industrial, and for the most part have existing industrial 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.

Some of the subject properties are currently vacant, but this is not due to their existing IN zoning designation. Most of the vacant properties are on the outskirts of the city and are currently used for agriculture. Approximately 200 acres of the vacant land are part of the Frasca Airport runways and clear zone.

Summary of Staff Findings

1. The Zoning Administrator is requesting that the IN, Industrial and OP, Office Park zoning districts be replaced with the IN-1, Light Industrial/Office and IN-2, Heavy Industrial zoning districts.
2. The proposed text amendment will bring the Zoning Ordinance up to date with modern zoning standards.
3. The proposed text amendment will make important distinctions between heavy industrial uses and light industrial/office uses.
4. The proposed text amendment will bring the Zoning Ordinance into conformance with the 2005 Comprehensive Plan by creating new Light Industrial/Office and Heavy Industrial districts.

5. The proposed text amendment will protect residential areas from industrial uses with higher impacts by restricting heavy industrial uses to areas that are not generally near homes.
6. The proposed text amendment will allow for limited retail uses to service employment hubs such as office and industrial parks.
7. The proposed text amendment will accommodate property owner requests for a district to allow research, office, and light manufacturing.
8. The proposed text amendment will eliminate the unused Office Park district.
9. The Zoning Administrator is requesting that all properties currently zoned IN be rezoned to IN-1, IN-2, or B-3 to reflect the Future Land Use recommendations in the 2005 Comprehensive Plan.
10. The properties near commercial and residential uses are proposed to be rezoned to lower intensity uses to preserve the character of areas in which they are located.
11. The rezonings have been proposed so that there are minimal nonconformities created as a result of the rezonings. In addition, as a result of the proposed rezonings, some existing nonconformities will be eliminated.
12. Extensive outreach efforts to gather input have been conducted including an Open House, direct mail informing owners of property proposed to be rezoned, posting signs, legal notice in the newspaper, and individual consultations with property owners and businesses.
13. The proposed rezonings appear to generally meet the LaSalle Case criteria.

Options

These cases should be considered and acted on together, but Plan Commission must provide a separate recommendation for each case to City Council. In Plan Case Nos. 2167-T-12 and 2168-M-12, the Plan Commission may:

- Forward to City Council with a recommendation for APPROVAL as presented;
- Forward to City Council with a recommendation for APPROVAL, including specified changes; or
- Forward to City Council with a recommendation for DENIAL.

Due to the number of properties proposed to be rezoned under Plan Case No. **2168-M-12**, the Plan Commission has the ability to review each of the subject properties individually as to their respective proposed rezoning and make a recommendation for either approval or denial individually, in part or as a whole.

Staff Recommendation

Zoning Ordinance Text Amendment

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2167-T-12 to the Urbana City Council with a recommendation for **APPROVAL**, as presented.

Zoning Map Amendment

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2168-M-12 to the Urbana City Council with a recommendation for **APPROVAL**, as presented.

Attachments: Exhibit A: List of Properties Proposed to be Rezoned

Maps: For each area there are three map exhibits

Exhibit B: Comprehensive Plan Future Land Use Maps

Exhibit C: Existing Zoning Map

Exhibit D: Map of Proposed Zoning Districts

Exhibit E: Proposed Text Amendment and Table of Uses