



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

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

**TO:** Mayor Laurel Lunt Prussing

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

**DATE:** April 2, 2009

**SUBJECT:** Plan Case 2101-M-09: A request to rezone 708 South Vine Street from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple Family Residential.

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**Introduction and Background**

Mojo Properties, LLC has submitted a petition to rezone a 0.24 acre parcel located at 708 South Vine Street from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple Family Residential District. Mojo Properties owns the property and plans to develop four two-bedroom townhouse-style condominium units on the site. The property has remained undeveloped since 1980.

The Urbana Plan Commission held a public hearing regarding the proposed rezoning on March 26, 2009. At that hearing, several neighboring property owners and renters spoke in opposition to the rezoning and submitted letters of opposition to the Plan Commission. The petitioner and his architect also addressed the Commission. After considering the facts, the Plan Commission voted six ayes to zero nays to forward the rezoning to City Council with a recommendation for denial. Additionally, the nearby property owners indicated that they would file a protest with the City Clerk. If a valid protest representing at least 40 percent of surrounding property owners is filed, a two-thirds majority vote would be required to approve the proposed rezoning.

**Adjacent Land Uses and Zoning Designations**

The area surrounding the subject property is residential in character, consisting mainly of single-family homes and duplexes. All of the adjacent properties are zoned R-3, Single and Two-Family Residential. There are two duplexes adjacent to the property, one to the north (which is under condominium ownership) and one to the west. The rest of the adjacent properties are all single-family homes. Within 300 feet there are apartment buildings to the west and two banks to

the north. Farther south there are also apartment buildings, condominiums at Fairlawn Village, and the Urbana Middle/High School complex.

The following is a summary of adjacent zoning and land uses for the subject site:

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
Site	R-3, Single and Two-Family Residential	Vacant	Residential - Urban
North	R-3, Single and Two-Family	Duplex (Condominiums)	Residential - Urban
South	R-3, Single and Two-Family	Single Family Home	Residential - Urban
East	R-3, Single and Two-Family	Single Family Homes	Residential - Urban
West	R-3, Single and Two-Family	Single Family Homes and Duplex	Residential - Urban

### **Comprehensive Plan**

The 2005 Urbana Comprehensive Plan identifies the future land use for the area containing the site as “Residential (Urban Pattern)”. The Plan defines “Residential (Urban Pattern)” as follows:

*Residential areas contain primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.*

#### ***Urban Pattern of Development***

*A pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.*

The Future Land Use Map for the site also contains a notation to “promote new infill development”. The proposed rezoning would rezone the subject property to a zoning district which allows multi-family residences by right. The applicant plans on building four townhouse-style condominium units on a vacant infill lot, a use which would be generally consistent with the Comprehensive Plan. It should be noted, however, that all potential uses in the R-4 district should be considered in this rezoning request.

The following Comprehensive Plan Goals are also relevant to the proposed rezoning:

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

*Objectives*

2.1 Ensure that the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood.

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

*Objectives*

4.3 Encourage development patterns that offer the efficiencies of density and a mix of uses.

**Goal 18.0** Promote infill development.

*Objectives*

18.1 Promote the redevelopment of underutilized property using techniques such as tax increment financing, redevelopment loans/grants, enterprise zone benefits, marketing strategies, zoning incentives, etc.

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

*Objectives*

19.2 Encourage residential developments that offer a variety of housing types, prices and designs.

The proposed rezoning would promote infill development, provide a variety of housing types and offer an efficiency of density. However, the rezoning would allow for construction at a higher density than may be compatible with the built fabric of the neighborhood.

### **Historic East Urbana Neighborhood Plan**

The City has accepted The Historic East Urbana Neighborhood Association’s Plan for Historic East Urbana. The plan documents the neighborhood association’s desires for development in the area. The plan has the following goal regarding infill development in Historic East Urbana:

***In-fill Development***

*Promote [infill] in a manner that sustains a wide range of commercial uses as well as home styles and affordability. Promote projects that 1) allow greater ownership diversity, 2) use sustainable construction methods, 3) reduce utility costs, 4) reflect building choices that blend with the existing housing stocks architectural detail, and 5) provide green space.*

The plan also documents concerns about the loss of open space on individual lots and the conversion of single-family properties to “large multi-family structures”. Finally, there is a future land use section of the Historic East Urbana Neighborhood Plan that identifies the area along Vine Street as a Downtown Transitional zone:

### ***Near Downtown Transitional Development***

*The HEUNA boundaries to the West (Vine Street) and North (Main Street) are appropriate locations for Mixed-Residential (Urban Pattern) development [pg. 55, City Comprehensive Plan]. This designation allows a transitional grouping of small business (B-1) (“Compatible Neighborhood Commercial”) development, R-5) Medium High Density Multiple-Family Residential, R-4 and R-3) Duplexes and R-2) Single and Two-Family Residential structures to be situated in a way compatible with the adjacent neighborhood. Property facing main streets and arteries shall blend with town houses, apartments and smaller family dwellings, while retaining the appropriate open feeling necessary to maintain the quality of near downtown residential life.*

## **Issues and Discussion**

In the attached petition the applicant states that the property is suitable for rezoning to allow for the construction of townhouse-style condominiums marketed toward graduate students, and that the development would “provide the neighborhood with a needed boost”. Under the current R-3 zoning, up to two units are allowed by right, and each unit could contain four bedrooms. The applicant plans on building a four-unit, townhome-style development on the site, as shown in Exhibit H. Each unit would contain two bedrooms, for a total of eight bedrooms. The units would be two stories tall, and each would have a one-car garage. There would be parking for four additional vehicles to the east of the units.

Should the property be rezoned to R-4, the permitted uses and development regulations would change as indicated in the attached zoning description sheets. If rezoned, the minimum Open Space Ratio (OSR) would be reduced from 0.40 to 0.35, and the maximum Floor Area Ratio (FAR) for the property would increase from 0.40 to 0.50. In terms of development potential, rezoning from R-3 to R-4 on this 10,624 square foot lot would allow a 5,312 square foot four-plex. Under the current zoning, up to a 4,250 square foot duplex would be allowed. There is also a provision that allows for an increase in FAR to 0.70 if there is at least 2,000 square feet of lot area per dwelling unit, but this parcel is not large enough to accommodate that density while still meeting OSR and parking requirements. From a practical standpoint, the proposed four-plex would be at the maximum density that could be built on the site under the proposed zoning due to the site dimensions and development regulations.

Public Comments presented at the Plan Commission hearing indicate concern that the proposed rezoning could have a negative impact on the neighborhood. A few neighboring property owners stated that they had remodeled their homes, which had been used as multi-family or duplexes at one time, back into single-family homes. Another neighbor expressed concerns with a lack of privacy for those living adjacent to a relatively large building with many residents.

The Plan Commission discussion also focused on the implication of the rezoning for the greater neighborhood. Commissioners were concerned that rezoning this parcel might imply that multi-

family would be appropriate for the entire block. Commissioners felt that infill development near the downtown is important, but that this block was not the right place for multi-family uses.

### **The La Salle Criteria**

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

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

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

The surrounding properties are all zoned R-3 and developed with single and two-family residential uses. The property to the north contains two condominium units, which may be compatible with the proposed use of condominiums. North of that are two single-family rentals. To the west of the subject property is a single-family rental and a duplex. To the south is an owner-occupied single-family home, and beyond that are rentals and duplexes. To the east are single-family, owner-occupied homes, which may be incompatible with a four-plex.

If rezoned, the land use regulations would allow for a wider range of uses on the subject property, many of which are not compatible with the surrounding single-family and duplex uses. Apartments, boarding houses and dormitories would be allowed by right. Other public uses which require a special use permit in the R-3 district, such as churches, libraries, and museums would be allowed by right.

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 R-3, Single and Two-Family Residential and the value it would have if it were rezoned to R-4, Medium Density Multiple Family Residential.*

Under the current zoning, up to two dwelling units could be built. With the proposed rezoning, four condominium units are proposed to be built. The four condominium units would likely be valued higher than a duplex. Another factor is sewer availability. It is unknown if the property is currently served with sanitary sewer. If there is not a viable sewer lateral on the property, then the owner will have to extend a lateral to the interceptor under Vine Street. The cost of connecting would be high, and could make constructing a single-family home on the property economically unfeasible.

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

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public. (see No. 4 below)*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

*Questions 3 and 4 apply to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?*

The rezoning of the property should not jeopardize the health, safety, morals or general welfare of the public. Traffic levels should be the same for four two-bedroom townhouse units as for two four-bedroom units, which are currently allowed by right. Neighbors have expressed a concern that the proposed rezoning would impact the surrounding properties by allowing a higher density. At the public hearing, neighbors stated their concerns about the character of the neighborhood becomes less oriented toward single-family homes.

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.*

Fostering infill development is an important development goal for the City. The subject property at 708 S. Vine Street is a candidate for infill development because it is a vacant parcel located in the downtown area which can take advantage of mostly existing infrastructure. The question is whether the site is suitable for single-family/duplex development or small-scale multi-family residential. First, can a site which is a quarter acre in area conform to the development requirements for the R-4 district? City staff's preliminary zoning analysis for the development scenario submitted with the rezoning application shows that condominium four-plex could be constructed on the property while still meeting zoning and development regulations, including parking. In terms of traffic generation, a four-plex is generally well suited for minor arterial streets such as Vine Street. Additionally, the site may not be "development ready" for any use because it is possible that a sanitary sewer service line or a public sewer line would need to be extended to the property.

Another issue concerning suitability for a four-unit condominium or four unit apartment is that the development concept presented with the application would contain the same number of bedrooms allowed under current zoning. The existing R-3 development regulations would allow a duplex which could have a maximum of eight bedroom. The developer is also proposing eight bedrooms in four condominium units rather than eight bedrooms in two duplex units. However, the proposed rezoning would allow for a larger building with less open space.

On the other hand, the site's suitability for a four-plex residential use (either condominiums or apartments) is less favorable in terms of the existing land use patterns. In this case, the adjoining land uses are predominantly single-family homes and duplexes. The zoning pattern of the surrounding area is R-3 rather than R-4. Additionally, the Future Land Use designation in the

Comprehensive Plan does not show multi-family. Neighboring properties may experience less privacy with four adjacent households. Finally, it should be kept in mind that there is no guarantee that the proposed development plan would be constructed if the property were rezoned.

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.*

708 S Vine Street is a lot located near downtown which has remained vacant for 29 years. It seems apparent that some intrinsic or other factor has played a role in remaining undeveloped. A possible reason is the cost of extending sewer service to this lot for simply a single-family home or duplex. If this is the case, then the current zoning is a contributing factor to this lot having remained vacant.

## **Summary of Findings**

1. The property is currently zoned R-3, Single and Two-Family Residential, and has been vacant for 29 years.
2. The petitioner is requesting a rezoning from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple-Family Residential in order to construct four townhouse-style condominium units.
3. The proposed rezoning to R-4, Medium Density Multiple-Family Residential would not be fully consistent with the predominant R-3, single and two-family residential zoning and land uses in the area.
4. The 2005 Urbana Comprehensive Plan future land use map designates this property as Residential (Urban Pattern), which allows for a mix of residential uses including townhomes, but does not designate the area as multi-family.
5. The 2005 Urbana Comprehensive Plan has goals that encourage compatibility with current fabric of the neighborhood and promote infill development.
6. The proposed rezoning would allow for development at a higher density and more intense land uses on the site.
7. The proposed rezoning meets some but not all of the LaSalle Case criteria.

## Options

City Council has the following options regarding Plan Case 2101-M-09:

1. Approve the rezoning.
2. Deny the rezoning.

## Recommendation

In formulating a recommendation for the proposed zoning map amendment, Plan Commission and staff considered several factors. The proposed rezoning is supported by the following factors:

- The length of time the parcel has remained undeveloped;
- The promotion of infill development investment in the area;
- The location along a busy minor arterial street;
- The possible lack of sewer may make it difficult to develop the lot with a single-family home;
- The opportunity for affordable, owner-occupied housing instead of two rental four-bedroom units.

The proposed rezoning is not supported by the following factors:

- The zoning pattern of the surrounding area is R-3;
- The single-family character of the immediate area;
- The lack of multi-family designation in the Comprehensive Plan;
- The possibility that the proposed development would not be constructed as proposed;
- The possibility that other, more intense uses could be developed on the site.

At their March 26, 2009 meeting, the Urbana Plan Commission voted six ayes to zero nays to forward Plan Case 2101-M-09 to the Urbana City Council with a recommendation to **DENY** the proposed rezoning. Based on evidence presented at the public hearing, Staff concurs with the Plan Commission's recommendation.

Prepared by:

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Jeff Engstrom, Planner I

Attachments: Exhibit A: Location Map and Existing Land Use Map  
Exhibit B: Existing Zoning Map



Exhibit C: Future Land Use Map  
Exhibit D: Site Photos  
Exhibit E: R-3 Zoning Information Sheet  
Exhibit F: R-4 Zoning Information Sheet  
Exhibit G: Petition for Zoning Map Amendment  
Exhibit H: Proposed Site Plan and Rendering  
Exhibit I: Draft Minutes from the March 26, 2009 Plan Commission Meeting  
Exhibit J: Correspondence Regarding the Proposed Rezoning

cc: Chris Saunders  
Mojo Properties, LLC  
P.O. Box 171  
Savoy, IL 61874

Edwards Architects, LLC  
2416 E. Washington  
Suite C3  
Bloomington, IL 61704

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

(Rezoning of 708 South Vine Street from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple-Family District - Plan Case 2101-M-09)

WHEREAS, Mojo Properties has petitioned the City for a Zoning Map Amendment to rezone 708 South Vine Street from R-3, Single and Two-Family Residential Zoning District to R-4, Medium Density Multiple-Family District; and

WHEREAS, after due publication, the Urbana Plan Commission held a public hearing on March 26, 2009 concerning the petition filed in Plan Case No. 2101-M-09; and

WHEREAS, the requested rezoning is not fully consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with some but not all of the La Salle case criteria; and

WHEREAS, the requested rezoning to R-4, Medium Density Multiple-Family Residential Zoning District would be not be fully consistent with the predominant R-3, single and two-family residential zoning and land uses in the area; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to deny the rezoning request of the property herein described below from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple-Family District.

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

area from R-3, Single and Two-Family Residential Zoning District, to R-4, Medium Density Multiple-Family Zoning District.

LEGAL DESCRIPTION:

Beginning at the Northwest corner of Out Lot 7 of George G. Webber's Addition of Out Lots to the City of Urbana, running thence East on the North line of said Lot 166 feet, thence South 54 feet, thence West 166 feet, thence North 54 feet to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois.

AND

The North 10.00 feet of even width of the following described tract: Beginning at a point 65 feet North of the Southwest corner of Lot 7 of George C. Webber's Addition of Outlots to the City of Urbana, running thence East 166 feet, thence North 72 feet, thence West 166 feet, thence South 72 feet to the point of beginning, as per plat recorded in Plat Book "A" at page 108, in Champaign County, Illinois.

Parcel No.: 92-21-17-284-039

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 \_\_\_\_\_, 2009.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

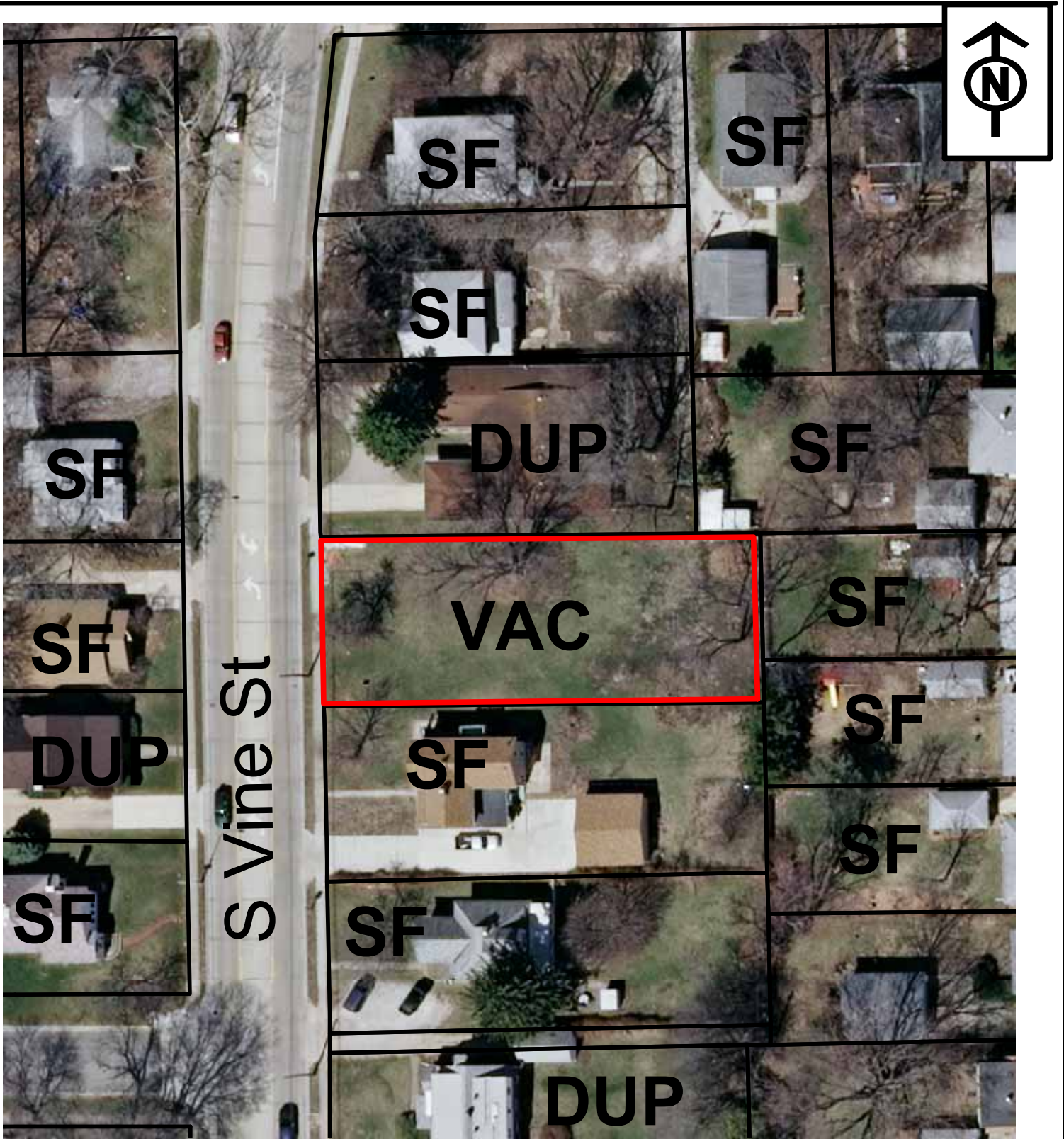
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_ day of June, 2008, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled: **"AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning 708 South Vine Street from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple-Family District - Plan Case 2101-M-09), 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 \_\_\_\_\_, 2009, 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 \_\_\_\_\_, 2009.

(SEAL)

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

# EXHIBIT A: Location and Existing Land Use Map



**Plan Case:** 2101-M-08

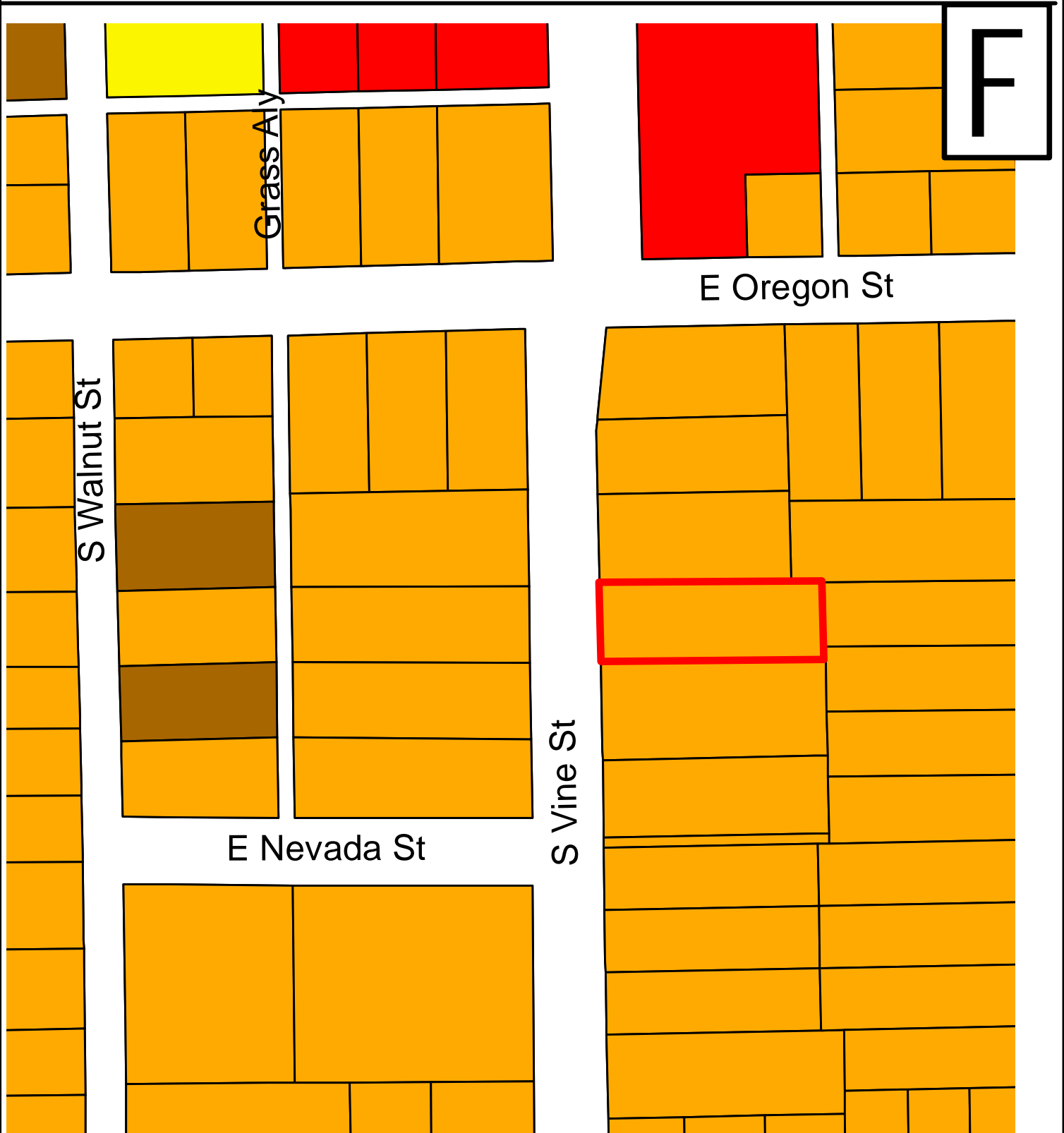
**Petitioner:** Mojo Properties, LLC

**Location:** 708 South Vine Street

**Description:** Request to rezone the subject property from R-3, Single and Two-Family Residential to R-4, Medium Density Multi-Family Residential

*Prepared 03/09 by Community Development Services - jme*

# EXHIBIT B: Existing Zoning Map



**Plan Case:** 2101-M-08

**Petitioner:** Mojo Properties, LLC

**Location:** 708 South Vine Street

**Description:** Request to rezone the subject property from R-3, Single and Two-Family Residential to R-4, Medium Density Multi-Family Residential

*Prepared 03/09 by Community Development Services - jme*

- R2
- R3
- R5
- B3



# EXHIBIT C: Future Land Use Map



**Plan Case:** 2101-M-08

**Petitioner:** Mojo Properties, LLC

**Location:** 708 South Vine Street

**Description:** Request to rezone the subject property from R-3, Single and Two-Family Residential to R-4, Medium Density Multi-Family Residential

*Prepared 03/09 by Community Development Services - jme*



**Exhibit D: Site Photos**



Figure 1. View of Vine Street frontage



Figure 2. Site details





Figure 3. Looking south along Vine Street



Figure 4. Looking north along Vine Street

309 663 7222

	<b>Petition for Zoning Map Amendment</b>	<b>Plan Commission</b>

**APPLICATION FEE - \$150.00**

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is 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. Location of Subject Site 708 S. V.oo St., Urbana
2. PIN # of Location 92-21-17-284-039
3. Name of Applicant/Petitioner(s) MOJO PROPERTIES LLC Phone 356 8750  
 Address P.O. Box 171 SANDY IL 61874  
(street/city) (state) (zip)

Property interest of Applicant(s) OWNER  
(owner, contract buyer, etc)

4. Name of Owner(s) MOJO PROPERTIES LLC Phone 356 8750  
 Address P.O. Box 171 SANDY IL 61874  
(street/city) (state) (zip)

If there are additional owners, please attach extra pages to the application.

5. Name of Professional Site Planner(s) NONE Phone \_\_\_\_\_  
 Address \_\_\_\_\_  
(street/city) (state) (zip)

6. Name of Architect(s) EDWARDS ARCHITECTS LLC Phone 309-663-7111  
 Address 2414 E. WASHINGTON Suite C3 Bloomington IL 61704  
(street/city) (state) (zip)



9. Present Comprehensive Plan Designation \_\_\_\_\_

10. How does this request conform to the Comprehensive Plan? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. What error in the existing Zoning Map would be corrected by the Proposed Amendment? \_\_\_\_\_

- NONE

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

RESPONSE TO ECONOMIC CONDITIONS, GRADUATE SCHOOL ENROLLMENT AND THIS HOUSING NEEDS ARE EXPECTED TO INCREASE OVER NEXT SEVERAL YEARS.

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

IS SUITABLE AS IT IS IN CLOSE PROXIMITY TO SCHOOL AND IS AN AGING NEIGHBORHOOD IN NEED OF A BOOST.

14. What other circumstances justify the zoning map amendment? By utilizing this site

FOR GRAD. STUDENT APARTMENTS (4-2 BR UNITS) A NEED IS BEING ADDRESSED W/O INCREASING THE POTENTIAL MAX. DENSITY (IE. DUPLEX W/ 4 BR UNITS).

15. Time schedule for development (if applicable) AS SOON AS POSSIBLE TO

ALLOW FOR CONSTRUCTION PRIOR TO FALL SEMESTER.

16. Additional exhibits submitted by the petitioner PROPOSED SITE PLAN &

ELEVATION DRAWINGS.



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2008R14425

RECORDED CN  
06/06/2008 10:56:41AM  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC FEE: 25.00  
RHSPS Fee: 10.00  
REV FEE: 1140.00  
PAGES 2  
PLAT ACT: 0  
PLAT PAGE:

**849125  
WARRANTY DEED**

THE GRANTORS, MARK A. FROBISH and SUE SAN G. FROBISH, husband and wife, of the City of Champaign, County of Champaign, State of Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, **CONVEY and WARRANT** to the **GRANTEE, MOJO PROPERTIES, L.L.C.**, of the County of Champaign and State of Illinois, the following described real estate:

~~**Tract 1:**  
Lots 30 and 31 of Forest Park Addition to Urbana, as per plat recorded in Plat Book "D" at page 116, in Champaign County, Illinois.  
**Commonly Known As:** 606 West Ohio, Urbana, IL  
PIN: 92-21-17-306-023~~

~~**Tract 2:**  
Lot 7 in First Addition to the City of Urbana as per Plat recorded in Plat Book "E" at Page 258, situated in Champaign County, Illinois.  
**Commonly Known As:** 802 S. Vine Street, Urbana, IL  
PIN: 92-21-17-284-009~~

\* **Tract 3:**  
Beginning at the Northwest corner of Out Lot 7 of George G. Webber's Addition of Out Lots to the City of Urbana, running thence East on the North line of said Lot 166 feet, thence South 54 feet, thence West 166 feet, thence North 54 feet to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois;  
**AND**  
The North 10.00 feet of even width of the following described tract:  
Beginning at a point 65 feet North of the Southwest corner of Lot 7 of George G. Webber's Addition of Outlots to the City of Urbana, running thence East 166 feet, thence North 72 feet, thence West 166 feet, and thence South 72 feet to the point of beginning, as per plat recorded in Plat Book "A" at page 108, in Champaign County, Illinois.  
**Commonly known as:** 708 S. Vine Street, Urbana, IL.  
PIN: 92-21-17-284-039

**MINUTES OF A RESCHEDULED MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** March 26, 2009

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

**PLACE:** Urbana City Building – Executive Conference Rooms A & B  
Second Floor  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Don White

**MEMBERS EXCUSED:** Bernadine Stake, Marilyn Upah-Bant

**STAFF PRESENT:** Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Anel, Planning Secretary

**OTHERS PRESENT:** Russell Arbuckle, Jeannie Covert, Christopher and Dolores Guest, SeoYeon Kim, Robert Lurvey, DJ and Jann Meyer, Gina Pagliuso, Chris Saunders, Mary Stevens, Chris Stohr, Nancy Westcott

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**COMMUNICATIONS**

Communications received for Plan Case No. 2101-M-09:

- Letter from Jeannie Covert and Gina Pagliuso
- Letter from Edward Durkin and Susan F. Lafferty
- Letter from Robert Lurvey
- Email from Sara Metheny
- Letter from Mary Grace Stevens
- Letter from DJ and Jann Meyer
- Email from Mary Stuart

**NEW PUBLIC HEARINGS**

**Plan Case No. 2101-M-09: A request by MOJO Properties, LLC to rezone 708 South Vine Street from R-3, Single and Two-Family Residential, to R-4, Medium Density Multiple Family Residential.**

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with a brief background and history of the proposed site. He noted that the lot has been vacant since 1980.



He described the proposed development and the surrounding adjacent areas by noting their current zoning and land uses as well as the future zoning designations shown in the 2005 Comprehensive Plan. He discussed the difference in the floor area ratio and open space ratio requirements for both the R-3 and the R-4 zoning districts. He reviewed the La Salle National Bank court case criteria and how it pertains to the proposed rezoning case. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

*Staff recommends that the Plan Commission forward Plan Case No. 2101-M-09 to the Urbana City Council with a recommendation for approval.*

Mr. White inquired as to whether the property has actually been "for sale" since 1980. Mr. Engstrom responded that he doesn't know did not do a title search on the property so he is unsure of how many owners there have been.

Mr. Hopkins commented that the proposed site is no different from any other parcel development regarding sanitary sewer connection. The only circumstance in which a lateral line would already exist is if this would a replacement building. Mr. Engstrom said that this is true; however, in the older areas of town there are generally lateral lines in place. Robert Myers, Planning Manager, stated that to the best of staff's knowledge there are two sewer lines under the street in this block. One is an Urbana-Champaign Sanitary District (UCSD) interceptor sewer line. Interceptor lines generally can't be tapped. The second line he believes is an 8-inch City line that has apparently collapsed about mid block. He noted that on the same side of the block as the proposed site, several homes are served by private sewer lines off the back that crosses neighboring properties. Mr. Hopkins said that these lines would be private lateral lines.

Chair Pollock asked if UCSD was responsible for bringing the line to the property line. Mr. Engstrom replied by that if the lateral line needs to be hooked up to the 8-inch line, then the property owner would be responsible for digging up the line to the street and hooking it up.

Chair Pollock wondered if the cost of digging up the line and connecting to the 8-inch sewer line would be the same for the proposed four two-bedroom townhouses as it would be for a duplex.

Mr. Hopkins asked if the 8-inch line has collapsed, then who would be responsible for it. Mr. Myers said he understands from the Public Works Director that it would be the City's responsibility to repair the sewer line itself but the property owner's responsibility to extend and connect a lateral line to it.

Mr. Fitch inquired as to whether the Public Works Department had an opinion about more traffic exiting onto Vine Street. Mr. Engstrom said that the Public Works Department was okay with the proposed development.

Mr. Fitch remarked that it appears on there was an alley that ends at Oregon Street. Does City staff know if the alley was ever vacated? Mr. Engstrom said he did not know.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input.



Chris Saunders, owner of the lot in question, mentioned that he purchased the property along with several other parcels. The previous owner did try to sell this particular parcel by itself for quite some time with no luck. He currently has had the property on the market for approximately three or four months now. He has not received any calls or been contacted by an interested party. He has it listed for \$45,000 as a duplex lot.

If he is unsuccessful at selling the property, his goal is to get the maximum use out of the property. He has no desire to build a single-family home on the proposed site, because it would be cost prohibitive to do so. If he develops the lot as a duplex, then he would construct two four-bedroom duplexes, which is the same number of bedrooms as what he is proposing to build if the proposed rezoning request is approved.

The proposed development would cost about \$500,000. It would be fairly upscale. The target market would be young professionals rather than students. However, if he builds two four-bedroom units, then he would probably target students, because he would need to fill the units with tenants. At this time, he is not sure if he would proceed with developing the site if the rezoning request is not approved.

Mr. Fitch asked if Mr. Saunders had considered a different building orientation. Mr. Saunders referred this question to his architect, Russ Arbuckle. Mr. Arbuckle replied that they tried laying the development out in a number of ways, but the proposed orientation is the only way they could get it to work. Other design orientations would not allow them to have the appropriate number of parking spaces that are required.

Mr. Fitch inquired whether the alley in the back of the property is usable or not. Mr. Arbuckle displayed a copy of the original plat. It does not show an alley.

D.J. Meyer, 801 South Vine Street, stated that he has a friend who lives in a house next to an apartment building similar to the proposed plan and his friend has no privacy. In looking at the proposed plans, he sympathizes with the neighbors who live next door to the proposed site. His other concern is that although there is a proposed plan included in the packet of information, there is no guarantee that this is what will be built on the lot. Chair Pollock pointed out that the question for the Plan Commission and the City Council is whether the higher density zoning would be appropriate for the proposed site. They need to take into consideration what can be built on the site if they approve the rezoning request.

Mr. Meyer expressed his concern about the value of his property going down because of all of the surrounding apartment buildings. Another apartment building could add to this demise.

Jann Meyer, 801 South Vine Street, mentioned that they have lived in the area for 19 years. Over this period, she noted that she saw a "For Sale" sign posted on the property for about two years. Therefore, it has not been up for sale for 20 years. If it was, then no one knew about it. She and her husband have spent a lot of time and money converting their home from an apartment back into a single-family home. She does not consider apartment buildings to be part of the neighborhood. She believes that if the proposed rezoning is approved, then it will create a domino effect.

Jeannie Covert, 806 South Vine Street, said that she bought her house about a year ago. They are currently remodeling the interior of their house. She converted her home from a two-unit rental property back into a single-family home. She has noticed that there is an effort to turn more homes back into single-family homes. She mentioned that she owns rental properties and takes pride in being a good landlord by providing a safe, quiet environment for her tenants. She has looked at the homes for sale, including the property in question, in the immediate area and sees the work that needs to be done to improve the value of the neighborhood. She sees enough homes already built that need improvement and she does not understand the logic to develop the vacant lot into an upscale development.

Gina Paliuso, 806 South Vine Street, expressed her concern about the traffic along Vine Street in front of the site and the neighborhood is all single-family residences except for the one duplex. The neighbors take pride in their properties.

Dr. Christopher Guest, 707 South Urbana Avenue, lives directly behind the proposed lot. He pointed out that the proposed parking lot would overlook his back yard. He is not too excited about this. He loves living in the City of Urbana. He loves walking down to the Farmer's Market every Saturday when the weather is nice. Urbana has a small town feel and has quality. He picked the neighborhood he lives in due to the quality of the neighborhood. He stated that there is a lot of neighbor friction about the proposed rezoning, because the petitioner is trying to pack four units into a lot that is designed for one or two units. It just does not work. He does not like the fact that the petitioner is using the excuse of it being too expensive to find and connect into the sewer line as a selling point on approving the rezoning request. He wants to keep the quality of the homes and of the people high in this particular area. By keeping it lighter residential density would help achieve this. A multi-unit building with medium density would affect the character of the neighborhood.

Chair Pollock inquired about the petition that Dr. Guest has. How many signatures are on the petition? Dr. Guest stated that there are 29 signatures on the petition of people living in the immediate area. Chair Pollock questioned how many of the homes adjacent to the proposed site are owner-occupied. Dr. Guest believes that all of the homes on parcels that abut the proposed site are owner-occupied. He went on to say that Urbana Avenue is not a busy street like Vine Street is. It is a lazy street because it does not hook up with anything else. Kids play in the street.

Nancy Westcott, 801 South Urbana Avenue, commented that Urbana Avenue is mostly single-family owner-occupied homes. The development of the duplex at 505 South Urbana Avenue gives her very little faith in redevelopment of vacant lots. The duplex was constructed from property line to property line with the garages adjacent to the street. It looks hideous next to the refurbished older home.

She fears that once there is a new apartment complex, when another property comes up for sale, then someone will buy it to redevelop it into an apartment complex. If the whole block becomes apartment complexes, then it will destroy the character of Urbana Avenue. It currently is a very quiet street. She is afraid that the character of the neighborhood will change dramatically.

Mary Stevens, 804 South Vine Street, mentioned that she has lived here since 1947. The neighborhood has always been a one-family residential neighborhood. College students living in the area does not appeal to her. The house to the north of her is a rental property now and she dreads summer coming, because the rental property is not kept up. She is against the proposed duplex development.

Robert Lurvey, 710 South Vine Street, pointed out that he lives immediately south of the proposed site. He rents out the downstairs of his home while he and his mother live in the upstairs. The property to the north of the proposed site was former owner-occupied condominiums. The owners have graduated from the University of Illinois and moved on. Hopefully, the next owners will be graduate students as well. He spoke with Mr. Saunders and believes that he operates in good faith. His concern is not with Mr. Saunder's project, but with using zoning as a blunt instrument. The sewer issue is hypothetical. No one knows what is happening with the sewer. To base a zoning decision on this reason would be improper. The LaSalle National Bank criteria only addresses the value of the proposed property and not that of the surrounding properties and the extent to which property values would be diminished. The development of 708 South Vine Street would definitely improve its own property value, but it may be hit or miss as to whether it would increase or decrease the value of his property of that of the property on the north side. He expressed concern about the notification process. Notification of this public hearing was sent to the owners of the property on the north side to that address and not to the owners mailing address, which is different.

Mr. Lurvey described the neighborhood as being duplexes to the south, single-family homes to west and commercial to the far north. If the City wants people to keep refurbishing the older homes, then they need to have a balance. If they keep allowing multi-family units to be built, then the balance will be shifted and the density goes higher and higher.

Mr. Meyer re-approached the Plan Commission to ask a question. He stated that there previously was a home on the proposed lot. Does anyone know whether the home was connected or not to the sewer system? Mr. Myers responded that City staff reviewed their records and had record of when the house was demolished. But their files don't show whether or not a sewer lateral was capped off or abandoned or if there was a septic tank.

Chair Pollock pointed out that regardless of who develops the lot, whether it is the current owner or someone who may buy and develop it in the future, there will have to be a sewer connection made. How does one go about finding if there is already a sewer line? Mr. Engstrom replied that the owner will have to dig where he thinks it might be until he finds it or discovers that there is no line.

Chris Stohr, of 405 East High Street, stated that he worked with the City of Urbana for a long time to preserve single-family homes in the Historic East Urbana Neighborhood Area. It is always discouraging to hear that someone wants to tear down an old house and replace it with an apartment building. Stretching the footprint of a building to the very limits of what is legally allowed and changing the way parking is for an apartment does a lot to bring down the value of the property. It discourages people from spending money on maintaining their own homes. These are some of the most valuable assets that people in this area have. He knows from experience, because he lives next door to an apartment that was built on a owner-occupied

single-family lot. So, he hopes that the Plan Commission will listen to the neighbors and residents in the area.

Mr. Saunders re-approached the Plan Commission to speak. He thanked everyone for voicing their concerns. He reiterated that the property is for sale, and he would love to find a buyer for it. His concern is that he would not be requesting a rezoning if he wasn't asking to be able to develop a nicer project. He does not need permission to build a duplex. He can have eight bedrooms either way. However, what he is proposing to build is a lot nicer than a duplex. If he builds a duplex, it will be scaled down. He is not going to build a single-family home on the lot.

Chair Pollock asked if a duplex is constructed, wouldn't another option be for Mr. Saunders to construct a two-unit duplex? Mr. Saunders stated that is correct. He currently manages 706 South Vine Street which is a condo duplex.

Chair Pollock wondered if there would be a difference in terms of repaying the cost of the building between four two-bedroom units and two four-bedroom units. Mr. Saunders answered that there would be a difference in the tenant makeup. It would probably cost the same amount to build each one. The proposed vacant lot is currently costing him about \$400 a month to maintain (property taxes, mowing, etc.). This is not the type of property that he looks to purchase and to develop. However, the property was included with a group of properties that he purchased. He now owns the property and he would like to do something with it. It does not serve the neighborhood by sitting empty. The Urbana Park District is not going to buy it from him for a neighborhood park.

Mr. Grosser questioned if the proposed rezoning is not approved, will Mr. Saunders do something with the property? Mr. Saunders said that he could sit on the property for a long time but would rather not do so. There is a cost involved in keeping a property empty. It is bringing in no income and costing him money. If he develops, he would develop it as a duplex. It would not be as nice as the four-plex he wants to build. It would be a scaled down vinyl structure. Many people have commented that if the rezoning is approved, then he might construct some monstrous building. That is not true. There are a lot of limitations on what he could build in the R-4 Zoning District.

Mr. White commented he assumed it would cost a little more to build condos. Mr. Saunders said that the proposed project would be a \$500,000 project. The four units would not be an income producer, and they would be something that he would sell off as owner-occupied housing to young couples, graduate students, etc.

Jeannie Covert re-approached the Plan Commission. She mentioned that they looked up MOJO Properties and found some properties that they manage. The properties are in despair and not well maintained. There is a garbage dumpster on the sidewalk on one of the properties with concrete all the way across the front of it.

Dr. Guest re-approached the Plan Commission. He recalled Mr. Saunders saying that if the proposed rezoning is not approved, then he will build lower quality duplexes. Chair Pollock explained that Mr. Saunders will still have to meet city building code requirements and fire

safety requirements. Mr. White added that a developer uses different materials when constructing a building that they plan to sell versus a building that they plan to rent.

Mr. Stohr re-approached the Plan Commission. He recommended that when looking for the sewer line connection, they use extreme caution because if an uncapped sewer line was not taken care of properly, it could create a very big mess for the neighborhood.

With no further questions or comments, Chair Pollock closed the public input portion of the hearing. He then opened it up for Plan Commission discussion and/or motion(s).

Mr. Myers asked Dr. Guest if he planned on submitting his petition to the City this evening. He pointed out that in order to be a valid zoning protest, it would need to be submitted to the City Clerk's office and have the right number of signatures of adjoining property owners. Doing so would require a super majority vote of the City Council in order to pass the rezoning request.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2101-M-09 to the City Council with a recommendation for denial. Mr. Grosser seconded the motion. Discussion and comments on the motion followed.

Mr. Hopkins believes that the end question is how change will migrate. When he looks at the zoning map and he sees what is happening as was expressed by the neighborhood at this meeting, a change to higher density is not migrating in this area now. If the proposed rezoning is approved, then the City would be making a statement that this block should change to higher density. It seems clear to him that the City does not want to make this statement.

Mr. White agrees with Mr. Hopkins, but the neighborhood has an opportunity for higher class owner-occupied condos or for duplexes that would probably not be owner-occupied. He doubts if anyone would build a single-family home on the proposed lot. Therefore, he is in favor of changing the zoning.

Ms. Burris stated that she is opposed to the rezoning request because she sees it as spot zoning. If the proposed rezoning is approved, then it will increase the likelihood that the properties to the left and to the right will change as well. If the block becomes multi-family residential, then it would take so much away from the character of the neighborhood.

Mr. Fitch said it is a close call for him. The balance is to preserve the character of the neighborhood while promoting infill development. It is a difficult thing to do. There is a lot to like about the proposal of condominiums in the neighborhood. He believes there is a place for this type of development but just not on this particular lot. North of Green Street would be ideal because it is already zoned R-4 and is located near downtown Urbana. It would be more beneficial there.

Mr. Grosser feels sympathetic to the neighbors' concerns. Regardless, he did not feel there is a compelling case to change the zoning regardless of who the developer is or what might be built on the proposed lot. It sounds like development is going to happen either way, so he does not feel that changing the zoning is necessary to allow for development of the lot.

Chair Pollock thanked the neighborhood for attending the meeting and voicing their concerns. The 2005 Comprehensive Plan that guides the Plan Commission's decision making is unclear about what type of residential the proposed lot should be. He believes that there is a place for this type of development, and he does not feel that the proposed lot is that place. By denying the proposed rezoning, they are not putting an unfair financial burden on the developer. Therefore, he supports the motion.

Mr. Fitch understood this is business. It is not a charity. The proposed vacant property is costing Mr. Saunders money. If Mr. Saunders should decide to build a duplex, he recommended that Mr. Saunders talk over his plans with City staff so that he can build something nice.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that this case would be forwarded to the City Council on April 6, 2009.