

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: June 22, 2006

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, James Ward, Don White

MEMBERS EXCUSED: Laurie Goscha, Marilyn Upah-Bant

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Brian Adams, Nancy Cox, Steve Cox, Betsey Cronan, Dan Folk, Carl Hill, Eric Jakobsson, Naomi Jakobsson, Karen Kummer, Linda Lorenz, Mike Monson, Georgia Morgan, Christina Papavasiliou, Jenny Park, Joan Price, William Price, Joe Rasmussen, Marty Sachs, Susan Taylor, Jeff Tock, Lisa Treul, Marta Wakeland-Conway, Fred Welch, Joe Williams, Phyllis Winters-Williams

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Ward moved to approve the minutes from the June 8, 2006 Plan Commission meeting as presented. Mr. Grosser seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

The following written communications were distributed to Plan Commissioners, all of which pertained to Plan Case No. 1999-M-06:

- Exhibit D: Future Land Use Map
- Letter with Pictures attached from W. Randall Kangas and Suzanne Bissonnette
- Letter from Carl E. Hill, of Hillshire Construction
- Letter from Patrick J. Dill, of Ray's Heating and Air Conditioning Company
- Letter from Mike L. Philpott, Helen R. Philpott and Oliver R. Philpott of English Hedgerow, LLC
- Letter from David A. Kraft
- Letter from Paul Smith
- Letter from Chris Hamelberg, of The University Group
- Letter from Darrel J. Foste
- Email from Mare Payne
- Email from Leslie Sherman
- Email from Dannie Otto
- Email from Paul L. Tatman
- Email from Eric Jakobsson
- Second Email from Eric Jakobsson
- Email from Betsey Cronan
- Photos of the Proposed Area
- Court brief of Wakeland v. The City of Urbana Case

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 1998-M-06: A request by The Atkins Group, LLC to rezone a part of the Stone Creek Commons office park development, generally located at the southeast corner of Windsor and Philo Roads, from R-4, Medium Density Multiple Family Residential to B-3, General Business District.

This case has been continued to the July 6, 2006 meeting at the request of the petitioner.

Plan Case 1999-M-06: A request by the Wakelands to rezone 15 properties generally located in the 800 block of W. Clark Street to B-3, General Business District and B-3U, General Business – University District. (specifically rezone 802, 804, 806, and 808 W Clark Street from R-4, Medium Density Multiple Family Residential District to B-3, General

Business District; rezone 810, 812, 814, and 816 W Clark Street and 406 N Lincoln Ave from B-2, Neighborhood Business – Arterial to B-3, General Business District; and rezone 805, 807, 809, 811 and 813 W Clark Street, and 308 N Lincoln Avenue, from R-4, Medium Density Multiple Family Residential to B-3U, General Business – University District).

Robert Myers, Planning Manager, presented this case to the Plan Commission. He introduced the case by giving background information on the properties and proposed zoning, illustrated by maps and photographs. He described the proposed properties noting their current zoning designations and land uses. He talked about the proposed rezoning to B-3, General Business Zoning District, and B-3U, General Business – University Zoning District. He discussed how the proposed rezoning conformed with the 2005 Comprehensive Plan concept of multi-family residential, campus mixed-use and community business land uses for the proposed properties. He also discussed the goals and objectives of the Comprehensive Plan that relate to this case. He reviewed the La Salle National Bank criteria as they pertained to a comparison of the existing zoning with that proposed by the petitioners. He summarized staff findings and read the options of the Plan Commission. He presented staff's recommendation, which is as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, City staff recommended that the Plan Commission forward Plan Case No. 1999-M-06 to the Urbana City Council with a recommendation for approval. For the properties on the south side of Clark Street, this recommendation is predicated on the need to apply a transitional buffer to the southern portion of these properties where they abut properties that are zoned R-2. The transitional buffer should be at least 15 feet in depth and should be designed to respond to the particular characteristics and needs of adjoining properties. This recommendation is further predicated on the restriction of uses in the area on the south side of Clark Street to multi-family residential and/or limited mixed use residential consistent with the descriptions contained within the Comprehensive Plan. These recommended limitations are consistent with the petitioners' stated intent.

While it is not possible to condition the proposed rezoning, the City of Urbana can require these restrictions by means of a separate development agreement with the petitioners and/or as part of an ordinance vacating the public alley along the northern boundary of the subject properties and/or any possible vacation of Clark Street that may subsequently be approved. Staff recommends that some form of agreement to guarantee these provisions be undertaken by the City Council as an associated action in close correspondence to final action on the rezoning.

Ms. Stake asked why City staff did not give the Plan Commission any information on what kinds of restrictions or transitional buffers would be possible. She also remarked that there isn't any information on how much the petitioner would pay for the alley and/or Clark Street right-of-way. Libby Tyler, Director of Community Development Services, responded by saying that traditionally the City did not give away property. The City does appraisals and receives some

sort of payment. The payment may be in the form of guaranteed development, which is part of a cost revenue analysis.

Ms. Stake commented that another part of this is historic preservation, which has not been mentioned very much in the staff report.

Ms. Tyler noted two corrections to the staff report. In Exhibits A, B, and C, the east-west street is mislabeled. It should be labeled University Avenue rather than Lincoln Avenue. Also, on Page 10, strike the following language in the Staff Recommendation so that it reads, "The transitional buffer should be designed to respond to the particular characteristics and needs of adjoining properties." She informed the Plan Commission that by code there is a ten-foot setback and five feet of it needs to be a landscaped buffer. She did not believe that the City's recommendation should refer to a specific distance.

She mentioned that she received a phone call from Mohammed Sharabasch, of 304 South Lincoln Avenue. He offered his support for the proposed rezoning.

Chair Pollock opened the public hearing up to hear testimony from the audience.

Jenny Park, of Meyer Capel Law Offices, stated that she represented the Wakeland family. She introduced Marta Wakeland-Conway who was also present at the meeting on behalf of the Wakeland family. Ms. Wakeland-Conway is the operations director for the properties. She mentioned that they were available to answer any questions from the Plan Commission.

Brian Adams, of 411 West Elm Street, stated that he is not in favor of the proposed rezoning. He expressed concern about historic preservation in the City of Urbana and in the proposed area in general. This particular neighborhood is very unique and a unique residential environment, not just because it has nice big lots with trees, but there is a substantial number of very important historically significant structures there. If you know anything about the history of the area, then you know that many of the movers and shakers of the City of Urbana built and lived in some of these houses.

He is not sure that the proposed rezoning could be done in such a way that it could be buffered or separated from the historical area without having a negative impact on the historical area. There are so few historical areas left in the City of Urbana. This area is a very threatened and irreplaceable resource that the City has.

Mr. Adams went on to say that he gets concerned about developments like this because all of the positives put out to justify such a development are out of sync with what some of the people who live in the area see as positives in the area. People like these areas because they are peaceful and very architecturally aesthetic pleasing. A rezoning such as the one being proposed could potentially upset this balance, and the City would lose a lot.

He is especially concerned about the house at 816 West Clark Street. It is a gem of a little Victorian house. Over the past 15 years, the house has been allowed to go down hill. There is very little regard for the aesthetic and cultural aspects of some of these neighborhoods in the city.

Therefore, he would not be in favor of such a development being so close to a historically significant neighborhood.

Steve Cox, of 507 West Main Street, concurred with Mr. Adam's comments. He feels that there will be a negative impact on the R-2, Single-Family Residential Zoning District immediately behind the houses on South Clark Street. He is worried that this movement to commercialize the area could move down to Griggs Street and affect the Victorian houses in the 500 Block of West Griggs Street. He feels that he has made an investment in the neighborhood by spending about \$50,000 on improvements to his quaint Victorian house.

He hoped that someone would have done something similar with the Victorian house at 816 West Clark Street. He also has recognized that the rezoning across Lincoln Avenue to the west has probably negatively impacted anyone wanting to make improvements to that property. He does not want things to happen so that other individuals along Main Street, especially the 800 Block, start feeling the same negative effects.

Marty Sachs, of 602 West Main Street, expressed concern about the proposed rezoning and the potential redevelopment of the proposed area. He is particularly concerned about the structure on the corner of Clark Street and Lincoln Avenue which was previously mentioned. He did not believe that the City of Urbana could afford to lose another 100 year old house that has historic importance.

There are several other problems that he could see with the proposed rezoning. Two of the major problems are the impact on the neighborhood and the traffic congestion that any commercial redevelopment could cause at the intersection of Clark Street and Lincoln Avenue.

Georgia Morgan, of 804 West Nevada Street, is concerned that the proposed rezoning is more area than the petitioners need for commercial development if they want to redevelop the property as residential with a little bit of business.

She listened to the arguments to allow B-3, General Business, and B-3U, General Business – University, and they just do not make any sense to her. If B-3U is appropriate for property with proximity to the University of Illinois buildings that it should match, this doesn't make sense as there is no University of Illinois buildings located there.

She is also concerned about the legal impact of phrases like "Special consideration should be given to..." If the City upzones a property, then it is upzoned. The current owners could build something on the site, and the next owners could tear it down and build anything allowed in that zoning classification.

She mentioned that she is particularly disturbed by the passing reference to "The City should rezone this because the properties have been allowed to deteriorate". If the properties have been allowed to deteriorate, then whose fault is that? What kind of message is being sent when the solution to deteriorated properties is to put up a parking lot or a big concrete building? What message does this give to landlords?

Karen Kummer, Executive Director of Preservation and Conservation Association (PACA), stated that many people probably expected her to talk about historic preservation issues, but since some other people have already talked about historic preservation, she has decided to talk about some other issues related to this neighborhood.

The Downtown to Campus study was a massive effort undertaken by the Plan Commission and the City Council in the mid 1980's to early 1990's. It was a multi-year study of this particular neighborhood in question. Through the wisdom of that Plan Commission and City Council, the current zoning was put into place with R-2 on Main Street and R-4, Medium Density Multiple Family Residential, on Clark Street. It was specifically done this way in order to protect Main Street and the development that was going on there where people were investing their time and efforts to bring back the neighborhood and the street where the buildings were being deteriorated and blighted in some cases. Thanks to the efforts of individual families and landowners, these buildings were brought back to the wonderful historic preservation street that the City has today. All of this investment now is in jeopardy with consideration of the proposed rezoning to B-3 and B-3U in their backyards.

The Wakeland Family purchased the properties on Clark Street knowing what the current zoning is. They did not own all of these properties when the Downtown to Campus study was being done so they have been obviously collecting these parcels over the years with perhaps commercial redevelopment in mind.

Ms. Kummer continued by saying that the 2005 Comprehensive Plan is fairly specific in its land uses and those are reflected in the current zoning that it should be R-4, which is the correct buffer from the commercial development that is being envisioned for University Avenue. She did not see any reason to change this.

The traffic intersection has not really been addressed in any of the comments yet to date. According to a recent newspaper article, the intersection of University and Lincoln Avenues has the highest traffic accident count in Champaign County. One cannot turn left from Lincoln Avenue onto Clark Street. This would seem odd for a commercial development.

Once these properties have been rezoned, then any development could be allowed under the B-3 zoning. We could have a supermarket or Lowe's or Target or any other big box store. Gentlemen's agreements do not carry forward to future developments.

The Wakelands are already allowed with the current zoning to build a substantial development. They could build multi-family housing in the R-4 zoned lots. Part of the north side of Clark Street is already zoned for neighborhood business. All of this is shown in the previously adopted 2005 Comprehensive Plan.

Ms. Kummer pointed out that the redevelopment would not be in a straight line. The rear lot lines of the houses on West Main Street are jagged, so there would not be a nice and pretty line for commercial development. It would go in and out and grossly affect the R-2 houses that it would abut.

People who live on Main Street have invested a lot of their time, effort and energy to bring this street back and to preserve their very historic houses. They have even gone to the point of supporting the City financially with a lawsuit. The Wakelands proposed to rezone a property and build an apartment building in the 800 Block of West Main Street. The neighborhood pulled together with their own personal funds and joined the City of Urbana in order to help preserve their street. This showed that these people have a commitment to this neighborhood and to their block that really should be upheld in the current zoning.

Eric Jakobsson, of 803 West Main Street, stated that he has lived at this address for 35 years. He stated that his wife and he had bought their house from the Browder Family who built it in 1905. Three generations of Browder's lived there. Olin Browder was the Mayor of the City of Urbana. His son, Bill, was the Chairman of the Illinois Board of Higher Education and was appointed by Governor Thompson. So, they have bi-partisan history in their house.

He opposes the proposed rezoning. It is inconsistent with the 2005 Comprehensive Plan to upzone the south side of Clark Street from multi-family to B-3U. It is not difficult to predict the impact of the property values immediately south of the proposed B-3U area. If the current owner sold the proposed properties, then a buyer could develop a massage parlor, a night club, a gas station, etc. on these lots. Therefore, it is not hard to predict what would happen to the property values of the lots to the south.

He mentioned that he saw the article in the newspaper about the intersection of University and Lincoln Avenues having the highest accident rate of any intersection in Champaign County. He pointed out the difficulties of this intersection. For example, a person wanting to turn south on Lincoln Avenue off of Clark Street has to cut across four lanes of moving traffic within one block of the most dangerous intersection in Champaign County. From most of the directions, there is no reasonably safe way to access Clark Street. This was not addressed at all by City staff.

City staff had already made a decision to support the proposed rezoning prior to having any input from the neighbors. So regardless of whether this process is appropriate or not, the Plan Commission needs to understand that all of the concerns that the neighbors are raising were not considered when City staff made the decision to support this case.

Mr. Jakobsson mentioned that the University of Illinois decided that the 1200 Block of West Clark Street would be a good business opportunity. So, they put in business properties on the first floor of a parking garage. Every unit is still vacant after being opened for a year now.

City staff mentioned that the petitioners have not asked for any help in terms of Tax Increment Financing (TIF). Of course they have not because there is no plan. How can you ask for help for something when there is no plan? There is a stated intention that the petitioner planned to develop multi-family housing on the south side of Clark Street. He does not feel that stated intentions are worth much. Agreements are litigable.

The City of Urbana previously decided that the entire West Main Street corridor needed to be preserved for historic reasons as well as for the benefit of families who reside there. He still

feels that West Main Street is one of the crown jewels of Urbana, and it should not be put to risk for a plan that is certain to be destructive of it and highly questionable economic significance.

Mr. Grosser questioned if Mr. Jakobsson is opposed to the rezoning request for the north side of Clark Street as well as on the south side. Mr. Jakobsson thought the City should look at it very carefully and look at it with respect to the actual business opportunities there because of the extremely bad traffic patterns and because of the negative experience that the University of Illinois has had in the 1200 Block of West Clark Street.

Mr. Grosser asked if Mr. Jakobsson was concerned about it in regards to the property value of his house. Mr. Jakobsson replied that the north side was less of a concern than the south side in terms of direct impact. However, if a commercial business fails on the north side, then it becomes a blight. The Plan Commission needs to consider this very carefully and consider the traffic patterns very carefully before agreeing to any commercial development on the proposed block.

Joan Price, of 806 West Main Street, lives in a Queen Anne style house. Her husband and she bought their house about two years ago, because they were attracted by the historic nature of the beautiful homes. They have tried to fix up their home. Since then, they have purchased two other homes and are in the process of buying two more. So they certainly have plans to stay in this community and work in it.

The impact on the neighborhood is what concerns her the most. Clark Street is currently a nice little buffer street with nice homes with students living in them. She did not want to see this change.

Mr. Grosser inquired if she felt the same about the north side of Clark Street. Ms. Price said yes. She felt it would be a slippery slope. She has seen this happen many times before. Once you start rezoning, it is all up for grabs after that.

Dan Folk, of 807 West Main Street, has lived here since 1990 and lived in the area since 1980. In the 1980's the 800 Block of West Main Street was mostly zoned R-4 with some R-5, Medium High Density Multiple Family Residential Zoning District. There was gradual infill development from apartment developers. Some of the houses were deteriorating and a developer would pick one off. Once in a while a developer would get a couple of deteriorating houses together, tear them down and develop higher density structures. Single-family occupants were concerned about this. During that same period of time, it was becoming a little more fashionable to rehab older homes, and certainly the historic character of Main Street made it attractive for that. So, people participated in the public comments of the Downtown to Campus Plan process. Eventually, the new Comprehensive Plan and the resulting Zoning Ordinance rezoned the single-family properties on West Main Street to R-2 between Lincoln Avenue and Downtown Urbana. An important component of this was that the properties north of Main Street were zoned R-3, Single and Two-Family Residential, and R-4 to create buffering between single-family on Main Street and commercial on University Avenue. This has worked beautifully. All the single-family homes have been improved. All of the rental homes have been upgraded. Property

values are up and R-4 was built in the adjoining areas along Clark Street. The system is working fine.

Now, the petitioners want to break up what the rest of the neighborhood thinks is a perfectly workable bargain by bringing B-3U east of Lincoln Avenue on the south side of Clark Street. B-3U is specifically intended for areas immediately adjacent to the University of Illinois. It allows a commercial component, but it also allows high density residential with size and scale of buildings to fit in with the University of Illinois buildings. None of this applies. There is not any significant U of I buildings within two or three blocks. This is east of Lincoln Avenue, where the U of I said that they would never tread. There is no other high density east of Lincoln Avenue or in the area. B-3U seems entirely inappropriate for the proposed properties.

B-3 U is the single most intense residential zoning available in Urbana. It has no height restrictions at all. The Floor Area Ratio (FAR) is eight times the current R-4 zone. The setbacks are minimal, plus there is a commercial component. There could be a ten-story building with a night club on the first floor. The 2005 Comprehensive Plan recognizes the need for density buffers when transitioning from lower to higher densities.

The petitioners have made a reasonable case in that their tracts are so small that it is hard to attract large scale development. Surely, if the Plan Commission and City Council were to consider giving the petitioners this wonderful gift of upzoning north of Clark Street, then they would not be putting the burden of the transition on the rest of the neighborhood by bringing B-3U south of Clark Street.

The reference of landscape buffers has put him in a rather difficult position. There is no plan on the table, so it is very difficult to judge whether a 10-foot or 15-foot buffer of grass or trees is a meaningful buffer. There is already a transition in place. It works. Please leave it there!

Jeff Tock, of 201 West Springfield Avenue in Champaign, and attorney for Dan Folk, mentioned that he served as Chair of the Urbana Plan Commission when the Downtown to Campus Plan was adopted. He talked about what the Plan Commission went through at that time. As part of the Downtown to Campus Plan, they were very concerned about the jewel of Main Street. They wanted to protect the single-family neighborhood along Main Street as an asset of the City. This area had gotten away from the protection of the Zoning Ordinance because of the R-4 zone that had been imposed on it some years in a prior Comprehensive Plan. So, the Plan Commission felt there was a need to drop the zoning down from R-4 to R-2.

There were a few specific properties that remained zoned R-4, such as the two churches and some existing multi-family housing. The owners of these properties came before the Plan Commission and City Council and said that if the City changed the zoning on these properties from R-4 to R-2, then they would become a non-conforming use. If their property burns down, their insurance would be unable to rebuild because it would be a non-conforming use, and then the lender would lose their collateral. So, there were concerns from lenders, insurance companies and property owners. Therefore, there are some specific properties that appear to be inconsistent in the zoning along Main Street, but they are only inconsistent because of the existing use at the time the City adopted the Downtown to Campus Plan and the downzoning.

There was lots of discussion between the Plan Commission and the City Council members about what the proper zoning would be. Originally, the Plan Commission had recommended an R-2 zoning on the south side of Clark Street. The City Council felt that an R-4 zoning would be more appropriate, so that is what it got zoned.

The testimony at this public hearing is proof that the current zoning has worked. When you look through the neighborhood today, you will see that it is very well taken care of. The property values have been maintained. The selling of properties is very good. They do not sit empty for very long on Main Street. This is something that really needs to be protected.

As you go out from R-2 on Main Street, there is R-3 on Stoughton Street and R-4 on Clark Street which allows for some development and buffering. On the south side of Clark Street now, when you are looking at changing the zoning from R-4 to B-3U, it affects what buffering is available to the properties that back up to the south end of the properties on Clark Street.

Mr. Tock noted that he met Howard Wakeland 20 years ago while serving on the Plan Commission. Mr. Wakeland came in then with a plan for the corner now being considered. He was a regular visitor before the Plan Commission seeking various zoning changes to develop the proposed area always with a promise of having someone interested in developing it. The Plan Commission kept asking for a plan so they would have something to consider.

During the same time period, Mr. Wakeland came before the Plan Commission wanting to rezone the property where the Painted Lady is on the corner of Clark Street and Lincoln Avenue [816 West Clark Street]. His suggestion was that he needed to have a B-2 zoning in order to have additional parking for the B-3 zoning that fronted onto University Avenue. The Plan Commission approved the B-2 zoning for the parking lot, and still today are the same houses that were there when he retired from the Plan Commission ten years ago. Mr. Wakeland has always been well-intentioned in doing developments. He wants to have the freedom to do what development he wants to do, but nothing has ever come of it for what the City has done for him in the past in terms of rezoning of the property and trying to accommodate him. It has always been "I have got someone who is interested, so rezone it, and then I will tell you who it is or what they are doing". As some of the other people in the audience already said, we need to find out what his plan is. If he is asking to rezone this corner all to B-3 and looking to get a vacation from the City for Clark Street and looking to change the zoning of the south side of Clark Street, then why is the City doing this without knowing what is going on? Is there such a demand for business zoning on the south side of Clark Street? Is there really a demand to redevelop the entire corner? What will the unknown development bring to the traffic pattern?

Mr. Tock went on to discuss the 2005 Comprehensive Plan. On Page 3 under "Where do we want to go?", it states that "*Urbana will promote healthy, balanced growth while preserving its community heritage.*" Part of our community heritage is Main Street, and we should do everything we can to protect those houses on Main Street. We do not want to put some sort of commercial development right on the back door of the people on the north side of Main Street. Would this be a detriment to the people who live on the north side of Main Street in single-family homes? If so, these people may not want to look at commercial and end up turning their

homes into rental homes. Then, someone else buys the property and asks for a rezoning to commercial. Then, we get on the slippery slope.

On Page 10 under “Relationship to zoning and subdivisions”, it states “The Comprehensive Plan does not set zoning districts, but rather acts as a guide for zoning as an implementation tool”. The 2005 Comprehensive Plan shows Campus Mixed Use for only the two lots on the corner of the south side of Clark Street and Lincoln Avenue. Mr. Wakeland owns the north half of the lot that is on the corner of Clark Street and Lincoln Avenue. Then he owns all of the lot that is one lot in from there. So, he is missing half of the frontage on Lincoln Avenue for what the Comprehensive Plan shows as Campus Mixed Use. Then, he owns from two lots in the rest of the south side of Clark Street, which on the Comprehensive Plan is shown as Multi-Family, not Campus Mixed Use. Yet Mr. Wakeland has said that Campus Mixed-Use is like B-3U, so let us zone the whole south side of Clark Street as B-3U.

Furthermore, Mr. Tock believed that the City needs to create a new zoning district that would be sufficient for Campus Mixed Use. The B-3U Zoning District is not an appropriate category for Campus Mixed-Use, because the residential component of it creates such an intense residential use. When the City created the B-3U zoning, it was created specifically for property located west of Lincoln Avenue for property that the City thought would eventually be taken by the U of I. The City turned developers loose in this area to develop the land to make the most of what they could on the property west of Lincoln Avenue for housing for the students, tax income for the City, and return on the developers’ investments. They could build high-rise residential, commercial, or mixed use developments. This has worked out very well for the property west of Lincoln Avenue.

The definition of B-3U in the Zoning Ordinance talks about high density. The Zoning Ordinance does not have a height restriction for B-3U. Whereas the height restriction for the R-4 Zoning District, it is 35 feet. The maximum floor area ratio for B-3U is 4, and for R-4 it is 0.5. Regarding Open Space Ratio (OSR), B-3U zoning requires 10% and R-4 zoning requires 35%. On Page 65 of the Comprehensive Plan there is a picture of the new JSM building which is a four-story building. With approval of the proposed rezoning request, this is the type of building that could be developed on the proposed properties. What good would a 10 or 15-foot buffer do for the homeowners along the north side of Main Street who would have to look at this everyday? How would we transition from Clark Street to the R-2 zoned lots on Main Street? We cannot do it with a B-3U. From a planning standpoint, it makes no sense.

Shown on page 31 of the Comprehensive Plan is a caption for the proposed area that says “*Preserve Character*” for the land on the south side of Clark Street. Changing the zoning to B-3U and allowing a commercial building to go up near a residential building is not going to preserve the character of the neighborhood, and it is contrary to the newly adopted 2005 Comprehensive Plan. Goal #1 on Page 33 states “*Preserve and enhance the character of Urbana’s established residential neighborhoods*”. If the City rezones the proposed property, then they would not be preserving and enhancing the character of the neighborhood on Main Street.

Even the Future Land Use Map #8 on Page 79 shows Campus Mixed-Use for the corner of University and Lincoln Avenues. Interior to the east of this shows Multi-Family. It does not say to put in the greatest density multi-family zoning that the City of Urbana has on the south side of Clark Street. It is currently zoned R-4, which is a medium density. It complies with the Comprehensive Plan and should not be changed.

On a final note, Mr. Tock mentioned the Appellate Court decision for the case of Howard Wakeland versus the City of Urbana. He represented Mr. Folk and Randy Kangas in this case. They fought as interveners when Mr. Wakeland said that the Zoning Ordinance for the City of Urbana was unconstitutional in response to the City's down zoning of his property on West Main Street. He left a court case brief to place in the plan case file because it provides a recitation of the background of the planning and the reasoning of the City that went into the Downtown to Campus Plan adopted in 1990, as well as the court's reasoning for going through the La Salle National Bank criteria. In large measure when you get into a litigation situation when there are so many different uses within a small area, as in this case with different zoning districts, the court relies heavily upon what is the decision that the City Council ultimately makes as to whether or not it will be rezoned. The Plan Commission's recommendation to the City Council on whether or not it should be rezoned is very important as to what action the City Council will take.

Ms. Stake thanked Mr. Tock. She mentioned that she was on the City Council during the time when he served on the Plan Commission. Her experiences with Mr. Wakeland are the same as Mr. Tock's.

Linda Lorenz, of 409 West High Street, commented that she does not want to see the little Victorian house torn down and does not want the residents on West Main Street having their backyards full of huge buildings, parking lots, noise and traffic problems. She stated that she did not understand zoning and the processes the City goes through. She was under the impression that the Plan Commission and the City Council were there to set up the rules with zoning to protect the residents. Instead the people are at this meeting begging the Plan Commission to not destroy their wonderful neighborhood which they love so much. Commercial should go in Downtown Urbana where there are plenty of vacancies.

Phyllis Williams, of 810 West Main Street, distributed color photographs on behalf of Mr. Kangas who was unable to attend the public hearing. She mentioned that there were comments about the fragmented zoning that currently exists in the proposed area. She pointed out that it goes back to the mid 1990's when Mr. Wakeland just had to have that corner rezoned. Of course nothing ever came of it.

Whenever the University of Illinois has asked the City to vacate a street or alley, the U of I has had to pay a lot of money to the City of Urbana. They do not pay in the form of a development agreement. It should be this way for anyone requesting the City to vacate property.

Lincoln Avenue is a dividing line. It is not fair to compare zoning to the west of Lincoln Avenue to that on the east. The east side is the historic section. When you look in a copy of the *Daily Illini*, you see "Historic Urbana" or "Historic Main Street". They have what cannot be found

anywhere else. They have these lovely, small single-family homes to the north of their property. Look at what happened to the neighborhood that was west of this area. It is now solid apartment buildings. It does not even look like the same town that she grew up in. She invited the Plan Commission members to come look at what they have and want to protect.

Ms. Williams stated that her neighborhood assumes the worse and does not believe in gentlemen's agreements. The staff report is chalked full of "we could". She mentioned that her husband and she have lived in their house for 18 years. She plans on staying there until they carry her out in a bag.

Mr. Grosser inquired if she is opposed to the zoning on the north side of Clark Street as well. Ms. Williams said yes because it could look like East Washington Street.

Lisa Treul, of 714 West Iowa Street, thanked all of the past and the current Plan Commission members for their hard work because the good news is that the Downtown to Campus Plan worked and the 2005 Comprehensive Plan is a good plan. Historic preservation is the number one goal in the Comprehensive Plan. West Urbana is a vibrant, beloved neighborhood.

Why are we here? Everyone has a right to request a rezoning. But why is City staff recommending approval for the proposed rezoning? Well she is sure that it is for the beloved tax income to the City that of course everyone wants.

The problem is that there is not a specific plan on the table. Once the property is rezoned, then there are many different uses that could be developed there. This is what makes people very distrustful. Can smart growth and infill development occur in West Urbana along with preservation efforts? She believed that it could happen, but it has to be carefully planned. There needs to be a plan in place. Developers need to get feedback from the residents that would be directly affected.

She believed it would be ludicrous to rezone the south side of Clark Street. Without any plans for the north side it would be ludicrous as well. If the owners come back with a specific plan then maybe they could talk with the residents. The residents could at least see what the possibilities are for there.

People have a really strong point that even if there is a plan submitted there would still almost need to be a covenant on the property saying that this is the kind of establishment that would be put on the north side of Clark Street. The covenant would protect the neighborhood from another developer coming back five years later, tearing down the building, and developing another use allowed under the B-3 Zoning District that would be undesirable. One would think that this type of thing does not happen but it does all the time. For example, the Family Video store on Lincoln Avenue came to the City and got approval for a rezoning to build a store. Now the store is closed after only being opened for less than two years. It seems that businesses vacate establishments that they build very easily now.

As the co-coordinator of the West Urbana Neighborhood Association (WUNA), she stated that members of WUNA are a very diverse, dynamic, fun group of people. They are very diverse in

opinions. As a result, WUNA has not taken a stance for or against an issue in the past. Therefore she wanted to correct a letter that was submitted by Paul Smith stating that WUNA had protested to the Urbana City Council to deny his permit to build Smith Manor at 604 West Stoughton. She clarified that there may have been individual people who happen to belong to WUNA speak out against his permit at that public hearing; however they did not speak for WUNA.

It is correct that WUNA did give Mr. Smith a BRAVO Award for the development because it is seen as a very good addition to the City.

Christina Papavasiliou, of 606 West Main Street, mentioned that her husband and she bought this property to rehab it. It is a historic property and was built around 1860. It looked like a good investment and like it could be a way to give back to the community. South Clark Street is way to close to historic Urbana to allow commercial. She is unsure about North Clark Street, but she does feel that the slippery slope argument is a good one. In order to attract people to want to rehab the older homes in Urbana, then the City needs to stand by their ordinances.

Jenny Park re-approached the Plan Commission to say that she is sympathetic to the neighbors. It seems that the neighbors want to use the Comprehensive Plan as ammunition, but at the same time the Comprehensive Plan shows commercial use on the north side of West Clark Street. What the Wakelands have requested is in accordance with the Comprehensive Plan. The City needs to look at this matter objectively. She realizes that the neighbors who live on Main Street will take it personally because it is always the argument of “not in my backyard”. She believes that staff has provided objective justifications as to the proposed rezoning being proper. She asked the Plan Commission to pass this case on to the City Council with a recommendation for approval.

With no further comments from the audience, Chair Pollock closed the public input portion of the hearing.

Mr. Myers clarified that the adult entertainment use is not permitted in the B-3U Zoning District. It is permitted in the B-3 Zoning District; however, it would have to be at least 200 feet from any of the other zoning districts in this area. So the claim that this rezoning would allow adult entertainment here is incorrect.

Mr. Pollock noticed that a massage parlor use is allowed in the B-3 and B-3U Zoning Districts. Would the proposed area be close enough to the nearby church or any other structure that would prohibit a massage parlor from being developed? Ms. Tyler pointed out that Mr. Myers was referring to an adult nightclub like the Silver Bullet. This is the type of use that has distance restrictions. Adult entertainment use is defined explicitly in the Zoning Ordinance. There are distance requirements that would probably prohibit an adult entertainment use from being located at the proposed site. Staff would need to do some measurements to be sure.

Chair Pollock asked for a motion. Mr. Hopkins moved that the Plan Commission forward the proposed rezoning to the Urbana City Council with a recommendation for denial. Ms. Stake seconded the motion. With a motion on the floor discussion by Plan Commissioners followed.

Mr. Hopkins believed that parts of the proposed site needed to be redeveloped. That redevelopment needs to occur in an appropriate way, but even changing the proposal to leave the south side of Clark Street zoned R-4 does not create a zoning situation on the north side that would lead to appropriate development. The simplest way to put this is that the City would be creating a street with large lots that would individually be zoned B-3. B-3 is not an appropriate zone for the individual lots, but it might be for the block as a single parcel or two parcels, where the ingress and egress problems could be dealt with. Having a set of small parcels zoned B-3 on a street that is constrained by a railroad track and is one block long and has access problems does not make sense. The intent of recommending denial would be for the petitioners to go back to the drawing board and say how they can do an appropriate redevelopment of this parcel.

Ms. Tyler clarified that the Zoning Ordinance does allow zoning lots where several smaller adjacent lots under common ownership can be developed as one lot. The City does not ordinarily see re-platting say for the Schnucks store or some other projects. These have tended to be lot assemblages and what pulled them together are the common ownership and hopefully a common zoning designation. It would be possible to develop one large development on these many different lots without having to replat as a lot consolidation. Mr. Hopkins acknowledged this; however, the City would not be in the position by making this recommendation of requiring that. If they had a credible development proposal which showed that the current platting was irrelevant to the proposal, it would be one thing. They do not have that in this case. If they approved this proposal, they would be legally creating a set of small lots that could be developed one at a time as B-3. Although it may seem unlikely for this to happen, this is what they would be creating, and he did not feel it would be a good idea in this particular circumstance.

Mr. Ward supports Mr. Hopkin's motion. He believed that what is being proposed for the area south of Clark Street is absolutely inappropriate. As far as the north side of Clark Street, it seemed to him that the City is being asked to make a significant change in the zoning regulation based on speculation at this point. There is no proposed plan. There is nothing before them to know that the rezoning makes sense. For this reason he supports a denial of the entire rezoning.

Mr. Hopkins clarified that even if there were a plan, the Plan Commission's action to rezone would not be a commitment to the plan on either the City's part or the owner's part. So the City needs to be careful that they think about the rezoning in terms of what it could do. On the other hand, it is true that if there were a credible expectation of what was going to happen, then the City might see through this in a different way. There is a subtle difference that is important. Mr. Ward agreed. In order to change the existing zoning, he wants to see a reason, and he sees no reason at this point.

Ms. Stake stated that in the staff report it was noted that the petitioner has made no claim that the proposed 15 properties have remained vacant due to the current zoning. She believed that the zoning should be left as it is. She certainly would support the denial.

Mr. Grosser pointed out that the people care what happens a block away. So, while none of the neighbors want the south side of Clark Street to change, some of the neighbors were not as concerned about the north side of the street. There is potential to rezone the north side to B-3 and combine it with the properties on the north side of it along University Avenue to create a

good development that would not affect the historic properties along Main Street. There is no plan to ensure this would not happen. From looking at the Downtown to Campus Plan, it looks like the zoning for the proposed area was carefully crafted to protect the historic neighborhood on Main Street. The properties on the south side of Clark Street were zoned R-4 to serve as a buffer. He would support the motion.

Mr. White commented that he would be supportive of rezoning the north side of Clark Street to B-3 if it included the south side of the railroad tracks and south side of University Avenue so that all of the properties could be put together into one development, but he would want to see a plan first. The plan would then tell us what would happen to the south side of Clark Street. Unfortunately we are caught in a situation where the petitioners cannot market the properties because of the current zoning, and many of the Plan Commission members are thinking that they cannot rezone the properties without a plan.

Mr. Pollock is sympathetic to the argument that the petitioner would like to sell these properties to someone interested in doing a development and that they need the rezoning approved before the interested developer agrees to buy the properties. Everyone agrees that there needs to be a plan. If there is a redevelopment for the proposed area that is appropriate and is compatible with surrounding neighborhoods, it needs a plan to address traffic, engineering, possible vacation of alleys and streets, height and the impact of the surrounding neighborhood. Then, the City could work together with the developer and the neighborhood. Clearly, the proposed rezoning before them at this time is completely inappropriate. He supports the motion entirely.

Ms. Stake noted that the petitioners did not say that they could not redevelop the proposed properties under the current zoning. Actually the petitioners are choosing not to redevelop them under the current zoning. They have been planning for this for a major development rather than developing what they could develop at the present time.

Ms. Burris stated that she supports the motion as well. She is concerned about safety in the area. She travels down Lincoln and University Avenues a lot, and she cannot imagine turning onto Clark Street from Lincoln Avenue. She loves the Main Street area. She could not imagine having a huge apartment building in the backyards of the residents along Main Street. "Anything goes" is a no go in her opinion.

Mr. Pollock reminded everyone that it is possible to develop multi-family residential under the current zoning with business on the north side of Clark Street in the B-2 section. The point is that the zoning is in place to protect the Main Street neighborhood. The Downtown to Campus Plan has been effective. However, this does not mean that something will not get built close to the backyards of those residents. But to do anything more intense than what would be allowed under the current zoning will require a lot more planning than what they have seen at this hearing.

A roll call vote on the motion was taken as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Mr. Ward	-	Yes	Mr. White	-	Yes
Mr. Burris	-	Yes			

The motion was passed by unanimous vote (7-0). This case is scheduled to be heard by the City Council on July 17, 2006.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Text Amendment for Gas Station Canopy Signs was approved by the City Council.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission