



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director

**DATE:** August 3, 2005

**SUBJECT:** Plan Case 1943-M-05: A request to rezone 903 W. Nevada from CRE, Conservation - Recreation - Education to B-3U, General Business - University.

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### **Introduction and Background**

David Barr, representing Mid-Illinois Realty Group IV & DAVAN, LLC, has requested a zoning change for their property at 903 W. Nevada. They wish to rezone the lot from CRE, Conservation - Recreation - Education to B-3U, General Business – University. The site is approximately 7,300 square feet in area and contains a 10-unit rooming house, converted from an older single-family home. The rezoning will bring the designation into conformance with its current use and will allow for proposed reconstruction of a new apartment building at the site. The subject lot was originally platted with dimensions of 65 feet wide by 147 feet deep. In 1939, the southern 44 feet were conveyed to the lot to the east. Barr Real Estate owns both the subject site and the lot to the east where Café Paradiso and Jimmy John’s sandwich shop are located.

On August 21, 2005, the Urbana Plan Commission conducted a public hearing to consider the rezoning request and by a vote of 7 to 1 recommended that the Urbana City Council approve the rezoning. For further information on the case, please refer to the staff memorandum to the Plan Commission dated July 15, 2005 as well as the minutes of the meeting attached to this memorandum.

### **Issues and Discussion**

#### **CRE, Conservation - Recreation – Education**

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

*"The CRE, Conservation-Recreation-Education District is intended to conserve natural and scenic areas for open space, recreational, and educational purposes, both public and private, and to preserve from unsuitable uses natural surface drainage courses and other areas whose physical characteristics, such as slope or susceptibility to flooding, make many forms of development inappropriate or potentially injurious to the public health or safety. The uses*

*permitted in this district are primarily of low intensity, which would not interfere with natural conditions, and for which such conditions would not pose severe problems; areas developed for more intensive use, which include significant open space, or which provide educational or recreational facilities to the public, are also appropriate in this district."*

Table VI-1 of the Zoning Ordinance lists "Public and Quasi-Public Facilities" as uses permitted by right in the CRE district, including: "Municipal or Government Building, Public Elementary, Junior High School, or Senior High School, Public Park, University or College".

No residential uses are permitted in the CRE district either by right or as a Conditional or a Special Use. Nonetheless, the residential use of the subject property evidently pre-dates its designation as CRE by 40 years and post-dates the designation in 1980 by another 25 years. The appropriateness of the current zoning of the site is also a concern in that it is not a part of the University's holdings and does not reflect the historic use or the owner's intended future use of the site.

### **B-3U, General Business - University**

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3U Zoning District is as follows:

*"The B-3U General Business-University District is intended to provide areas in proximity to the University of Illinois for a range of business and office uses to meet the needs of persons and businesses associated with the University. **This district is also intended to provide areas for high-density residential uses to insure an adequate supply of housing for persons who desire to reside near the campus.** These business and residential uses may occur as mixed uses in the same structure. The development regulations in this district are intended to allow building which are compatible with the size and scale of the University's buildings." (Emphasis added)*

Table VI-1 of the Zoning Ordinance lists many Public and Quasi Public Facilities, Residential Uses, businesses, retail and office uses as permitted by right in the B-3U zoning district.

The B-3U zoning district designation was created in 1990 as an outcome of the Downtown to Campus Plan. It was intended in part to address the lack of services offered in areas adjacent to the University, with a primary focus on the north campus west of Lincoln Avenue. Its purpose and intent would work well in appropriate areas of the east campus area as well.

The petitioner is requesting rezoning of the site to B-3U because the development regulations for this district match their intended redevelopment plans for the property. Of the potential residential and commercial districts that could pertain to this area, the B-3U District has the closest fit both in terms of overall purpose and in terms of facilitating medium density infill development.

## **The La Salle National Bank Criteria**

In the case of *La Salle National Bank v. County of Cook* (the “La Salle” case), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

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

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The proposed rezoning to B-3U, General Business – University zoning would be generally compatible with the existing B-1 zoning designation of the property to the east, and the R-5 and R-6 zoning of the block to the north. The proposed rezoning is also consistent with the zoning designations of the blocks north of Nevada Street and to the west, which includes the higher intensity residential, commercial, and mixed use zones of R-7 University Residential, B-4 Central Business, and CCD Campus Commercial District. On these properties are University buildings, parking lots, sororities, apartment buildings, mixed use commercial residential buildings, stores, restaurants, and a theatre. To the west of the subject site the entire block is zoned CRE and is occupied at medium to high density by University buildings. All the land to the south is zoned CRE and is occupied by University buildings. Immediately adjacent is a University parking lot that also has public parking meters to serve the adjacent B-1 neighborhood business lot. Further south is an open space area, and then a University residence hall.

The character and density of the established land uses in these areas reflect the continuing need for medium to high density residential and commercial properties in close proximity to University institutional uses.

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

This is the difference in the value of the property as CRE, Conservation - Recreation - Education and the value it would have if it were rezoned to B-3U, General Business – University, to permit the proposed use.

There are no residential land uses permitted in the CRE district, and there are no commercial land uses permitted that are appropriate to a parcel of this size and configuration. Considering the zoning and land uses of the properties immediately adjacent to the subject site and nearby, as well as the size and configuration of the subject site, it is unlikely to be redeveloped for any of the private land uses permitted under the current CRE zoning. For this reason the utility of the property and probably its value is diminished by the current zoning classification.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact of zoning on the value of the property. Therefore, any discussion pertaining to specific property values should be considered speculative.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

The question here applies to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

The site is addressed by the 2005 Comprehensive Plan which contains future land use and development objectives considered to promote the public welfare. The future land use designations in the immediately adjacent and surrounding areas reflect the continuing need for medium density residential and commercial properties in close proximity to University institutional uses. The current zoning of the subject property as CRE prevents most practical commercial use by the property owner and entirely prohibits any redevelopment or new construction of residential use. If there is an advantage to the public welfare by potential mixed commercial residential development one-half block away it would seem there may be similar public benefit at the subject location.

It is the opinion of staff that in this case there is no great advantage to the public welfare created by the current zoning of the subject property that offsets the hardship imposed on the property owner.

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

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

The specific features for this property are its location and its size. It is located in close proximity to the University of Illinois campus. The B-3U General Business - University zoning district encourages the type of development that is seen in the area to the west and north of the site. As stated in #2 above there are no private residential or commercial land uses permitted in the CRE district that would be appropriate to a parcel of this size and configuration. Considering the zoning and land uses of the properties nearby, as well as the size of the lot, it is staff's opinion that the subject site is well suited for the proposed B-3U zoning district.

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

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

The property is not vacant. This test does not apply in this case.

## **University of Illinois Concerns**

Prior to the Plan Commission hearing on July 21, 2005, Staff received a copy of a letter from University of Illinois Chancellor Richard Herman dated July 20, 2005, and addressed to the Plan Commission. The letter (copy attached) stated the University's position that the rezoning would be contrary to the City's 2005 Comprehensive Plan, the University Campus Master Plan, the LaSalle criteria used to review rezoning cases, and a 1991 agreement between the City and University to consult on development cases in areas adjacent to the University. City Planning Staff delivered the letter to the Plan Commission as a communication at the July 21, 2005 hearing. During the hearing, Staff responded to the points of the letter, and University Campus Planner April Getchius spoke to reiterate the Chancellor's views. These statements are in the attached minutes.

An introductory view of the positions of the City and the University can be obtained by reading the Chancellor's letter and a letter in response (copy attached) dated July 25, 2005 from City of Urbana Special Counsel Jack Waaler to Chancellor Herman.

## **University Master Plan**

The letter from the Chancellor stated that the City did not review the University's Master Plan in making its recommendation on the Barr rezoning case. Failure to consult and review the University's Master Plan was felt by the Chancellor to be a breach of the 1991 Agreement referenced in his letter.

In response to this concern, Staff pointed out that the University Master Plan was reviewed as a part of the City's recently completed Comprehensive Plan Update and is incorporated into the Existing Conditions Report of the Comprehensive Plan. Staff also noted that University participation occurred throughout the Comprehensive Plan Update via appointment to the Comprehensive Plan Steering Committee.

In order to respond to the University's concern, staff provided Plan Commission members with a copy of the University's Master Plan for their consideration and to be entered into the record. The Master Plan is also included in this memorandum for Council review.

The subject site is shown on the Master Plan as a "Non-University Building". Staff's opinion was that the proposed rezoning would not conflict with this designation.

## **Urbana Comprehensive Plan Designation**

One of the most important criteria of review in a rezoning case is the compatibility of the proposed district with the City's intent as represented by the Future Land Use Maps of the Comprehensive Plan. This topic was discussed extensively in the Plan Commission memo, the Chancellor's letter and at the Plan Commission hearing. The University objected to the rezoning based in part on the contention that the subject property was designated "Institutional" by the Urbana Comprehensive Plan Future Land Use Maps and therefore should not be rezoned to B-3U.

The Future Land Use Maps of the Comprehensive Plan do not have the same purpose or graphic application as the Official Zoning Map published each year. On the zoning map, each property has a specific zoning district designation which holds regulatory controls on it. The Future Land Use Maps are not intended to be used in this manner. They serve as a policy guide to recommend the appropriate future land use for more generalized areas with indistinct boundaries that may or may not include all of a specific parcel. In identifying the intent of the Comprehensive Plan for a particular property, it is important to reference several elements of the Plan, including the land use maps, land use descriptions, and goals and policies. The Future Land Use Maps are not “parcel-specific” and include some elements that are less distinct in their representation. These less distinct elements include the nodes of “community business” that are designated throughout the City.

At the Plan Commission hearing, Urbana City Planner Elizabeth Tyler corrected and clarified information pertaining to the Future Land Use designations, as stated in the original case memo and attachments. Ms. Tyler noted that the subject property appears on both Comprehensive Plan Future Land Use Map #8 and Future Land Use Map #9. Using a large-scale black and white aerial photograph of the site as a reference, it is clear that Map #8 shows the property as both “Institutional” and as “Community Business”. However, Map #9 is at a larger scale than Map #8 and clearly shows the entire property as being designated for “Community Business”. Ms. Tyler felt that Map #9 was a more appropriate reference for the site than Map #8 since is presented at a larger scale and therefore shows more detail. However, Ms. Tyler again cautioned the Plan Commission that the maps were not be used as parcel-specific mandates for properties, but as an overall guide to the intent of the Comprehensive Plan. She reiterated staff’s belief that the proposed rezoning to B-3U would be consistent with the City’s Comprehensive Plan. Attached to this memo is a Revised Exhibit “D” Future Land Use including a section detail of Map #9, and full size copies of both Map #8 and Map #9.

At the public hearing, Ms. Tyler also noted that the Comprehensive Plan “Community Business” future land use description calls for mixed uses, including multifamily residential dwellings. Attached to this memo is a copy of Comprehensive Plan p. 63, “Community Business” - Future Land Use Description, which shows how this designation may include multi-family developments. The petitioner Mr. David Barr stated at the public hearing that he considers their property holdings in the area, including the subject property and the commercial lot to the east, as complementary parts of a single mixed-use development.

In summary, the Urbana Comprehensive Plan recognizes there is a need for “Community Business” mixed-use development surrounding the corner of Nevada Street and Lincoln Avenue, and Map #9 includes the subject property within that area.

## **Summary of Findings**

On July 21, 2005, the Urbana Plan Commission adopted the following findings and recommended approval of the requested rezoning to the Urbana City Council:

1. The subject property is located in an area that has a continuing need for medium density residential and commercial uses.
2. The proposed B-3U, General Business University zoning for the subject site is generally consistent with the overall goals of the 2005 Comprehensive Plan and future land use intent for the area.
3. The location of the site in close proximity to the University of Illinois campus makes it appropriate for the rezoning to the B-3U, General Business University zoning district.
4. The petitioner's request would help accommodate a proposed redevelopment of the site that would be generally compatible with development in the immediate vicinity.
5. The proposed rezoning appears to generally meet the LaSalle Case criteria.
6. The proposed rezoning appears to be consistent with the University Master Plan designation of the site as containing a "Non-University Building".
7. The proposed rezoning is consistent with the Comprehensive Plan designation of the site as "Community Business", as depicted on Map #9.

## **Options**

The City Council has the following options. In Plan Case No. 1943-M-05, the City Council may:

- a. Approve the request to rezone 903 W. Nevada from CRE, Conservation - Recreation - Education to B-3U, General Business - University.
- a. Deny the request to rezone 903 W. Nevada from CRE, Conservation - Recreation - Education to B-3U, General Business - University.

## **Recommendation**

Based on the evidence presented in the discussion above, Staff concurs with the Plan Commission decision of July 21, 2005 to recommend **APPROVAL** of the request to rezone 903 W. Nevada from CRE, Conservation - Recreation - Education to B-3U, General Business - University, in Plan Case No. 1943-M-05.

Prepared by:

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Paul Lindahl, Planner I

Attachments:

- 1) Proposed Ordinance
- 2) July 21, 2005 Plan Commission Minutes
- 3) Exhibit "A" Location Map
- 4) Exhibit "E" Aerial Photo
- 5) Letter dated July 20, 2005 from University of Illinois Chancellor Richard Herman to the Urbana Plan Commission, presented as a communication at the July 21, 2005 hearing.
- 6) Letter dated July 25, 2005 from City of Urbana Special Council Jack Waaler to University of Illinois Chancellor Richard Herman, responding to the Chancellor's letter.
- 7) **Revised** Exhibit "D" – Future Land Use Map
- 8) 2005 Comprehensive Plan, Future Land Use Map #9, West Urbana South Half, p. 80.
- 9) 2005 Comprehensive Plan, Future Land Use Map #8, West Urbana North Half, p. 79.
- 10) 2005 Comprehensive Plan, Community Business - Future Land Use Description, p. 63.
- 11) Campus Master Plan, Core Campus View - Current version. Last revised January 2003. (11 x 17, Annotated by Urbana Planning Staff.)
- 12) Campus Master Plan, Entire Campus View (detail section) - Draft 2005 Update in progress. Last revised December 2004. (8 x 11, Annotated by Urbana Planning Staff.)

Cc:

Barr Real Estate, Inc.  
Attn: David Barr  
1710 S. Neil Street  
Champaign, IL 61820

Office of the Chancellor  
Swanlund Administration Building  
601 East John Street  
Champaign, IL 61820

April Getchius, AICP  
Office for Project Planning and Facility Management  
1501 South Oak Street, MC-599  
Champaign, Illinois 61820



ORDINANCE NO. 2005-08-124

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS**

(Rezoning of 903 W. Nevada from CRE, Conservation - Recreation -  
Education to B-3U, General Business - University.  
- Plan Case 1943-M-05)

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on July 21, 2005 concerning the petition filed in Plan Case No. 1943-M-05; and

WHEREAS, the requested rezoning is consistent with the goals and objectives and future land use maps of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle criteria; and

WHEREAS, the Urbana Plan Commission voted 7 ayes and 1 nay to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the properties herein described below from CRE, Conservation - Recreation - Education to B-3U, General Business - University; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Zoning Ordinance and Zoning Map of the City of Urbana, Illinois, are herewith and hereby amended to change the zoning classification

of the following described area from CRE, Conservation - Recreation - Education to B-3U, General Business - University.

LEGAL DESCRIPTION:

Lot 37 in Forestry Heights Addition to Urbana, except the South 44 feet of the East 50 feet thereof, situated in the City of Urbana, County of Champaign, and State of Illinois, and subject to and including all easements and other provisions included in a Warranty Deed from John F. Hostettler and Mary J. Hostettler, his wife, and Frank E. Hostettler and Grace Hostettler, his wife, to Aurora B. Somers, said deed being recorded in Book 250 of Deeds, at Page 104, as document number 322783, in the Office of the Recorder of Deeds of Champaign County, Illinois, and further subject to and including all of the easements and other provisions of a certain agreement entered into between John F. Hostettler and Frank E. Hostettler and Aurora B. Somers on December 13, 1939, filed for record March 15, 1960, in the office of said recorder, situated in the City of Urbana, in the County of Champaign, and State of Illinois.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Laurel Lunt Prussing, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the \_\_\_\_ day of \_\_\_\_\_, 2005, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled: **"AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of 903 W. Nevada from CRE, Conservation - Recreation - Education to B-3U, General Business - University. - Plan Case 1943-M-05), 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 \_\_\_\_\_, 2005, 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 \_\_\_\_\_, 2005.

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** July 21, 2005

**TIME:** 7:30 P.M.

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

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**MEMBERS PRESENT:** Benjamin Grosser, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

**MEMBERS EXCUSED:** Laurie Goscha

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services; Paul Lindahl, Planner I; Rebecca Guest, Planning Intern; Teri Andel, Secretary

**OTHERS PRESENT:** Dave Barr, Lisa Denson-Rives, April Getchius, Mark Henss, James Martinkus, Susan Taylor

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**1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM**

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared.

Chair Pollock took a moment to welcome Ben Grosser and Jim Ward as the two newest members to serve on the Plan Commission.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Ms. Stake moved to approve the minutes as presented from the June 16, 2005 meeting of the Plan Commission. Mr. Kangas seconded the motion. The minutes were approved by unanimous voice vote.

#### 4. WRITTEN COMMUNICATIONS

- Letter from Richard Herman, Chancellor of the University of Illinois, regarding Plan Case No. 1943-M-05
- University of Illinois Campus Master Plan for Plan Case No. 1943-M-05
- Land Use Summit Sponsored by the Champaign County Farm Bureau

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. OLD BUSINESS

There was none.

#### 7. NEW PUBLIC HEARINGS

**Plan Case Number 1943-M-05: A request to rezone 903 West Nevada Street from CRE, Conservation-Recreation-Education, to B-3U, General Business-University Zoning District.**

Paul Lindahl, Planner I, presented this case to the Plan Commission. He gave a brief background of the site and of the surrounding properties, noting their land uses. He talked about the history of the proposed site, noting its different zoning designations throughout the years. He explained the purpose and intent of the CRE, Conservation-Recreation-Education Zoning District, and the B-3U, General Business-University Zoning District. He discussed the Comprehensive Plan Goals, Objectives and Policies which related to the proposed case. He reviewed the LaSalle National Bank Criteria that pertained to the proposed rezoning. He summarized staff findings and read the options of the Plan Commission. He presented staff's recommendation, which was as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission forward this case to the Urbana City Council with a recommendation for approval.*

Elizabeth Tyler, Director of Community Development Services Department, wanted to spend a little bit of time addressing some of the issues that were brought forward in the letter from Richard Herman, Chancellor of the University of Illinois. She mentioned that the City Attorney was studying the letter and would respond in a formal letter as well, because there were issues pertinent to the City of Urbana and the U of I's relationship and their previous agreement mentioned in Mr. Herman's letter. Obviously, the City of Urbana was very concerned that the Chancellor at the U of I believes that the City was not in compliance with previous agreements or joint statements of cooperation. The City of Urbana takes this allegation seriously. She wanted to take time to respond to this, as well as to the contentions that this particular rezoning recommendation did not fit with the Campus Master Plan or the City's newly adopted Comprehensive Plan.

She noted that City staff had a set of information which they go through each time a rezoning case is proposed to the Plan Commission and the City Council, which help them make zoning decisions. This information includes the LaSalle National Bank Criteria, the City's planning and zoning jurisdiction, the Comprehensive Plan, the Zoning Ordinance and information that may be presented in a public hearing. To allow time for City staff to study and formally respond to these concerns, she recommended that the Plan Commission could continue the case.

Regarding the *Joint Statement of Intent and Cooperation*, Ms. Tyler remarked that a lot had happened since 1991. Basically this document binds the City of Urbana to undertake joint planning with the U of I. The City of Urbana had done this in good faith and extensively. The U of I was involved in the updating process of the 2005 Comprehensive Plan. The U of I's Master Plan was incorporated into the Comprehensive Plan in the way of the Existing Conditions Report. This was part of the record of evidence that City staff would like the Plan Commission to consider for the proposed zoning case. Therefore, the City takes seriously their obligation to undertake joint planning. The City has done this in good faith.

Ms. Tyler did not believe that this has always been mutual. City staff has seen a big difference in the South Campus Plan development of the South Farms relocation versus that shown in the City's 1993 Comprehensive Plan. 1993 was after the Joint Statement had been put into effect. The City of Urbana also tracked acquisitions of University property, and City staff had not received a notice that the University claimed to have provided in all cases. City staff has tracked those properties that had been acquired by the U of I and what it means to the City in terms of lost Equalized Assessed Valuation (EAV) and by extension lost property tax. This was really a concern for our municipality and our residents, as well as for our school districts. The erosion of the City's tax base has been dramatic, especially since 1991. So, despite the intent back in 1991, two or three chancellors ago and the City's current administration being fairly new, the landscape had changed quite a bit and history has differed from the 1991 Joint Statement.

Ms. Tyler went on to talk about the Campus Master Plan. She noted that the designation for the proposed site had not changed in the last five years and pointed out that it was shown as being a non-university building.

She added that the Campus Master Plan was not a book like the City's Comprehensive Plan. The Campus Master Plan was considered a facilities plan. The difference in how the City does land use planning between 1991 and 2005, when the City of Urbana adopted its new Comprehensive Plan, has really changed. The City had improved its methods by using an annotative land use map approach. The newly adopted Comprehensive Plan was never intended to be a parcel specific plan. The City felt that the Comprehensive Plan would serve them best if it provided a lot of guidance in the way of aerial photos that were annotated and illustrated future land use designations.

Therefore, the Future Land Use Map #9 shows that the proposed site would be across from Campus Mixed-Use, and it would be contained within the circle of community business with Institutional surrounding the circle on the north, west and south sides. This gives the City guidance for what type of development the Comprehensive Plan says would be appropriate for the proposed site. Mr. Lindahl had provided the zoning history and the history of the use on the

property, which were all helpful to City staff, the Plan Commission and the City Council in making a decision.

She referred to the illustration on page 63 of the Comprehensive Plan to show a good example of what Community Business could involve. Under the future land use descriptions mentioned, you will see some commercial uses such as strip malls. It also talks about the building scale being consistent with the surrounding neighborhood. It shows a multi-family possibility as well. The Chancellor's letter talks about the apartment building that was being proposed. The Plan Commission should only consider a zoning analysis for the B-3U Zoning District. They should not consider the proposed apartment building. City staff feels that the B-3U Zoning District would be very consistent with what the Comprehensive Plan shows. Furthermore, they feel that the B-3U Zoning District would be consistent with the U of I's Campus Master Plan, because it shows the property as being a non-university property.

The Chancellor also made the error of talking about how the proposed project would not be similar to East Campus Commercial. Ms. Tyler clarified that it was not a project; it was a zoning category. City staff believes that it would be a zoning category similar to the Gregory Place project. However, the Plan Commission needed to look at the whole range of uses in the B-3U Zoning District to make a decision about the proposed rezoning case.

Mr. Herman referred to Objective 28.5 in the City's Comprehensive Plan, which states the following: *Encourage University efforts to promote public-private partnerships that can benefit multiple parties.* His claim was that the City was in violation of this objective. Ms. Tyler stated that the City of Urbana has worked with the University in their planning partnership even though it has sometimes been a one-way partnership. However, the important thing was that the objectives should not be taken out of context, because Objective 28.4 states, "*Work with the University of Illinois and other institutions to reduce the impact of tax-exempt properties in the community.*" When reviewing the Comprehensive Plan to guide us in making decisions, we need to look at all of the relevant policies and objectives written in the Comprehensive Plan.

Moving on to the Chancellor's complaints that the proposed rezoning did not meet the LaSalle National Bank Criteria, Ms. Tyler stated that the disagreements pertained to whether the proposed rezoning would conform to the City's Comprehensive Plan. City staff believed that it did.

There was some discussion in the Chancellor's letter about the proposed rezoning not being good financially, because if the City approves the rezoning, then there would be higher acquisition costs for the U of I. Ms. Tyler remarked that the tax erosion of the U of I on the community was so much worse than the economic argument on a particular property. Acquisition costs should be worked out between the property owner and a motivated purchaser. Ms. Tyler believed that the City should accept zoning applications as they are submitted, and not say that we cannot accept a zoning application because there is someone wanting to buy the property. Zoning applications need to be treated fairly and reviewed by the same criteria of the LaSalle National Bank, the Urbana Zoning Ordinance, and the Urbana Comprehensive Plan regardless of purchasing interests.



July 21, 2005

Dave Barr, petitioner and co-owner of 903 West Nevada Street, approached the Plan Commission. He mentioned that he was from the area, lives in the area, and Barr Real Estate has most of their rental properties located in the City of Urbana.

He talked about the new apartment building that they just built on the corner of Green Street and Coler Avenue. Although they went through a lengthy process to get approval to build the apartment building, he was pleased with what he ended up with.

Mr. Barr went on to give a brief history of the proposed property at 903 West Nevada Street. Barr Real Estate has owned the building next door, where Jimmy John's is located, since about 1968 or 1969. At one time, the U of I owned the proposed property and had stripped out the insides of the existing building. They were getting ready to demolish the building when Barr Real Estate called the U of I to remind them that they (Barr Real Estate) had an easement on the west side of the property to get to the back end of the Café Paradiso and Jimmy John's building. The U of I then offered to sell Barr Real Estate the property at 903 West Nevada, and Barr Real Estate agreed to the purchase. Barr Real Estate has owned it since that time and has run it as a rooming house.

The existing structure could still be rented out, but they are sinking money into repairing and maintaining it. They decided to redevelop it with a different layout/floor plan that would be more fundamental. The first thing they did was to call the U of I to make them aware of Barr Real Estate's intentions. Barr Real Estate discovered after talking to City staff that they needed to rezone the property, which has led them to this point.

Barr Real Estate's goal is to build a nicer apartment building than the last one. Another goal is to blend the architecture to that of other buildings in the neighborhood.

Mr. Barr talked about an incident that happened with the property called the Gregory, which set at the corner of Oregon Street and Gregory Street. Barr Real Estate owned the property and sold it to the U of I through a negotiated sale. Barr Real Estate lost an apartment building, as well as another property owner, so the U of I could construct a building with a shopping center on the first floor with apartments on the top floors. As he looks back, he realizes that Barr Real Estate was subsidizing competition.

He noted that his property at 903 West Nevada Street was not shown in the Campus Master Plan as a property that the U of I would acquisition. If they lost the ability to rezone the proposed property so they can build a new apartment building and lose the shopping center next door to an acquisition from the U of I, so they (the U of I) could build another Gregory Place type of development, then he would be really upset. This has already happened once to them with the Gregory. He won't let it happen again without a fight. He understood the concept of acquiring property for expansion and growth. However, to acquire property from an owner to build the same exact thing that the owner was using the land for did not make sense.

Mr. Barr mentioned that he did not have any hard feelings or personal vendetta against the U of I. The U of I is a good institution, and he was proud to be a graduate of the university.

Mr. Pollock inquired if Mr. Barr had received any contact from the U of I expressing interest to repurchase his property. Mr. Barr replied no. In fact, he was surprised to see interest mentioned in the Chancellor's letter, because in his discussions with the U of I, it was that they had no intentions of repurchasing the property.

Mr. Pollock asked where Mr. Barr got the idea that the U of I would acquire his business on the corner where Jimmy John's and Café Paradiso were located. Mr. Barr stated that he was getting a little uptight. In the past, Mr. Barr did not believe that it would be possible for the U of I to acquire his business property. However, the proposed property was shown as private use property on the Campus Master Plan. Barr Real Estate simply wants to develop and improve the proposed property, but the U of I does not want him to do so. He is wondering why the U of I is talking about condemning the property when it is considered private use.

Mr. Pollock questioned if there had been any discussion or mention of condemning the proposed property. Mr. Barr understood the Chancellor's letter to refer to condemning the proposed property. Ms. Tyler added that one would wonder what the motive of such a strong letter was.

Ms. Upah-Bant wondered what the property was zoned when Barr Real Estate had saved the proposed property from the wrecking ball demolishing it. After doing some research, Mr. Lindahl found that it was still zoned CRE.

April Getchius, Associate Director of Campus Administration and Development with the University of Illinois, stated that the U of I was not opposed to Mr. Barr either.

She restated a couple of the U of I's issues with the proposed rezoning. The first issue was that in the U of I's opinion, the proposed rezoning would not comply with the City's Comprehensive Plan in two areas, which are as follows: 1) In the written staff memo, the U of I believed that the City interpreted the land use designation as "Institutional". Therefore, to begin reversing a newly adopted Comprehensive Plan would be problematic and 2) The borders could be big as Ms. Tyler indicated, but they could be big in both directions.

She clarified that it was not the U of I's intent to acquire the commercial property owned by Barr Real Estate on the corner of Lincoln Avenue and Nevada Street. In fact, it is shown on the City's Comprehensive Plan as being commercial.

The U of I was also concerned that beyond the land use designation, as Chancellor Herman had indicated in his letter, the proposed rezoning would not meet the intent of the Campus Master Plan. The intent of the campus development area has been one of mixed development. The U of I and the City of Urbana worked together to make this happen with the Gregory Place development, which was not happening when it was privately owned. Working together with the City of Urbana, the U of I and the private sector has been successful. She believed that it would be a revitalization for all of the commercial properties in the area.

The Chancellor's letter also mentions the issue of acquisition of the proposed property. The reason this was described in the letter was simply because there was a public interest. It was not the U of I's intent to negotiate acquisition of the proposed property. Nor was it the U of I's intent to condemn the commercial property. They have full faith that Barr Real Estate does

excellent work in what they do. The Chancellor responded to the proposal as a proposed apartment complex, because it was included in the City staff packet.

The concern is within the Master Plan boundaries. These are boundaries that the U of I has established for the growth of the campus. They have always considered Lincoln Avenue to the east and Harvey Avenue to the north as sort of the DMZ. In fact, the U of I was returning properties back to the City's tax roll, in cooperation with the City of Urbana, at Lincoln and University Avenues.

She mentioned that Mark Henss, Attorney for the University of Illinois, was present to answer any additional questions.

Mr. Ward asked for clarification regarding the acquisition of the proposed property. Ms. Getchius had previously stated that the U of I has no intention of acquiring this property at the present time. Yet on page 3 of the Chancellor's letter, Mr. Herman wrote, "the rezoning of this property is in direct conflict with the public interest of the University of Illinois' need to provide academic building sites within the boundaries of its Master Plan." He did not understand how these two statements fit together. Is the U of I interested in acquiring the proposed property or not? Ms. Getchius replied maybe. The reality is that just because they have no intent of acquiring the property at this time does not mean that they would not have a future need for the academic site within their Master Plan boundary. As she indicated earlier, she said that they were supportive of the commercial designation as shown on the Comprehensive Plan. They were concerned about other properties in the area that the U of I infers as being designated "Institutional" being rezoned to B-3U.

Mr. Pollock stated that the Campus Master Plan shows the proposed property being designated as a non-university building. How do the rezoning request and the proposal to develop the property not comply with the Campus Master Plan? Ms. Getchius responded by saying that the Campus Master Plan was a moving document. Ms. Tyler was right in that master planning at a campus level was different than at a city level. There was text that was associated and developed along with the Master Plan document typically. This text was currently being drafted by the U of I's Office of Capital Programs. The concern was that the U of I understands that they have a boundary for growth within the community. Not every single site would be designated as an administrative use or as an academic use.

Mr. Grosser inquired if rezoning of the proposed property to the B-3U Zoning District would prevent the U of I from taking the land in the future under eminent domain. Ms. Getchius replied no. Mr. Pollock added that it would only make the land a little more expensive.

Ms. Stake wondered if the Plan Commission should have a copy of the Master Plan for the U of I. Ms. Getchius replied yes. She pointed out that part of the Master Plan was incorporated into the background documents for the City's Comprehensive Plan. The U of I was working out some additional issues in relative properties in the City of Urbana, but it was the intent that the U of I would come before the Plan Commission and the City Council with presentations of the Master Plan.

Ms. Tyler made a correction to the staff report. Future Land Use Map #9 shows a larger scale than Future Land Use Map #8 for the proposed property. Ms. Getchius pointed out a drafting error in the two maps. Map #9 shows the roofline of the proposed property being within the pink area, Preserve Neighborhood Business, and Map #8 shows the roofline being within the blue area, Institutional. Ms. Tyler stated that she would consider Map #9 to be a more accurate map because it shows the area at a larger scale. However, again she felt it was wrong to take the parcel specific approach to looking at the Comprehensive Plan.

Ms. Getchius commented that she was concerned about the argument that the edge of the land use classifications are fuzzy. Now staff was saying that the roofline of the property was in the pink-shaded area. The Plan Commission needed to make a decision about whether the proposed rezoning would be in compliance with the intent of the Comprehensive Plan. The U of I did not believe that it was.

Mr. Hopkins asked how the U of I derived that the proposed rezoning would be inconsistent with the Comprehensive Plan. Focus on Map #9 and read the annotation for the Nevada Street and Lincoln Avenue corner, including the proposed property, which states, "Preserve Neighborhood Business". He understood it to mean that the City intended to keep these two parcels. Ms. Getchius explained that the issue of inconsistency comes in part in responding not to the development that Mr. Barr has proposed. However, the staff report says that the proposed apartment building would be allowed in the B-3U Zoning District. In other words, the B-3U zoning classification allows for single-use building. Chancellor Herman in his letter quotes the Comprehensive Plan as saying that the intent of the development in the proposed area was to discourage single-use buildings, i.e. apartment buildings, and to create more commercial use.

Mr. Pollock questioned if Ms. Getchius would still consider it inconsistent if the rezoning was approved, not so this particular project could go through, but because the B-3U Zoning District could provide the possibility for commercial development, which the Comprehensive Plan calls for. Ms. Getchius remarked that she would like to evaluate it further. The U of I evaluated it under the proposal that was submitted, which was to develop a single-use apartment building. Obviously, they would still be concerned, because the intent was to preserve the commercial at the corner and still allow for the implementation of growth of the U of I within the Master Plan.

Mr. Grosser asked for clarification as to why the U of I was opposed to the rezoning. He understood it to be because an apartment building would be a single-use of the proposed property. Ms. Getchius replied that the support for the rezoning said that it complied with the intent of the Campus, Commercial District in providing services in this portion of campus. The Comprehensive Plan specifically says that single-use buildings should be discouraged. Simply raising that would be an inconsistency in the argument for support of the rezoning.

Mr. Kangas reiterated that the U of I was undergoing a master planning process now. As you look at the Campus Master Plan, several of the buildings for future use were either open or were soon to be open. He mentioned several developmental projects that the U of I was currently undertaking. He mentioned this to show that even though the Campus Master Plan was only a couple of years old, it was amazing how much things have changed.

Mr. Barr re-approached the Plan Commission. He stated that he looks at both parcels together, so he does not consider the proposed apartment building for 903 West Nevada Street as a single-use. Although it is two separate structures, he feels that he would end up with commercial on the east side and residential on the west side. He did not want to mess with the commercial building on the corner by building up. JSM did a wonderful job with the Gregory Place development, and his goal is to make his two properties flow together to provide the same type of mixed development. He did not view the proposed development as a single-use building.

Mr. Hopkins moved that the Plan Commission forward this case to the City Council with a recommendation for approval. Mr. White seconded the motion.

Mr. Hopkins referred to the Chancellor's letter for making his closing comments. The Joint Statement from 1991 was a great document. It was a statement of intent and cooperation. It was not a contract. There was nothing that the City had done in the proposed rezoning process or in the proposed proposal that would counter the Statement of Intent. In fact, he believed it supported the Joint Statement. As Ms. Tyler previously said in the spirit of adverse possession, he agreed that the U of I had much to stand on.

He felt the proposed rezoning would be precisely consistent with the Campus Master Plan, as well as being in the University's interests. The Master Plan shows it as being private property. The U of I has indicated that they want to work with the City of Urbana in protecting taxable assets appropriate to the University's campus. By not having property properly zoned, the City was living with an underutilized site and a building that was nonconforming and needed to be repaired. He was more concerned that the University does not show enough commitment to this as a long-term appropriate mixed use.

He agreed with Mr. Barr in that it was an exactly right mixed-use project for the site, because they had a historic building to start with. They did not have to have the mixed use on top of each other. He believed it was completely consistent and even necessary to carry out the University's stated Master Plan and its stated intents.

Mr. Hopkins felt that the proposed rezoning would also be completely consistent with the Urbana Comprehensive Plan. The Comprehensive Plan was recently adopted through a long four year process, in which every annotation on every map was discussed.

The question of whether the proposed development would reduce available academic sites was not valid. The Comprehensive Plan shows the proposed property as not being part of an academic building site. It was adjacent to an academic building site. That building site was currently configured with a dance studio in a way that would not be practically to reuse for a very long time. If that ends up being 20 to 50 years, then it ought to be replaced now for Urbana's tax roll and the quality of the neighborhood. So, the proposed rezoning and development would be completely consistent, even with a long-term intent.

If the University was going to argue that it was the duty of the City of Urbana to keep property zoned to enable their rapid acquisition because it forces deterioration of the property, then he would not accept that argument. He felt it would be totally inappropriate.

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The Chancellor's claim that the City of Urbana would be acting against the public interests of the U of I was false. It was the University acting against the public interests of the City of Urbana.

The existing structure needs to be renewed, and the petitioner needs rezoning to do so. He believed it was a good proposal. The petitioner was an Urbana apartment developer. This is what they needed to be doing in the City. He would strongly recommend that the Plan Commission vote in favor of the proposed rezoning.

Mr. Kangas offered a different viewpoint. While the intent of the Master Plan showing the line on Lincoln Avenue, clearly the U of I campus has an interest on anything on the west side of Lincoln Avenue. The U of I was trying to put amenities that would be useful to the campus environment. He personally had nothing against the proposed apartment building. However, he would look at the U of I eventually squaring off the corner so all of the west side of Lincoln Avenue would be University property.

He noted that there were four new campus buildings that were almost complete. So, the U of I was building the campus out very quickly. Even though there was not a specific plan to acquire the proposed site or do something with the site, it seemed perfectly reasonable to him that the University would have an interest in what is developed on the proposed site.

Ms. Upah-Bant commented that the Comprehensive Plan Steering Committee had met for several years to update the Comprehensive Plan. Ms. Getchius served on the Committee and attended all of the meetings. Never once did anyone look at this area and say Lincoln Avenue had to be the boundary for campus land. Mr. Kangas remarked that it was a reasonable point to be made.

Mr. Ward understood that the U of I had a long-term interest in this particular property. According to Ms. Getchius, the U of I's interest was not short term. So, he did not see how the proposed rezoning would adversely affect the U of I's interest. They had alluded to the fact that depending on what was built on the proposed property may affect the cost of the property somewhere down the line. However, he did not feel that was an issue that the Plan Commission needed to consider. He did not see where, if the U of I ultimately or maybe acquired the proposed site, whether it was zoned CRE or B-3U would make a difference.

Mr. Hopkins did not disagree that the U of I ought to be or is interested in the proposed property. The question was in the interim while it was considered private property, while it was on the City's taxable roll, and while it is identified as being used for commercial in a reasonable way, it ought to be able to do that in the best possible degree. If we argue that we should keep it zoned CRE so no one could do anything with it for 5, 10 or 20 years, then are we going to argue that no one should build anything on the Champaign side of campus, like a private apartment building? It is a matter of degree. This is what planning is all about. We ought to be thinking about this, but we have got to be willing to make commitments and do quality projects at the right times for the right lengths of time.

Mr. Kangas commented that without knowing any specifics, if there was a building project on the Champaign side within the Campus Master Plan where a property owner planned to do a tear down and build a bigger apartment building, he would encourage the Chancellor to acquire the

property. Mr. Hopkins said that it would be fine for the University to respond that way at this point. However, it would not be appropriate for the City of Urbana to refuse to rezone the proposed property so that the U of I does not have to acquire it now. To keep an under performing property on the City's tax roll and in our neighborhood is not right. It is an opportunity for a much better facility in a very good location.

Ms. Stake agreed that the Plan Commission should approve the rezoning. It would be unfair to not rezone the proposed property.

Mr. Pollock believed that the U of I had every right and a responsibility to be interested in what happens in their campus. The fact is that the proposed property does not fit the CRE Zoning District description. It should not have been zoned CRE all of these years. B-3U would be a much more appropriate zoning level. If the U of I finds that they have a serious need for the property at some point, then they will deal with it as they will with any other property. But we cannot tell an Urbana developer with a really good project that they simply cannot build because someday the U of I might be interested in obtaining the site. Therefore, he supported the motion.

Roll call was taken and was as follows:

Mr. Hopkins	-	Yes	Mr. Kangas	-	No
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes
Mr. Ward	-	Yes	Mr. Grosser	-	Yes

The motion was approved by a vote of 7-1.

Ms. Tyler noted that the proposed rezoning case would go before the City Council in a special meeting on the 8<sup>th</sup> of August.

**8. NEW BUSINESS**

**Review of the By-Laws**

Ms. Tyler mentioned that this was an exercise the Commission did every year to review the By-Laws. In recent years, the Plan Commission had made improvements. At this point, staff did not have any specific recommended changes or improvements to make. However, if the Plan Commission wanted to review and/or make suggestions, then this would be the time to do so.

Mr. Pollock suggested that the members of the Plan Commission read through the By-Laws. If there were any concerns or requests to make changes, then the By-Laws could be brought back at the next meeting. Absent any recommendations or concerns, the Plan Commission would consider them approved.

**9. AUDIENCE PARTICIPATION**

There was none.

## 10. STAFF REPORT

Ms. Tyler reported on the following:

- Capstone Development Special Use Permit on North Lincoln Avenue was approved by City Council. Capstone has already begun marketing the condos.
- Hazard Mitigation Plan was adopted by City Council.
- Cases for the next Plan Commission Meeting includes an Extension for the OASS Moratorium and Weemer Pre-Annexation Rezoning.

## 11. STUDY SESSION

### **OASS/Billboards Study Session to consider possible text amendments to Article IX, Comprehensive Sign Regulations**

Ms. Tyler introduced Rebecca Guest, Planning Intern. Ms. Guest presented the study session to the Plan Commission. She talked about the following:

- Brief History and Background
- Image Set 1: #8
- Image Set 3: #21
- City of Urbana Goals
- Goals from the Comprehensive Sign Regulations
- Goals from the 2005 Comprehensive Plan
- Relevant Legislation and Case Law
- List of Benefits and Costs to Billboard Regulation
- Alternative Options
  - Do Nothing – Let IDO expire
  - Improve Existing Regulations
    - Design
    - Special Use Permit
    - Spacing - Corridors
    - Principal Use
    - Tri-Vision Messaging
  - Cap and Replace
    - Restricted Cap and Replace
    - Transfer Development Rights (TDR)
  - Prohibition
    - Existing OASS become nonconforming
    - Sunset/Amortization of existing billboards

Ms. Stake inquired if staff had any other ordinances from other cities that have been able to have a beautiful city with some billboards. Ms. Guest replied that she had looked into many other cities' ordinances; however, it was difficult to find pictures of the cities to go with the ordinances. There were definitely some cities that have incorporated restrictions where they consider aesthetics.



Ms. Stake wondered if there was a city where there was a balance. A city where there could be some billboards in appropriate places and in general not have very many. Ms. Guest believed it would be difficult to regulate OASS/billboards so there were be a specific number less than what the City currently has. She thought the City would have to use the cap and replace option and allow the TDRs to specific locations. When the billboards are moved to the new specific locations, the City could impose more aesthetic requirements. Ms. Stake stated that there was a way to have nonconformities where they could not be replaced.

Ms. Tyler stated that when traveling, if Ms. Stake or other commissioners visit a city that has achieved this balance, then they could let City staff know. City staff could then look up that City's regulations.

Mr. Grosser was curious about whether Ms. Guest had found other cities that use the sunset type of action and how many years do they allow sign owners to continue to use the billboards to get their fair value from the existing structures. Ms. Guest replied that it was generally between 5 and 10 years. Mr. Grosser asked if that was about the time structures were rebuilt or refurbished. Ms. Guest thought it was calculated on the amount of revenue that the sign company received off an existing structure and the amount of the cost to construct the structure. There was one example where she found that a city based the sunset on the cost of the structure when it was constructed. As a result, one structure might have a longer period than another.

Mr. Ward wondered about the fiscal impact. Say there was a piece of vacant land was assessed as vacant land, and if a billboard was placed on the piece of land, would it change the assessed value of the land? Ms. Tyler mentioned that OASS structures do not provide property tax for the City. Although OASS structures are expensive to build, it was not too significant as an improvement, so from a property tax perspective, the benefits of OASS structures go to the lease holder. It was an income that was not really taxed. That was one of the reasons why it is so valuable. It is a limited commodity as well. By only allowing this as a principal use, the City would force the landowners to make a decision whether they want the lease income from the billboard or whether they want to develop the site and not allow the billboard structure on their property.

Ms. Tyler remarked that the City really needed to look at it from a zoning perspective, but also in terms of benefits to the City. On the fiscal side, it really was not something that would help the City of Urbana economically in the way that the City normally sees land uses contribute. It could be frustrating when a billboard stands in the way of redevelopment, which the City found in some of the North Cunningham Avenue properties. We do come up against our economic development goals in some situations. That was not to say that businesses do not benefit.

Mr. Ward commented that the state law does not provide the City the opportunity to assess the value of that improvement. A billboard structure is not considered an improvement on the tax law. He would be interested in knowing what the legal status of this would be. Ms. Tyler said that City staff could check with the assessor and get the citation.

Ms. Stake asked if a billboard structure could be taxed. Mr. Hopkins would guess that say billboards on Philo Road would be the only beneficial use of the property between what used to be the railroad tracks and the road. The opportunity to lease the property for a billboard creates a

land market value that determines the assessment value of that land. So, even if the City could not assess as an improvement the billboard structure itself, which he imagined there were state regulations preventing it for reasons that have to do with industry structure, the City would want to be careful, because the kinds of properties where we might actually most effectively use billboards might be precisely the kinds of property of where the City would want to make sure they retain value in the property. Ms. Tyler said that City staff would research this more and try to find out more about this.

Mr. Hopkins went on to say that there was a lot of good information, and the representations help start them thinking about this. One of his reactions from looking at the map was that the City was already focusing on a particular set of permitted corridors. He thought they should revisit the set of corridors in terms of whether some parts should be included or not included. In particular, University Avenue, where it extends east to High Cross Road, should be removed from the corridors available for billboards given its developing pattern of uses. Beringer Commons and some commercial areas are located along this area, which was not consistent with billboards.

Another thing he thought the City should consider was corridor types. Philo Road, for example, should have different design criteria than billboards on North Cunningham Avenue. One could already see the difference. Billboards on Philo Road are on the ground and faced a particular way, which would be inappropriate up north. This becomes a way to think about billboards along University Avenue and Cunningham Avenue between Interstate 74 and University Avenue. This is where most of the activity is located, and if we want University Avenue to develop in a different way, it might be that we want billboards backed by buildings visually. Thinking about corridor types rather than thinking of one set of criteria would be better.

Another possibility is to think of those as becoming the criteria to drive special use permits. The possibility of making all the changes in billboards through special use permits might actually be an interesting way to do it. He believed that billboards could be done well in appropriate places and in appropriate ways.

Ms. Upah-Bant asked if the Urbana Zoning Ordinance addressed illuminated billboards. Ms. Tyler said that the Zoning Ordinance has restrictions against animation, moving parts and internal illumination. Therefore, billboards with changing messages would not be allowed. If the Plan Commission and City Council changed this, then they would probably have to include restrictions on the speed by which the messages flip and how many times the message would be allowed to change.

Ms. Upah-Bant was concerned that people visiting Champaign-Urbana might not know when they cross over Wright Street. Therefore, the City of Urbana might be mixed in with the City of Champaign for having illuminated signs like the one by the Champaign Police Station. Ms. Tyler stated that she could tell when she crosses over into the City of Champaign, because the City of Urbana requires freestanding signs to be setback, which makes a dramatic difference in the appearance.

Mr. Pollock reminded the Plan Commission that they have a series of possible alternative options. The Plan Commission agreed that staff should continue to look at the possibilities and research this.

Mr. Pollock inquired if there were cities that had capped the number of billboards they had and then sunset the existing billboards for 15 to 20 years. Would this be legal to do? Ms. Guest responded by saying that would be legal. She referred to the tables that were at the end of the written staff report. She pointed out that the Village of Prairie Grove and Huntly have both done this here in the State of Illinois. Mr. Pollock remarked that he would be very tempted to look very seriously at doing this. He hoped that the City Council considered this as a possible option. It was possible to have billboards that were okay, but in general, he thought that they detract from the appearance of the City. He did not want to hurt businesses in town, but to be done with them at some point in the future might not be a totally bad thing to consider.

Mr. Grosser commented that when he looked at the Comprehensive Plan and the Downtown Strategic Plan, he was struck by the degree to which beautification was mentioned, specifically, in accordance with the corridors where billboards were currently allowed. Goal 26.2 in the Comprehensive Plan states, "Promote the beautification of commercial areas especially along University Avenue, Cunningham Avenue and Philo Road." When through the Downtown Plan, there was a lot of talk about visual interest, visible and attractive gateways, and in fact, every single drawing in the plan does not have a picture of a billboard in it.

He went on to say that he certainly saw billboards as a visual clutter. When looking at the efforts that have been undertaken so far and the intent to beautify the downtown Urbana area, specifically Broadway Avenue, he saw billboards as a visual blight. He would certainly not want the City of Urbana to open itself up to a lawsuit, but he was also favorable of looking at the option of amortization with a sunset. He also would not want to see billboard companies make investments in their structures not panning out financially.

Mr. Hopkins reiterated that he believed billboards could actually be part of what creates interest and excitement if they were done well. If we think of it as a design problem and create development types in particular places that would be appropriate to those places, he did not believe that billboards were inherently bad. Mr. Pollock added that he would be interested to hear more about how billboards could be used in a positive way and how they could be an amenity rather than what most of them look like, which is visual blight.

Mr. Ward agreed with Mr. Hopkins. Clearly there was a demand for billboards. Most of the billboards seem to have something on them, and people pay for them. Many of them are local businesses. To do something to interrupt this would create an economic issue that should be well thought through. He would like to look at possibilities for improving the existing OASS regulations and look at different areas of the City. There may be billboards that meet the criteria that the Plan Commission and City Council would be willing to set for beautification. The idea of some sort of restriction or cap and replace may be an option, but he would prefer to look at some other options first.

Mr. Kangas agreed with everything said so far with the reminder that this an unusual town in that on football weekends or student week, etc., we might have 50,000 people who do not live in

Champaign-Urbana coming into the community. Billboards may be useful for those people coming in when they are trying to figure out where to go for lunch. He would hate to hurt local businesses. Probably everyone who lives here hates billboards, but they must work economically. Ms. Tyler stated that it was fine to keep the options out there. Staff will continue to search through them.

Ms. Stake wondered how to make beautiful billboards, because she really hasn't seen any. Are there places that have beautiful billboards? Mr. Hopkins responded by saying that he thought some of the billboards in Champaign-Urbana looked quite well. He also believed that some of the billboards were located in very bad places visually. Billboards, such as the ones on Philo Road that are low to the ground and create part of a feel of a curve, provided an opportunity to convey information. Billboards that are backed well by buildings or on the sides of buildings create interest and texture in urban environment that blank walls of concrete don't. Mr. Pollock added that one of the ways to find out about this was to ask the professionals in the billboard business to give some examples of what type of billboard structures existed that works and give some ideas about how to rebuild the ordinance.

Mr. White mentioned that he would be interested in finding a way to reduce the light pollution that was sometimes associated with billboards. He believed that was what some people object to when looking at billboards, particularly at night. He noted that we need a light ordinance as well. Ms. Tyler replied that there were many things needed to improve in the Zoning Ordinance, and a lighting ordinance was one of them.

In response to Mr. Kangas' point, Mr. Grosser said that he agreed that billboards could advertise local businesses to visitors. His main objection is that as you approach downtown Urbana, billboards were not compatible with beautifying an entrance to the downtown area. He was less concerned with billboards near the interstate. We might say that the closer we get to the downtown area, the fewer billboards would be allowed.

Ms. Tyler stated that it was helpful to get a sense of what the Plan Commission thought about billboards. Some of these things we tried to previously review, but we were operating under some restrictions. One thing we did look at was the aesthetics and billboard zones. There are three or four alternatives listed in the written staff report; however, there may be some combination of the alternatives used, especially since there were different opinions. Ms. Guest felt that staff needed a little more consensus on which options and which parts of options that the Plan Commission wanted them to pursue.

Mr. Pollock inquired if it would be reasonable in trying to address that need to have City staff present this discussion to the City Council and bring it back to the Plan Commission to talk about what the City Council had come up with.

Mr. White mentioned that he would like to have a cap and replace with a transfer development right along with improving the existing regulations with some sense of corridors and regulations that would apply to certain corridors. Ms. Stake asked if billboards would require a special use permit. Mr. White said no.

Mr. Pollock stated that he was interested in the idea of billboards requiring special use permits, but then you also do not want to have cases coming before the Plan Commission every ten minutes for every single billboard or replacement. If we did some type of special use permit, there would need to be some criteria on how to judge each case. This would give review abilities, which is something to think about.

Mr. Hopkins did not feel that pursuing the idea of special uses would be inconsistent, so he would encourage doing both. If it was within a cap and replace framework, then the City would not be getting special use requests every week, because there would not be any new billboard structures going up.

Mr. Pollock asked if the Plan Commission was generally interested in seeing the cap and replace option used. Mr. Hopkins commented that he did not necessarily see it as necessary, but as long as it was included with the other things discussed, then it would be something reasonable to investigate. Mr. White remarked that a cap and replace option would allow the City to slowly, but surely, go through and improve the regulations, particularly zones and corridors.

Mr. Pollock questioned at what point would the Interim Development Ordinance (IDO) have to be redone legally and for how long would staff envision continue the moratorium. Ms. Tyler answered by saying that City staff would be presenting an extension of the IDO to the Plan Commission. At this point, staff would recommend extending the IDO for another six months. After hearing the Plan Commission discuss the alternative options, this amount of time may not be sufficient. There were also staffing reasons why they might need more time. She felt that this should be discussed at the next Plan Commission meeting when the extension of the IDO Moratorium would be presented. Staff may change their recommendation before the next meeting.

Ms. Tyler went on to say that she believed the Plan Commission had enough varied opinions that a consensus would probably not happen. They should let the process work. City staff would get a sense of City Council viewpoints and then try to craft some compromise or good-planning practice alternatives. Staff will continue to get more information for the Plan Commission and hear input from the billboard industry.

## **12. ADJOURNMENT OF MEETING**

Chair Pollock adjourned the meeting at 9:46 p.m.

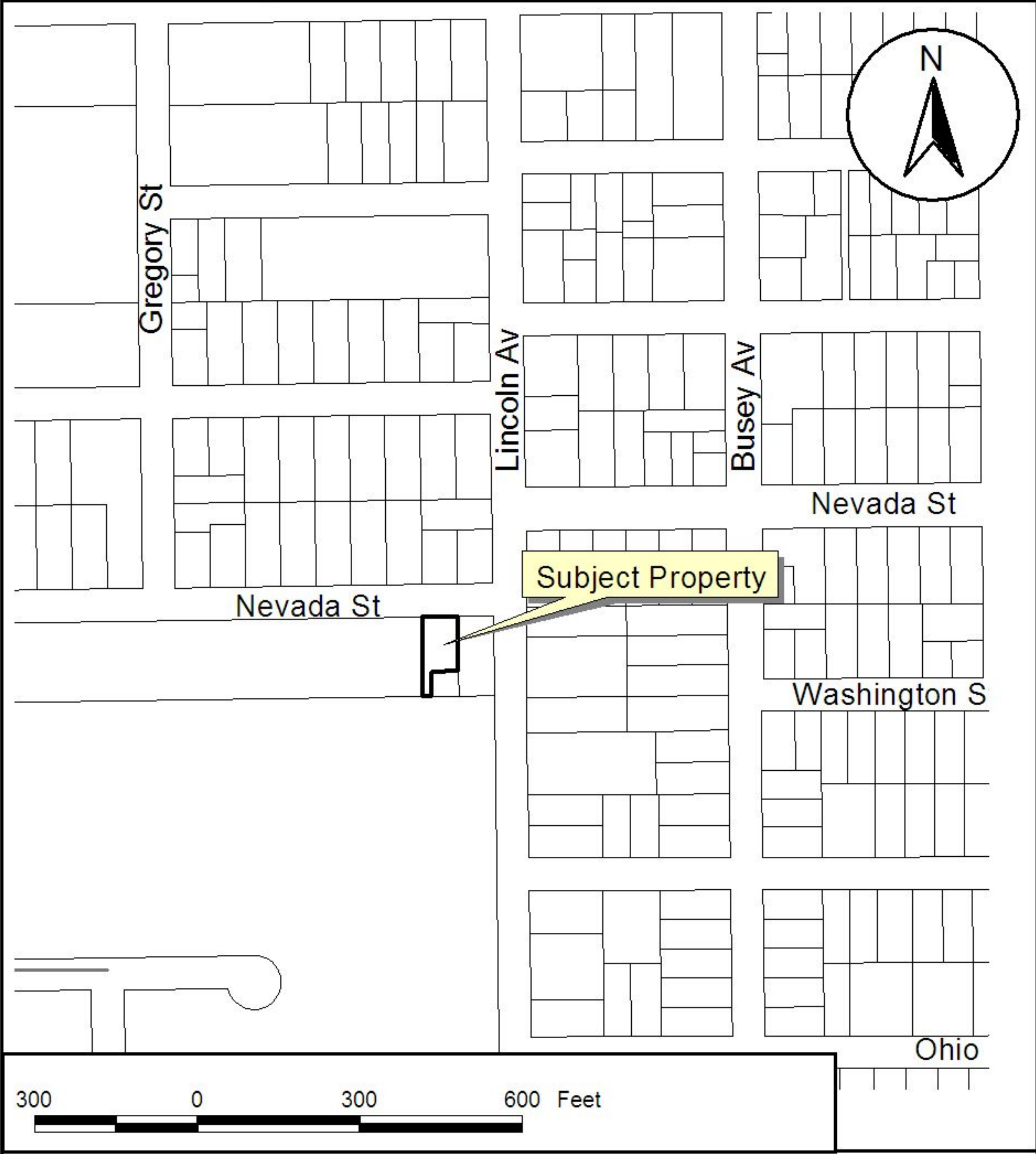
Respectfully submitted,

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Elizabeth Tyler, City Planner  
Urbana Plan Commission

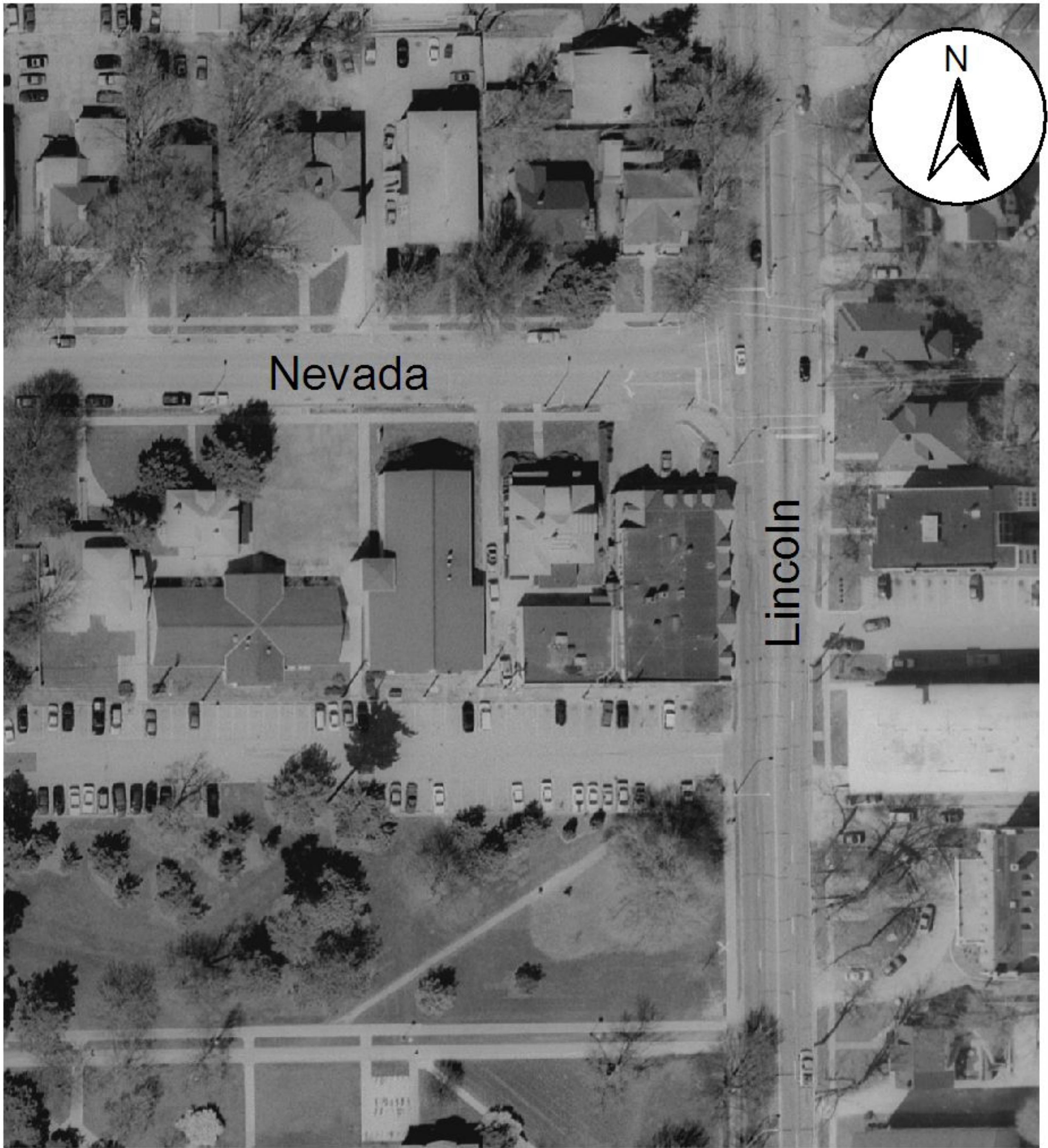
# Location Map

# Exhibit "A"



Plan Case: 1943-S-05  
Petitioner: Mid-Illinois Realty Group IV & DAVAN, LLC  
Location: 903 W. Nevada  
Zoning: CRE - Conservation - Recreation - Education  
Description:  
Rezoning from CRE to B-3U - General Business - University

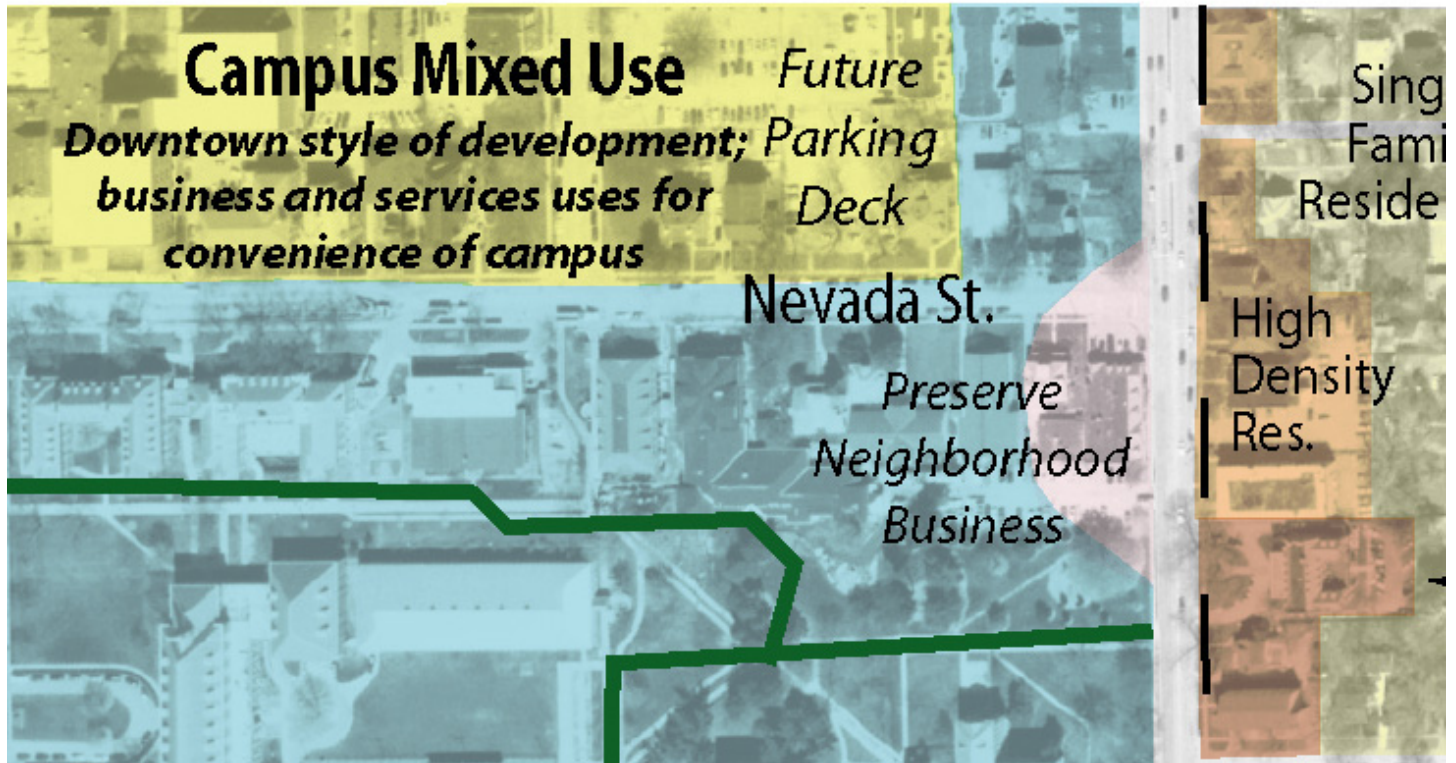
Prepared 06/28/05 by Community Development Services - jcs



Plan Case: 1943-S-05  
Petitioner: Mid-Illinois Realty Group IV & DAVAN, LLC  
Location: 903 W. Nevada  
Zoning: CRE - Conservation - Recreation - Education  
Description: Rezoning from CRE to B-3U - General Business - University

# Future Land Use – *revised* – EXHIBIT "D"

Source: Comprehensive Plan Future Land Use  
Map # 9, p.80 – Detailed Section



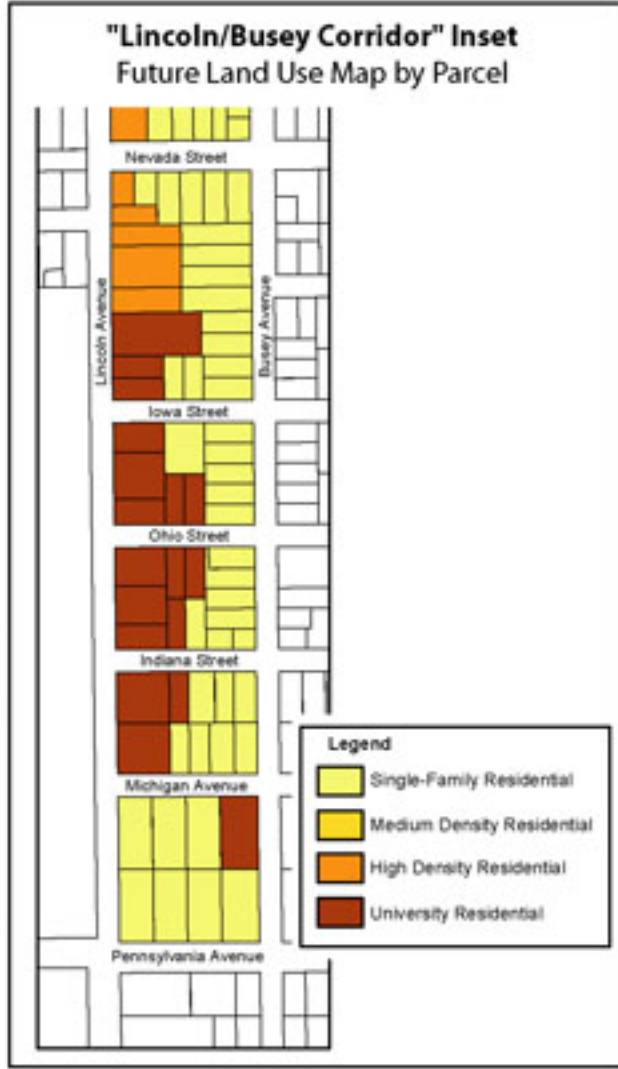
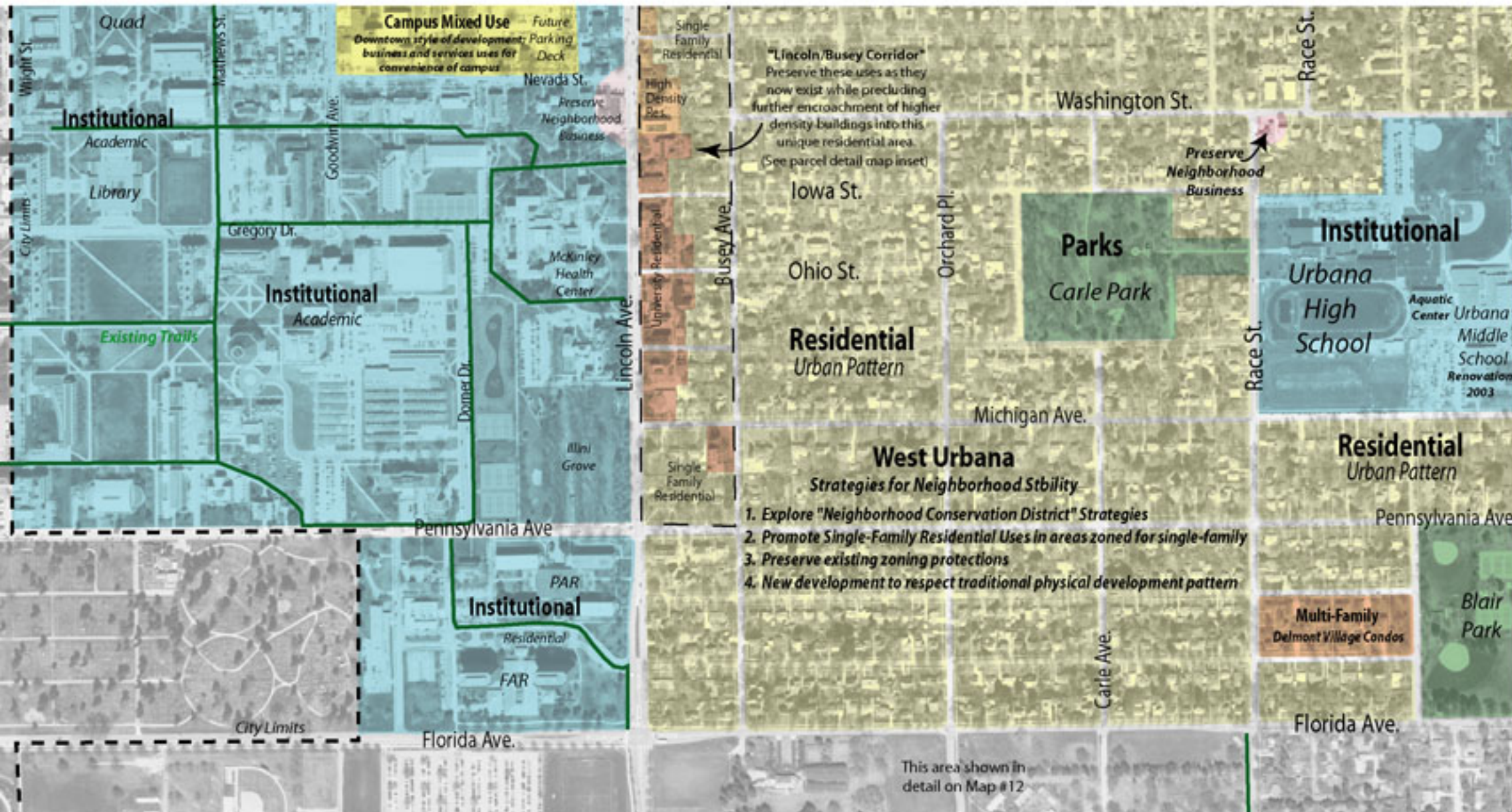
**Plan Case:** 1943-S-05  
**Petitioner:** Mid-Illinois Realty Group IV & DAVAV, LLC  
**Location:** 903 W. Nevada  
**Zoning:** CRE - Conservation – Recreation - Education  
**Description:** Rezoning from CRE to B-3u – General Business – University

Prepared 8/01/05 by Community Development Services - pal





**West Urbana  
(South Half)**



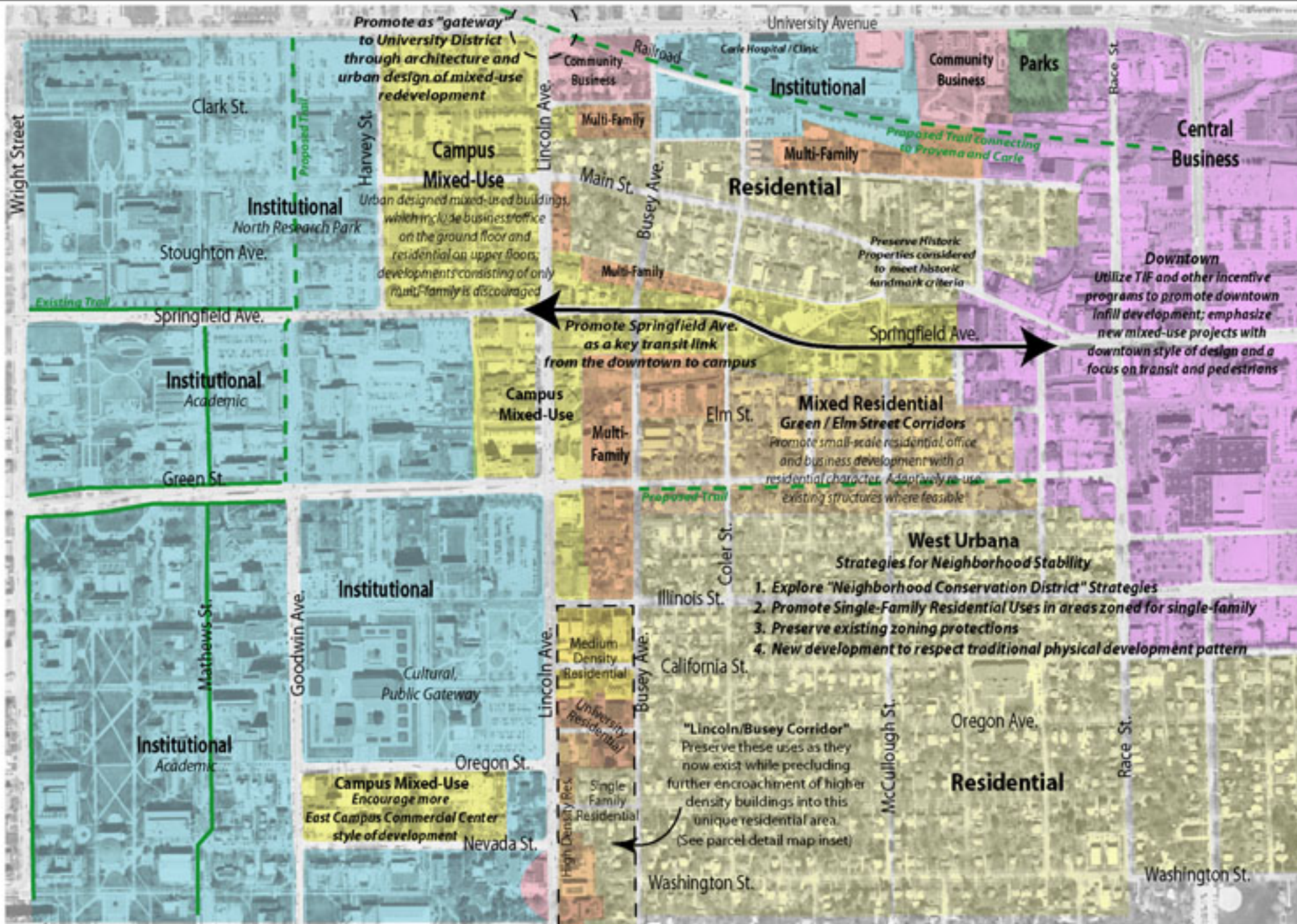


# Future Land Use Maps Map #8

## West Urbana (North Half)

**ADOPTED**

April 11, 2005  
Map Created by City of Urbana  
Community Development Services Dept.





# ILLINOIS

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

## CAMPUS MASTER PLAN

Campus Master Plan  
 Current  
 Revision date: Jan 2003

**Core Campus View**  
 Master Plan data is an update of the November 1989 plan prepared by Savari Associates, Inc. (Waterloo, IA)  
 Revised January 2003

Site document was prepared by the University Office for Capital Programs



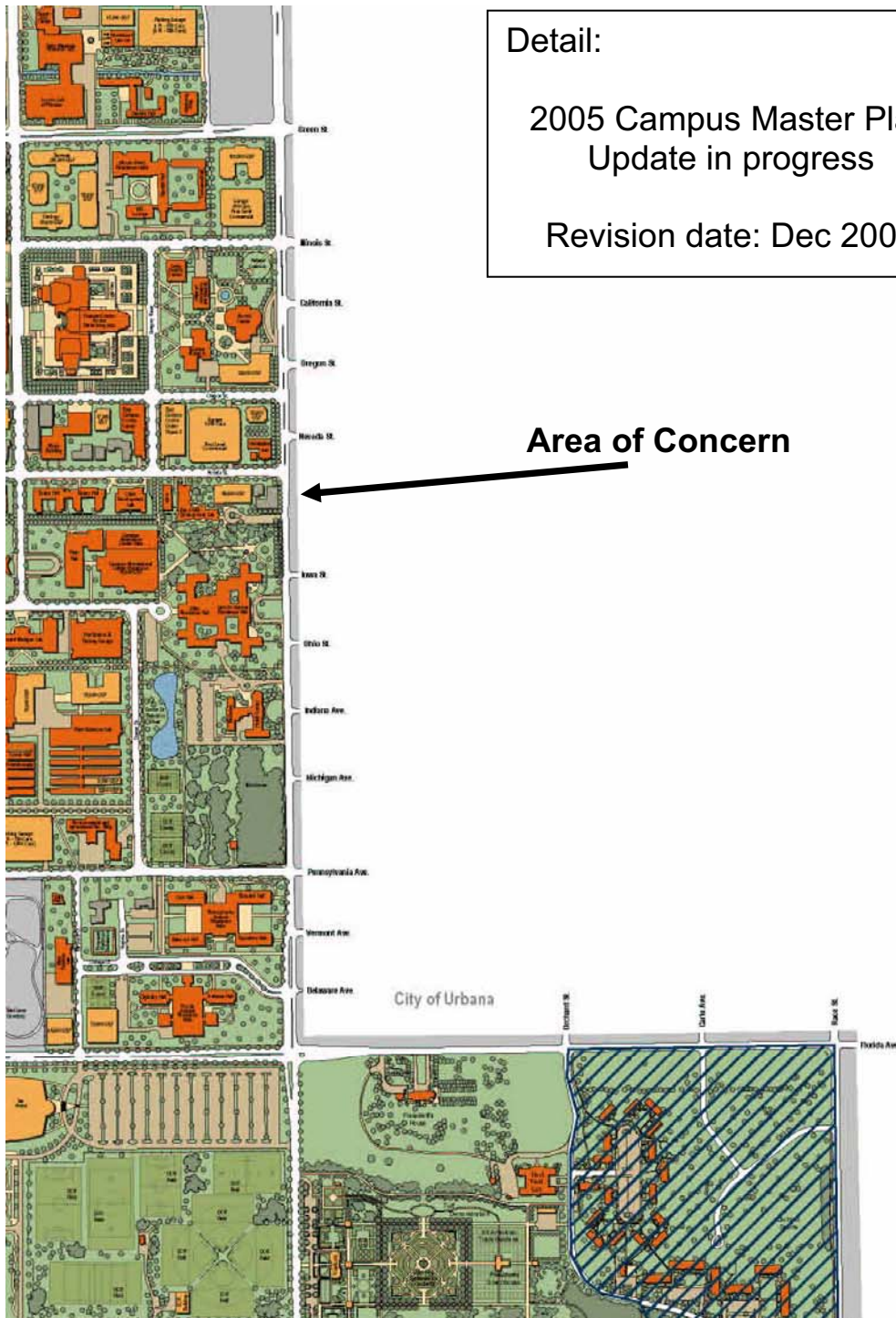
**MASTER PLAN LEGEND**

Existing Building	Recreation/Athletic Area
Future Building	Non-University Building
University Open Space	Non-University Property
Pedestrian Path/Walk	Body of Water
Parking and Service Drives	Municipal Boundary

0 150 300 600' 



Area of Concern



Detail:

2005 Campus Master Plan  
Update in progress

Revision date: Dec 2004





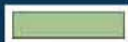

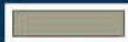



Area of Concern

## Entire Campus View

*The Master Plan is a composite and update of plans (since 1986) approved by the University of Illinois Board of Trustees.*

- North Campus Master Plan, April 1986**  
Sasaki Assoc., Inc. (Watertown, MA) | University Ave. to Green St., 6th St. to Lincoln Ave.
- South Campus Master Plan (now part of Central Campus), Sept. 1986**  
Sasaki Assoc., Inc. (Watertown, MA) | Nevada St. to St. Mary's Rd., Neil St. to Lincoln Ave.
- Central Campus Master Plan, October 1989**  
Sasaki Assoc., Inc. (Watertown, MA) | Green St. to Gregory Dr., 4th St. to Lincoln Ave.
- Arboretum Master Plan, July 1990**  
Sasaki Assoc., Inc. (Watertown, MA) | Florida Ave. to Windsor Rd., Lincoln Ave. to Race St.
- South Farms Master Plan (now the South Campus), September 1990**  
Sasaki Assoc., Inc. (Watertown, MA) | Kirby/Florida Ave. to Church St./Cears Rd., Neil St. to Philo Rd.
- Core Campus Master Plan Update, October 1996**  
UOCP (now UOFP&P) | University Ave. to St. Mary's Rd., Neil St. to Lincoln Ave.
- South Campus Master Plan (formerly the South Farms), June 1999**  
Sasaki Assoc., Inc. (Watertown, MA) | Kirby/Florida Ave. to Airport Rd., Neil St. to Philo Rd.
- Arboretum Master Plan Update, June 2001**  
Sasaki Assoc., Inc. (Watertown, MA) | Florida Ave. to Windsor Rd., Lincoln Ave. to Race St.
- South Campus Master Plan Update, July 2001**  
SmithGroup JRR (Chicago, IL) | St. Mary's Rd. to Windsor Rd., Neil St. to Lincoln Ave.

### MASTER PLAN LEGEND

	
Existing Building	Future Building
	
Parking & Service Drives	Pedestrian Path/Node
	
University Open Space	Recreation/Athletic Area
	
Non-University Building	Non-University Property
	
Body of Water	Municipal Boundary

