



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: January 17, 2013

SUBJECT: A request by Howard Wakeland to rezone 11 parcels from R-2, Single-Family Residential Zoning District, to B-2, Neighborhood Business Arterial Zoning District. (Plan Case 2195-M-12)

Introduction and Background

Howard Wakeland has submitted an application to rezone a block of properties bounded by Hill Street to the north, Lincoln Avenue to the east, and Church Street to the south from R-2, Single-Family Residential Zoning District, to B-2, Neighborhood Business -- Arterial Zoning District. The block is comprised of 11 parcels, located at 906, 908, and 910 W Church Street; 701, 703, 705, and 707 N Lincoln Avenue; and 903, 905, 907, and 909 W Hill Street. Seven of the lots contain single-family houses and four lots are vacant. The 11 parcels total approximately 1.82 acres.

Section XI-7.A of the Urbana Zoning Ordinance allows an application to be submitted by the owner of more than 50% of the property involved. The applicant owns 9 of the 11 parcels in the application, which constitute more than 50% of the property involved. 703 North Lincoln Avenue and 903 West Hill Street are single-family homes which are not owned by the applicant. County records indicate 903 West Hill is owner-occupied. The owners of these properties have received notices of the proposed rezoning.

The Urbana Plan Commission held a public hearing regarding this application on December 20, 2012 (minutes attached). The applicant was the only member of the public to speak at the public hearing. Following the public hearing, the Plan Commission recommended that the City Council approve B-2 zoning for the subject properties by a vote of five ayes to zero nays.

Related Plan Cases

Earlier this year, the applicant submitted an application to rezone the subject properties from R-2, Single-Family Residential, to B-3U, General Business – University District. On October 18 and November 8, 2012, the Urbana Plan Commission held a public hearing regarding the proposed rezoning and recommended that the City Council approve B-2, Neighborhood Business – Arterial District, rather than B-3U zoning. Minutes from that public hearing are attached as Exhibit F. For procedural reasons, the applicant withdrew his application for B-3U zoning prior to City Council action and expressed an interest in reapplying for B-2 zoning.

In May 2008, the applicant submitted a similar rezoning application (Plan Case 2068-M-08) involving nine of the eleven properties that are part of the current application. At that time, he owned eight of the nine properties in the rezoning request. The Plan Commission held a public hearing on May 22, 2008. The petition was withdrawn by the applicant subsequent to the public hearing. The applicant indicates that since this date, he has contacted the remaining property owners in the block numerous times to discuss potential purchase or agreement to rezone and has purchased one additional lot. He has been unsuccessful with the other two properties. The applicant has also been in discussion with a potential user should the property be rezoned.

In 2012, the City of Urbana rezoned the property to the south from IN (Industrial) to IN-1 (Light Industrial/Office) in Plan Case 2167-M-12.

Adjacent Land Uses, Zoning, and Comprehensive Plan Designations

The subject properties front on Church and Hill Streets and Lincoln Avenue. All of the 11 properties included in the application are currently zoned R-2, Single-Family Residential. Directly north of the subject properties on Lincoln Avenue, zoned B-1, Neighborhood Business, is a commercial building with a Family Video store, and a medical supply and office use. The block further north contains an apartment building and a vacant nursing home. Directly south of the subject properties is an Illinois American Water Co. water treatment plant zoned Light Industrial/Office. There are single-family homes directly across Lincoln Avenue from the subject property, and across Lincoln Avenue from the water treatment plant is the western edge of the Carle Hospital campus.

Following is a summary of zoning, existing land uses and Comprehensive Plan future land use designations for the subject site and surrounding property. Exhibits A, B and C further illustrate this.

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	R-2, Single-Family Residential	Single-family homes Vacant lots	Community Business
North	B-1, Neighborhood Business R-2, Single-Family Residential	Family Video & Medical Supply Office Single-family homes	Community Business
South	IN-1, Light Industrial	Undeveloped lot owned by Illinois American Water	Community Business
East	R-2, Single-Family Residential MIC, Medical Institutional Campus	Single-family homes Carle Hospital Campus	Residential Institutional
West	R-2, Single-Family Residential	Single-family homes	Residential

Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the subject site as well as the surrounding property as “Community Business.” The Comprehensive Plan defines “Community Business” as follows:

Community Business centers are designed to serve the overall community as well as the immediate neighborhood but are less intense than regional commercial centers. Located along principal arterial routes or at major intersections. Community Business centers contain a variety of business and service uses at scales and intensities that make them generally compatible with surrounding neighborhoods. Encourage planned-unit developments to create a variety of uses, and to transition intensities to adjoining neighborhoods. Design facilities to permit pedestrian, bicycle, and transit access as well as automobile traffic.

Future Land Use Map No. 3 of the 2005 Comprehensive Plan includes the following notation for the properties on the west side of the Lincoln Avenue corridor between University Avenue and King Park: “Promote community business that can serve University population and immediate neighborhood.”

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

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

18.1 Plan for new growth and development to be contiguous to existing development where possible in order to avoid “leapfrog” developments.

Goal 17.0 Minimize incompatible land uses.

Objectives

17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 18.0 Promote infill development.

Objectives

18.2 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 25.0 Create additional commercial area to strengthen the city’s tax base and service base.

Objectives

25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.

25.4 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

Discussion

The existing R-2, Single-Family Residential zoning is intended to provide areas for single-family detached dwellings at a low density. The subject properties were platted in 1947 (as J. Templeton’s Subdivision and Marshall’s Addition) and developed with single-family homes. Four of the eleven lots are now vacant. The petitioner is proposing to rezone the subject property to B-2, Neighborhood Business – Arterial District. According to the Urbana Zoning Ordinance, the B-2 Zoning District is intended to “provide areas of limited size along arterial streets in close proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also

intended to provide for areas for new high density residential uses. These business and residential uses may occur in the same structure.”

To minimize the impact of commercial development on adjacent residential uses, the Urbana Zoning Ordinance requires screening or a buffer area between properties zoned R-2 and B2 per Section VI-6. In addition, Section VIII-3 requires screening of off-street parking which directly adjoins a residential zoning district or use. Specifically, development of property zoned B-2, and which adjoins residential uses, would require installation of a solid wood or masonry fence at least six feet high along a side yard, and a landscape buffer along a rear yard.

The B-2 (Neighborhood Business – Arterial) would be consistent with the Comprehensive Plan designation for the area. B-2 zoning permits single-family residences by right and would thus allow any properties that are not redeveloped to remain as is or to undergo improvements as single-family homes. The following table outlines the development regulations and purposes for the B-2 district. In addition, Zoning Description Sheets that outline permitted uses in both the R-2 and B-2 districts can be found in Exhibit D.

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum FAR	Minimum OSR	Required Yards (In Feet) ¹		
						Front	Side	Rear
B-2	6,000	60	35³	1.50⁴	0.15	15	10	15
<p>The B-2 Zoning District is intended to provide areas of limited size along arterial streets in close proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide for areas for new high density residential uses. These business and residential uses may occur in the same structure.</p>								

As indicated by the development regulations, the B-2 Zoning District would allow for higher intensity development than what is currently in the area. The N. Lincoln Avenue corridor, from University Avenue north to Hill Street, is a transition area. A mixed-use, office/retail development was constructed at the southwest corner of Lincoln and University Avenues a few years ago that acts as a “gateway” to the University campus. In addition, Carle Hospital is currently constructing a new Heart and Vascular Center on the west side of their campus. An expansion of their emergency room is planned for the future.

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 existing zoning is compatible with the single-family residential neighborhood to the east of the subject lots. However, the surrounding properties contain a mix of land uses and zoning. The property to the north is zoned B-1, Neighborhood Business and is used for commercial purposes. Illinois American Water Company is located to the south and is zoned IN-1, Light Industrial/Office. There are single-family homes that are zoned R-2, Single-Family Residential to the west and across Lincoln Avenue to the east. The residential properties directly east of the subject properties are owned by Carle Hospital and shown in the City's Development Agreement with Carle and in the City's Crystal Lake Area Plan as a potential future expansion area for the hospital. If future Development Agreement and Zoning Map amendments are made in conformance with these plans, the subject properties would be located across Lincoln Avenue from a medical institutional campus.

The subject block fronts on Lincoln Avenue, which is a Minor Arterial street. For arterials, closely spaced driveways are undesirable from a traffic and traffic safety perspective. Single-family driveways backing out onto a busy street are undesirable and can be hazardous.

With the new mixed-use retail/office building at the southwest corner of Lincoln and University Avenues and the intensification of the Carle Hospital Campus, this portion of Lincoln Avenue is redeveloping into a higher intensity commercial and institutional corridor, providing for development opportunities particularly along the west side. The proposed zoning is compatible with this shift and with the designation of the development patterns in the 2005 Urbana Comprehensive Plan. Rezoning the properties to B-2 would create a zoning transition between an industrial property and a single-family neighborhood. On the other hand, the rezoning would allow development at a higher intensity than currently permitted, which may present a conflict with the two properties not owned by the petitioner, if they are to remain single-family residences.

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-2, Single-Family Residential and the value it would have if it were rezoned to B-2, Neighborhood Business Arterial.

Under the current zoning, the subject properties are essentially limited to use as single-family dwellings at a low density. The proposed rezoning to B-2 would permit single-family residences by right, so the existing homes would not become non-conforming. The petitioner states that the proposed zoning change will allow the subject properties to be developed to enhance and support the expansion of the Carle Campus Plan, the proposed development of the medical corridor, and the proposed development at University and Lincoln Avenues that will serve as an entrance to the University of Illinois. In addition, the petitioner states that the proposed rezoning is consistent with the upgrading of area properties and more intensive use of property in the area that is becoming increasingly more business oriented. The proposed rezoning would allow the petitioner to redevelop the site for a broader range of uses and at a higher intensity. Therefore, the property values of the subject properties should logically increase. It is also likely that the two residential properties that are included in this application but are not owned by the petitioner would increase in value as commercial property, but could decrease in value as single family residences.

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.*

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

The proposed rezoning would allow for a wider mix of uses at a higher density on the site. Allowing for a mix of both residential and commercial uses could allow development of the subject properties to transition or step down uses toward the single-family uses to the west on Hill Street Court. For instance, multi-family structures could be situated on the western portion of the subject properties to serve as a buffer from proposed commercial uses. It should be noted that if the subject properties are rezoned to B-2, the area could be developed with any of the uses permitted and at an intensity allowed under the B-2 Zoning District. Currently, three of the subject properties have residential driveways which require backing out directly onto Lincoln Avenue, an arterial street near a high traffic count intersection, which is hazardous.

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 subject properties are located along Lincoln Avenue. Lincoln Avenue is a major north-south corridor in Urbana and serves as an important route from I-74 to the University of Illinois. The site is also located in close proximity to the University-Lincoln Avenue intersection where more intensive land uses are promoted by existing zoning and land uses, and by the designated future land use of the area in the Comprehensive Plan. Redevelopment is currently occurring in the area that is intensifying the existing uses. In light of this redevelopment pattern, development of the subject properties to a higher intensity seems appropriate. In addition, redeveloping the subject properties might allow for future access from Church and/or Hill Streets, thereby eliminating the need for residential driveways which require backing out directly onto Lincoln Avenue. However, this development could negatively impact any remaining single family residential properties on the block.

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.

There are four vacant lots among the subject properties which seem unlikely to be developed under the current single-family residential zoning.

Summary of Findings

1. The City of Urbana received a petition to amend the Urbana Zoning Map for the subject properties from R-2, Single-Family Residential to B-2, Neighborhood Business – Arterial District.
2. The Plan Commission held a public hearing regarding the petition on December 20, 2012 following which they voted five ayes and zero nays to recommend that the City Council approve B-2 zoning for the subject properties.
3. The subject properties are generally located in the 700 block of N. Lincoln Avenue, west of N. Lincoln Avenue between Hill Street and Church Street. There are eleven properties in this block. The petitioner owns nine of the eleven properties.
4. The 2005 Urbana Comprehensive Plan future land use map designates the future land use of these properties as “Community Business,” which is consistent with the B-2, Neighborhood Business – Arterial zoning district.
5. The proposed rezoning would generally conform to the LaSalle Criteria.
6. The subject properties are appropriate for commercial zoning due to their location on Lincoln Avenue, a north-south arterial that is a major gateway to the University of Illinois campus.
7. The B-2 zoning district has development standards and allowable uses that are appropriate adjacent to a single-family residential neighborhood.
8. The proposed rezoning to B-2, Neighborhood Business – Arterial would continue to allow for single-family homes to be permitted by right.

Options

The City Council has the following options regarding Plan Case 2185-M-12:

1. APPROVE B-2, Neighborhood Business – Arterial zoning for the subject properties; or
2. DENY the rezoning application.

Recommendation

At their December 20, 2012 meeting, the Urbana Plan Commission voted 5 ayes to 0 nays to forward Plan Case No. 2195-M-12 to the Urbana City Council with a recommendation for **APPROVAL** of B-2, Neighborhood Business – Arterial zoning. Staff concurs with this recommendation.

Prepared by

Rebecca Bird, AICP
Planner II

Attachments: Draft Ordinance
 Exhibit A: Location and Existing Land Use Map
 Exhibit B: Existing Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Zoning Description Sheets
 Exhibit E: Petition for Zoning Map Amendment
 Exhibit F: Minutes from the October 18 & November 8, 2012 Plan Commission Hearing
 Minutes from the December 20, 2012 Plan Commission Hearing

CC: Howard Wakeland
 Steven Wegman, Illinois American Water Co, steven.wegman@amwater.com
 Keon Conerly, 703 N Lincoln Ave
 Judy Conerly, 502 GH Baker Dr
 Viola Bradley, 903 W Hill St

ORDINANCE NO. 2013-01-004

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

(Rezoning of 11 parcels comprising 1.82 acres located south of Hill Street and west of Lincoln Avenue from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District - Plan Case 2195-M-12 / Howard Wakeland)

WHEREAS, Howard Wakeland has petitioned the City for a Zoning Map Amendment to rezone 11 parcels comprising 1.82 acres, and generally located south of Hill Street and west of Lincoln Avenue from R-2, Single-Family Residential Zoning District, to B-2, Neighborhood Business - Arterial Zoning District; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on December 20, 2012 concerning the petition filed in Plan Case No. 2195-M-12; and

WHEREAS, the 2005 Urbana Comprehensive Plan future land use map designates the future land use of these properties as "Community Business," which is consistent with the B-2, Neighborhood Business - Arterial zoning district; and

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

WHEREAS, the subject properties are appropriate for commercial zoning due to their location on Lincoln Avenue, a north-south arterial that is a major gateway to the University of Illinois campus; and

WHEREAS, the proposed rezoning to B-2, Neighborhood Business - Arterial would continue to allow for single-family homes to be permitted by right; and

WHEREAS, the Urbana Plan Commission voted 5 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation of approval of the request to rezone the property herein described below from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District; 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 Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described properties from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District.

The subject properties are more accurately described as follows:

LEGAL DESCRIPTION:

A part of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows;

Lots 1 through 5 inclusive of "Justus D. Templeton Subdivision of Part of the South Half, of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois", as shown on a plat recorded January 20, 1947 in Plat Book "G" at page 104 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Except the easterly 7.00 feet of even width of said Lots 1 and 2.

Commonly known as: 906, 908, and 910 W. Church Street and 701 and 703 N. Lincoln Avenue, being Permanent Identification Numbers: 91-21-07-429-018, 91-21-07-429-019, 91-21-07-429-020, 91-21-07-429-021 and 91-21-07-429-022.

And;

Lots 1 through 5 inclusive of "Marshall's 1st Addition, City of Urbana, Illinois", as shown on a plat recorded December 3, 1947 in Plat Book "G" at page 173 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Except the easterly 7.00 feet of even width of said Lot 1.

Commonly known as: 707 N. Lincoln Avenue and 903, 905, 907 and 909 W. Hill Street, being Permanent Identification Numbers: 91-21-07-429-012, 91-21-07-429-013, 91-21-07-429-014, 91-21-07-429-015 and 91-21-07-429-016.

And;

Commencing at a point 140 feet North of the Southeast corner of the North Half of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, running thence North 66 feet; thence West 20 rods, thence South 66 feet; thence East 20 rods to the Place of Beginning, situated in the City of Urbana, in Champaign County, Illinois.

Except the easterly 40.00 feet of even width thereof.

Commonly known as: 705 N. Lincoln Avenue, being Permanent Identification Number: 91-21-07-429-017.

Containing 1.82 acres, more or less, all situated in the City of Urbana, Champaign County, 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 _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

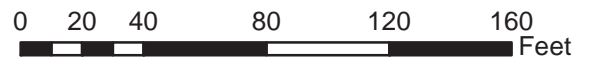
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: "**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of 11 parcels comprising 1.82 acres located south of Hill Street and west of Lincoln Avenue from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District - Plan Case 2195-M-12 / Howard Wakeland), 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 _____, _____, 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 _____, _____.

(SEAL)

Phyllis D. Clark, City Clerk

Property Ownership Map



Case: 2195-M-12
 Subject: Application to rezone properties from R1 to B2
 Location: 906, 908, 910 W Church Street; 701, 703, 705, 707 N Lincoln Avenue; and 903, 905, 907, 909 W Hill Street
 Petitioner: Howard Wakeland



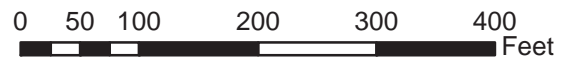
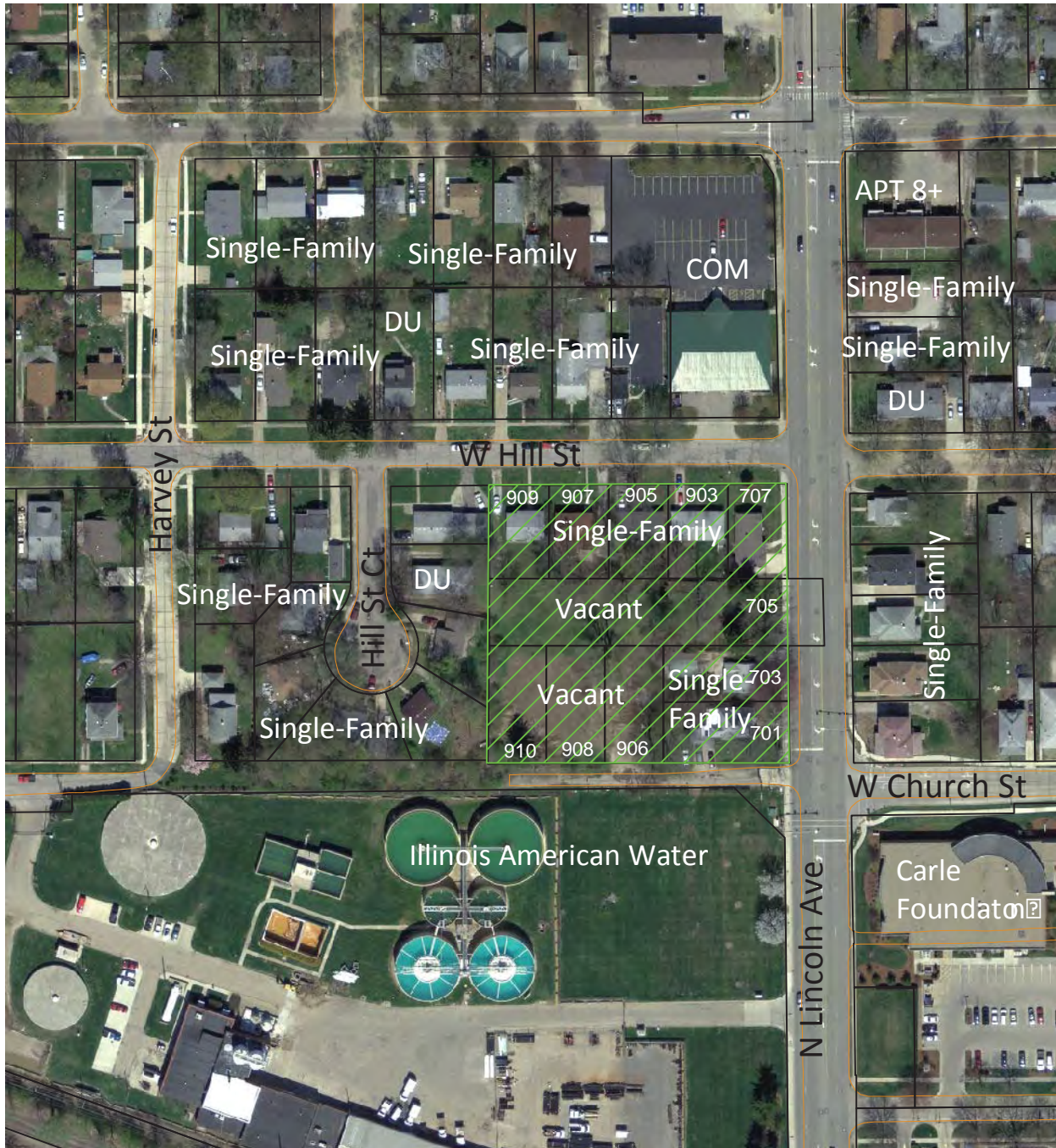
-  Wakeland Properties
-  Other

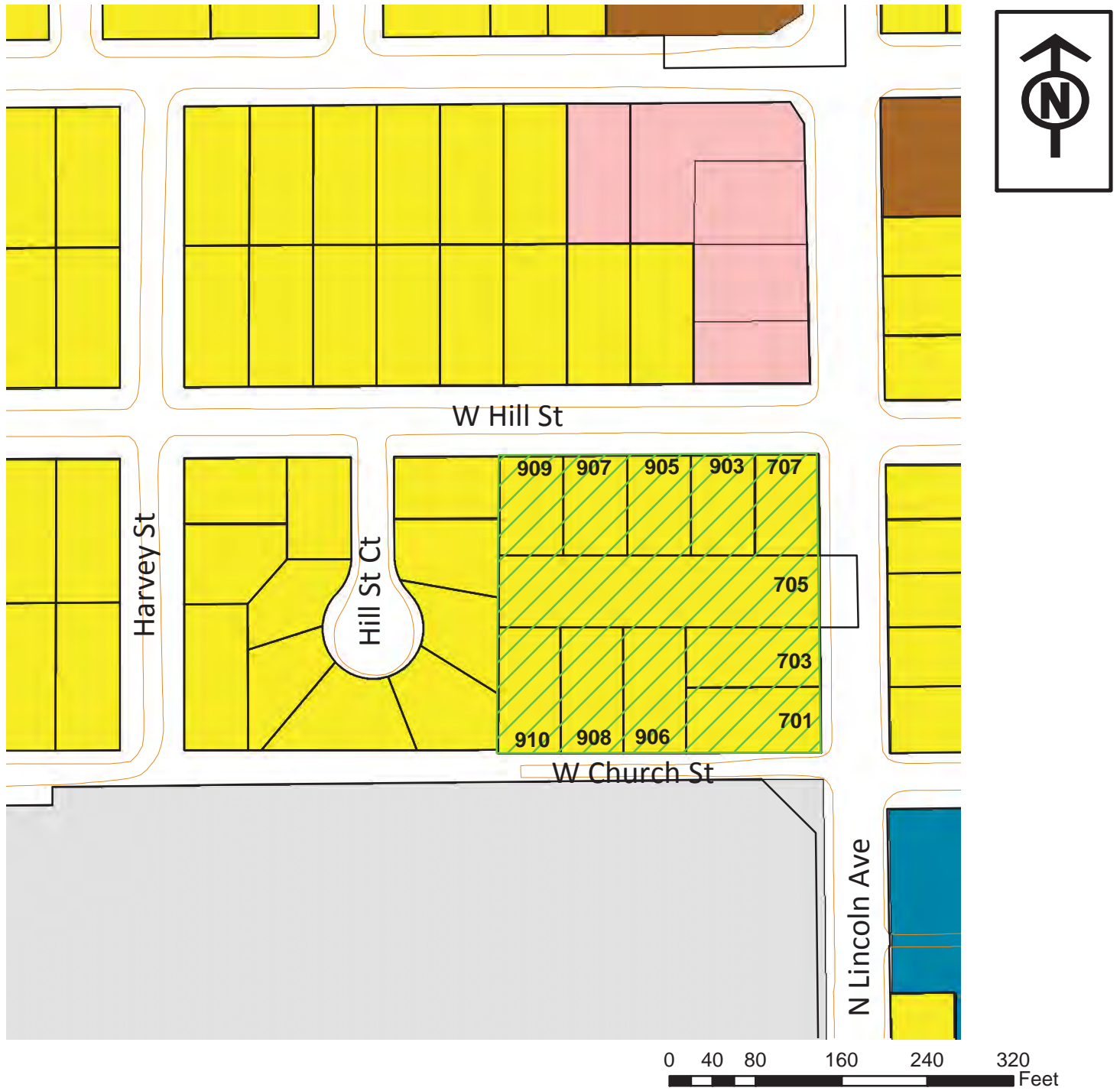
Exhibit A: Location & Existing Land Use Map



Case: 2195-M-12
 Subject: Application to rezone properties from R1 to B2
 Location: 906, 908, 910 W Church Street; 701, 703, 705, 707 N Lincoln Avenue; and 903, 905, 907, 909 W Hill Street
 Petitioner: Howard Wakeland

 Subject Properties

Exhibit B: Existing Zoning Map



Case: 2195-M-12
 Subject: Application to rezone properties from R1 to B2
 Location: 906, 908, 910 W Church Street; 701, 703, 705, 707 N Lincoln Avenue; and 903, 905, 907, 909 W Hill Street
 Petitioner: Howard Wakeland
 Prepared 11/27/2012 by Community Development Services - rlb






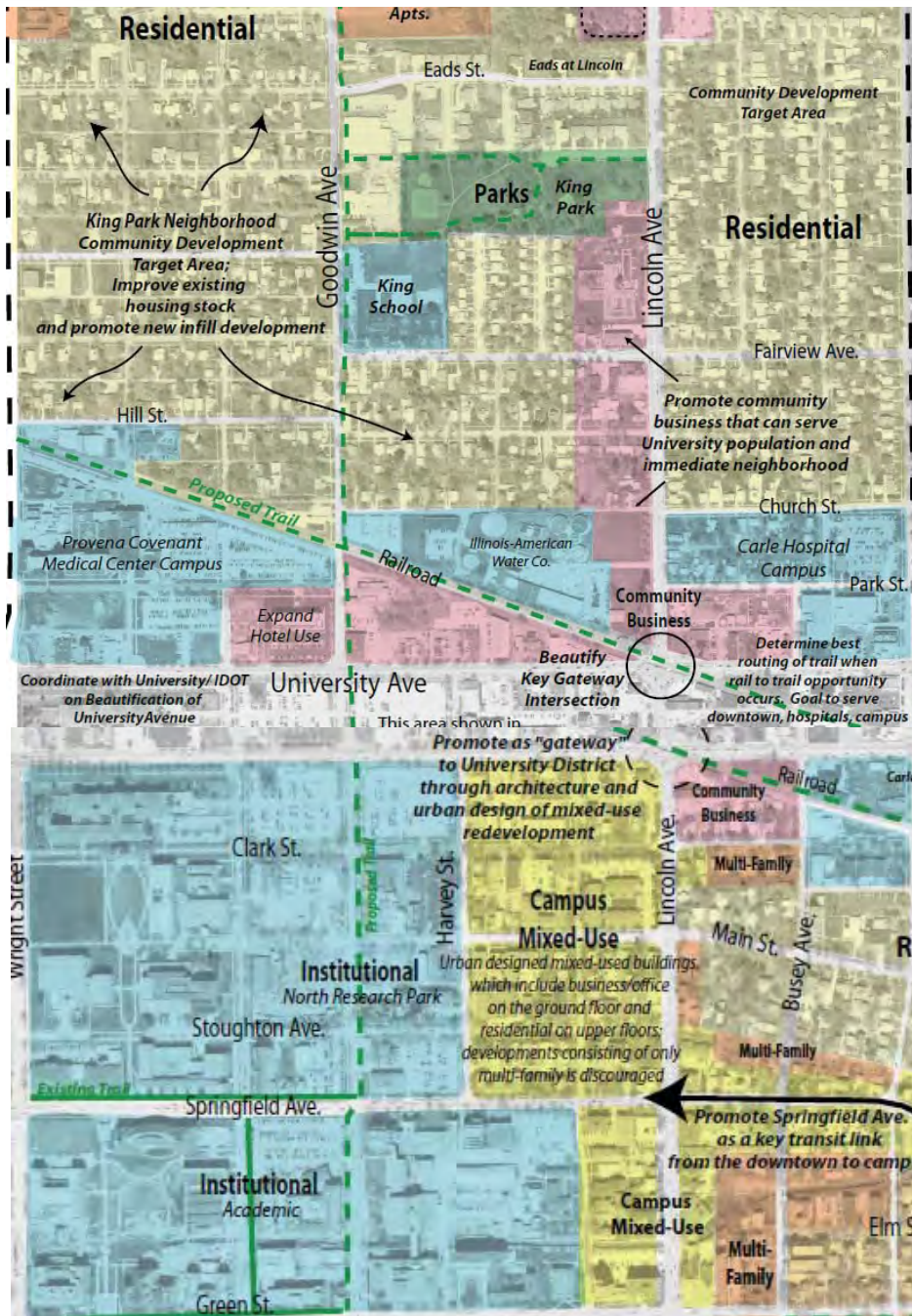
- Subject Properties**
-  R2
 -  R5
 -  B1
 -  MIC
 -  IN-1

Exhibit C: Future Land Use Map



Source: Future Land Use Maps #3 & #8, 2005 Urbana Comprehensive Plan



Case: 2195-M-12
 Subject: Application to rezone properties from R1 to B2
 Location: 906, 908, 910 W Church Street; 701, 703, 705, 707 N Lincoln Avenue; and 903, 905, 907, 909 W Hill Street
 Petitioner: Howard Wakeland

Prepared 11/27/2012 by Community Development Services - rlb



R-2 – SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

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

"The R-2, *Single-Family Residential District* is intended to provide areas for single-family detached dwellings at a low density, on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two-family dwellings."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the R-2 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Agriculture, Cropping

Business - Recreation

Country Club or Golf Course

Public and Quasi-Public

Elementary, Junior High School or Senior High School
Park

Residential

Dwelling, Community Living Facility, Category I
Dwelling, Single Family
Dwelling, Single Family (*Extended Occupancy*)

SPECIAL USES:

Public and Quasi-Public

Church, Temple or Mosque
Electrical Substation
Institution of an Educational or Charitable Nature
Library, Museum or Gallery

PLANNED UNIT DEVELOPMENT USES:

Residential

Residential Planned Unit Development

CONDITIONAL USES:

Agriculture

Artificial Lake of One (1) or More Acres

Business – Miscellaneous

Day Care Facility (*Non-Home Based*)

Business - Recreation

Lodge or Private Club

Public and Quasi-Public

Municipal or Government Building

Residential

Bed and Breakfast, Owner Occupied
Dwelling, Community Living Facility, Category II
Dwelling, Duplex
Dwelling, Duplex (*Extended Occupancy*)
Dwelling, Two-Unit Common-Lot-Line

DEVELOPMENT REGULATIONS IN THE R-2 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
R-2	6,000¹³	60¹³	35¹⁷	0.40	0.40	15⁹	5	10

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

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

Footnote¹³ – In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.

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

For more information on zoning in the City of Urbana call or visit:

City of Urbana

Community Development Services Department

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone / (217) 384-2367 fax

www.urbanaininois.us



B-2 – NEIGHBORHOOD BUSINESS-ARTERIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

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

"The *B-2, Neighborhood Business-Arterial District* is intended to provide areas of limited size along arterial streets in proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide areas for new high density residential uses. These businesses and residential uses may occur in the same structure. Due to the location of arterial streets in many residential neighborhoods where commercial and high density residential uses would not be appropriate, the B-2 District shall be limited to only those areas that have been so designated in the City's adopted Comprehensive Plan and related amendments."

PLEASE NOTE: In order to promote a desired mix of business and residential uses in the district, Section V-7-A requires that there be a combination of such uses on a particular zoning lot under the following circumstances:

"In the B-2 District, if the floor area of a principal structure is to be occupied by a residential use of more than three thousand (3,000) square feet, a business use shall also be established on the zoning lot. When a business use is required, the floor area devoted to the business use shall be equal to or greater than twenty-five percent (25%) of the total floor area that is occupied by the residential use on the zoning lot. When a business use is required, the use shall conform to the list of uses permitted in the B-2 District as designated in Table V-1."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-2 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Garden Shop

Business - Food Sales and Service

Bakery (*Less than 2,500 square feet*)

Café or Deli

Confectionery Store

Convenience Store

Meat and Fish Market

Restaurant

Supermarket or Grocery Store

Business - Miscellaneous

Mail-order Business –

(*10,000 square feet of gross floor area or less*)

Business - Personal Services

Barber/ Beauty Shop

Dry Cleaning or Laundry Establishment

Health Club/ Fitness

Laundry and/or Dry Cleaning Pickup

Massage Therapist

Mortuary

Pet Care/ Grooming

Self-Service Laundry

Shoe Repair Shop

Tailor and Pressing Shop

Business – Professional and Financial Services

Bank, Savings and Loan Association

Check Cashing Service

Copy and Printing Service

Packaging/ Mailing Service

Professional and Business Office

PERMITTED USES CONTINUED:

Business - Retail Trade

Appliance Sales and Service
Art and Craft Store and/or Studio
Bicycle Sales and Service
Clothing Store
Drugstore
Electronic Sales and Service
Florist
Hardware Store
Heating, Ventilating, Air Conditioning Sales and Service
Jewelry Store
Music Store
Pet Store
Photographic Studio and Equipment Sales and Service
Shoe Store
Sporting Goods
Stationery, Gifts or Art Supplies
Tobacconist
Variety Store
Video Store

Public and Quasi-Public

Church, Temple or Mosque
Institution of an Educational or Charitable Nature
Library, Museum or Gallery
Municipal or Government Building
Park
Police or Fire Station
Principal Use Parking Garage or Lot

Residential

Bed and Breakfast Inn
Bed and Breakfast, Owner Occupied
Boarding or Rooming House
Dormitory
Dwelling, Community Living Facility, Category I, Category II and Category III
Dwelling, Duplex
Dwelling, Duplex (*Extended Occupancy*)
Dwelling, Home for Adjustment
Dwelling, Loft
Dwelling, Multifamily
Dwelling, Single Family
Dwelling, Single Family (*Extended Occupancy*)
Dwelling, Two-Unit Common-Lot-Line
Home for the Aged
Nursing Home

SPECIAL USES:

Public and Quasi-Public

Utility Provider

Business - Miscellaneous

Shopping Center - Convenience

PLANNED UNIT DEVELOPMENT:

Business - Miscellaneous

Commercial Planned Unit Development
Mixed-Use Planned Unit Development

CONDITIONAL USES:

Agriculture

Plant Nursery or Greenhouse

Business – Food Sales and Services

Fast-Food Restaurant
Liquor Store

Business– Miscellaneous

Day Care Facility (*Non-Home Based*)
Radio or TV Studio

Business – Recreation

Lodge or Private Club
Theater, Outdoor

Business – Transportation

Taxi Service

Business – Vehicular Sales and Services

Automobile Accessories (*New*)
Gasoline Station

Industrial

Bookbinding
Confectionery Products Manufacturing and Packaging
Motion Picture Production Studio

Public and Quasi-Public

Electrical Substation

Residential

Dwelling, Multiple-Unit Common-Lot-Line

DEVELOPMENT REGULATIONS IN THE B-2 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
B-2	6,000	60	35³	1.50⁴	0.15	15	10	15

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

Footnote³ – In the AG, CRE, B-1, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.G.3 and Section VI-5.H.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings. However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

Footnote⁴ – See Section V-7.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the B-2 Zoning District.

For more information on zoning in the City of Urbana call or visit:

City of Urbana

Community Development Services Department

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone / (217) 384-2367 fax

www.urbanaininois.us



Application for Zoning Map Amendment

Plan Commission

APPLICATION FEE - \$175.00

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 11-21-2012 Plan Case No. 2195-M-12
Fee Paid - Check No. N/A Amount WAIVED Date N/A

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): HOWARD WAKELAND Phone: 217-369-8606 CELL
217-367-8606 HOME
Address (street/city/state/zip code): 1811 A AMBER, URBANA, IL 61802
Email Address: HOWARD@ADVPROPERTIES.COM
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

2. OWNER INFORMATION

Name of Owner(s): ADVANTAGE PROPERTIES, LLC Phone: 217-344-0394
Address (street/city/state/zip code): 406 N LINCOLN, SUITE B, URBANA, IL 61801
Email Address: ADVPROPERTIES.COM
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: LINCOLN HILL AND LINCOLN CHURCH
PIN # of Location: 91-21-08-429-012 THROUGH-022
Lot Size: 309' X 299'
Current Zoning Designation: R1
Proposed Zoning Designation: ~~B2~~ B2
Current Land Use (vacant, residence, grocery, factory, etc): VACANT & RESIDENCE
Proposed Land Use: COMMERCIAL

Present Comprehensive Plan Designation:

How does this request conform to the Comprehensive Plan? CP HAS SHOWN DIFFERENT USE IN RECENT VERSIONS

Legal Description: LOTS 91-21-08-429-012 THRU 022 IN
TEMPLETON ADDITION TO CITY OF URBANA, CHAMPAIGN
COUNTY, ILLINOIS.

4. CONSULTANT INFORMATION

Name of Architect(s): NONE SELECTED YET Phone:

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

Email Address:

Name of Engineers(s): HOWARD WAKELAND Phone:

Address (street/city/state/zip code): 1811 A AMBER, URBANA, IL 61802

Email Address: HOWARD@AWUPROPERTIES

Name of Surveyor(s): Phone:

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

Email Address:

Name of Professional Site Planner(s): NONE Phone:

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

Email Address:

Name of Attorney(s): JENNY PARK Phone:

Address (street/city/state/zip code): MEYER CAPEL
306 W CITRUS, CHAMPAIGN, IL 61826

Email Address: WWW.MEYERCAPEL.COM.

5. REASONS FOR MAP AMENDMENT:

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

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

BUSINESS CHANGE IN THIS SECTION OF CITY

OTHER ZONING CHANGES ALSO PROPOSED IN THIS SECTION OF CITY

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

LOCATION OF MEDICAL & BUSINESS CHANGES

What other circumstances justify the zoning map amendment? HIGHER LEVEL OF USE

Time schedule for development (if applicable). LONG TERM

Additional exhibits submitted by the petitioner. _____

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

~~Howard Z. Weisland~~
Applicant's Signature Howard Z. Weisland

~~6/20/12~~ 11/21/12
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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

REQUEST FOR REZONING OF THE TEMPLETON ADDITION
TO THE CITY OF URBANA

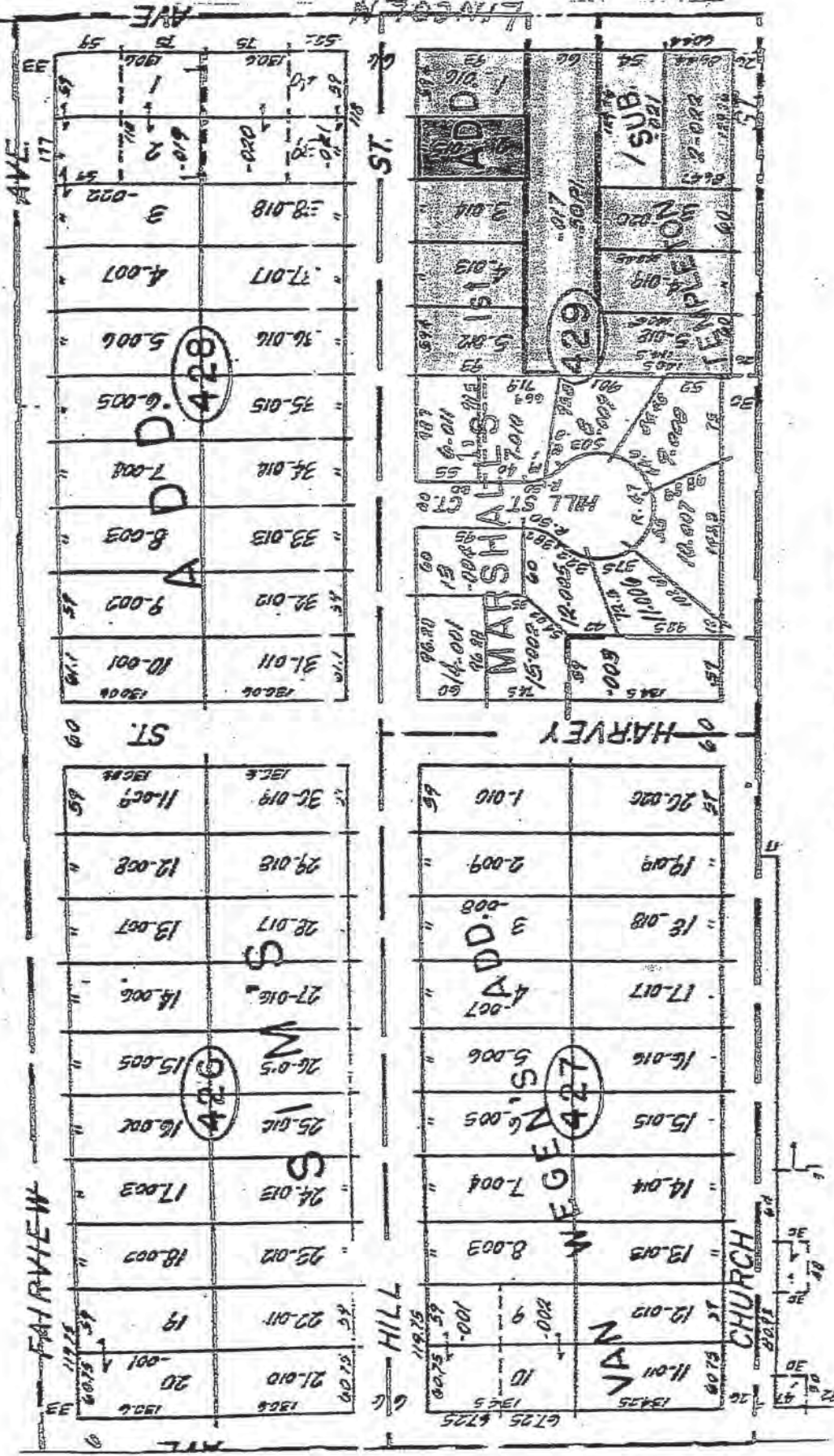
This is a new request for zoning of an area which we proposed for rezoning several years ago (2008) and the city Planner (Lisa Karcher) recommended Approval then. We discontinued the request on the suggestion of the Plan Commission Chairman in the hope of maintaining a strong harmonious relationship with the city at that time. We have documentation of that action if the City needs it.

Advantage Properties, LLC owned by the Wakeland Family owns eight of the ten property parcels and 84% of the square footage in the Templeton Addition to Urbana. Of the other two lots one is owned by Viola Bradley who earlier had agreed to sell to us but has put off the sale because of personal problems. In a recent discussion she indicated continued support for rezoning.

This area of the city is continuing to have major changes. Carle foundation is in the process of completing a 10 story hospital addition. A new building has been built on the south west corner of University and Lincoln. We have built five new student service or apartment buildings within 2 blocks of University and Lincoln. Trammel Crow attempted to build a large new student residence near University and Lincoln but experienced finance problems. We turned down a Hotel Project on the south east corner of Lincoln and University because we anticipated a dip in US economy. There continues to be interest. We are now in negotiation with a potential development on the property being proposed for rezoning.

The Templeton Addition is recommended for Community Business to serve University population in the Comprehensive Plan. Attached is a copy of the Map used in our 2008 rezoning request.

21-7D



● WAKELAND PROPERTIES

○ OTHER PROPERTIES

PROPERTIES INCLUDED IN THE REQUEST FOR ZONING CHANGE
 IN THE 700 BLOCK OF NORTH LINCOLN, URBANA KNOWN AS THE
 TEMPLETON SUBDIVISION ADDITION TO THE CITY OF URBANA

ZONING REQUEST SUBMITTED BY HOWARD WAKELAND

CITY ADDRESS	PROPERTY DESCRIPTION	SIZE	OWNER
910 W. CHURCH	91-21-08-429-018	60 X 140.4	H. WAKELAND 1811 A AMBER, U
908 W. CHURCH	91-21-08-429-019	60 X 140.4	H. WAKELAND 1811 A AMBER, U
906 W. CHURCH	91-21-08-429-020	60 X 140.4	H. WAKELAND 1811 A AMBER, U
701 N. LINCOLN	91-21-08-429-022	86.4 X 129.2	H. WAKELAND 1811 A AMBER, U
705 N. LINCOLN	91-21-08-429-017	66 X 309.3	H WAKELAND 1811 A AMBER, U
707 N. LINCOLN	91-21-08-429-016	59.4 X 93	H. WAKELAND 1811 A AMBER, U
903 W. HILL	91-21-08-429-015 Sales contract being prepared V Bradley to Wakeland	59.4 X 93	VIOLA BRADLEY 903 W HILL, U
905 W. HILL	91-21-08-429-014	59.4 x 93	H. WAKELAND 1811 A AMBER, U
907 W. HILL	91-21-08-429-013	59.4 X 93	H. WAKELAND 1811 A AMBER, U
909 W.HILL	91-21-08-429-012	59.4 X 93	H. WAKELAND 18 11 A AMBER, U PURCHASE CONTRACT
703 N LINCOLN	91-21-08-429-021	54 x 129.2	JUDY CONERLY 502 E G H BAKER DR, U

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: October 18, 2012

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins, Marilyn Upah-Bant

MEMBERS EXCUSED: None

STAFF PRESENT: Rebecca Bird, Planner II; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Sam Cebular, Judy Conerly, Keon Conerly, Cate Tambeaux, Susan Taylor, Howard Wakeland

7. NEW PUBLIC HEARINGS

Plan Case No. 2185-M-12: A request by Howard Wakeland on behalf of Advantage Properties, LLC to rezone 11 parcels totaling approximately 1.82 acres located at 906, 908 and 910 West Church Street; 701, 703, 705 and 707 North Lincoln Avenue; and 903, 905, 907 and 909 West Hill Street from R-2, Single-Family Residential Zoning District, to B-3U, General Business University Zoning District.

Rebecca Bird, Planner II, presented this case to the Plan Commission. She provided a brief background on the application noting that the petitioner owns nine of the eleven parcels. She mentioned a previous rezoning application proposed in May of 2008 to rezone the nine properties owned by the petitioner, which was withdrawn by the petitioner after being reviewed by the Urbana Plan Commission. She reviewed the zoning, current land use and future land use of the subject lots as well as that for the adjacent properties. She explained how “Community Business” is defined in the 2005 Urbana Comprehensive Plan.

Ms. Bird stated that notification letters were mailed to the property owners and residents of the two parcels under consideration for rezoning but not owned by the applicant. She noted that while she has not heard from the property owner of 903 West Hill Street, the property owner of

703 North Lincoln Avenue was in the audience and may be available to answer any questions that the Plan Commission may have.

She discussed the development regulations of the B-2 and B-3U Zoning Districts pointing out the differences between the two. She reviewed the La Salle National Bank criteria that pertain to the proposed rezoning request. She read the options of the Plan Commission and presented City staff's recommendation.

Ms. Bird stated that she would answer questions from the Plan Commission. Questions were as follows:

Does the Plan Commission have the option to recommend approval of rezoning part of the block? Ms. Bird replied yes.

It appears in the original case that the petitioner was in the process of purchasing one of the properties. Did the petitioner finally purchase that property? Ms. Bird explained that the original rezoning request did not include the property that was in the process of being sold to the petitioner. The petitioner has since then acquired that property, and it is included in the proposed rezoning. It is not one of the two properties in the current proposal that the petitioner does not own.

Were the properties to the north, which are currently zoned B-1, Neighborhood Business, formerly zoned R-2, Single-Family Residential? Ms. Bird imagined that they were formerly zoned R-2 because originally the whole area was platted for single-family houses. The zoning of 805 North Lincoln Avenue as B-1 is consistent with the Urbana Comprehensive Plan.

How do Goals 15 and 17 of the Urbana Comprehensive Plan pertain to the proposed rezoning? The proposed rezoning would be contiguous; however, the two properties that will remain single-family housing creates a "snaggled-tooth" plot of land with regards to redevelopment potential and will result in incompatibility in the block. Ms. Bird explained that as the Comprehensive Plan identifies this part of Lincoln Avenue as a commercial corridor, the proposed rezoning would support this goal.

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

Howard Wakeland, petitioner, talked about the previous rezoning proposal. He stated that he chose to take the advice of the City to withdraw his proposal and wait. In the last four years since that time, he has been improving or building on other properties that he owns, thus increasing the tax base for the City. He is requesting the proposed rezoning to provide for his children and their families future. He is not about pushing people into zoning that they do not like; however, he believes that if the City approves a zoning district that would provide up zoning from its current zoning designation, then every property will increase in value. He has never tried to push the property owners of the other two parcels to sell their lots to him. He talked about the subject lots that he owns and how he cleaned them up by removing trash trees, by demolishing two and a half houses, and by remodeling four houses on the block. He talked

about possible development of the subject parcels. He feels that the City of Urbana needs more upscale housing.

Chair Pollock stated that the Plan Commission recommended denial to the City Council of the previous rezoning request four years ago. He also clarified that they never made a deal or talked on the phone regarding the previous proposal. He does not speak to anyone outside of the Plan Commission and outside of the City Council Chambers regarding any plan case. He went on to say that Mr. Wakeland appears to think that others perceive him as not being a good landlord or that he does not build good quality apartment buildings. Mr. Pollock stated that nothing could be further from the truth. Everyone realizes the quality of the work that Mr. Wakeland does and what he brings to Urbana.

Mr. Fitch wondered if Mr. Wakeland was still thinking of moving an apartment house and his office onto the proposed site. Mr. Wakeland stated that it is a possibility.

Ms. Stake wondered what the justification would be for allowing a B-3U Zoning District, which permits taverns, liquor stores and night clubs, next door to a residential area. Mr. Wakeland responded that the tax rolls need these properties to be up zoned. If the City is not willing to up zone properties to allow for development, then the City will lose out. He owned a block of properties bordered by Harvey Street, Goodwin Avenue, University Avenue and Clark Street. As a result of not being able to get it rezoned to a designation that would allow him to develop the properties, he sold them to the University of Illinois. Now, the City loses out on tax money from not only property taxes, but from what could have been developed there.

Chair Pollock commented that most of the uses Mr. Wakeland mentioned as possible development uses for the proposed sites would be allowed in the B-2 Zoning District. Has he considered rezoning to B-2 rather than to B-3U? Mr. Wakeland stated that he did not believe that the B-2 Zoning District would allow a mixed-use development. Jeff Engstrom, Planner II, stated that for a development with more than one principle use on one zoning lot, a conditional use permit would be required from the Zoning Board of Appeals in the B-2 Zoning District. Mr. Wakeland stated that if this is a possibility, then he would not be so negative to rezoning the subject parcels to B-2. Ms. Bird added that the Plan Commission could rezone the eleven properties individually, in groups or in its entirety.

Keon Conerly, of 703 North Lincoln Avenue, stated that he respects Mr. Wakeland as a business man. Mr. Wakeland has helped beautify the area by remodeling the houses that he owns in the proposed area. Mr. Conerly stated that his home at 703 North Lincoln Avenue has been a part of his family for generations. His house is not about money for him and his family. His family has received many communications from Mr. Wakeland with offers to purchase the property. They have received several letters, phone calls and home visits from Mr. Wakeland as well as Mr. Wakeland visiting him at work. He and his family have always responded saying that they are not willing to sell their home and should they decide at some point to sell their home, then they would put it up on the market. Mr. Conerly expressed concern in that Mr. Wakeland is not sure what he wants to develop on the properties he owns. There are many uses permitted in the B-3U Zoning District that are not desirable to him to have located next door to where he lives.

Chair Pollock asked if Mr. Conerly's major concern is what could be built on the properties adjacent to his home rather than the specific rezoning of his property at 703 North Lincoln Avenue. Mr. Conerly said yes, that is correct.

Susan Taylor, of 606 West Michigan Avenue, talked about the history of University Avenue serving as the divider line between the African-American community and the University of Illinois. She talked about the future Campus Circle development that was recently approved by the Plan Commission and the City Council. She commented that the City is not looking out for the whole of the Urbana community.

Mr. Wakeland re-approached the Plan Commission. Although he tried not to push or force the property owners to sell to him, he did let them know that he was interested in purchasing their properties. You have to let people know that you are interested if you want to buy it.

With no further input from the audience, Chair Pollock opened the meeting for any additional questions for City staff.

Has City staff considered public safety issues in terms of access points to the proposed sites? Ms. Bird answered that City staff would need to see specific development plans showing access to the lots. With no plans for development, there is no idea of how they might develop the lots. There is a signalized intersection just north of the proposed lots so it would be easier to access east-west. Mr. Engstrom added that the Functional Classification Map in the Comprehensive Plan shows Lincoln Avenue as a minor arterial. It is the City's policy to not allow any new curb cuts or driveways off of minor arterial streets. Therefore, any new development would have to be accessed off of Hill Street or Church Street.

If future access would be along Hill Street and the property is zoned B-3U, then the additional traffic would impact the residents who live along Hill Street? Mr. Engstrom said yes, that is correct.

Would it be possible for the Plan Commission to rezone part of the proposed lots to allow the petitioner some ability to develop the sites? Ms. Bird said yes, it is in the purview of the Plan Commission to rezone part of the proposed sites.

With no further questions for City staff, Chair Pollock opened the hearing for Plan Commission discussion and/or motion(s).

Discussion ensued about the B-3U Zoning District and other alternatives for rezoning. It seemed to be the consensus of the Plan Commission members that the B-3U Zoning District is not appropriate for the proposed area because of the unlimited height regulation, the 4.0 Floor Area Ratio (FAR) and the additional categories of permitted uses that are less desirable being located near residential areas. Some members felt that rezoning all or part of the proposed area to B-1 or B-2 would be appropriate while other members felt that any rezoning to a business district would have a negative impact on the two properties in the proposed block to be rezoned as well as on the residential properties to the north across Hill Street and to the west on Hill Court. Any increase in traffic or noise that results from business uses of any nature would have an impact on

the neighboring residential areas. It is not so much about business as it is about residential preservation.

On the other hand, if the zoning does not change, then it will remain a blank area of land. If it was viable to retain single-family housing then it would be there. The area has changed from its original intent of single-family housing. When the existing residential homes become in disrepair and need to be demolished, then there will be an empty block.

The mixing of business uses into residential neighborhoods in East Urbana along Main Street has worked well. Not every residential neighborhood should have business incorporated into it; however, the Comprehensive Plan shows the proposed area as being Community Business. The neighborhood to the west on Hill Court already is adjacent to the Water Company, which is zoned IN-1, Light Industrial/Office.

The Plan Commission then discussed which properties might best be rezoned to a business district. There were many ideas of how to divide the lots into groups of what to rezone and what to leave as residential. There was no consensus reached on any one idea.

Ms. Tompkins moved that the Plan Commission continue Plan Case No. 2185-M-12 to the next regular meeting. This will allow City staff time to talk with the petitioner about some of the various options that the Plan Commission has mentioned. The motion was seconded. The case was then continued by unanimous voice vote.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: November 8, 2012

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins, Marilyn Upah-Bant

MEMBERS EXCUSED: Dannie Otto, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Edward Anderson, Judy Conerly, Bruce Hunter, Carol McKusick, Robert Riedon, Susan Taylor, Howard Wakeland

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2185-M-12: A request by Howard Wakeland on behalf of Advantage Properties, LLC to rezone 11 parcels totaling approximately 1.82 acres located at 906, 908 and 910 West Church Street; 701, 703, 705 and 707 North Lincoln Avenue; and 903, 905, 907 and 909 West Hill Street from R-2, Single-Family Residential Zoning District, to B-3U, General Business University Zoning District.

Robert Myers, Planning Manager, stated that he would be addressing the Plan Commission's request to compare rezoning B-3U and other business zoning districts, as well as rezoning a portion but not all of the area. presented a list of things for the Plan Commission to consider. He spoke on the following points.

- One of the strongest points favoring rezoning is that the 2005 Comprehensive Plan designates the future land use of the entire block as "Community Business".
- The Crystal Lake Neighborhood Plan (Figure 13) recognizes the block on the east side of Lincoln Ave., between Church and Hill Streets, as a long-term expansion area for the Carle Hospital campus. This would be located directly across Lincoln Avenue from the block in question.
- The existing R-2, Single Family Residential Zoning of the block directly adjoins IN-1, Light Industrial/Office Zoning District to the south. The proposed rezoning could provide

a transition between the water company to the south and the single-family residential area to the north and northwest.

- Lincoln Avenue is a minor arterial street both in terms of how it functions and future designation in the Comprehensive Plan. Multiple driveway access of single-family homes onto arterial streets interrupts the flow of traffic and can create traffic hazards, especially when cars back out of driveways onto arterial streets.
- Nine of the eleven properties proposing to be rezoned are owned by the applicant, so there is an opportunity for potential reuse or redevelopment of the block that otherwise would not be possible.
- Single-family residential use is permitted by right in both the B-2, Neighborhood Business-Arterial, and in the B-3U, General Business-University Zoning Districts. Therefore, the existing homes would not become non-conforming uses if the City approves the proposed rezoning.
- Although the City has the ability to rezone all or a portion of the proposed properties, there would be no benefit or protection to the two owner occupied homes not owned by the applicant. In fact rezoning most of the block to a business zone and leaving those two homes zoned single-family residential would likely be a disservice to those properties in the long run.

An argument could be made that rezoning is not yet “ripe” in that two owner occupied homes remain in the block not owned by the applicant. Mr. Myers keeps going back to the Comprehensive Plan’s future land use recommendation for this block as “community business” and how the Plan defines that. Mr. Myers reviewed the uses allowed and the development standards of the B-2 and the B-3U Zoning Districts. He asked the Plan Commission to use this information as part of their consideration.

Chair Pollock opened the hearing for questions from the Plan Commission for City staff. The questions were as follows:

Does the Comprehensive Plan Future Land Use Map express a priority of business over residential? Does the Plan envision these homes being gone someday? Mr. Myers answered that the Comprehensive Plan Future Land Use Map shows “Community Business”. That would mean that single-family homes would eventually be replaced by businesses.

Is the Comprehensive Plan a guide or is it a mandate? Mr. Myers explained that the Comprehensive Plan is an official policy guide. The City should take the plan seriously in terms of land use decision making. However, it does not strictly dictate the outcomes. Chair Pollock added that it is a guide. If the Plan Commission chooses in a rezoning or an official act of the City to not follow it, then there are some possible liabilities.

Has City staff considered saving the area for residential use? Mr. Myers stated that the Plan Commission and City Council can deny the rezoning request if they prefer to save the area for residential use.

The Plan Commission discussed how large of a building could be developed on the proposed lots. Considering that the total area is 1.82 acres, if the properties are zoned B-2 with a maximum Floor Area Ratio (FAR) of 1.50, then there could be a 105,000 square foot building with a maximum height of 35 feet constructed on the properties. If the properties are zoned B-

3U with a maximum FAR of 4.00, then there could be a 280,000 square foot building with no height limit.

Was the existing layout of Urbana a result of City plans? Mr. Myers said yes and no. Many areas of the City pre-date the City's first Comprehensive Plan, which was created in the 1950's. And some areas predate adoption of the Subdivision Ordinance.

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

Howard Wakeland, petitioner, clarified that his previous statements may have misled City staff into thinking that he would be willing to rezone the proposed 11 properties to B-2 instead of B-3U. He clarified that he still wants the properties to be rezoned to B-3U. He could live with B-2 zoning and make it work, but he wants to stick with his original application. He spoke about his history with purchasing and developing properties in Urbana. He mentioned that his children were born, educated, raised and now in business in the City of Urbana. They expect to continue to be this type of family.

He mentioned that he owned a block of properties located east of the Beckman Center. He could not get the City to rezone the properties, so he sold them to the University of Illinois. Those properties were once viable in bringing tax money to the City of Urbana. The City needs to increase its tax base, and this rezoning would allow development which would increase the City's tax base. The City's B-3U Zoning District is a great district to develop in because it allows a developer to be creative and flexible on what they build. He expressed his desire to rezone the proposed 11 lots to B-3U to be able to turn a run-down area into something that will bring the City more tax revenue. Mr. Wakeland reviewed the uses allowed in the B-3U Zoning District that would be compatible with the neighborhood. He mentioned that fast-food restaurant, lawn care and landscaping service, radio and TV studio, ambulance service, and medical carrier service are uses not allowed in the B-2 Zoning District; however, they are allowed in the B-3U Zoning District and would be compatible with the neighborhood. He mentioned that there is a new traffic light installed at the intersection of Church Street and Lincoln Avenue. This will provide access the south side of the proposed area.

He referred to a handout of his distributed to the Plan Commission, and that the Plan Commission recommended approval of B-3U the last time he applied. Chair Pollock clarified that in 2008, the Plan Commission recommended to the City Council denial of rezoning the proposed area to the B-3U Zoning District, and that Mr. Wakeland then withdrew the case prior to the City Council's review and decision.

Mr. Wakeland commented that whatever zoning that the City allows over what it is currently zoned will benefit the two parcels that he does not own on the block. The winner or loser in this case in the long run is the City of Urbana. He prefers the B-3U Zoning District.

Chair Pollock asked for clarification as to whether Mr. Wakeland is amendable to developing the land if the City rezones the proposed area to B-2. Mr. Wakeland stated that he would have to abide by the City Council's decision.

With no further comments or questions from the audience, Chair Pollock closed the public hearing and opened it for Plan Commission to ask additional questions of City staff. They were as follows:

What are the screening requirements for the B-2 Zoning District? Mr. Myers replied that regardless of whether the proposed lots are rezoned to B-1, B-2, B-3 or B-3U and developed next to a residential zoning of R-1, R-2 or R-3, there is a minimum landscape buffer requirement of six feet containing one tree and three bushes for every 40 lineal feet. He would have to study when fencing would be required as a screen in addition to landscaping.

Who decides on what type of landscaping should be used when developing a parcel? Mr. Myers stated that the Zoning Ordinance will dictate what type of landscaping will be used.

Will the dedicated right-of-way/alley on the south side be developed as an access to the proposed parcels? Mr. Myers responded that at a minimum he would expect a dedicated right-of-way and possibly a widening of Church Street west of Lincoln Avenue. There is a stop light at the intersection now so it would make sense to have this be the main access into any future development of the block.

With no further questions for City staff, Chair Pollock opened the hearing for Plan Commission discussion and/or motion(s).

Ms. Stake commented that the Comprehensive Plan Future Land Use Map shows King School as a place where children go to school, many of which are African-American that live in the neighborhood. King Park is where people go to play sports in the outdoors. Families who live in the R-2 Zoning District are represented by the 11 parcels proposed to be rezoned. She believes that although the Comprehensive Plan suggests "Community Development", the City needs affordable housing in this area. We need more affordable housing and not less. Rezoning would be taking away from the neighborhood. She does not recommend approving the proposed rezoning.

Ms. Tompkins stated that no matter what the City decides, someone will be upset. If the City does not rezone the proposed lots, it is clear that the vacant residential lots will remain empty. On the other hand, if they rezone the proposed lots, then they may be putting pressure on the two residential property owners to sell eventually. As much as the City needs affordable housing, the City cannot force Mr. Wakeland to develop single-family homes on the vacant lots. Considering the B-2 and B-3U Zoning Districts, the purpose of zoning is not to give a developer free rein to do whatever he wants. Instead, it is to protect the neighboring properties. Simply because Mr. Wakeland wants B-3U and wants to be able to have these other uses does not mean that is what the City should give him. She feels the best decision would be to rezone all of the properties to the B-2 Zoning District.

Mr. Ash commented that this case is a matter of principle and not race. The applicant and his family have served the community, but the two residential parcels owned by other people have also been part of the community for a long time. From previous testimony, the Plan Commission heard that one of the homes has been in the family for three generations. He believes Mr. Wakeland's intentions are good, but Mr. Ash does not share the Comprehensive Plan's vision for "Community Business" for the proposed parcels. He cannot support profits over people.

Mr. Hopkins stated that he would vote in opposition of rezoning the proposed parcels to B-3U because of no height limit, the permission of liquor licenses and nightclubs, and the high floor area ratio allowed in the B-3U Zoning District. The Plan Commission needs to keep in mind that this is a zoning case; not a special use permit request. It is not about who owns it or what a person wants to do or might do or won't do. It is about how a piece of property should be zoned. He could vote in favor of rezoning to B-2. He preferred fitting the zoning to the space that it applies to, but he is unsure that it would make a difference. His understanding from testimony of one of the homeowner's at the last meeting is that they would accept the B-2 Zoning District. Having just returned from visiting his family's farm that has been in the family for six generations, he can sympathize with the two residential property owners on all the changes going on around them. On the other hand, he would not want his property zoned differently than the adjacent properties around him. It is important for both residential property owners as well as for Mr. Wakeland to rezone all the properties as opposed to just a portion.

Mr. Hopkins believes that the B-2 Zoning District is right in the long run because it allows residential by right and because it is enough of a commitment for the land owner to decide whether they want to continue to own it and develop it in B-2 or not. If they do not rezone it, then it will sit vacant. Regarding the Church Street right-of-way continuing west and south of Hill Street Court, he is not sure that the City should develop this. If the right-of-way is primarily accessed to the southern edge of the proposed parcels but not connected to the residential community to the west, it would work better for the proposed sites and improve the distinction between the sharp cut off of the residential neighborhood.

Ms. Stake questioned whether residential property owners want to live next to businesses and expressed the need for more affordable housing. Mr. Fitch compared the proposed area to the Historic East Urbana Neighborhood area (HEUNA) where the borders of the neighborhood are zoned for business. The B-2 Zoning District allows single and multiple family residential uses. Chair Pollock pointed out that the Plan Commission is not to decide whether they want or need more affordable housing in the area. They are to decide the best possible future uses of the proposed parcels.

Mr. Ash believes that the difference between the proposed area and East Urbana is the emphasis on neighborhood preservation. In the Comprehensive Plan, the strategies in rezoning East Urbana was to preserve the unique character of the neighborhood, to determine the compatible zoning for the neighborhood, to improve infrastructure and to improve existing housing stock and new development to respect traditional development pattern. The Comprehensive Plan should also protect the residential character of the area west of Lincoln Avenue under discussion. How far can "Community Business" creep into the residential neighborhood should this be approved? Although B-2 may be the best fit for the proposed area, he is worried about the future and so he will not support it.

Chair Pollock commented that B-3U is simply too intense and would allow too much in terms of floor area ratio and height that could have a horrible impact on the residential neighbors around the proposed parcels and is therefore not viable. There are no suspicions about Mr. Wakeland or his family. They have done extensive and high quality developments in the City of Urbana. The Plan Commission has to think about the future of what would be allowed if someone else owned the lots. The Comprehensive Plan recognizes that the proposed area will not be redeveloped as

single-family housing. The B-2 Zoning District will give the two residential property owners on the block some protection in the short term and options to the owners in the long term. If the City does not rezone the parcels, then the vacant lots will likely remain vacant.

Mr. Fell pointed out that by rezoning all of the parcels, it protects the parcels of land adjacent to the two residential parcels and allows them to be buildable. Otherwise, the setback requirements would prevent any development due the size of the parcels.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2185-M-12 to the City Council with a recommendation to rezone the proposed parcels to B-2. Mr. Fitch seconded the motion.

Discussion ensued about whether the Plan Commission should include language about the B-3U Zoning District. Mr. Hopkins then moved to amend the language in the motion to read as such, The Plan Commission forward Plan Case No. 2185-M-12 to the City Council with a recommendation that the all the parcels be rezoned to B-2 and not B-3U. Mr. Fitch seconded the amendment. Roll call was taken and was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	No
Ms. Tompkins	-	Yes	Mr. Ash	-	No
Mr. Fell	-	Yes			

The motion was passed by a vote of 5 to 2. Mr. Myers noted that this case would go before the City Council on Monday, November 19, 2012.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: December 20, 2012

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Andrew Fell, Tyler Fitch, Lew Hopkins, Michael Pollock, Mary Tompkins

MEMBERS EXCUSED: Carey Hawkins-Ash, Dannie Otto, Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Rebecca Bird, Planner II; Jeff Engstrom, Planner II; Aditi Kambuj, Planner I

OTHERS PRESENT: James Buckley, Alexander Clemons, Robert Dodd, John Huett, Arthur Johnson, Pastor Edward McGhee, Robert Rigdon, Melvin Smith, Nick Taylor, Donna Tinsley, Howard Wakeland

COMMUNICATIONS

The following written communications were distributed to the Plan Commission members at the meeting:

- Letter from Bernadine Stake regarding Plan Case No. 2195-M-12

NEW PUBLIC HEARINGS

Plan Case No. 2195-M-12: A request by Howard Wakeland on behalf of Advantage Properties, LLC to rezone 11 parcels totaling approximately 1.82 acres located at 906, 908 and 910 West Church Street; 701, 703, 705 and 707 North Lincoln Avenue; and 903, 905, 907 and 909 West Hill Street from R-2 (Single-Family Residential) Zoning District to B-2 (Neighborhood Business–Arterial) Zoning District.

Rebecca Bird, Planner II, presented this case to the Plan Commission. She stated that this case is similar to Plan Case No. 2185-M-12 except that the petitioner, Howard Wakeland, was now applying to rezone the same properties to B-2 (Neighborhood Business – Arterial). Following the Plan Commission’s recommendation, City staff received legal advice from the new City

Attorney that had differed from previous legal advice concerning noticing procedures. Consequently, Mr. Wakeland withdrew his application before the City Council undertook consideration and has now resubmitted a new application to rezone to the B-2 Zoning District, which is the zoning district recommended by the Plan Commission.

Ms. Bird said that the other details of the new case are the same as in Plan Case No. 2185-M-12. Planning staff mailed out notification letters of the new public hearing to neighboring residents and to the owners and tenants of the two houses that Mr. Wakeland does not own but has included in the proposed rezoning case. City staff has not heard from any of them. She mentioned the letter that Planning staff received from Bernadine Stake regarding the new case, which has been entered as a communication. She read the options of the Plan Commission from the written staff report. She welcomed questions from the Plan Commission.

With no questions for City staff, Chair Pollock opened the hearing up for public input and/or questions.

Howard Wakeland, petitioner, stated that he would be willing to answer any questions the Plan Commission may have. There were none.

With no further input from the audience, Chair Pollock closed the public hearing. He opened the meeting for Plan Commission discussion and/or motion(s).

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2195-M-12 to the Urbana City Council with a recommendation for approval. Mr. Fitch seconded the motion. Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Tompkins	-	Yes			

The motion was passed by unanimous vote. Mr. Myers noted that this case would be forwarded to the City Council on January 22, 2013.