



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Kevin Garcia, AICP, Planner II

DATE: January 12, 2018

SUBJECT: Plan Case 2325-M-17: A request by Urbana School District 116 to rezone five parcels totaling approximately 3.5 acres from CRE, Conservation-Recreation-Education Zoning District to R-4, Medium Density Multiple-Family Residential Zoning District, located at 1102 North Broadway Avenue.

Plan Case 2326-CP-17: A request by Urbana School District 116 to amend the 2005 Urbana Comprehensive Plan future land use designation for 1102 North Broadway Avenue from Institutional to Mixed Residential.

Introduction

Urbana School District 116 has submitted two requests for their property at 1102 North Broadway Avenue, the site of the former Washington School. One of the requests is to change the future land use designation in the 2005 Urbana Comprehensive Plan from Institutional to Mixed Residential. The other request is to rezone the property from the CRE, Conservation-Recreation-Education District to the R-4, Medium Density Multiple Family Residential District.

The School District closed Washington School in 2013 and is actively trying to sell the 3.5 acre site. The two requests, if granted, would make the site more attractive to a potential developer, as the CRE Zoning District and Institutional designation severely limit the options to redevelop the site. The R-4 Zoning District would give a developer more options by allowing them to build low- to medium-density residential uses.

Background

Washington School was built in 1925, with two additions built in the 1950s. By 2013, the buildings were no longer useful as a school, and Washington School was closed. Initially, the School District thought they might reuse the buildings and the property, but the cost to bring the buildings up to modern standards and code requirements would be prohibitively expensive, due in large part to the presence of asbestos in the original school building. One particular challenge would be providing internet access to the original building, which is important not only for schools, but for other potential reuses of the building. Installing fiber optic or other internet cables is infeasible because running the necessary conduit for the lines would disturb the asbestos. Similarly, Wi-Fi is infeasible, as the lath and plaster walls block Wi-Fi signals.

Once the School District determined that it could not reuse the property, they actively sought a buyer for the site. While there was one promising potential buyer last year, that party eventually decided not to purchase the property. Since the current zoning designation (CRE) is very restrictive in the uses it

allows,¹ the School District, after consulting with City staff,² decided that rezoning the property to R-4 would make it more attractive to a potential buyer. If the property is rezoned to R-4, a developer will know in advance of making an offer on the property that they would be allowed to build a low- to medium-density residential development on the site, as these are permitted by right in the R-4 Zoning District.

Adjacent Land Uses, Zoning, and Comprehensive Plan Designations

The Washington School property sits on 3.5 acres on North Broadway Avenue, between Oakland Avenue and Chapin Street. To the west, and zoned CRE, is Crystal Lake Park. The Anita Purves Nature Center, Busey Woods, and the Crystal Lake Park Family Aquatic Center are further north on the west side of Broadway Avenue. The surrounding areas to the north, east, and south are zoned R-3 and contain mostly single-family homes. Nearby to the south, there are properties zoned R-5 (Crystal View Townhomes) and R-4 (Highland Green). Exhibits A, B and C provide more details on the zoning and land uses for the larger surrounding area.

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	CRE, Conservation-Recreation-Education	Vacant (Former School)	Institutional
North	R-3, Single- and Two-Family Residential	Single-Family Residential	Residential
South	R-3, Single- and Two-Family Residential	Single-Family Residential	Residential
East	R-3, Single- and Two-Family Residential	Single-Family Residential	Residential
West	CRE, Conservation-Recreation-Education	Crystal Lake Park	Park

Zoning Districts

The property is currently zoned CRE, Conservation-Recreation-Education District. The purpose and intent of the CRE District is defined as follows:

“The CRE, Conservation-Recreation-Education District is intended to conserve natural and scenic areas for open space, recreational, and educational purposes, both public and private, and to preserve from unsuitable uses natural surface drainage courses and other areas whose physical characteristics, such as slope or susceptibility to flooding, make many forms of development inappropriate or potentially injurious to the public health or safety. The uses permitted in this district are primarily of low intensity, which would not interfere with natural conditions, and for which such conditions would not pose severe problems; areas developed for more intensive use, which include significant open space, or which provide educational or recreational facilities to the public, are also appropriate in this district.”

1 The CRE District only permits uses such as parks, schools, government buildings, and agriculture by right (Exhibit D).
 2 Economic Development and Planning staff considered several rezoning options in this case, with R-3 and R-4 being selected for further study. Staff then analyzed the feasibility of redeveloping the site under R-3 and R-4 zoning requirements. In the end, it did not seem to be financially feasible to redevelop the site as an R-3 property. The R-4 zoning seems more likely to be financially feasible for a developer, and thus was selected for this rezoning request.

The proposed zoning district is R-4, Medium Density Multiple-Family Residential. The purpose and intent of the R-4 District is defined as follows:

“The R-4, Medium Density Multiple-Family Residential District is intended to provide areas for multiple-family dwellings at low and medium densities.”

The attached Zoning Description Sheets provide more information about the permitted uses in each district (see Exhibit D).

Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the site as “Institutional,” which is defined as follows:

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

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

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

Objectives

- 1.4 Promote the established neighborhoods close to campus and the downtown as attractive places for people to live.

Goal 2.0 New development in an established neighborhood will be compatible with the overall urban design and fabric of that neighborhood.

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

Objectives

- 4.2 Promote the design of new neighborhoods that are convenient to transit and reduce the need to travel long distances to fulfill basic needs.
- 4.3 Encourage development patterns that offer the efficiencies of density and a mix of uses.

Goal 5.0 Ensure that land use patterns conserve energy.

Objectives

- 5.1 Encourage development patterns that help reduce dependence on automobiles and promote different modes of transportation.

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.
- 16.3 Encourage development in locations that can be served with existing or easily extended

infrastructure and city services.

Goal 18.0 Promote infill development.

Goal 19.0 Provide a strong housing supply to meet the needs of a diverse and growing community.

Objectives

19.1 Ensure that new residential development has sufficient recreation and open space, public utilities, public services, and access to commercial and employment centers.

Goal 28.0 Develop a diversified and broad, stable tax base.

Goal 34.0 Encourage development in areas where adequate infrastructure already exists.

The proposed rezoning would contribute to meeting these goals by allowing low- to medium-density residential development on an infill site that is served by public infrastructure, is close to commercial and recreational areas, and is served by public transit.

Discussion

The site is well suited for low- to medium-density residential uses. It is in a residential area directly across from Crystal Lake Park, and is close to other outdoor recreation areas. It is well-served by public transit, sidewalks, and designated bike routes. It is also close to downtown and the University Avenue and Cunningham Avenue commercial corridors.

Proposed Comprehensive Plan Amendment

The Comprehensive Plan is the guiding document for future development in and around Urbana. All plan cases are reviewed to ensure they are consistent with the goals, objectives and land use recommendations of the Comprehensive Plan. It is therefore appropriate for the proposed rezoning to R-4 to be consistent with the plan. If the proposed rezoning is approved, it should be accompanied by an amendment to the future land use map in the Comprehensive Plan to ensure that the new zoning and the Comprehensive Plan are consistent.

When the Comprehensive Plan was adopted, Washington School was still in use and there were no plans to close the school or to redevelop the site. It made sense at the time to identify the future land use as “Institutional.” Now that the school has been closed and the School District has determined that they no longer have a use for the site, they have asked that the future land use designation be changed to “Mixed Residential”. Given the site’s context – low-density residential uses and parkland bordering the site, with medium-density residential uses nearby (Crystal View Townhomes and Highland Green) – Mixed Residential is a suitable designation. The Comprehensive Plan defines Mixed Residential as follows:

“Mixed-Residential areas contain a variety of residential land uses including single-family residences, duplexes, town homes, and multi-family development. Encourages a gradation of densities between single-family and multi-family uses in order to achieve compatible development. Also encourages design considerations among various land uses to help achieve compatibility. May also include supporting land uses such as civic, institutional, office, neighborhood business uses as

well as parks. Mixed Residential areas will have different physical patterns of development depending on their location in the community. These areas should incorporate provisions for transit service and pedestrian access to nearby commercial and employment centers.”

The Comprehensive Plan further distinguishes between “urban patterns” and “suburban patterns” of Mixed Residential land uses. The “urban pattern” would be most appropriate for this site:

Urban Pattern of Development - Areas within existing neighborhoods that are considered appropriate for a mix of residential densities. New development should incorporate a design that respects the urban environment including buildings that face the street and provide access from the rear where possible. The character and scale of new development shall consider the overall context of the neighborhood.

Mixed Residential would give a developer the flexibility³ to provide low-or medium-density residential, or a combination of the two. It would also give a developer the option to reuse part or all of the existing building for residential use.⁴

Proposed Rezoning

While the future land use designation generally describes the desired uses for a site, the site’s zoning ultimately determines what can be built. In this case, the R-4 zoning district is the best option to allow the site to be developed to match the Mixed Residential (Urban Pattern) future land use designation. The R-4 zone allows a mix of low- and medium-density residential uses and some public/institutional uses.⁵

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.

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 R-4 district is compatible with the existing zoning and land uses of the surrounding area. The district allows low- to medium-density residential development, which would fit in with the existing residential uses in the neighborhood. The intensity of residential development in the R-4 district is limited by the maximum height (35 feet), floor-area-ratio (0.5 max.), open space ratio (0.3 min.), and required yards.

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

3 While “Residential” or “Multi-Family Residential” would also be suitable future land use designations for the site, Mixed Residential (Urban Pattern) provides the most flexibility to ensure the site is developable.

4 The potential buyer for the site had planned to reuse part of the existing building, before they decided not to purchase the property. It is possible that a new purchaser may also be interested in reusing part or all of the existing building.

5 While Mixed Residential includes business uses, R-4 zoning does not allow any business uses by right (see Exhibit D).

This is the difference in the value of the property as CRE, Conservation-Recreation-Education compared to the value it would have if it were rezoned to R-4, Medium Density Multiple-Family Residential.

The property's value under the current CRE zoning designation is minimal. The CRE zone essentially limits the uses of the property to parks, schools, or government uses. The potential to sell the property for any of those uses is minimal. The R-4 zoning designation would increase the property's value (and salability) by allowing single-family homes, duplexes, townhomes, and apartments. In addition, the R-4 zoning designation would increase the likelihood that the site, which has long been tax exempt, will be developed and will generate property tax revenues for the City.

Please note 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 proposed zoning would not harm the health, safety, morals, or general welfare of the public. It would allow for the development of low- to medium-density residential uses in a residential area that is close to parks and commercial areas.

The current zoning designation severely limits the redevelopment potential of the site, and makes the property unattractive to potential buyers who may otherwise be interested in purchasing the property. Rezoning would facilitate the sale and reuse of the property, which would be beneficial to the public. Once developed, a vacant property would be put back into productive use, which would generate tax revenue for the City, and it would bring more patrons to nearby businesses.

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 property is well-suited for low-to medium-density residential uses, which would be provided by rezoning to R-4. Given its surroundings, the best use for the site is some type of residential use. There is already ample public parkland across Broadway Avenue in Crystal Lake Park, so open space is not needed. It is well-served by public transit, sidewalks, and designated bike routes. Another institutional use is unlikely, given the cost it will take to deal with the asbestos in the original building.

6. The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

The property to be rezoned has been vacant since 2013. While the CRE district was appropriate when the property was used by the Urbana School District, there are no plans to redevelop the site for future School District uses. Without rezoning the property, it will likely remain vacant for the foreseeable future.

Summary of Staff Findings

1. 1102 North Broadway Avenue is owned by Urbana School District 116, is currently zoned CRE, Conservation-Recreation-Education, and is designated by the Comprehensive Plan as “Institutional”.
2. Urbana School District 116 has filed petitions to amend the Urbana Zoning Map to rezone the property to R-4, Medium Density Multiple-Family Residential Zoning District, and to amend the Comprehensive Plan to designate the property as “Mixed Residential”.
3. The property is located on the east side of Broadway Avenue, between Oakland Avenue and Chapin Street, and has been vacant since 2013.
4. The zoning change would facilitate the sale and development of this infill site.
5. The zoning change generally conforms to the LaSalle Criteria.
6. The property is appropriate for residential uses due to its location in a residential area and its proximity to nearby parks.

Options

The Plan Commission has the following options for recommendations to the City Council in Plan Case Nos. 2325-M-17 and 2326-CP-17:

1. Forward the cases to City Council with a recommendation to approve the requests as presented; or
2. Forward the cases to City Council with a recommendation to deny the requests.

Staff Recommendation

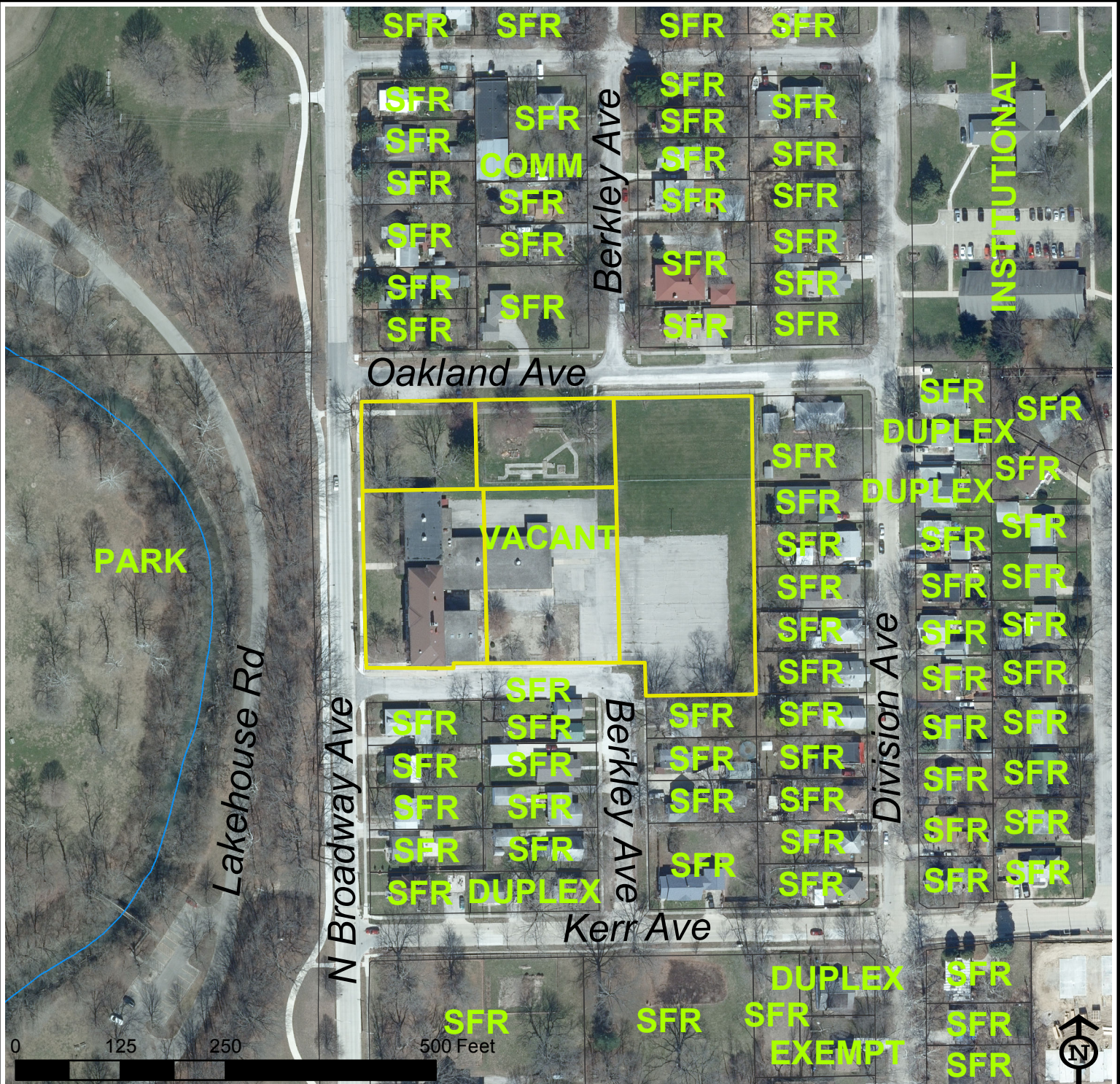
Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends the Plan Commission forward Case Nos. 2325-M-17 and 2326-CP-17 to the City Council with a recommendation to **APPROVE** the proposed rezoning and Comprehensive Plan amendment.

Attachments:

- Exhibit A: Location and Existing Land Use Map
- Exhibit B: Existing Zoning Map
- Exhibit C: Future Land Use Map
- Exhibit D: Zoning Description Sheets for CRE and R-4 Districts

cc: Urbana School District 116

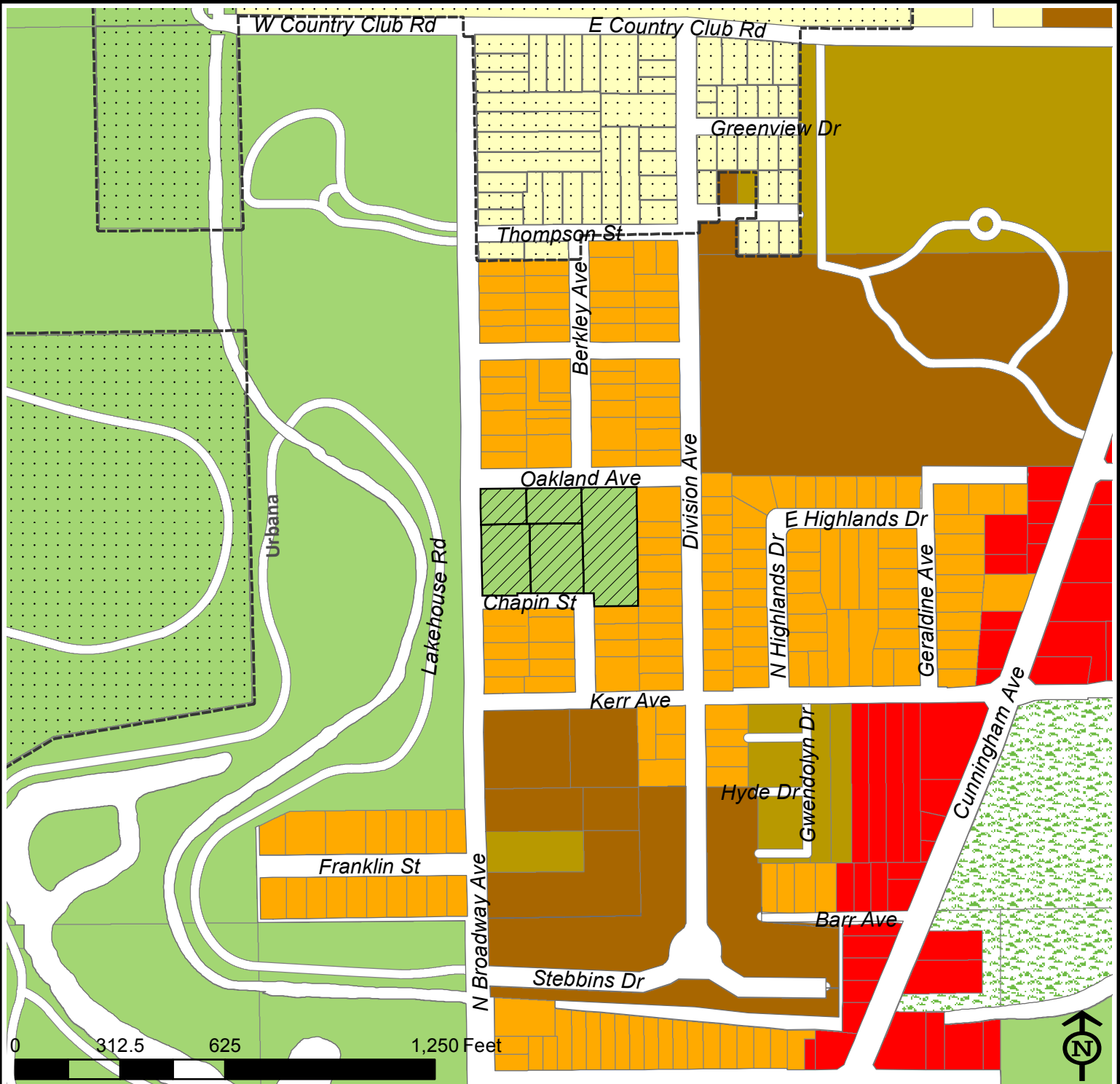
Exhibit A: Location & Existing Land Use Map



Case: 2325-M-17 & 2326-CP-17
 Subject: Rezoning & Comp Plan Amendment
 Location: 1102 N Broadway Avenue
 Petitioner: Urbana School District 116

 Subject Property

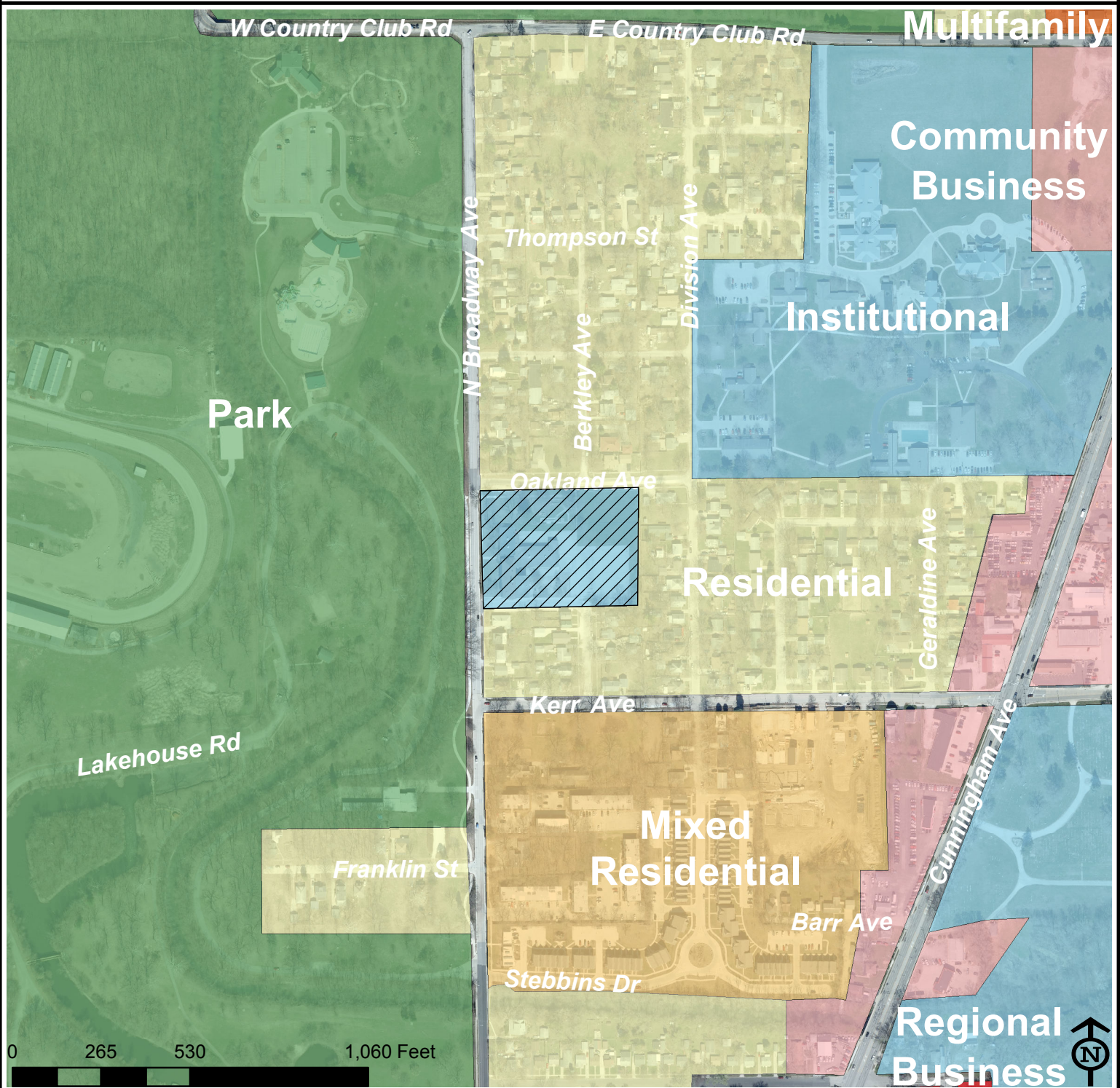
Exhibit B: Zoning Map





Case: 2325-M-17 & 2326-CP-17
 Subject: Rezoning & Comp Plan Amendment
 Location: 1102 N Broadway Avenue
 Petitioner: Urbana School District 116

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|--|------------------|--|---------------|
| | AG | | R4 |
| | B3 | | R5 |
| | CRE | | CR (County) |
| | R1 | | R-1 (County) |
| | R3 | | City Boundary |
| | Subject Property | | |

Exhibit C: Future Land Use Map



Case: 2325-M-17 & 2326-CP-17
 Subject: Rezoning & Comp Plan Amendment
 Location: 1102 N Broadway Avenue
 Petitioner: Urbana School District 116

- | | |
|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|  Residential |  Community Business |
|  Mixed Residential |  Institutional |
|  Multi-Family Residential |  Park |
|  Regional Business | |



CRE – CONSERVATION-RECREATION-EDUCATION ZONING DISTRICT

ZONING DESCRIPTION SHEET

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

"The *CRE, Conservation-Recreation-Education District* is intended to conserve natural and scenic areas for open space, recreational, and educational purposes, both public and private, and to preserve from unsuitable uses natural surface drainage courses and other areas whose physical characteristics, such as slope or susceptibility to flooding, make many forms of development inappropriate or potentially injurious to the public health or safety. The uses permitted in this district are primarily of low intensity, which would not interfere with natural conditions, and for which such conditions would not pose severe problems; areas developed for more intensive use, which include significant open space, or which provide educational or recreational facilities to the public, are also appropriate in this district."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the CRE District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Agriculture, General
Agriculture, Cropping

Business – Professional and Financial Services

Vocational, Trade or Business School

Public and Quasi-Public

Elementary, Junior High School, or Senior High School
Library, Museum or Gallery
Municipal or Government Building
Nonprofit or Governmental, Educational and Research Agencies
Park
Public Maintenance and Storage Garage
University/ College

SPECIAL USES:

Agriculture

Mineral Extraction, Quarrying, Topsoil Removal and Allied Activities****
Plant Nursery or Greenhouse

Business - Recreation

Private Indoor Firing Range++

Public and Quasi-Public

Church, Temple or Mosque
Farmer's Market
Institution of an Educational or Charitable Nature
Sewage Treatment Plant or Lagoon****

CONDITIONAL USES:

Agriculture

Artificial Lake of one (1) or more acres

Business - Miscellaneous

Cemetery****

CONDITIONAL USES Continued:

Business - Recreation

- Bait Sales
- Camp or Picnic Area****
- Commercial Fishing Lake
- Country Club or Golf Course
- Driving Range
- Lodge or Private Club
- Miniature Golf Course
- Outdoor Commercial Recreation Enterprise (*Except Amusement Park*)****
- Private Indoor Recreational Development
- Resort or Organized Camp****
- Riding Stable****

Table V-1 Notes:

- **** See Table VII-1 for Standards for Specific Conditional Uses
- †† See Section VII-5.E Standards for Private Indoor Firing Ranges

DEVELOPMENT REGULATIONS IN THE CRE 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)¹	MIN SIDE YARD (in feet)¹	MIN REAR YARD (in feet)¹
CRE	1 acre	150	35³	0.40	0.55	25	15	25

FAR = Floor Area Ratio
 OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

Footnote³ – 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.urbanaininois.us



R-4 – MEDIUM DENSITY MULTIPLE-FAMILY ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-4 Zoning District is as follows:

"The R-4, Medium Density Multiple-Family Residential District is intended to provide areas for multiple-family dwellings at low and medium densities."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the R-4 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

Agriculture, Cropping

Business - Recreation

Country Club or Golf Course

Public and Quasi-Public

Church, Temple or Mosque
Elementary, Junior High School or Senior High School
Institution of an Educational or Charitable Nature
Library, Museum or Gallery
Municipal or Government Building
Park

Residential

Boarding or Rooming House
Dormitory
Dwelling, Community Living Facility, Category I, Category II and Category III
Dwelling, Duplex***
Dwelling, Duplex (*Extended Occupancy*)***
Dwelling, Multifamily
Dwelling, Multiple-Unit Common-Lot-Line***
Dwelling, Single Family
Dwelling, Single Family (*Extended Occupancy*)
Dwelling, Two-Unit Common-Lot-Line***

SPECIAL USES:

Business – Professional and Financial Services

Professional and Business Office

Residential

Dwelling, Home for Adjustment

Public and Quasi-Public

Police or Fire Station
Principal Use Parking Garage or Lot

PLANNED UNIT DEVELOPMENT USES:

Business – Miscellaneous

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

Residential

Residential PUD (*See Section XIII-3*)

CONDITIONAL USES:

Agriculture

Artificial Lake of One (1) or More Acres

Public and Quasi-Public

Electrical Substation

Business – Miscellaneous

Day Care Facility (*Non-Home Based*)

Residential

Assisted Living Facility
Bed and Breakfast, Owner Occupied
Nursing Home

Business - Recreation

Lodge or Private Club

Table V-1 Notes:

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

DEVELOPMENT REGULATIONS IN THE R-4 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) ¹	MIN SIDE YARD (in feet) ¹	MIN REAR YARD (in feet) ¹
R-4	6,000	60	35 ¹⁷	0.50 ¹⁴	0.35	15 ⁹	5	10

FAR = Floor Area Ratio

OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

Footnote⁹ – In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Sec. VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Sec. VI-5.D.1. (Ordinance No. 9596-58, 11-20-95) (Ordinance No. 9697-154) (Ordinance No. 2001-03-018, 03-05-01)

Footnote¹⁴ – In the R-4 District, the maximum floor area ratio may be increased to 0.70, provided that there is a minimum of 2,000 square feet of lot area per dwelling unit.

Footnote¹⁷ – Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.