



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Lorrie Pearson, AICP, Community Development Services Director
Kat Trotter, Planner I

DATE: June 3, 2021

SUBJECT: An Ordinance Amending the Urbana Zoning Map (802 West Oregon Street / Plan Case 2420-M-21)

Introduction

Tailwind Holdings, LLC requests to rezone 802 West Oregon Street (“Europa House”) from R-7, University Residential to R-4, Medium Density Multiple-Family Residential to allow the existing building to be used for apartments. The property was originally developed as apartments and was rezoned to R-7 in 1991¹ to allow dormitory uses as part of the University of Illinois Certified Housing Program. The building is no longer part of the Certified Housing program. Apartments are not allowed in the R-7 zoning district but are allowed in the R-4 zoning district.

At the May 20, 2021, meeting, the Plan Commission voted unanimously with five ayes and zero nays to forward the requested rezoning to City Council with a recommendation of approval.

Background

The existing building was used as the “Europa House” for dormitory units until two years ago when the previous property owner opted out of the Certified Housing Program. According to Karen Perrine, the former manager of the Europa House, the previous owner opted out of the Certified Housing Program because they were requiring all properties to offer meal plans for students; the Europa House building did not have space to meet Building Code requirements for a cafeteria and seating. The property has been vacant since then. It cannot be used as a dormitory building without being reenrolled in the Certified Housing Program, and it cannot be used for apartments unless the property is rezoned, or there is a change to the R-7 zoning district.

Rezoning the property from R-7, University Residential to R-4, Medium Density Multiple-Family Residential would allow the existing building to be renovated and rented as apartments. Per Table V-1, multifamily residential buildings and apartment uses are not allowed in the R-7 zoning district, but are permitted in the R-4 zoning district. Per Table VI-3, the development regulations for the two districts are the same, so the allowed floor area ratio and required open space ratio and yards would not change upon rezoning. The floor area ratio for the existing Europa House is 1.75, which exceeds

¹ Ordinance No. 9091-107 An Amendment to a Part of the Zoning Ordinance of the City of Urbana, Illinois and the Zoning Map of the City of Urbana (Plan Case No. 1417-M-91)

the allowable floor area ratio of any residential zoning district. The applicant has no plans to demolish the building or redevelop the property as demolishing a larger building to be allowed only to build a smaller one does not make financial sense.

Description of the Site and Surrounding Properties

The property contains 15,365 square feet of land and is located at the northwest corner of West Oregon Street and South Busey Avenue. The property is in the West Urbana neighborhood and has been vacant for two years. Nearby are apartment buildings, group homes, duplexes, and single-family residences. The adjacent properties are zoned R-4, Medium Density Multiple-Family Residential to the north and R-7, University Residential to the west, on the same block.

The following chart identifies the current zoning, and existing and future land use of the site and surrounding properties (see Exhibits A, B, and C).

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-7, University Residential	Former Dormitory, Vacant	University Residential
North	R-4, Medium Density Multiple-Family Residential	Apartments, Duplexes and Group Home	Medium Density Residential
East	R-2, Single-Family Residential	Apartments, Duplexes and Single-Family	Residential
South	R-7, University Residential	Apartments, Group Homes	University Residential
West	R-7, University Residential	Single-Family Rentals, Group Home	University Residential

Discussion

The requested rezoning would allow the existing building to be renovated and rented as apartments. The applicant plans to renovate the interior of the existing building and install new flooring, appliances, and countertops. No changes would be made to the floor plans or exterior of the building.

In the Comprehensive Plan, the Future Land Use designation for the property is University Residential, as part of the Lincoln/Busey Corridor. The Future Land Use Map instructs that the uses in the “Lincoln/Busey Corridor” are preserved as they now exist while precluding further encroachment of higher density buildings into this unique residential area.

The requested rezoning would allow the existing building to be preserved and reused. Multiple-family residential zoning fits the intent of the University Residential Future Land Use designation. The requested R-4 zoning is consistent with the zoning and land uses in the immediate area, and it would allow for productive reuse and renovation of the existing vacant building.

Public Input

On May 13, 2021, planning staff and the applicant hosted a virtual neighborhood meeting via Zoom; staff mailed invitations to all surrounding property owners and advertised the meeting via the West Urbana Neighborhood Association listserv. Ten people attended the meeting, including the applicant and a representative from Green Street Realty, two City planners, the Council member for Ward 2, and five members of the public. Chris Saunders, the applicant, explained the reasons for the rezoning request and the planned improvements for the existing building. He answered questions about the number and size of apartment units and expected occupancy for the building. There was discussion about the challenges of reusing buildings in the R-7 zoning district, especially older rooming houses and dormitory-style accommodations, and buildings that are no longer being leased by fraternities and sororities. Kevin Garcia, Urbana's Principal Planner, explained that staff is exploring potential changes to the R-7 zoning district that would make it easier for existing buildings in the district to be renovated and reused. This is a process that will involve neighborhood outreach, and ultimately will require changes to the Zoning Ordinance. Neighbors thanked the applicant for hosting the meeting and giving them an opportunity to discuss the project and ask questions. Some expressed their excitement about the reuse of the building and that the Europa House building would once again be occupied.

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.*

The proposed rezoning to R-4, Medium Density Multiple-Family, is compatible with the existing land uses and zoning of the immediate area (see Exhibits A and B). The north half of the block is zoned R-4 and accommodates duplex and apartment uses. The south half of the block is zoned R-7 and is characterized by single-family and group home rentals. The requested R-4 zoning would extend the existing R-4 district south, would be consistent with the nearby zoning districts and land uses, and would not allow for out of scale development in the future.

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

The R-7 zoning district restricts the permitted uses for the property to only six residential uses. The existing building has been vacant for two years, since the previous owners opted out of the University of Illinois Certified Housing Program, and it cannot be rented unless the property is rezoned or there is a change to the R-7 district regulations. The proposed R-4 zoning district allows for a wider array of residential uses, including the planned multifamily residential, plus a few public and other uses. The applicant has plans to renovate the existing building and install new flooring, countertops, and appliances. The requested rezoning would allow the building to be rented as apartments. Without the rezoning, the building would likely remain vacant.

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

The proposed rezoning would likely positively affect the health, safety, morals, or general welfare of the public, as it would allow for the renovation and reuse of a currently-vacant building.

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

Both the public and the property owner would benefit from the proposed rezoning. The public would likely see some gain if the property is rezoned to R-4, Medium Density Multiple-Family Residential, as it would allow for the reuse of an existing building that is currently vacant, and deteriorating, and eventually generate less revenue. For the property owner, the restrictions of the R-7 zoning district impose hardship, as the existing building cannot be rented unless the property is rezoned or there is a change to the zoning district regulations. Granting the request would allow the building to once again be fully occupied, reactivating a major residential intersection, and generating stable revenue.

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

The property is suitable for R-4 zoning and apartment uses, as the existing building was originally built as apartments. The R-7 zoning was suitable for the property while the Europa House was part of the Certified Housing Program, however, the previous owner opted out of the program two years ago. The requested R-4 zoning would allow for reuse of the building that is consistent with the surrounding area. The rezoning from R-7 to R-4 would not allow for any change in the development regulations, including the maximum allowed floor area ratio or minimum required open space ratio.

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 for two years, since the applicants have owned the property. The previous owners opted out of the University of Illinois Certified Housing Program, and the existing building cannot be rented as apartments in the R-7 zoning district.

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

The applicant requests a rezoning to allow for apartment uses in the existing Europa House building. For several years, developers have been building multifamily residential buildings and developments in Urbana and Champaign, so there may be a need for more multifamily projects, especially near the University of Illinois campus. Absent a market study, it is difficult to say whether more of these developments are needed. However, the rezoning would allow for reuse of a vacant building, as opposed to construction of a new apartment building.

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

In the Comprehensive Plan, the properties are identified as part of the "University Residential" Future Land Use designation. In the Lincoln-Busey Corridor, the Comprehensive Plan states, "Preserve these uses as they now exist while precluding further encroachment of higher density buildings into this unique residential area." The proposed rezoning to R-4, Medium Density Multiple-Family zoning district would comply with the direction to "preserve existing uses" and "preclude encroachment of higher density buildings" such as larger apartment buildings.

Plan Commission

On May 20, 2021, the Plan Commission discussed the rezoning request. Chris Saunders made a statement as the applicant, and no members of the public spoke at the meeting. After no discussion, the Plan Commission voted unanimously with five ayes and zero nays to forward the rezoning request to City Council with a recommendation of approval.

Summary of Staff Findings

1. Tailwind Holdings, LLC requests a rezoning of 802 West Oregon Street from R-7, University Residential to R-4, Medium Density Multiple-Family Residential.
2. The proposed rezoning to the R-4, Medium Density Multiple-Family Residential zoning district would be compatible with the “University Residential” future land use designation by the Urbana Comprehensive Plan.
3. The proposed rezoning would allow for renovation and reuse of the existing building that would be consistent with the surrounding area, as the adjacent properties are zoned R-4 and R-7 and are occupied by apartment buildings, group homes, and single- and two-family rentals.
4. The public would likely see a positive gain if the property is rezoned from the R-7 to the R-4 zoning district, and there is imposed hardship on the property owner as it is currently zoned, since the building is vacant and cannot be rented.
5. The property has been vacant for two years since the previous owner opted out of the University of Illinois Certified Housing Program. It has been vacant since the applicant has owned the property.
6. It is unclear if there is a need for more of the types of uses that would be allowed if the rezoning is granted.

Options

The City Council has the following options:

1. Approve the ordinance.
2. Deny the ordinance. If denied, the Council shall state the reasons for denial.

Recommendation

At the May 20, 2021 meeting, the Plan Commission voted unanimously with five ayes and zero nays to forward the Zoning Map Amendment to City Council with a recommendation of approval.

Staff concurs with the Plan Commission recommendation and further recommends placement of the ordinance on the consent agenda.

Attachments:

- Exhibit A: Location Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use Map
- Exhibit D: Site Photos
- Exhibit E: Application for Zoning Map Amendment

ORDINANCE NO. 2021-06-019

AN ORDINANCE AMENDING THE URBANA ZONING MAP

(802 West Oregon Street / Plan Case No. 2420-M-21)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, Tailwind Holdings, LLC has requested a rezoning from the R-7, University Residential zoning district to R-4, Medium Density Multiple-Family Residential zoning district at 802 West Oregon Street; and

WHEREAS, the Plan Commission held a public hearing on such petition at 7:00 p.m. on May 20, 2021, in Plan Case No. 2420-M-21; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

WHEREAS, the Plan Commission voted five (5) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested rezoning; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the criteria contained in *La Salle Nat. Bank of Chicago v. Cook County*, 12 Ill. 2d 40, 145 N.E.2d 65 (1957) and *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill.2d 370 (1960); and

WHEREAS, after due consideration, the City Council further finds that an amendment to the Urbana Zoning Map as herein provided will protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described property:

The subject property to be rezoned from R-7, University Residential to R-4, Medium Density Multiple-Family Residential, located at 802 West Oregon Street, more particularly described as follows:

The North Half of Lot 32, except the East 130 feet thereof, the South Half of Lot 32, except the West 53 feet 6 inches thereof, and all of Lot 33, except the West 53 feet, 6 inches thereof in Campbell and Kelley's Addition to Urbana, as per Plat recorded October 6, 1858 in Deed Record "O", Page 392, situated in Champaign County, Illinois.

Commonly known as 802 W. Oregon St., Urbana, Illinois.
P.I.N.: 92-21-17-152-014

Section 2.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2021.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2021.

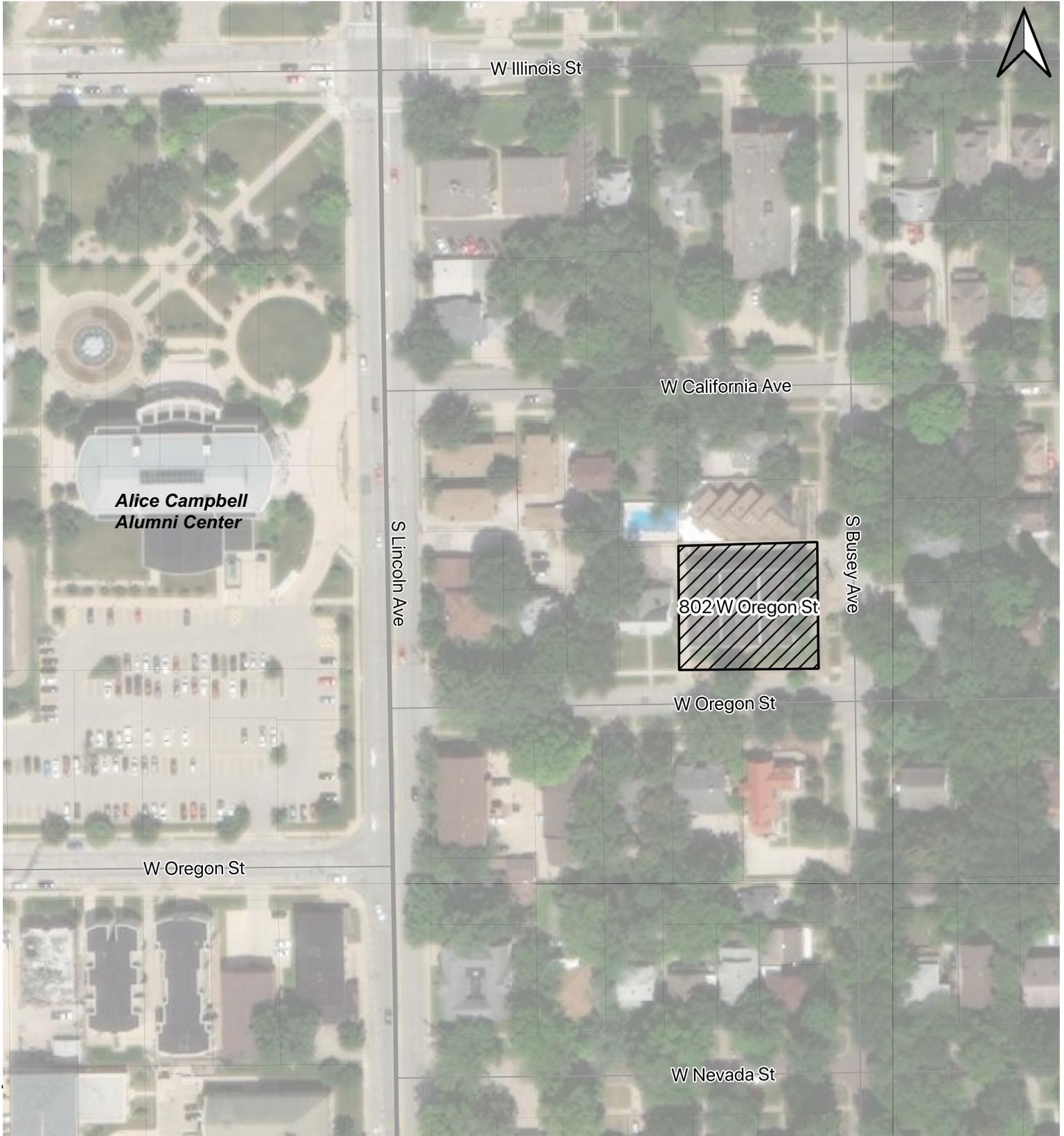
Diane Wolfe Marlin, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the _____ day of _____, 2021, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled “An Ordinance Amending the Urbana Zoning Map (802 West Oregon Street / Plan Case 2420-M-21)” which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2021, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2021.

Exhibit A - Location Map



Case No. 2420-M-21
 Subject Europa House Rezoning
 Location 802 W. Oregon St.
 Petitioner Tailwind Holdings LLC

Legend

-  Subject Property
-  Tax Parcels
-  Land Use
- Aerials
- Esri Imagery

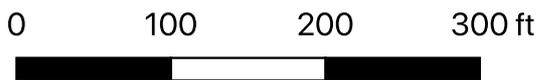


Exhibit B - Zoning Map



Case No. 2420-M-21
 Subject Europa House Rezoning
 Location 802 W. Oregon St.
 Petitioner Tailwind Holdings LLC

Legend

-  Subject Property
-  Tax Parcels
-  R-2
-  R-4
-  R-5
-  R-6
-  R-7
-  Aerials
-  Esri Imagery

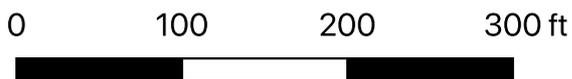
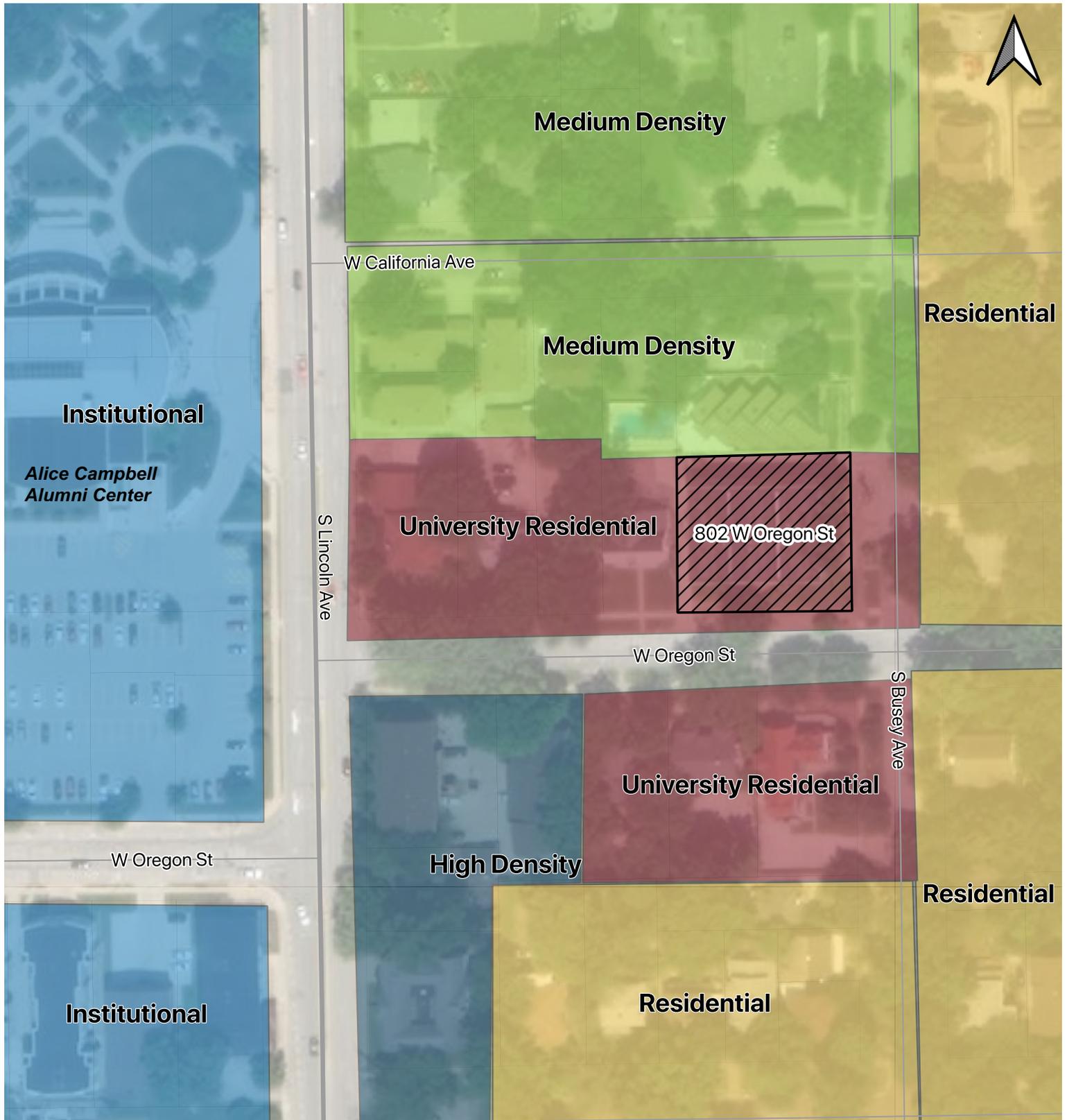


Exhibit C - Future Land Use Map



Case No. 2420-M-21
 Subject Europa House Rezoning
 Location 802 W. Oregon St.
 Petitioner Tailwind Holdings LLC

Legend

-  Subject Property
 -  Tax Parcels
 -  High Density
 -  Institutional
 -  Medium Density
 -  Residential
 -  University Residential
- Aerials
Esri Imagery







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.urbanaininois.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 _____ Plan Case No. _____
Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Tailwind Holdings LLC**

Phone: **217-356-8750**

Address (street/city/state/zip code): **510 S Neil St, Champaign, IL 61820**

Email Address: **chris@greenstrealty.com**

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

2. OWNER INFORMATION

Name of Owner(s): **Tailwind Holdings LLC**

Phone: **217-356-8750**

Address (street/city/state/zip code): **510 S Neil St, Champaign, IL 61820**

Email Address: **chris@greenstrealty.com**

Is this property owned by a Land Trust? Yes No

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

3. PROPERTY INFORMATION

Address/Location of Subject Site: **802 W Oregon, Urbana**

PIN # of Location: **92-21-17-152-014**

Lot Size: **15,365 (119x132)**

Current Zoning Designation: **R-7**

Proposed Zoning Designation: **R-4**

Current Land Use (vacant, residence, grocery, factory, etc): **Apartments -Former Certified Housing Dormitory**

Proposed Land Use: **Apartments**

Present Comprehensive Plan Designation: **This request, if approved, would continue the use of the property as exists historically and is consistent with the surround properties and permitted uses.**

How does this request conform to the Comprehensive Plan? **This request, if approved, would continue the use of the property as exists historically and is consistent with surrounding area.**

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

4. CONSULTANT INFORMATION

Name of Architect(s): N/A Phone:

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

Email Address:

Name of Engineers(s): N?A Phone:

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

Email Address:

Name of Surveyor(s): N?A Phone:

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

Email Address:

Name of Professional Site Planner(s): N/A Phone:

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

Email Address:

Name of Attorney(s): Paul Cole Phone: 217-351-4040

Address *(street/city/state/zip code):* 411 W University Ave, Champaign, IL 61820

Email Address: paul.cole@erwinlaw.com

5. REASONS FOR MAP AMENDMENT:

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

The current zoning designation no longer allows the historically permitted rental use of the property. The property was built as traditional apartments originally and was zoned to R-7 to allow dorm use as part of the University of Illinois Certified Housing program. The previous ownership group opted out of this program two years ago and the property has sat vacant until my purchase. The property is no longer in compliance with R-7 use and needs to be rezoned to R-4 to allow apartment use and occupancy. The properties directly north of this property are also zoned R-4.

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

The property was formally in the University of Illinois Certified Housing Program, but is no longer part of the program and because of its status of being vacant for two years is no longer in compliance with current R-7 zoning, making the property unusable. The proposed use is a continuation of existing use which is permitted by the proposed re-zoning.

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

The proposed use is a continuation of existing use which is permitted by the proposed re-zoning. The property is currently out of compliance as an R-7 Property and will not be able to be occupied since its no longer University of Illinois Certified Housing and was vacant for two years prior to the new ownership purchasing the property. The new ownership does not plan on redeveloping the property and desires to keep the existing structure exactly like it is and is undergoing a \$1 million interior upgrade to the e apartments to have them ready to lease for Summer of 2021 and have residents once again occupy the property.

What other circumstances justify the zoning map amendment

The property cannot be leased or occupied without this change, unless there is a change to the R-7 zoning that will allow such use this is the only option that ownership has at this time. We are requesting to changethe zoning back to allow apartment use for now and in the future.

Time schedule for development (*if applicable*)

The interior improvements are in progress and should be complete within 60 days. The improvements include flooring, cabinets, counter tops, appliances, paint. Permits were pulled with the City of Urbana recently to install washer and dryers inside the existing apartment units. The buildings floorplan, HVAC, individual electric panels did not change. Ownership is making no change to the inside or outside of the structure.

Additional exhibits submitted by the petitioner.

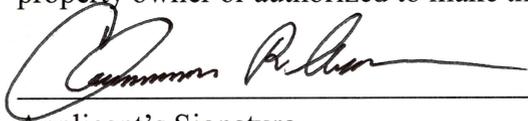
See attached original floor plans showing the building was built as apartments, which is the same use thenew ownership is desiring and there is no physical change to the building interior floor plans.

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.



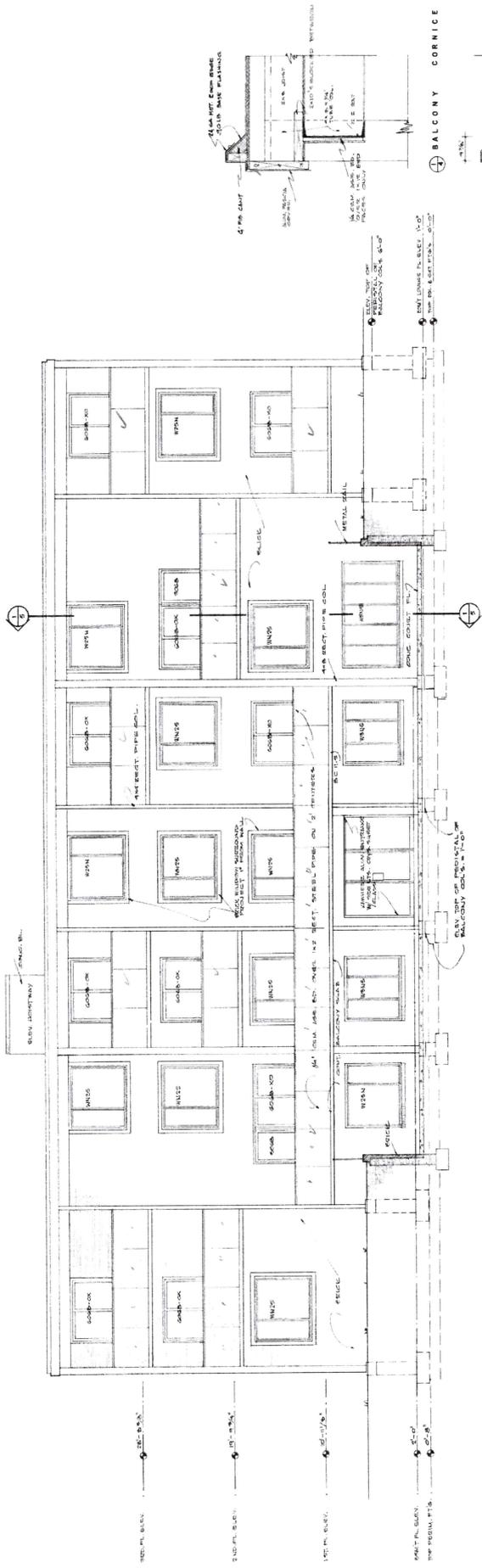
Applicant's Signature

4-8-21

Date

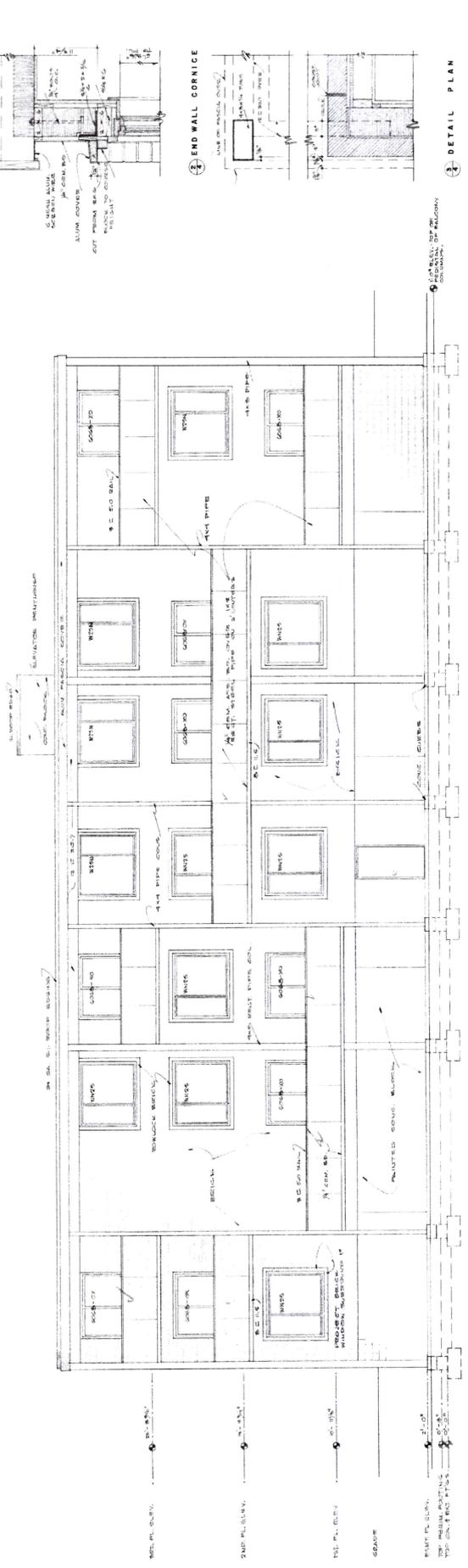
PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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



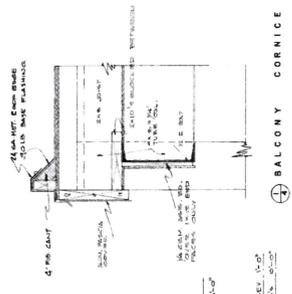
SOUTH ELEVATION

174' x 1' - 0"

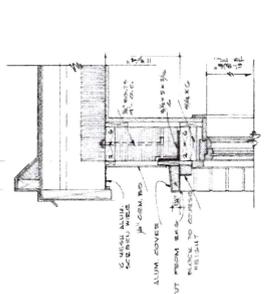


NORTH ELEVATION

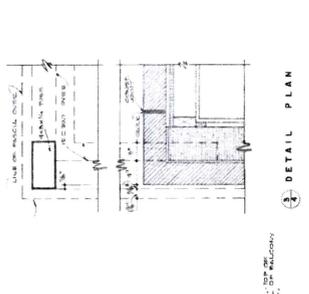
174' x 1' - 0"



BALCONY CORNICE



END WALL CORNICE



DETAIL PLAN

1 1/2' x 1' - 0"

