



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: August 15, 2013

SUBJECT: A request by Howard Wakeland to rezone 4 parcels from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business Arterial Zoning District. (Plan Case 2210-M-13)

Introduction and Background

Howard Wakeland has submitted an application to rezone a portion of 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 subject properties are located at 906, 908, and 910 W Church Street and 701 N Lincoln Avenue. The lot with frontage on Lincoln Avenue contains a single-family house and the remaining three lots are vacant. The four parcels total 0.689 acres. The applicant is the owner of all of the subject properties and has indicated that he plans to construct a building to move the existing offices for his property management business from its current location at the southeast corner of Lincoln and University Avenues to allow commercial redevelopment of that site. In addition to owning the subject properties, the applicant owns five of the seven remaining lots on the block, all except 903 W Hill St and 703 N Lincoln Ave.



Properties included in subject application.

The Urbana Plan Commission opened the public hearing on this application at their July 2, 2013 meeting. At that meeting, Councilmember Ammons asked the Plan Commission to consider continuing the hearing until the following meeting to provide time to confer with those involved with the case. The Plan Commission then continued the public hearing and concluded consideration at their July 18, 2013 meeting (minutes attached).

At the July 18, 2013 meeting, a homeowner in the block, Mrs. Viola Bradley-Bias of 903 W. Hill Street, spoke against the application. In addition, Susan Taylor, who also spoke at the July 2, 2013 public hearing, spoke against the application. There was one additional speaker. Following public input, the Plan Commission recommended that the City Council approve B-2 Neighborhood Business – Arterial zoning for the four Wakeland-owned properties. The vote was three ayes and one nay. Those who voted in favor noted that the 2005 Comprehensive Plan future land use recommendation of Community Business for these and other properties in the block was consistent with the requested rezoning, and additionally that there is a low likelihood that homes would be built on the property under the existing R-2 zoning. The member who voted against rezoning spoke in favor of protecting the integrity of the residential neighborhood and of losing an opportunity for new affordable homes which could be lost by allowing the rezoning.

Related Plan Cases

Plan Case No. 2185-M-12

In June 2012, the applicant submitted an application to rezone the entire 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 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 by a vote of five ayes and two nays. At the public hearing, the homeowner of 703 N Lincoln Avenue, expressed his opposition to the application to rezone the properties (which included his home) to B-3U, but said that he would not necessarily oppose a rezoning of the adjacent properties to B-2, Neighborhood Business – Arterial. 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.

Plan Case No. 2195-M-12

In November 2012, the applicant submitted a revised application for the whole block from R-2 to B-2. The Plan Commission held a public hearing on December 20, 2012. 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 the rezoning by a vote of five ayes to zero nays. The City Council considered the application at their January 22, 2013 meeting, where eleven members of the public opposed the application and one spoke in support. The owner of 903 W Hill Street, one of the two properties included in the application but not owned by the applicant, spoke in opposition and said that she intended to keep her property in single-family residential use. During discussion, the Council expressed concerns regarding the appropriateness of the rezoning because of the two owner-occupied properties. In addition, Councilmembers expressed concern about the impact of commercial uses adjacent to the single-family neighborhood surrounding the subject properties on the west and north. Following consideration, the Council unanimously defeated the application.

Plan Case No. 2205-M-13

In February 2013, the applicant submitted a revised application to rezone only the properties he owned in the block, from R-2, Single-Family Residential to B-2, Neighborhood Business – Arterial District. On March 21, 2013, the Urbana Plan Commission held a public hearing regarding the proposed rezoning and recommended that the City Council deny the rezoning request because the Commission found the revised application to be weaker than the previous requests due to the limited amount of frontage on Lincoln Avenue. The applicant withdrew the application following the Plan Commission hearing.

Plan Case No. 2068-M-08

In May 2008, the applicant submitted a similar rezoning application involving nine of the eleven properties on the block. The Plan Commission held a public hearing on May 22, 2008. The petition was withdrawn by the applicant subsequent to the public hearing.

Adjacent Land Uses, Zoning, and Comprehensive Plan Designations

The subject properties are located on the northwest corner of Church Street and Lincoln Avenue. All of the properties included in the application are currently zoned R-2, Single-Family Residential. The other properties located in the same block as the subject properties but not included in the application are also zoned R-2, Single-Family Residential. On the north side of Hill Street are single-family homes. Further north along Lincoln Avenue is a commercial building with a Family Video store, and a medical supply and office use, which is zoned B-1, Neighborhood Business. 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 is a single-family home owned by The Carle Foundation 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 home Vacant lots	Community Business
North	R-2, Single-Family Residential	Single-family home Vacant lot	Community Business
South	IN-1, Light Industrial	Water treatment plant Undeveloped lot owned by Illinois American Water	Community Business
East	R-2, Single-Family Residential	Single-family home	Residential
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 1.0 Preserve and enhance the character of Urbana’s established residential neighborhoods.

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. Three of the four lots are now vacant. The petitioner is proposing to rezone the subject properties to B-2, Neighborhood Business Arterial. 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 B-2 per Section VI-6. In addition, Section VIII-3 requires screening of off-street parking which directly adjoins a residential zoning district or use. In this case, development of the lots adjacent to 703 N Lincoln Avenue would require buffer yards of 10 feet for both the side and rear yards and a landscaping buffer for the side yard consisting of a solid 6-foot high wood or masonry fence and a landscape buffer with a minimum depth of 5 feet for the rear yards.

The B-2 (Neighborhood Business – Arterial) zoning district 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
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.								

As indicated by the development regulations, the B-2 Zoning District would allow for higher intensity development than what is currently in the area. On one hand, 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 nearly finished 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. In addition, three of the four lots are currently undeveloped and the existing zoning basically limits development to single-family residences. Due to their location near the intersection of Lincoln and University Avenues and being adjacent to an industrial use, it seems unlikely that construction of new single-family homes is viable here. Given this context, commercial development on the subject lots would seem to be supportable.

On the other hand, however, as a redevelopment site, these parcels lack good visibility from N. Lincoln Avenue and would be adjacent to a single-family home.

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, north, and west of the subject lots. However, the immediate neighborhood contains a mix of land uses and zoning. While the property directly north of the subject properties is zoned R-2, the lots fronting on Lincoln Avenue in the block north of the subject properties are zoned B-1, Neighborhood Business and are 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 The Carle Foundation and are 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, although the agreement also requires that Carle replace any housing unit-for-unit that they remove. If future Development Agreements 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. The applicant’s previous applications might have removed two single-family driveways that currently back out on to Lincoln Avenue. With the reconfiguration of the subject properties, the applicant is now requesting rezoning of only one lot with frontage on Lincoln Avenue (but no driveway on Lincoln Avenue) instead of all four properties in the block as in one of his previous applications. This can be considered an advantage to the properties not owned by the petitioner, but a weakness to the application as B-2, Neighborhood

Business – Arterial is intended to provide areas for commercial uses along arterial streets. The current application includes only one property with frontage on Lincoln Avenue. This would most likely result in a type of commercial or multi-family residential development that would have a low impact on the surrounding properties as it would have little visibility from a major street. The applicant has indicated that he is intending to construct a building to move his property management business, Advantage Properties, from its current location on the southeast corner of Lincoln and University Avenues to the subject properties.

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.

However, as the rezoning would allow development at a higher intensity than is currently permitted, this might present a conflict with the owner-occupied residential property located adjacent to the subject properties.

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 home 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. In particular, the properties that are now vacant lots would logically increase the most in value as it is unlikely that new single-family residences would be constructed on them due to their location along a busy arterial and adjacent to an industrial use.

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 existing R-2, Single-Family Residential zoning is intended to provide areas for single-family detached dwellings at a low density. The existing R-2 zoning protects existing residential uses in the block. This is particularly relevant for 703 N Lincoln Avenue and 903 W Hill Street, as these two properties are owner-occupied single-family residences and are not owned by the petitioner.

The B-2, Neighborhood Business – Arterial zoning district, which is intended to provide areas along arterial streets near low density residential neighborhoods for a limited range of basic commercial trade and personal services, would be consistent with the Comprehensive Plan designation for the area.

Although the proposed B-2 zoning could conceivably allow a range of residential and lower intensity commercial uses, the site's limited visibility from Lincoln Avenue would likely limit commercial uses to offices and other uses not dependent on good traffic visibility.

The current zoning on the subject lots that are currently vacant could be viewed as a hardship on the applicant. Three of the four lots included in this application are vacant lots adjacent to an industrial use. These lots have been vacant since 1979, 1991, and 2005, and redevelopment with single-family homes seems unlikely.

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 on the northwest corner of Lincoln Avenue and Church Street. In terms of traffic, 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 Avenue-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 supportable.

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 three vacant lots among the subject properties which seem unlikely to be developed under the current single-family residential zoning. The houses were demolished in 1979, 1991, and 2005.

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.
2. The Plan Commission held a public hearing regarding the petition on June 20, July 2, and July 18, 2013. Following the public hearing, the Plan Commission voted three ayes to one nay to recommend that the City Council approve B-2 Neighborhood Business - Arterial zoning for the subject properties.
3. The subject properties are generally located west of Lincoln Avenue and north of Church Street. The subject properties are 906, 908, and 910 W Church Street; and 701 N Lincoln Avenue. The applicant owns all four 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, in particular as it would allow commercial development on property which is currently vacant and therefore increase the City of Urbana’s tax base.
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.
9. The proposed rezoning to B-2, Neighborhood Business – Arterial would have a positive effect on the City’s tax base.

Options

The City Council has the following options regarding Plan Case 2210-M-13:

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

Recommendation

At their July 18, 2013 meeting, the Urbana Plan Commission voted 3 ayes to 1 nay to forward Plan Case No. 2210-M-13 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: 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

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

ORDINANCE NO. 2013-08-074

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

(Rezoning of 4 parcels comprising 0.689 acres located north of Church Street and west of Lincoln Avenue from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District - Plan Case 2210-M-13 / Howard Wakeland)

WHEREAS, Howard Wakeland has petitioned the City for a Zoning Map Amendment to rezone 4 parcels comprising 0.689 acres, and generally located north of Church 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 June 20, July 2, and July 18, 2013 concerning the petition filed in Plan Case No. 2210-M-13; 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 on July 18, 2013 voted 3 ayes and 1 nay 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 CORPORATE AUTHORITIES 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 2 through 5 inclusive of "Justus S. 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 Lot 2.

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

Containing 0.689 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 Corporate Authorities 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

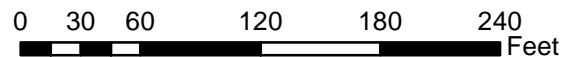
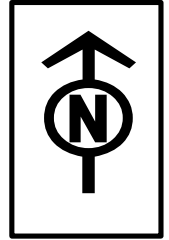
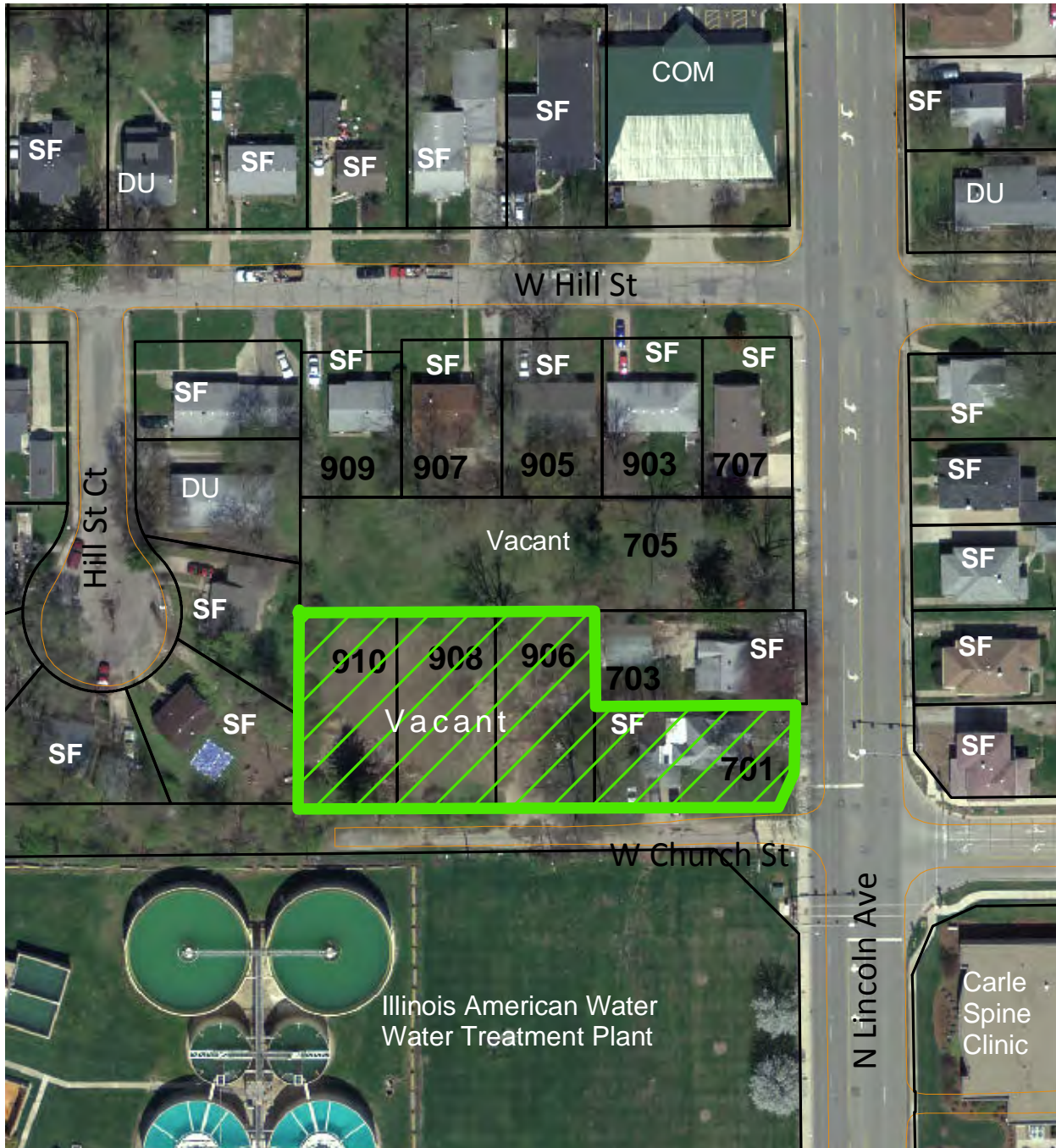
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS (Rezoning of 4 parcels comprising 0.689 acres located north of Church Street and west of Lincoln Avenue from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District - Plan Case 2210-M-13 / 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

EXHIBIT A: Location & Land Use Map



Case: 2210-M-13
 Subject: Application to rezone properties from R2 to B2
 Location: 906, 908, 910 W Church Street & 701 N Lincoln Avenue
 Petitioner: Howard Wakeland



Subject Properties

EXHIBIT B: Existing Zoning Map



Case: 2210-M-13
 Subject: Application to rezone properties from R2 to B2
 Location: 906, 908, 910 W Church Street & 701 N Lincoln Avenue
 Petitioner: Howard Wakeland






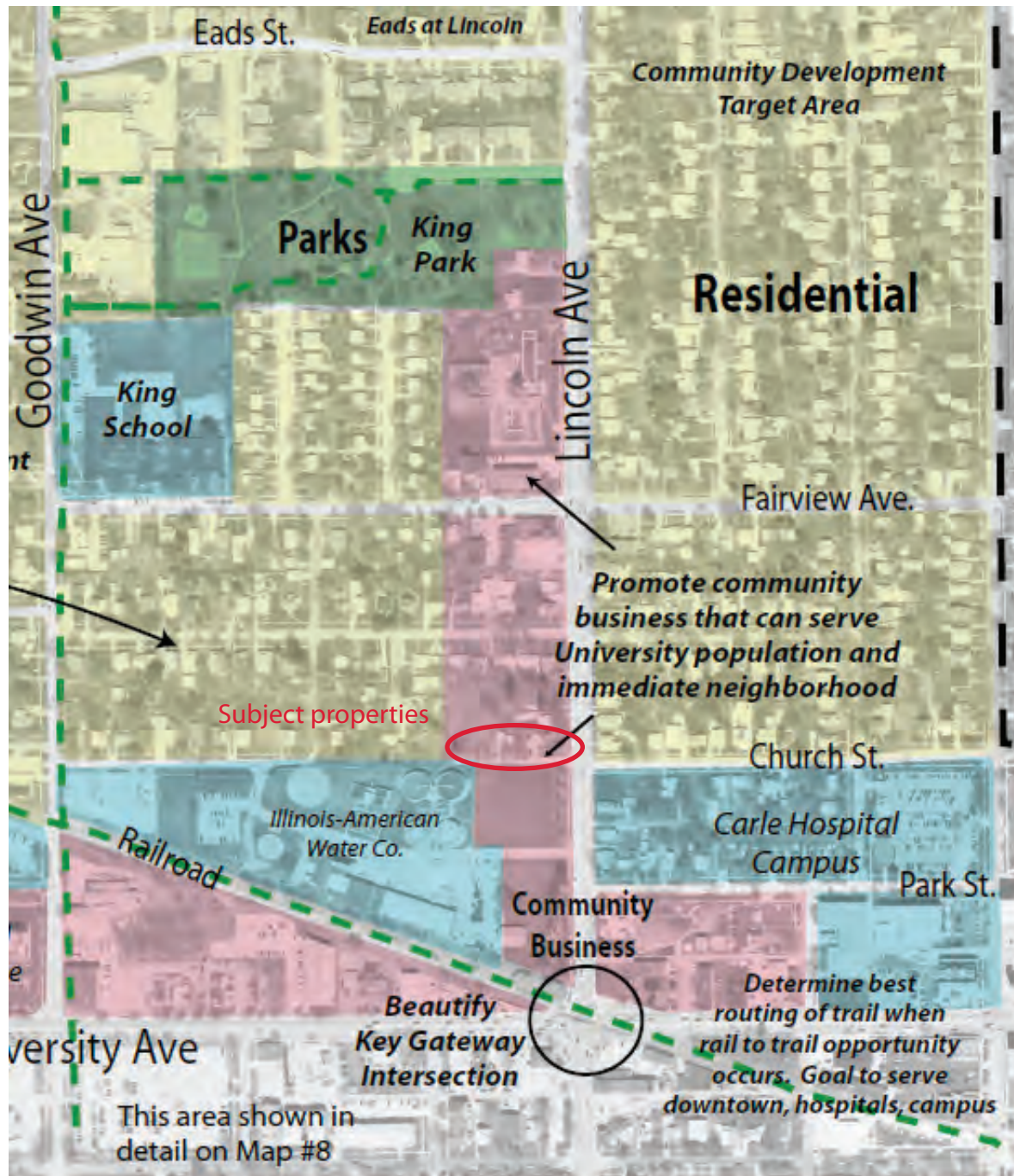
-  Subject Properties
-  R2
-  B1
-  MIC
-  IN-1

EXHIBIT C: Future Land Use Map



Case: 2210-M-13
 Subject: Application to rezone properties from R2 to B2
 Location: 906, 908, 910 W Church Street & 701 N Lincoln Avenue
 Petitioner: Howard Wakeland



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.

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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 05-23-2013 Plan Case No. 2210-M-13
 Fee Paid - Check No. 1354 Amount \$175.00 Date 05-23-2013

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Advantage Properties, LLC Phone: 217-344-0394
 Address (street/city/state) 406 N. Lincoln, Urbana, Il. 61801
 Email Address: Email AdvProperties.com
 Property interest of Applicant(s) (Owner, Contract Buyer, etc.):

2. OWNER INFORMATION

Name of Owner(s): Howard Wakeland
 Address (street/city/state/zip code) 1811 A Amber, Urbana, Il. 61802
 Email Address: Advantage Properties.com
 Is this property owned by a Land Trust? Yes No
 If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Address/Location 701 N Lincoln, 906, 908, 910 W Church
 PIN # of Location 91-21-07-429-(018,019,020, &022)
 Lot Size: 369 x 140 ft.
 Current Zoning Designation: R2
 Proposed Zoning Designation: B2
 Current Land Use R2
 Proposed Land Use: B2

Present Comprehensive Plan Designation:

How does this request conform to the Comprehensive Plan?

To promote community business that can serve University population and immediate neighborhood Map #3, 2005 Comprehensive Plan. This would serve that exact recommendation.

Legal Description: _____

The four south lots of the Templeton Addition to Urbana, Champaign County, Illinois. Specifically 91-21-07-429-(018, 019, 020, 022.)

4. CONSULTANT INFORMATION

Name of Architect(s): To be named.

Phone:

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

Email Address:

Name of Engineers(s):

Phone:

Address (Howard Wakeland, PE 1811 A Amber, Urbana, IL, 61802

Email Address: Howard@AdvProperties.com

Name of Surveyor(s):

Phone:

Address (street/city/state/zip code): Rex Bradfield, Urbana, IL.

Email Address:

Name of Professional Site Planner(s):

Phone:

Address (street/city/state/zip code): To be selected

Email Address:

Name of Attorney(s):

Phone:

Address: Glenn Stanko, 501 W. Church, Champaign, IL 61820 217-352.7661

Email Address:

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?

To open this high potential area for improved business.

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

Continued redevelopment of the Carle and Provena Health care areas, changing nature of the University related uses, and to take advantage of the four way traffic light at the intersection of Church and Lincoln and greater use of the street lights along Church Street that have been there for more than 40 years.

What other circumstances justify the zoning map amendment?

Increased personal and auto traffic in the Church Street and Lincoln areas primarily due to increased services and use of Carle facilities.

Time schedule for development (if applicable). _____
mixed over the next two years

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.

Applicant's Signature Howard Wakeland Date 5/23/13

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

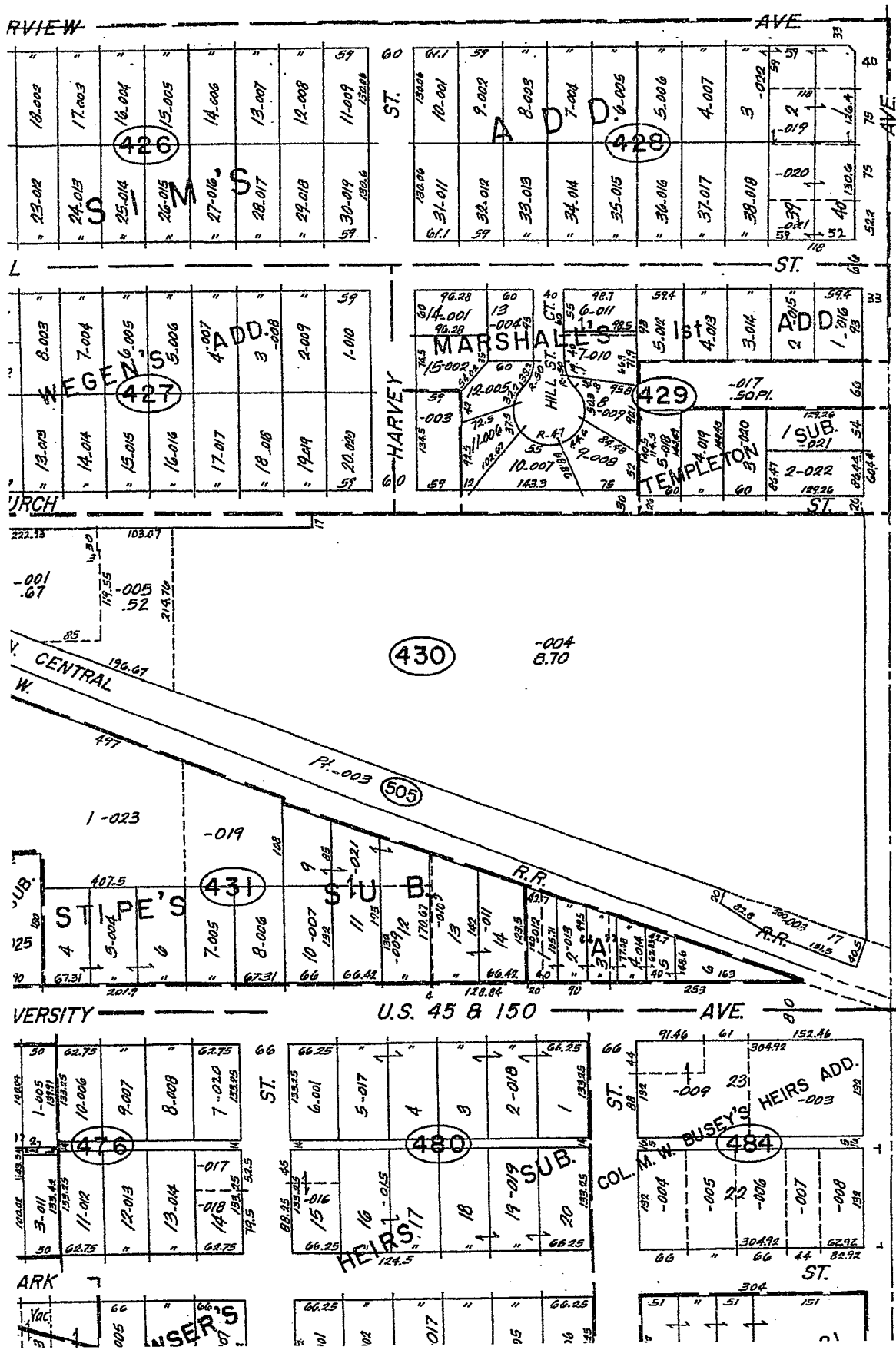
City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

Cunningham Twp

E. 1/2 S.E. 1/4 Sec. 7 T.19. N. R. 9E.

REVISED: Jan 1st, 2003

"A"
PETTENS SUB.
"B"
ASSESSOR'S SUB.
OF LOT 25
"C"
HARTLEY'S SUB.





Coordinate with University IDOT
 and location of
 University Avenue

This area shown in
 detail on Map #8

Determine best
 routing of trail when
 rail to trail opportunity
 occurs. Goal to serve
 downtown, hospitals/campus

**Future Land Use Maps
 Map #3**

King Park / Lincoln Avenue

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: June 20, 2013

TIME: 7:30 P.M.

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

MEMBER PRESENT: Tyler Fitch

MEMBERS EXCUSED: Carey Hawkins-Ash, Andrew Fell, Lew Hopkins, Dannie Otto,
Michael Pollock, Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager

OTHERS PRESENT: Viola Bradley Bias, Susan Taylor

7. NEW PUBLIC HEARINGS

Plan Case No. 2210-M-13: A request by Howard Wakeland to rezone an area totaling 0.689 acres located at 906, 908 and 910 West Church Street and 701 North Lincoln Avenue from R-2, Single-Family Residential Zoning District, to B-2, Neighborhood Business - Arterial Zoning District.

Acting Chair Fitch opened this case and continued the public hearing to the next meeting of the Plan Commission, which is a special meeting scheduled for Tuesday, July 2, 2013 at 7:30 p.m. in the Executive Conference Room, 2nd Floor at the City of Urbana Building.

MINUTES OF A SPECIAL MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 2, 2013

TIME: 7:30 P.M.

PLACE: Urbana City Building
Executive Conference Rooms
Second Floor
400 South Vine Street
Urbana, IL 61801

MEMBER PRESENT: Andrew Fell, Tyler Fitch, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Carey Hawkins-Ash, Lew Hopkins, Dannie Otto

STAFF PRESENT: Rebecca Bird, Planner II

OTHERS PRESENT: Carol Ammons, J. H. Kuypers, Carol McKusick, Susan Taylor,
Howard Wakeland

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2210-M-13: A request by Howard Wakeland to rezone an area totaling 0.689 acres located at 906, 908 and 910 West Church Street and 701 North Lincoln Avenue from R-2, Single-Family Residential Zoning District, to B-2, Neighborhood Business - Arterial Zoning District.

Rebecca Bird, Planner II, presented the staff report for this case to the Plan Commission. She briefly talked about previous related plan cases in which the petitioner attempted to rezone various combinations of the properties he owns in the immediate area. She stated the properties in the proposed rezoning are 906, 908 and 910 West Church Street and 701 North Lincoln Avenue. She talked about the current land uses and zoning of the proposed sites. She discussed the advantages and disadvantages of approving the proposed rezoning request. She reviewed the options of the Plan Commission and presented staff's recommendation.

Mr. Fitch recalled from a previous case that the maintenance building would be considered an ancillary use to the office use because it is being rezoned to B-2, Neighborhood Business – Arterial. Is this still accurate? Ms. Bird replied that City staff has not seen any plans to build on the proposed properties. At such time, staff would review any development plans and if a special use permit is required for both uses, then it would come before the Plan Commission for approval. If plans are allowed by right and meets the City's development regulations, then it would not go before the Plan Commission.

Mr. Fell asked if the petitioner would be required to provide a buffer from 705 North Lincoln Avenue because it is still zoned residential. Ms. Bird said yes. The petitioner would also need to provide a buffer for 703 North Lincoln Avenue as well.

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

Howard Wakeland, petitioner, spoke to the Plan Commission regarding his request to rezone the four properties mentioned above. He showed an illustration of a development plan for the lot adjacent to Beckman Institute. He explained that he could not rezone the property to a zoning district which would allow construction of the development so he sold the land to the University of Illinois. He talked about the down zoning of properties on the west side of the City and about the creation of the B-3U, General Business – University Zoning District. Then, he talked about his previous attempts to rezone properties fronting on Church Street, Lincoln Avenue and Hill Street. He spoke about the success of his business and how it benefits the City of Urbana in property taxes received. He stated that he cleaned up the proposed area when he purchased the lots in the area by demolishing poorly maintained houses where some criminal activity occurred. If he does not get approval of the proposed zoning, then he will make plans to move his business out of the City of Urbana. He talked about the 2005 Comprehensive Plan and how it is supposed to be a guide for the Plan Commission and the City Council to use in making decisions about the rezoning of properties. He discussed his plans to move his office, which is currently located in the Hedgerow Building on the corner of Lincoln and University Avenues, to the proposed site.

Carol Ammons, City Councilmember for Ward 3, asked the Plan Commission to continue the proposed rezoning case to the next regularly scheduled meeting. Since the proposed lots are located in her Ward, she asked for time to learn more about the request, to research the history of the proposed properties, and to speak to the neighbors.

Mr. Fell stated that the Plan Commission has heard the reasoning for rezoning the proposed lots several times now, and he does not feel that they need more time to make a recommendation to City Council. If Ms. Ammons needs more time, he suggested that she make the request to continue the case at the City Council level. Ms. Stake agreed that the Plan Commission should continue the case to the next regular meeting so that the adjacent neighbors have notice of when the meeting is being held. She did not feel that they had adequate notice of this special meeting. Ms. Bird explained that the public hearing was being held at a special meeting due to the lack of a quorum at the previous regularly scheduled Plan Commission meeting and explained the notification process. She also pointed out that anyone who attended the June 20th meeting or phoned in with concerns or questions about the proposed case were notified of the special meeting.

Susan Taylor, of 606 West Michigan Avenue, stated that as a business person she can understand the petitioner's desire to rezone the proposed four lots. She talked about living on a quiet residential street with no churches or commerce around. She spoke on behalf of Viola Bradley Bias, a property owner adjacent to the proposed four lots. Ms. Bias is not in favor of the proposed rezoning. She has expressed her opposition at previous meetings regarding similar requests in the past. She agrees with Ms. Bias that the neighborhood should remain zoned residential.

Mr. Fell asked Mr. Wakeland how he felt about the possibility of continuing the case to the next scheduled Plan Commission meeting. Mr. Wakeland replied that it would be okay. He has been working on rezoning the proposed properties for several years now, and it is not urgent. However, he noted that he has tried to soften his request by limiting the rezoning to four properties so the two other property owners on the block feel less threatened.

With no further public input, Acting Chair Fitch opened the hearing up for Plan Commission comments and/or motions.

Ms. Stake moved to continue the case to the next regular meeting of the Plan Commission. Ms. Upah-Bant seconded the motion.

Mr. Fitch	-	Yes	Mr. Fell	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes

The motion to continue was approved by unanimous vote.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: July 18, 2013

TIME: 7:30 P.M.

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

MEMBER PRESENT: Andrew Fell, Tyler Fitch, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Carey Hawkins-Ash, Lew Hopkins, Dannie Otto

STAFF PRESENT: Robert Myers, Planning Manager; Rebecca Bird, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Viola Bradley Bias, Carol McKusick, Susan Taylor, Howard Wakeland

4. COMMUNICATIONS

Regarding Plan Case No. 2210-M-13

- Letter from Viola Bradley-Bias stating her opposition to the rezoning
- Future Land Use Map 3, Urbana Comprehensive Plan, provided by Howard Wakeland
- Copy of the 2013 Official Zoning Map marked with area proposed to be rezoned, provided by Howard Wakeland

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2210-M-13: A request by Howard Wakeland to rezone an area totaling 0.689 acres located at 906, 908 and 910 West Church Street and 701 North Lincoln Avenue from R-2, Single-Family Residential Zoning District, to B-2, Neighborhood Business - Arterial Zoning District.

Chair Fitch outlined the public hearing procedures for this evening as specified in the Plan Commission bylaws.

No new City staff report was provided as a presentation had been made at the previous Plan Commission meeting.

Howard Wakeland, petitioner, addressed the Plan Commission regarding his application. He stated that he has been attempting to rezone the proposed lots since 2005. He explained why the proposed rezoning is important to his business and to his family, which is to move his office from the southeast corner of Lincoln and University Avenues so he can redevelop that area. If the City denies the proposed request, then they will be sending the message to other developers and anyone thinking of investing in the City of Urbana that the City does not stand behind their approved plans, like the 2005 Comprehensive Plan. He read a notation on Future Land Use Map 3 which indicates along the west side of Lincoln Avenue “community business that can serve University population and immediate neighborhood”. He handed out copies of the Future Land Use Map 3 from the 2005 Comprehensive Plan and a copy of the 2013 Official Zoning Map for the proposed area.

Mr. Wakeland talked about his intentions to construct a new office and maintenance warehouse on the proposed lots. When he purchased the lots, the promise of rezoning looked a lot greater than it does now. If he does not get the zoning, he will move on to something else, which may or may not include moving out of town. He stated that his business pays two-thirds of the amount of property taxes that Carle Hospital would have paid for their properties. His business has a first class rating with the University of Illinois as a housing provider. They take care of their rental properties and visit them on a daily basis to perform maintenance and to inspect them.

When he purchased 705 North Lincoln Avenue, it was a “crack house” which he demolished. He cleared out probably a hundred scrub trees on the properties behind 705 North Lincoln to increase visibility and reduce illegal activity there.

Mr. Wakeland thanked the Plan Commission for considering his proposal to rezone. He stated that he would answer any questions they may have. There were none.

Mr. Fitch asked if any opponents of the application wished to speak.

Viola Bradley Bias, 903 West Hill Street, addressed the Plan Commission. She stated that she opposed the rezoning application. She disagreed with the characterization of her block as drug ridden. Although the area once had some drug problems, eventually most of those people moved away. She has a problem with Mr. Wakeland building an office/maintenance warehouse behind her house because it will lower the value of her property. She had an appraiser come out to her property who indicated that her property’s value would be reduced. She does not agree that Mr. Wakeland’s company necessarily takes care of their rental houses that well. For instance, over a month ago she reported to his staff that a large tree limb had broken and is dangling behind her house on Mr. Wakeland’s property in a hazardous way. Mr. Wakeland talks about what he wants. Although she does not pay as much property taxes as Mr. Wakeland, she still pays her taxes. She likes her neighborhood and the house she lives in. She raised her children in her house. She maintains her home so that it does not become run down. She expressed concern about noise coming from a maintenance warehouse because of loud machinery. She works odd hours and is fighting cancer so she needs to be able to sleep and recuperate. She urged the Plan Commission to recommend denial.

Ms. Stake commented that she drove through the neighborhood and found it to be very nice. The City should not approve the proposed rezoning. Mr. Fitch asked Ms. Stake to save comments until after the public hearing has been closed.

Mr. Fitch asked if there were any questions for Ms. Bias.

Robert Myers, Planning Manager, asked Ms. Bias if she had a written report or assessment from the property appraiser, and if so would she like to submit it as evidence? That would be very helpful for the record. Ms. Bias replied that she does not have a copy with her. She came straight to the meeting from work.

Susan Taylor, 606 West Michigan Avenue, stated that one of the reasons people choose to live in Urbana over living in Champaign is because it is a more residential community. The case is to rezone four properties from R-2, Single-Family Residential Zoning District, to B-2, Neighborhood Business Arterial Zoning District. The homes along W. Hill Street have a residential character because they are all single-story homes. It is a historic neighborhood with many homes having families who raised three generations. She reviewed La Salle National Bank criterion #1, #2 and #4.

Chair Fitch asked if anyone else wished to speak about this application.

Carol McKusick, 1907 North Cunningham Avenue, inquired about the two owner-occupied properties on the block. She questioned what the difference between this application and the previous rezoning applications for this block. Mr. Fitch explained that the difference is the number of properties being proposed for rezoning. The case currently before them is for four properties all owned by Mr. Wakeland. The case in March 2013 was for a larger area including the four now being proposed.

Ms. McKusick asked about the petitioner's plans for developing the four lots. Mr. Fitch said that Mr. Wakeland has stated that he intends to construct a new office building and a maintenance warehouse. However, if the proposed rezoning is approved, then he would be able to develop any of the uses which are allowed by right in the B-2 Zoning District.

Mr. Fitch asked the petitioner if he had any closing statement or rebuttal of any information presented tonight.

Mr. Wakeland stated that he began offering to purchase Ms. Bias' property about 8 to 10 years ago. He had offered to purchase her property for \$125,000 even though he estimated that the house was only worth \$70,000. At one time, Ms. Bias had even arranged a meeting with her lawyer to sell the property, but nothing became of it because she did not show up for the meeting. He recently informed Ms. Bias that he was withdrawing his offer to purchase after all this time. Never once when he was trying to purchase the property did he speak of kicking her off her property. So the situation with Ms. Bias has not been as hard as it appears.

His application follows up with the future land use designation shown in the 2005 Comprehensive Plan. The application is to rezone only four of the properties that he owns in the block. With regards to Ms. Taylor's comments, he pointed out that she was talking about properties along Hill Street that are not included in the proposed rezoning request. Those would remain residentially zoned.

Ms. Stake asked Mr. Wakeland why he wants to own so many properties. Mr. Wakeland replied that the rest of his family owns 80% of the company. When you don't have retirement benefits provided as part of your job, your outlook on life is different. Because they are self employed, his two children do not have retirement pensions. So they invest in properties to provide financial security for their future.

Ms. Stake asked why Mr. Wakeland did not build more affordable housing on the lots. Mr. Wakeland responded that in his opinion there is already too much low cost housing in Urbana. The average household income in Urbana has decreased over the last twenty years because higher income households are moving to smaller towns surrounding Urbana and Champaign. Even many City of Urbana employees like Fire and Police do not live inside Urbana. They are finding easier, better and more comfortable housing for the same price elsewhere. There is no future for him or his children in building affordable housing in Urbana.

Ms. Upah-Bant asked City staff that in terms of bringing zoning into conformance with the Comprehensive Plan, does a property owner have to request to rezone their property or can the City of Urbana request a rezoning?

Mr. Myers answered that the vast majority of rezoning applications are at the request of the property owner. The City of Urbana occasionally proactively rezones properties, such as the rezoning of over 100 properties zoned IN (Industrial) to either IN-1 (Light Industrial/Office) or IN-2 (Heavy Industrial) zoning districts. Another example is when City staff proactively rezoned over 100 properties in the Historic East Urbana Neighborhood to bring the zoning more in line with the uses in the neighborhood and the Comprehensive Plan. But the vast majority of rezoning cases are initiated by property owners.

Ms. Upah-Bant asked if the Comprehensive Plan is binding. Mr. Myers replied that it is the official policy guide in terms of land use and zoning, but it does not dictate how the City rezones properties. It is true that a great deal of thought, consideration and public support stands behind the 2005 Comprehensive Plan. There were many meetings held with the public and steering committee. It was approved by the City Council as the City's official land use guide.

Ms. Upah-Bant asked if the City could be held liable if the Plan Commission or the City Council were to deny a rezoning application that would bring a property in line with the Comprehensive Plan. It seems like an oxymoron to deny a request which would implement the Comprehensive Plan.

Mr. Myers replied that they can make a recommendation that would go against the Comprehensive Plan, but if they did so, it would be best for the Plan Commission and City Council to articulate findings as to why the facts in this instance do not support the Comprehensive Plan. For instance, sometimes market conditions change after a Plan is adopted. And those making a Plan do not have the benefit of detailed market studies and appraisals for each individual parcel. Yes, property owners do rely on comprehensive plans in terms of investment. His advice would be for the Plan Commission to use the La Salle National Bank criteria as the basis for reviewing rezoning applications.

Mr. Fitch asked about 703 North Lincoln Avenue. In previous rezoning attempts for this area, the property owner of 703 North Lincoln Avenue attended the Plan Commission meetings to

speak in opposition of each request. Has City staff had contact with that property owner regarding the current application?

Rebecca Bird, Planner II, responded that City staff has not heard from the Conerly family regarding this case. City staff hand delivered a letter to their house to remind them of this meeting tonight. Additionally, she updated the sign placed onsite in terms of the new date.

With no one else wishing to speak, Chair Fitch closed the public hearing and asked for any Plan Commission comments or motions.

Ms. Stake stated that the Comprehensive Plan has a specific goal to preserve residential neighborhoods. This is a well-established neighborhood which includes many homes, King School and King Park. The City of Urbana needs affordable housing for residents. We need to save residentially zoned areas for affordable housing.

Mr. Fell said that he agrees with some but not all of Mr. Wakeland's comments. Any developer or business owner has an expectation from the Comprehensive Plan that when he buys land that the City of Urbana has deemed appropriate for business use, he has every right to expect that the City will rezone it to business when the time comes. In addition, Mr. Wakeland has addressed all the concerns that were expressed with the petitioner's last request that was denied. There will be a significant buffer between the four lots and the residences along Hill Street. There are setback and screening requirements, so the impact on the residents of the two lots that he does not own will be minimal. He has also restricted access to be off Church Street so there will be no traffic or truck impact on the properties that are not being rezoned. Mr. Wakeland has addressed everything the City has asked him to do, so he has every right to expect that the City will be good for its word.

Ms. Upah-Bant agreed with Mr. Fell. She was involved in creating the 2005 Comprehensive Plan. If they deny the proposed rezoning, then the City needs to amend the Comprehensive Plan future land use designation for the proposed area. She does not see how they cannot approve the proposed rezoning request.

Ms. Stake commented that the Comprehensive Plan was made a long time ago. We do not need that much business. Affordable housing is very important to this community.

Mr. Fitch pointed out that another major objective of the Comprehensive Plan is infill redevelopment, which is what Mr. Wakeland is proposing. He agrees with Ms. Upah-Bant and Mr. Fell in that the Future Land Use Map is more specific than the Plan's goals and objectives for affordable housing. The Plan Commission has an obligation to follow the Comprehensive Plan.

Mr. Fell moved that the Plan Commission forward Plan Case No. 2210-M-13 to the Urbana City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion. Roll call was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Ms. Stake	-	No	Ms. Upah-Bant	-	Yes

July 18, 2013

The motion was approved by a vote of 3 ayes to 1 nay. Mr. Myers stated that this case would be forwarded to the August 19, 2013 meeting of the Urbana City Council.