



CITY OF  
URBANA

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PLAN COMMISSION REGULAR MEETING

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**DATE:** Thursday, June 06, 2024

**TIME:** 7:00 PM

**PLACE:** 400 South Vine Street, Urbana, IL 61801

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**AGENDA**

**A. Call to Order and Roll Call**

**B. Changes to the Agenda**

**C. Approval of Minutes of Previous Meeting**

[Minutes](#) of the March 7, 2024 Regular Meeting

**D. Communications**

**E. Continued Public Hearings**

**F. Old Business**

**G. New Public Hearings**

[Plan](#) Case No. 2490-M-24 - An application by Mark Allen to rezone a portion of 710 Cunningham Avenue from AG (Agriculture) to B-3 (General Business)

**H. New Business**

**I. Audience Participation**

**J. Staff Report**

**K. Study Session**

**L. Adjournment**

## **PUBLIC INPUT**

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner.

Public Input will be taken in the following ways:

### **Email Input**

In order to be incorporated into the record, emailed public comments must be received prior to 5:00 pm on the day preceding the meeting and sent to the following email address: [Planning@urbanailinois.us](mailto:Planning@urbanailinois.us). The subject line of the email must include the words "PLAN COMMISSION - PUBLIC INPUT" and the meeting date. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted.

### **Written Input**

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

### **Public Hearing**

Any person desiring to appear at the public hearing and present testimony may speak during each public hearing at the time they appear on the agenda. This shall not count towards regular Public Input for the meeting. The Public Hearing is an opportunity for comments and questions to be addressed specific to each case. Board or Commission members are permitted to respond and engage during this time and/or the Chairperson may direct the applicant to respond during rebuttal. Comments unrelated to any of the public hearings listed on an agenda should be shared during the Public Input portion of the meeting where Verbal Input guidelines shall apply.

### **Verbal Input**

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than one (1) hour, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under “Verbal Input”. Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker’s microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the meeting record.

### **Accommodation**

If an accommodation is needed to participate in a City meeting, please contact the City at least 48 hours in advance using one of the following methods:

Phone: 217.384.2455

Email: [hro@urbanaillinois.us](mailto:hro@urbanaillinois.us)

### **Watching the Meeting via Streaming Services**

All City meetings are broadcast on Urbana Public Television and live-streamed on the web. Details on how to watch are found on the UPTV webpage located at <https://urbanaillinois.us/upty>.

## MINUTES OF A REGULAR MEETING

### URBANA PLAN COMMISSION

**DRAFT**

**DATE:** March 7, 2024

**TIME:** 7:00 P.M.

**PLACE:** Council Chambers, City Hall, 400 South Vine Street, Urbana, Illinois

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**MEMBERS ATTENDING:** Dustin Allred, Will Andresen, Lew Hopkins, Bill Rose, Karen Simms, Chenxi Yu

**MEMBERS ABSENT:** Debarah McFarland

**MEMBERS EXCUSED:** Andrew Fell

**STAFF PRESENT:** Dave Wesner, City Attorney; Kimberly Smith, Director of Community Development Services; Kevin Garcia, Principal Planner; Teri Andel, Administrative Assistant II

**OTHERS PRESENT:** Geoffrey Bant, Nancy Barenberg, Joanne Budde, Christy Donovan, Barb Franzen, Stan Frieze, Grace Harshbarger, Jeffrey Harshbarger, David Huber, Adam Martinsek, Lori Martinsek, Vicki Trimble, Jim Tucker, Marla Tucker

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#### **A. CALL TO ORDER and ROLL CALL**

Chair Allred called the meeting to order at 7:01 p.m. Roll call was taken, and there was a quorum of the members present.

#### **B. CHANGES TO THE AGENDA**

There were none.

#### **C. APPROVAL OF MINUTES OF PREVIOUS MEETING**

The minutes of the February 8, 2024 regular meeting were presented for approval. Mr. Hopkins moved that the Plan Commission approve the minutes as written. Ms. Simms seconded the motion. The minutes were approved as written by unanimous voice vote.

The minutes of the February 22, 2024 regular meeting were presented for approval. Ms. Simms moved that the Plan Commission approve the minutes as written. Mr. Andresen seconded the motion. The minutes were approved as written by unanimous voice vote.

## D. COMMUNICATIONS

Communications received since February 21, 2024 regarding Plan Case No. 2483-M-23 and Plan Case No. 2484-T-24:

- Charles Warmbrunn – Email dated 03-06-2024 @ 11:04 am

Communications received since February 21, 2024 regarding Plan Case No. 2483-M-23:

- Joanne Budde – Email dated 02-29-2024 @ 11:20 am
- OSF Healthcare – Letter dated 02-22-2024
- Esther Patt – Email dated 02-22-2024 @ 2:39 pm
- Jim and Marla Tucker – Email dated 03-01-2024 @ 6:24 am

Communication received since February 21, 2024 regarding Plan Case No. 2484-T-24:

- Esther Patt – Email dated 02-22-2024 @ 3:35 pm

## E. CONTINUED PUBLIC HEARINGS

**Plan Case No. 2483-M-23 – A request by the Urbana Zoning Administrator, on behalf of the Urbana City Council, to rezone 205 North High Cross Road from B-3 (General Business) to B-1 (Neighborhood Business).**

Chair Allred re-opened the public hearing for Plan Case No. 2483-M-23. Kevin Garcia, Principal Planner, presented the written staff report to the Plan Commission. He summarized the history of the subject property. He reviewed the criteria from the *La Salle National Bank* and from the *Sinclair Pipe Line Company* cases that the Plan Commission should consider when making a determination on what to recommend to City Council. He noted that the most relevant criteria that pertains to the proposed rezoning is Criterion #4 (*The relative gain to the public as compared to the hardship imposed on the individual property owner.*) and Criterion #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.*). He read the options of the Plan Commission and presented City staff's recommendation that the Plan Commission carefully consider the rezoning criteria and determine whether to recommend approval or denial to City Council.

Chair Allred asked if any members of the Plan Commission had questions for Mr. Garcia.

Mr. Hopkins asked what the conditions were for approval of the Conditional Use Permit to allow the self-storage facility on the subject property. Mr. Garcia did not feel that the conditions were relevant; however, he recalled the conditions were 1) that the self-storage facility adhere to the concept plan attached to the application; 2) that a fence is installed along the southern and eastern property lines; 3) that the self-storage facility's operating hours shall be between the hours of 7 am to 10 pm.; and 4) something about the security. There were no conditions on the exterior lighting because the Zoning Ordinance is robust when it comes to regulating exterior lighting. Mr. Hopkins stated that the conditions are relevant because it is relevant to think how the current zoning category works or does not work for this particular use. Mr. Garcia stated that the self-storage use has already been permitted. Mr. Hopkins understood and stated that if the Plan Commission approves this case, they would be changing the possibility of a conditional use.

Mr. Hopkins understood that approving either the proposed rezoning case or Plan Case No. 2484-T-24 would result in the approved self-storage facility proposed to be located on the subject

property would become a non-conforming use but would have no effect on the Conditional Use Permit that currently exists for this parcel. Mr. Garcia said that was correct. Conditional Use Permits are valid for one year from the date they are granted, so the developer has another eight or nine months to construct the self-storage facility.

Mr. Hopkins inquired about Section X-7.B of the Zoning Ordinance. Mr. Garcia read the Section aloud for the audience and viewers on television, which states *"If a main building, other than a dwelling, is hereafter occupied by a lawful conforming use, and such use thereafter becomes nonconforming, then such use shall be terminated within 40 years after the date of the completion of the building or the date of the completion of the last substantial enlargement, conversion, or structural alteration of the building, or within 30 years after the use becomes nonconforming, whichever is later."* He stated that should one or both of the cases tonight be approved, then the self-storage facility at 205 North High Cross Road would be non-conforming before it is even built. So, he interpreted that the self-storage use would have to be terminated after forty years.

Mr. Hopkins inquired about the deed restriction on the subject property. Mr. Garcia stated that he has not been provided with a copy of the deed or its restrictions. He tried searching for it and could not find it. Mr. Hopkins asked if the deed restrictions runs with the land. Mr. Garcia said yes.

Mr. Hopkins asked who enforces the deed restrictions. Dave Wesner, City Attorney, replied that the City only gets involved if the City owns one of the parcels. The subject property is owned by OSF and was sold to OSF by Aldi, so the deed restrictions would be enforced by Aldi. Any changes to the deed restrictions would be between the owners of the subject property and of the Aldi property. With regards to these two properties, the City would have no involvement with regards to changes to the deed restrictions. Mr. Hopkins felt this was important because the deed restrictions are balancing or are contradictory to either of the parties. On one hand, the deed restrictions provide some of the restrictions that the neighbors are asking for by rezoning the subject property from B-3 (General Business) to B-1 (Neighborhood Business). On the other hand, the deed restrictions make some restrictions that prevent the developability of the property to uses that the City might wish to have in order for the gains allowed in the B-3 district.

Mr. Rose asked for an interpretation of "community need" in Criterion #7. Mr. Garcia replied that he interpreted it to mean the whole of the City of Urbana, because if there is a criteria that would imply a more local scale, then it would say "neighborhood" or "district".

Chair Allred asked staff to explain how the Plan Commission is meant to use the criteria in making a determination. Mr. Garcia stated that it is a balancing act, and that not every factor needs to be met. If the Plan Commission finds one criterion that weighs against another, then they could use that criterion to base a decision on. Some types of cases require that all criteria are met; however, rezoning cases are not one of those types of cases.

Chair Allred commented that while the written staff report interprets Criterion #2 to be whether there is an effect on neighboring property values, he feels that Criterion #2 is to evaluate the effect of the proposed rezoning on the property value of the subject property. Mr. Garcia stated that is a valid interpretation.

Ms. Yu asked for clarification on why the City is asking for a rezoning of the property after the Conditional Use Permit was approved for a self-storage facility, especially if the City believes that a self-storage facility should not be allowed in the B-3 Zoning District. Mr. Garcia explained that the

reason for the proposed rezoning is because City Council passed a resolution asking City staff to reconsider the zoning for the subject parcel. One of his duties as the Zoning Administrator is to do all of the duties assigned to him by the Zoning Ordinance, and one of those duties says that if City Council or even the Plan Commission directs the Zoning Administrator to rezone a parcel, then he needs to bring a rezoning case forward for that parcel.

Ms. Yu asked if the City Council was presented with the option of removing the self-storage facility use from the B-3 Zoning District as a way to achieve what they are seeking. Mr. Garcia said no.

Chair Allred asked for verification that “community business” and “regional business” Future Land Use designations do not map one-to-one into particular zoning district categories. Mr. Garcia said that is correct.

Chair Allred asked if High Cross Road and University Avenue are both considered to be arterial roads. Mr. Garcia said that he believed so.

With there being no further questions for City staff, Chair Allred reviewed the procedure for a public hearing and opened the hearing for public input. He invited proponents of the case to approach the Plan Commission.

Joanne Budde, resident of Beringer Commons, approached to speak. She testified that she found the restriction and easement agreement between Aldi and OSF Healthcare for the subject property. She stated that the two parties can change the agreement if they should choose to do so. She agreed with the City Attorney, Mr. Wesner, that whoever purchases the parcel in the future could also negotiate with Aldi to change the agreement, so no one knows what will happen in the future. She noted the uses that the current easement agreement prevents and allows.

Ms. Budde pointed out that even though the Plan Commission voted unanimously four years ago to rezone the parcel from B-1 to B-3, the Plan Commission members had concerns about what could happen if they rezoned the parcel. Now, here we are faced with a zoning district that has no height restrictions and limited restrictions on the number of inappropriate businesses that could be built next door to a residential neighborhood.

She noted a correction to the number of yes votes for the rezoning case in 2020. There were four members in favor of the rezoning, not three.

She stated that it is speculative at this point as to whether the rezoning would cause a hardship on the property value of the parcel in question. She said that OSF Healthcare has assets of two billion dollars, so it would not be a hardship for OSF. They purchased the property for \$300,000 and are now asking \$400,000, which might be one of the reasons why the parcel has not been sold. Another reason might be because they do not have a “For Sale” sign posted on the parcel.

Ms. Budde stated the following reasons for supporting the proposed rezoning: 1) the City’s Comprehensive Plan shows the area across the street from the subject property as being “Residential”, but it might be hard to sell homes with an industrial-type business that would be allowed in a B-3 Zoning District; 2) the Comprehensive Plan says that the City should ensure appropriate zoning in established neighborhoods and ensure the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood and that the new

development should be of high quality and aesthetically pleasing. Many of the uses allowed in the B-3 Zoning District would not be aesthetically pleasing to the surrounding residential neighborhood; 3) the City would not have rezoned the subject property if OSF did not ask for the property to be rezoned so they could build a medical clinic; 4) a number of court cases that you cannot expect the zoning to stay in place forever; 5) with regards to tax revenue, self-storage units do not charge sales tax; and 6) the B-3 Zoning District allows many uses that are inappropriate for a surrounding residential neighborhood.

She urged the Plan Commission to correct a mistake that was made by approving the proposed rezoning request.

Nancy Barenberg, resident of Beringer Commons, approached the Plan Commission to speak. She stated that the six-foot wall is not tall enough to hide the self-storage units. Beringer Commons is a wonderful neighborhood that the residents take pride in.

Vicki Trimble, resident of Beringer Commons, approached the Plan Commission to speak. She talked about the number of communications that were submitted. Some of the communications were submitted in time for the February 8, 2024 meeting but not given to the Plan Commission members. This was rectified by City staff sending them out in the packet for the February 22, 2024 meeting. She urged the Plan Commission members to take the time to read all of the communications that had been submitted if they did not have time to read them already or to read them again in case they forgot since this case had been ongoing for a while now.

Ms. Trimble stated that she pays \$15,000 a year in property taxes, and she moved there for safety and because of the neighbors and the location to Aldi's and the Post Office, not to have an inappropriate use constructed next door.

She mentioned that the residents of the residential neighborhood next to the subject property have been doing everything they can to get their views across to the Plan Commission. They have submitted communications and come to the meetings to speak.

Chair Allred invited opponents of the proposed case to approach the Plan Commission to speak.

David Huber approached the Plan Commission to speak. He finds this case a misappropriation of City resources, money, and staff time. He stated that while he does not know anyone who lives in Beringer Commons or the person who is interested in building a self-storage facility on the subject property, he does own properties zoned B-3. While cases do not set a precedent for other things, this case essentially communicates that rezoning is conditional, and when a use comes up that we don't like, the City will take the zoning back and down-zone the property.

Mr. Huber mentioned that at the rezoning meeting in 2020, Mr. Hopkins stated that the rezoning would survive whether the special use permit for a medical clinic was acted on or not. He pointed out that there are aspects of the Zoning Ordinance that would restrict certain uses allowed in a B-3 Zoning District from developing on the proposed site.

He stated that there are more things that the public can do to take action proactively rather than waiting until something bad is proposed or has happened. People should take ownership of their City.



He stated that he is emphatically against the proposed rezoning and encouraged the Plan Commission to reject it and send it back to the City Council.

Mr. Garcia read the letter from OSF Healthcare dated February 22, 2024 into the record. He clarified that the public input received since the previous meeting included an email from Joanne Budde, an email from Jim and Marla Tucker, and an email from Charles Warmbrunn. The communications included in the handout at this meeting were communications handed out at the previous meeting so that the Plan Commission members who were not in attendance of that meeting would have them.

With there being no further input from the audience, Chair Allred closed the public input portion of the hearing and opened the hearing for Plan Commission discussion and/or motion(s).

Ms. Yu wondered if there was a better way to handle this situation. In 2020, the City allowed the property to be rezoned from B-1 to B-3 because the City wanted to encourage a medical clinic to be built. However, things changed and issues that we were feared are now happening. She does not feel that the City made a bad decision to rezone in 2020. It is just that the Plan Commission and City Council do not have the tools to support them doing good for the community.

Mr. Hopkins agreed with Ms. Yu. He stated that we know we need to reconstruct the Zoning Ordinance and have ideas of how to do it; however, we do not have enough resources to revise it. So, it is a bit tricky on how to deal with the current situation.

He inferred from the letter OSF Healthcare submitted and their absence at this meeting that OSF has chosen not to actively present their legal arguments against the rezoning of the subject parcel. He believed that, to some extent, OSF's legal arguments of reduced possibilities and potential gain from the B-3 zoning is internally contradicted by their own restrictions on the uses allowed in the B-3 Zoning District and not just the uses that may actually be impossible because of distance constraints, etc. So, he sees this as OSF's own acknowledgement that B-3 is the wrong zoning for the parcel.

Mr. Hopkins stated that the opponents need to understand that the Plan Commission cannot change the fact that a conditional use permit exists for the proposed site. He noted that approval of either this case or Plan Case No. 2484-T-24 would cause the self-storage facility allowed by the conditional use permit to become non-conforming. If the City only approves Plan Case No. 2484-T-24 and not the proposed rezoning case the Plan Commission is discussing now, then the property would remain zoned B-3. He felt that the City might have more opportunity than they might under other circumstances to rezone the property without legal risk. On the other hand, to achieve the tactic of the self-storage facility approved by the conditional use permit not becoming a non-conforming use, approving Plan Case No. 2484-T-24 would be a less risky strategy.

Ms. Simms stated that there are many restrictions on the use of the proposed site in the deed restriction, and the deed restrictions follow the property. She asked what uses would still be allowed in the B-3 zoning.

Ms. Yu said that the City approved the rezoning from B-1 to B-3 in 2020 because we wanted OSF to build a medical clinic. That did not happen, so she does not see any reason to not change the

zoning back to B-1. She added that the City does not want to change zoning back in all cases; however, in this case, she felt the property should be zoned B-1.

Mr. Hopkins addressed the deed restrictions. There are two reasons not to rely on them: 1) the deed restrictions are putting under private control the control of land use, and it does not restrict every use that would be restricted by rezoning the property to B-1; and 2) the deed restrictions might restrict uses for some people that might not appropriately be restricted by private use of land regulations. He noted that since the public does not have control over the deed restrictions, OSF could renegotiate with Aldi. He does not like delegating or relying on private parties to control city responsibilities.

Chair Allred stated that the Plan Commission does not have a recommendation from staff for approval or for denial. The Plan Commission bylaws require them to adopt a reason for their recommendations based on staff's recommendation. Since there is no staff recommendation, the Plan Commission members need to adopt findings that explain the reason for any motion put forward. The findings should be from the La Salle National Bank and the Sinclair criteria.

Mr. Rose stated that in looking at the criteria, he believes that importance should be assigned to the Comprehensive Plan. He moved that the Plan Commission forward Plan Case No. 2483-M-23 to the City Council with a recommendation of approval based on Criterion #8, *"The care with which the community has planned its land use development."* The guidance from the Comprehensive Plan shows the parcel as being a B-1 property.

Ms. Yu pointed out that the Comprehensive Plan shows the parcel as being *"community business"* not B-1. Mr. Garcia added that is correct and future land use designations do not tie into the zoning districts.

Chair Allred asked if Mr. Rose would agree to amend the motion to include Criteria #3, #5, and #7 as well as Criterion #8. Mr. Rose said yes. Ms. Yu seconded the motion. Roll call on the motion was as follows:

Mr. Andresen	-	Yes	Mr. Hopkins	-	Yes
Mr. Rose	-	Yes	Ms. Simms	-	Yes
Ms. Yu	-	Yes	Mr. Allred	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that the earliest this case would be forwarded to Committee of the Whole would be on March 18, 2024. However, since there is a possibility that City Council may be having a rescheduled meeting on this date, the Committee of the Whole would then be rescheduling their meeting to Wednesday, March 20, 2024.

**Plan Case No. 2484-T-24 – A request by the Urbana Zoning Administrator to amend Table V-1 of the Zoning Ordinance to remove “Self-Storage Facility” from the B-3 (General Business) Zoning District as a Conditional Use.**

Chair Allred reopened the public hearing for Case No. 2484-T-24. Kevin Garcia, Principal Planner, presented the staff report for the case. He reviewed the written staff report. He gave the history of the self-storage use in the B-3 Zoning District. He noted the locations of six existing self-storage facilities and two self-storage facilities that have not yet been constructed in existing B-3 districts. While approval of the proposed text amendment would not prevent the two self-storage facilities from being built, it would make them legally non-conforming uses as well as the other existing six facilities. If they become legally non-conforming uses, they could be allowed for the next 40 years, but they could not be expanded or re-established if they become abandoned for six or more months. He presented staff's recommendation for approval.

Chair Allred asked if any Plan Commission members had questions for City staff.

Mr. Hopkins asked how many self-storage facilities are located in the Industrial Zoning Districts. Mr. Garcia replied that there may be five.

Ms. Yu asked if City staff would have brought the proposed text amendment to the Plan Commission without the rezoning case for 205 North High Cross Road or did the rezoning case prompt this proposed text amendment. Mr. Garcia said that it is a combination of reasons. The proposed text amendment is in part because of the rezoning, and also because there have been a few conditional use permit requests for self-storage facilities in the B-3 Zoning District in the last few years, especially along Philo Road.

Ms. Yu asked what the Zoning Board of Appeals' rationale was for approving those conditional use permits. Mr. Garcia replied that one of the criteria is whether the use is conducive to the public convenience, another criteria is whether the use would be a nuisance to neighboring properties, and he could not recall the third criteria. He pointed out that a conditional use permit request must meet all three criteria. Conditional Use Permit requests are taken on a case-by-case basis, and the Zoning Board of Appeals weighs each request against the criteria when making a determination.

Ms. Yu asked if the City had received any public feedback on self-storage facilities. Mr. Garcia stated in his work experience with the City of Urbana, he could not recall any complaints from the public until the most recent case on High Cross Road.

Mr. Rose stated that he struggled with the relationship between the Plan Commission and the Zoning Board of Appeals. He said that a conditional use permit seems to stretch the imagined set of uses for a zoning district. He asked if the Plan Commission takes a lesson from this or does the Zoning Board of Appeals take a lesson from the Plan Commission. Mr. Garcia replied that allowed uses should not cause any harm or nuisance to surrounding properties. The purpose for conditional uses and special uses is to require more thought about if there is any potential for harm to the surrounding properties before being approved.

Chair Allred stated that the B-3 Zoning District is one of the largest zoning districts in the City. He asked staff to summarize the locations of the existing six self-storage facilities in the B-3 district. Mr. Garcia noted the locations of the six facilities along Philo Road and Cunningham Avenue.

Chair Allred asked if the existing self-storage facilities went into vacant buildings. Mr. Garcia stated that two of the existing facilities went into abandoned big box stores on Philo Road, but one of the facilities on Cunningham Avenue was built for its use. The smaller facilities were built as well for the specific self-storage use.

Ms. Simms asked if these six existing facilities would need to get re-approval. Mr. Garcia stated that they would be allowed to continue as self-storage facilities in perpetuity or for 40 years. He added that non-conforming uses are not allowed to expand the use, and if a use is destroyed by 50% or more of the market value by natural disaster (such as tornado or fire), then the use would not be allowed to be rebuilt. One other thing is if the use is abandoned for six months or more, then the use could not be re-established. He said that self-storage facilities are not a good example to use for abandonment; however, if an auto shop closed up shop in the downtown area and another person wanted to open an auto shop in the same location, then staff would redirect them to a different location where auto shops would be allowed.

With there being no further questions for City staff, Chair Allred reviewed the procedure for a public hearing and opened the hearing for public input. He invited proponents of the case to approach the Plan Commission.

Geoff Bant approached the Plan Commission to speak. He read his comments from a document he handed out prior to speaking. His comments focused primarily on potential misuses of self-storage units.

With no further public input, Chair Allred closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Ms. Yu initially thought that having a self-storage facility located near a residential neighborhood would make it convenient for people who do not have a vehicle to get around. She admitted that she knows little about how people use self-storage units.

Chair Allred said he thought the text amendment may be appropriate; however, the Plan Commission does not have a lot of information. He knows that other cities and communities are tackling the issue of self-storage facilities, and it would be interesting to find out how they are handling them. It seemed to him to be a blunt instrument to remove self-storage facilities from the B-3 districts, because there are some B-3 districts adjacent or surrounding by industrial uses. He stated that normally when they consider a text amendment like this, it would be as a result of a study by staff to understand what the impact is and why the proposed change is needed. He did not feel that the Plan Commission had enough information. He believed that it would be relevant to know how long the land where existing self-storage facilities are located was vacant prior to becoming self-storage facilities, because the Plan Commission is weighing a less-than-ideal use against land that is vacant that the City provides services to but doesn't get much revenue from.

Ms. Simms stated she would love more information. She wondered what would be the capacity in the Industrial zones and where they would be located. Also, what would be the cost for people with regards to transportation to and from self-storage facilities in Industrial zones? Are we only looking at the far outskirts of the City where there is no public transportation?

Mr. Hopkins wondered what the effect of changing the text about self-storage facilities in the Zoning Ordinance now rather than later. He can only think about it possibly changing the effect of the two future self-storage facilities that have not been constructed yet. It may be a long time before the City can deal with this issue, and another request for a self-storage facility in a B-3 district might arise.

He said that, in the end, what they seek is a major revision that defines different kinds of self-storage facilities and regulates their use and contents. There are ways to limit the use and content by providing smaller units and possibly locating them on a second floor. This kind of revision is not going to happen anytime soon, so the real question is: Does the City want to deter self-storage facilities in the B-3 Zoning Districts by approving the proposed text amendment or just let it be?

Ms. Yu stated that if the proposed text amendment is to resolve the issue at 205 North High Cross Road, then they have already resolved that by approving Plan Case No. 2483-M-23.

Mr. Rose said that the Plan Commission has three choices: 1) to approve the proposed text amendment, 2) to deny the proposed text amendment or 3) to take no action. Chair Allred preferred that the Plan Commission either approve or deny the proposed text amendment because City Council is looking for a recommendation from the Plan Commission.

Chair Allred stated that he too feels like this is one of two ways to fix the issue at 205 North High Cross Road. Since they recommended approval of rezoning 205 North High Cross Road to B-1, it addressed the issue. So, he no longer feels like the Zoning Ordinance is broken and needs the proposed text amendment. Before 205 North High Cross Road happened, the Plan Commission had never heard anything about self-storage facilities being an issue, even though other communities are having issues with them. He has faith in the Zoning Board of Appeals granting conditional use permits because the uses are meeting the criteria required for conditional use permits.

Mr. Hopkins asked what the limitations are for the Zoning Board of Appeals with regards to differentiating between the self-storage facility hidden on Philo Road and the two big box self-storage facilities. Mr. Garcia responded saying that the Zoning Board of Appeals can regulate location, extent, and intensity of a use; require screening by means of fencing, walls and vegetation; stipulate the required minimal lot sizes; regulate vehicular access and volume; regulate conformance to health, sanitation and safety requirements as necessary; regulate increases to the required yards; and other conditions deemed necessary to effect the purposes of the Zoning Ordinance. He then read the criteria for a conditional use permit.

Mr. Hopkins stated that the Plan Commission could send a signal that self-storage facilities are an issue and return the proposed text amendment to staff for a future study. He wants to keep this discussion alive, and be on public record that it is an issue that needs to be dealt with.

Chair Allred stated that he preferred to not be in a situation where they approve the text amendment and ask staff to do a study only to find that the results show there is a need for self-storage facilities in the B-3 district, and then the Plan Commission has to go back and reverse their decision to remove self-storage facilities from the B-3 district. Mr. Garcia read the options of the Plan Commission from the Zoning Ordinance which include postpone, continue or adjourn a public hearing. The Plan Commission does not need to state a date upon when the public hearing would return. He noted that he could not give a time when staff would return the case to the Plan Commission for future consideration.

Mr. Hopkins moved that the Plan Commission postpone Plan Case No. 2484-T-24 with the intent that it come back incorporated explicitly with a major revision of the Zoning Ordinance, which will immediately follow the completion of the Comprehensive Plan revision. He felt that his motion

was vague enough to allow the proposed text amendment to come back as a single item or as a piece of the Zoning Ordinance rewrite.

Mr. Rose seconded the motion. Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Mr. Rose	-	Yes
Ms. Simms	-	Yes	Ms. Yu	-	Yes
Mr. Allred	-	Yes	Mr. Andresen	-	Yes

The motion passed by unanimous vote.

#### **F. OLD BUSINESS**

There was none.

#### **G. NEW PUBLIC HEARINGS**

There were none.

#### **H. NEW BUSINESS**

There was none.

#### **I. AUDIENCE PARTICIPATION**

There was none.

#### **J. STAFF REPORT**

Mr. Garcia noted that the requested Urbana-Champaign Sanitary District rezoning in Plan Case No. 2482-M-23 was approved by City Council.

#### **K. STUDY SESSION**

There was none.

#### **L. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,



Kevin Garcia, Secretary  
Urbana Plan Commission



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** The Urbana Plan Commission  
**FROM:** Marcus Ricci, AICP, Planner II  
**DATE:** June 6, 2024  
**SUBJECT:** **Plan Case 2490-M-24:** An application by Mark Allen to rezone a portion of 710 Cunningham Avenue from AG (Agriculture) to B-3 (General Business).

---

### Introduction & Background

Mark Allen requests to rezone a portion of 710 Cunningham Avenue from AG (Agriculture) to B-3 (General Business). The proposed rezoning would permit the expansion of the auto repair shop, and still provide access around the building.

Staff recommend approving the proposed rezoning, as it satisfies the rezoning criteria.

### Description of Site and Area

The existing site, containing the SpeedLube #6 auto repair shop, is approximately 0.49 acres (21,357 sf), and is located on the east side of Cunningham Avenue, north of the Saline Branch Drainage Ditch, bounded on the east and south by Eastlawn Burial Park, and on the north by A.J.'s Station (see Exhibit A). The land to be rezoned is a 15'-wide by 175'-long strip along the southeast property line, between SpeedLube and the Saline ditch. A portion of the land is within the regulatory floodplain. The SpeedLube property – and almost all the land along both sides of Cunningham Avenue – are zoned B-3 (General Business) (see Exhibit B). The cemetery property, including the land to be rezoned, is zoned AG (Agriculture). Table 1 below identifies the current zoning and the existing and future land uses of the site and surrounding properties (see Exhibit C).

### Discussion

The applicant wants to expand the auto repair shop by approximately 140 sf at its southeast corner. Although this expansion would be within the bounds of the existing parcel, additional land is needed to provide safe access around the building. The Eastlawn Burial Park has agreed to sell Mr. Allen a 15' x 175' strip of land to provide such access, but the strip of land must be rezoned to a classification that would allow Automobile/Truck Repair. The current AG zoning does not permit Automobile/Truck Repair, while the proposed B-3 district does. The proposed pavement expansion would comply with all regulations, including the Floodplain Management Ordinance.<sup>1</sup> The applicant has also applied for a Certificate of Exemption to add the strip of land to their existing parcel, which will be completed only if the rezoning is granted.

---

<sup>1</sup> Ordinance No. 2013-09-079 "An Ordinance Amending Urbana City Code Chapter Five, Article XI."

The property and the surrounding land were zoned A (Residence) in 1940, and by 1950 were zoned R-1 (One & Two Family Residence). At that time, the cemetery land to the north was outside Urbana’s corporate limits. Since then, there has been much development and many rezonings in the area:

- During the 1950s, land along Cunningham Avenue north of the property was annexed into the City: all land on the east side of Cunningham Avenue – north of the Saline – was rezoned to I-1 (Light Industrial) and land on the west side of Cunningham Avenue was zoned B-1 (Neighborhood Business) and I-1. A 1973 aerial map shows the current SpeedLube site and land to the north being used as a vehicle-oriented commercial use.
- In 1979, the property and the west side of Cunningham was rezoned B-3 (General Business); and cemetery on the east side of Cunningham was rezoned to AG (Agriculture). A 1988 aerial map shows the current auto repair shop site as vacant, and a business north of it. The SpeedLube facility was built shortly after this aerial.
- In 1990, the property and adjacent land was still zoned B-3, and land to the north was still zoned AG. The park far to the east and adjacent land was zoned CRE (Conservation-Recreation-Education).
- In 2000, the auto repair shop site was still zoned B-3, while land around it – including the property – was rezoned from B-3 to AG. Land further east remained zoned B-3.
- In 2001, the auto repair shop site remained zoned B-3, the subject property remained zoned AG, and land further east was rezoned from B-3 to AG. This is the current zoning configuration of the area.

The 2005 Comprehensive Plan shows the property in a transition area between “Institutional” and “Community Business.”

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use	Future Land Use
Site	AG (Agriculture)	Undeveloped	Institutional
North	B-3 (General Business)	Automobile/Truck Repair	Community Business
South	AG & B-3	Undeveloped & Auto Sales	Institutional
East	AG & CRE (Conservation-Recreation-Education)	Cemetery	Institutional
West	AG & B-3	Undeveloped, Residential & Commercial	Institutional & Community Business

## Rezoning Criteria

In the case of *La Salle National Bank v. County of Cook*, 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. In addition to the six La Salle Criteria, the court developed two more factors in the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. Together, all eight factors are discussed below to compare the current zoning to the proposed zoning.

*1. The existing land uses and zoning of the nearby property.*

Nearby properties are a mix of B-3 (General Business), and AG (Agriculture) zoning districts, and contain a mix of commercial, institutional, and residential uses. The proposed rezoning is to permit an expansion of the existing auto repair building. The proposed rezoning would simply expand the existing B-3 district for an existing use to allow access of business traffic around the expanded building. While the subject land is owned by the cemetery, it has virtually no use to the current property owner, being a narrow strip of land between the auto repair shop and the Saline Branch Drainage Ditch. This weighs in favor of the proposed rezoning.

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

Rezoning a strip of the cemetery's property to allow access for an existing auto repair shop may have a positive effect on its property value, and would have no effect on neighboring property values. This weighs in favor of the proposed rezoning.

*3. The extent to which the ordinance promotes the health, safety, morals, or general welfare of the public.*

The proposed B-3 district expansion would allow the property owner to expand their building while maintaining safe vehicular access around the building. This weighs in favor of the proposed rezoning.

*4. The relative gain to the public as compared to the hardship imposed on the individual property owner.*

The public gains no benefit from the property being undeveloped: it is not necessary for the proper functioning of the Saline Branch Drainage Ditch and is not part of the active cemetery area. The public could benefit from expanded capacity at the auto repair shop. On the other hand, the property owner would suffer some hardship if they were not able to expand the building. This weighs in favor of the proposed rezoning.

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

The property is well-suited for the proposed expansion of the B-3 zoning district. The proposed B-3 zoning permits the proposed expanded use of Automobile/Truck Repair, as well as other commercial uses. This weighs in favor of the proposed rezoning.

*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.*

The property has been vacant since before 1940. It was first platted in 1848 as part of the W.T. Webber Estate Subdivision. If the proposed rezoning is not granted, the property would stay vacant as part of the cemetery. This weighs in favor of the proposed rezoning.

*7. The community's need for more of the proposed use.*

The auto repair use is well-established, having started in 1988. The facility continues to add services and capacity, so the applicant requests a rezoning to allow for expansion of its footprint to allow for building expansion. This weighs in favor of the proposed rezoning.

*8. The care with which the community has planned its land use development.*

The Comprehensive Plan designates the property for future “Institutional” land use, reflecting its historic use as part of the Eastlawn Burial Park; however, it is not part of the active cemetery. The adjacent land containing the auto repair shop is designated for “Neighborhood Business” and this rezoning would align with that designation. This weighs in favor of the proposed rezoning.

Overall, the request meets all eight criteria for a rezoning.

## Summary of Findings

1. The proposed rezoning to allow the expansion of the adjacent auto repair shop would simply expand the existing B-3 zoning district, and would maintain the existing compatibility with the adjacent AG zoning district.
2. The proposed rezoning to B-3 (General Business) would be compatible with the adjacent “Neighborhood Business” Future Land Use designation by the 2005 City of Urbana Comprehensive Plan.
3. The proposed rezoning meets all eight of the rezoning criteria.

## Options

The Plan Commission has the following options in Plan Case 2490-M-24:

1. Forward the case to City Council with a recommendation to approve the rezoning request.
2. Forward the case to City Council with a recommendation to deny the rezoning request.

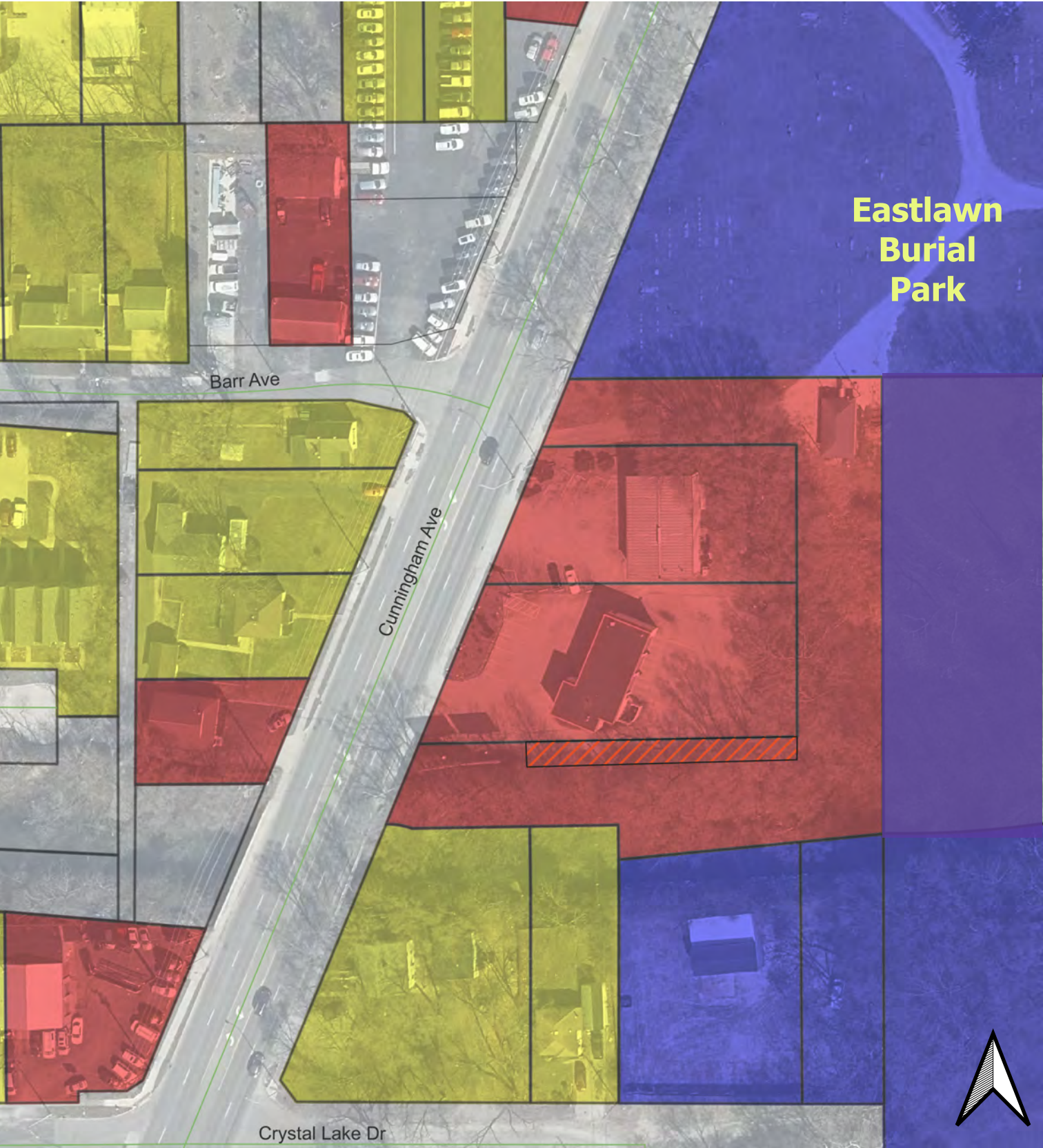
## Recommendation

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 that the Plan Commission forward the case to City Council with a recommendation to **APPROVE** the rezoning request to B-3 (General Business).





Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Application for Zoning Map Amendment  
Exhibit E: Site Photos & Aerials.  
Exhibit F: Zoning Description Sheets: AG, B-3

cc: Mark Allen, SpeedLube, Applicant

Exhibit A - Location & Land Use

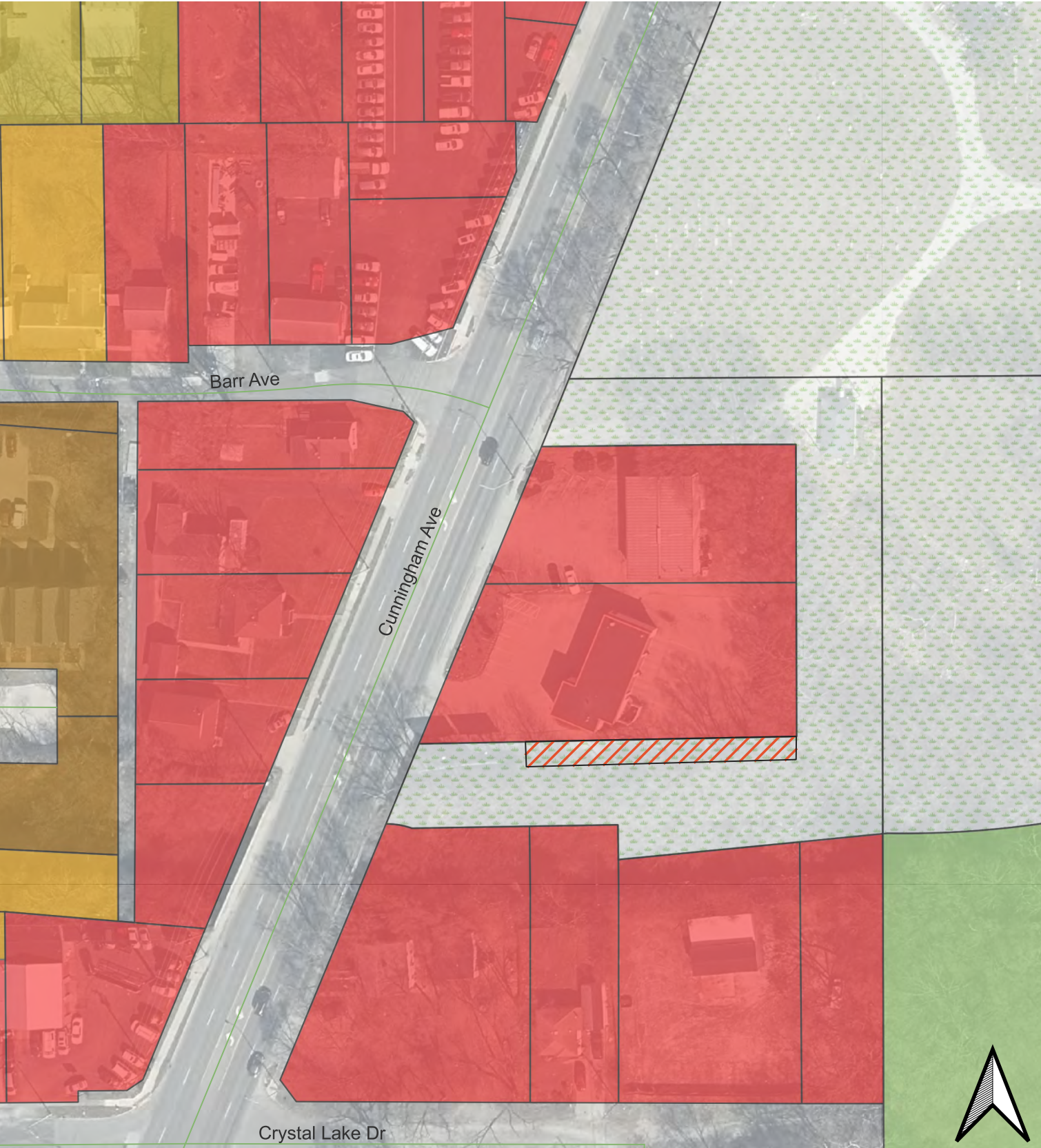


Case: 2490-M-24  
Subject: Zoning Map Amendment: AG to B-3  
Location: 710 Cunningham Avenue  
Applicant: Mark Allen, Applicant








-  Subject Property
-  Residential
-  Shopping, business, or trade
-  Social, institutional



# Exhibit B - Zoning

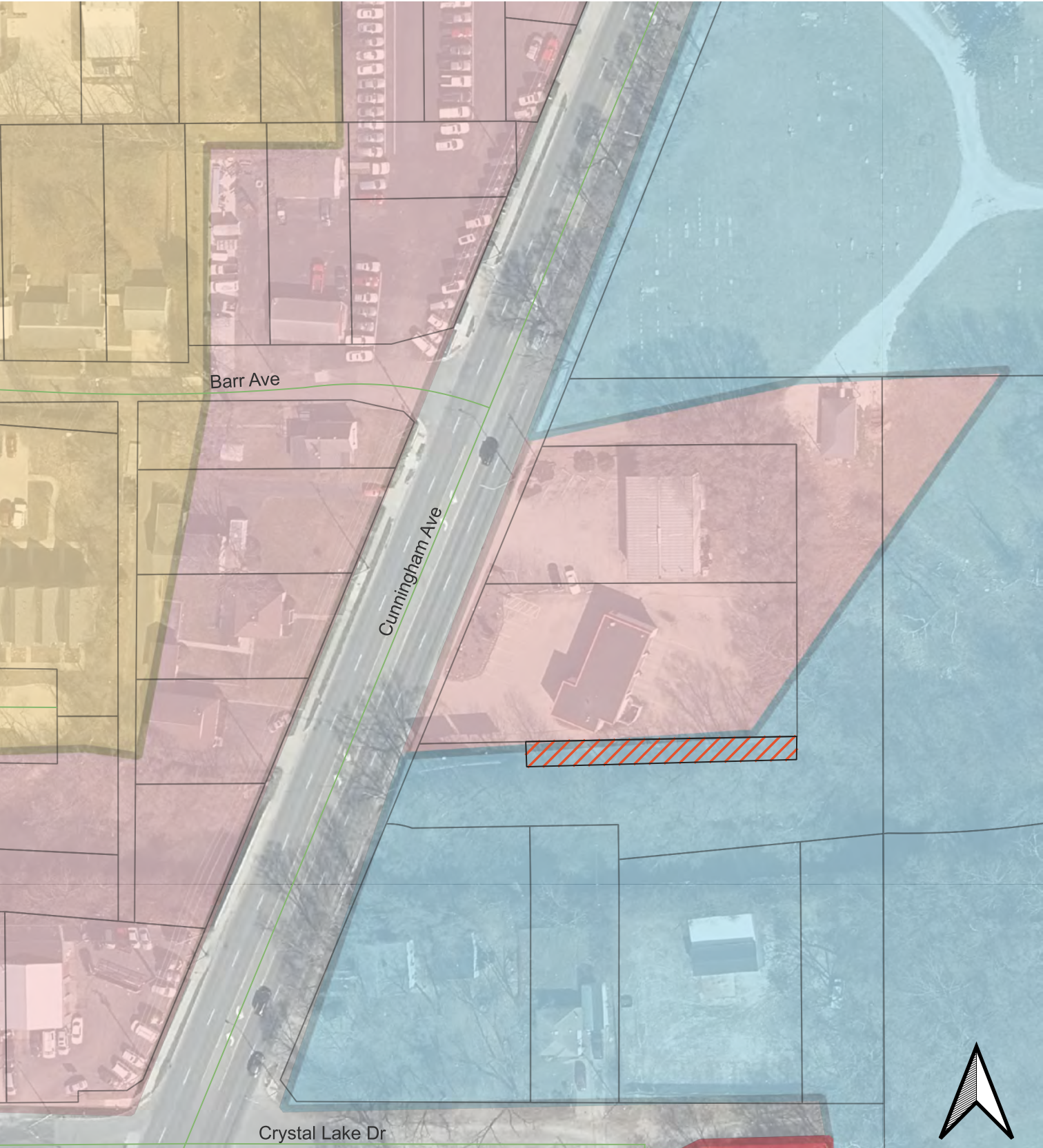


Case: 2490-M-24  
Subject: Zoning Map Amendment: AG to B-3  
Location: 710 Cunningham Avenue  
Applicant: Mark Allen, Applicant






-  Subject Property
- |   |     |   |     |   |     |
|---|-----|---|-----|---|-----|
|  | AG  |  | CRE |  | R-4 |
|  | B-3 |  | R-3 |  | R-5 |



# Exhibit C - Future Land Use



Case: 2490-M-24  
Subject: Zoning Map Amendment: AG to B-3  
Location: 710 Cunningham Avenue  
Applicant: Mark Allen, Applicant

-  Subject Property
-  Community Business
-  Institutional
-  Mixed Residential
-  Residential

# Exhibit D - Application



## Application for Zoning Map Amendment

## PLAN COMMISSION

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanailinois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 4/4/2024 Plan Case No. 2490-M-24  
Fee Paid - Check No. 81893 Amount \$200 Date 4/4/2024

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Edward L. Clancy** Phone: **217-384-1144**  
Address (street/city/state/zip code): **405 East main Street p.o. box 755 urbana, il 61803**  
Email Address: **eclancy@bernsclancy.com**  
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **surveyor**

#### 2. OWNER INFORMATION

Name of Owner(s): **Mark Allen** Phone: **217-620-4183**  
Address (street/city/state/zip code): **710 North Cunningham Avenue Urbana IL 61802**  
Email Address: **mark@speedlube.net**  
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: **714 North Cunningham Avenue**  
PIN # of Location: **91-21-08-428-013**  
Lot Size: **0.06 acre +/-**  
Current Zoning Designation: **AG (Agriculture)**  
Proposed Zoning Designation: **B-3 (General Business)**  
Current Land Use (vacant, residence, grocery, factory, etc): **vacant**  
Proposed Land Use: **part of oil change shop property**  
Present Comprehensive Plan Designation: **community business/cemetery**

# Exhibit D - Application

How does this request conform to the Comprehensive Plan? in conformance suit

Legal Description *(If additional space is needed, please submit on separate sheet of paper):*

A PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT AN IRON REBAR SURVEY MONUMENT FOUND AT THE SOUTHEAST CORNER OF LOT 2 OF JOHN WRIGHT'S SUBDIVISION AS PER FINAL PLAT RECORDED AS DOCUMENT NUMBER 88R06962 ON FILE IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER;  
THENCE SOUTH 00 DEGREES 50 MINUTES 04 SECONDS EAST ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 2, A DISTANCE OF 15.00 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE SOUTH 89 DEGREES 17 MINUTES 02 SECONDS WEST, A DISTANCE OF 170.16 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE NORTH 00 DEGREES 45 MINUTES 02 SECONDS WEST, A DISTANCE OF 15.00 FEET TO AN IRON PIPE SURVEY MONUMENT SET ON THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 89 DEGREES 17 MINUTES 02 SECONDS EAST ALONG THE SOUTH LINE OF LOT 2, A DISTANCE OF 170.14 FEET TO THE POINT OF BEGINNING, ENCOMPASSING AN AREA OF 0.06 ACRES, MORE OR LESS, ALL SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

## 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): Edward L. Clancy

Phone: 217-384-1144

Address (street/city/state/zip code): 405 east main street urbana il 61803-0755

Email Address: eclancy@bernsclancy.com

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?

**no error**

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

**proposed site improvements to 710 North Cunningham Avenue**

# Exhibit D - Application

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

**area is suitable for speedlube expansion but is inaccessible to the cemetery.**

What other circumstances justify the zoning map amendment

Time schedule for development (if applicable)

**n/a**

Additional exhibits submitted by the petitioner.

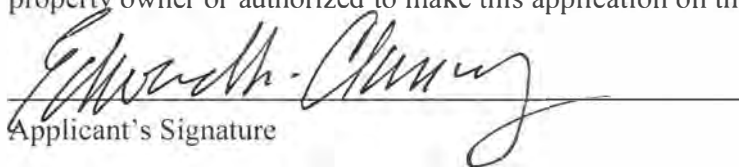
**plat of survey**

***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

4/4/2024  
Date

## PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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



## Exhibit E – Site Photos & Aerials



Figure 1. SpeedLube @ 710 Cunningham, facing northeast.



Figure 2. Facing southeast (note proposed strip in yellow).



## Exhibit E – Site Photos & Aerials



Figure 3. Facing south (note proposed strip in yellow).



Figure 4. Southeast corner, facing east (note proposed strip in yellow).



## Exhibit E – Site Photos & Aerials



Figure 5. South line, facing west (note proposed strip in yellow and addition in orange).



Figure 6. South line, facing north (note proposed addition in orange).



## Exhibit E – Site Photos & Aerials



Figure 7. Proposed strip in orange.



Figure 8. Floodplain in stippled blue and 1-foot contours in green.

# Exhibit F - Zoning Description Sheets



## AG – AGRICULTURE ZONING DISTRICT DESCRIPTION SHEET

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

"The AG, *Agriculture District*, is intended to retain in agricultural and other compatible low intensity uses, areas where soil and topographic conditions are suitable for these uses, and into which the intrusion of urban uses would be inappropriate or untimely due to lack of urban services and facilities."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the AG 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, Cropping  
Agriculture, General  
Commercial Breeding Facility  
Farm Equipment Sales and Service  
Plant Nursery or Greenhouse  
Roadside Produce Sales Stand

#### Business – Recreation

Camp or Picnic Area\*\*\*\*  
Country Club or Golf Course  
Driving Range  
Miniature Golf Course  
Riding Stable\*\*\*\*

#### Public and Quasi-Public

Elementary, Junior High School or Senior High School

#### Residential

Dwelling, Community Living Facility – Category 1  
Dwelling, Single-Family  
Dwelling, Single-Family (*Extended Occupancy*)  
Mobile Home in Approved Mobile Home Park

### SPECIAL USES:

#### Agriculture

Mineral Extraction, Quarrying, Topsoil  
Removal and Allied Activities\*\*\*\*

#### Business – Cannabis

Craft Grower  
Cultivation Center (Medical & Non-Medical)

#### Business – Recreation

Private Indoor Firing Range++

#### Business – Transportation

Air Freight Terminal

#### Industrial

Solar Farm

#### Residential

Mobile Home Park (*See Section VII-2*)

#### Public and Quasi-Public

Church, Temple or Mosque  
Electrical Substation  
Fairgrounds\*\*\*\*  
Hospital or Clinic  
Institution of an Educational or Charitable Nature  
Methadone Treatment Facility  
Park  
Police or Fire Station  
Public or Commercial Sanitary Landfill\*\*\*\*  
Radio or Television Tower and Station  
Sewage Treatment Plant or Lagoon\*\*\*\*  
Water Treatment Plant\*\*\*\*

# Exhibit F - Zoning Description Sheets

## CONDITIONAL USES:

### Agriculture

Artificial Lake of one (1) or more acres  
Feed and Grain (*Sales Only*)  
Garden Shop  
Grain Storage Elevator and Bins  
Livestock Sales Facility and Stockyards

### Business – Miscellaneous

Aviation Sales, Service or Storage  
Cemetery\*\*\*\*  
Construction Yard  
Crematorium  
Kennel\*\*\*\*  
Radio or TV Studio  
Veterinary Hospital – Large and Small Animal\*\*\*\*

### Business – Professional and Financial Services

Vocational, Trade or Business School

### Business – Recreation

Bait Sales  
Commercial Fishing Lake  
Lodge or Private Club  
Outdoor Commercial Recreation Enterprise  
(*Except Amusement Park*)\*\*\*\*  
Private Indoor Recreational Development  
Resort or Organized Camp\*\*\*\*  
Theater, Outdoor\*\*\*\*

### Business – Transportation

Airport\*\*\*\*  
Heliport\*\*\*\*

### Industrial

Medical Cannabis Cultivation Center

### Public and Quasi-Public

Municipal or Government Building

### Residential

Hotel or Motel

### 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 AG DISTRICT

ZONE	MIN LOT SIZE ( <i>square feet</i> )	MIN AVERAGE LOT WIDTH ( <i>in feet</i> )	MAX HEIGHT ( <i>in feet</i> )	MAX FAR	MIN OSR	MIN FRONT YARD ( <i>in feet</i> ) <sup>1</sup>	MIN SIDE YARD ( <i>in feet</i> ) <sup>1</sup>	MIN REAR YARD ( <i>in feet</i> ) <sup>1</sup>
AG	1 acre <sup>2</sup>	150	35 <sup>3</sup>	0.25	0.55	25	15	25

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>2</sup>** – The minimum lot size for cropping in the AG, Agriculture Zoning District is five acres.

# Exhibit F - Zoning Description Sheets

**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**

**Planning Division**

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone | Email: [Planning@urbanailinois.us](mailto:Planning@urbanailinois.us)

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

# Exhibit F - Zoning Description Sheets



## B-3 – GENERAL BUSINESS ZONING DISTRICT 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 – Cannabis**

Craft Grower  
Dispensary (*Medical & Non-Medical*)  
Infuser

#### **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*)  
Day Care Facility (*Non-Home Based*)  
Lawn Care and Landscaping Service  
Mail Order Business  
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



# Exhibit F - Zoning Description Sheets

## 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  
Dwelling, Transitional Home, Category I or II  
Hotel or Motel

# Exhibit F - Zoning Description Sheets

## SPECIAL USES:

### Business – Retail

Firearm Store†

### Business – Vehicular Sales and Service

Towing Service

Truck Stop

### Industrial

Solar Farm

### 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

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

\*\*\*\*\* The establishment requesting a license for a principal use gaming hall shall be a minimum of five hundred feet from any other licensed gaming hall or pre-existing Day Care Facility, Day Care Home, School, or Place of Worship, as defined under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). The establishment requesting a license for a principal use gaming hall shall also be a minimum of two hundred and fifty feet away from any previously existing establishment containing a licensed video gaming terminal. Said distances shall be measured as the intervening distance between business frontages.

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

# Exhibit F - Zoning Description Sheets

## 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	5	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**

**Planning Division**

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone | Email: [Planning@urbanailinois.us](mailto:Planning@urbanailinois.us)

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