

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 22, 2008

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Tyler Fitch, Ben Grosser, Michael Pollock, Bernadine Stake, Don White

MEMBERS EXCUSED: Jane Burris, Lew Hopkins, Marilyn Upah-Bant, James Ward

STAFF PRESENT: Robert Myers, Planning Manager; Lisa Karcher, Planner II; Teri Andel, Secretary

OTHERS PRESENT: Viola Bradley, Keon and Judy Conerly, Alvin Klein, Rob Kowalski, Sarah McDougal, Bob Rasmus, Doretha Simmons, Glenn Stanko, Howard Wakeland

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 present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Grosser moved to approve the minutes from the May 8, 2008 meeting as presented. Mr. White seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- ◆ Property Owner Preference Form submitted by Viola Bradley

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2068-M-08: A request by Howard Wakeland to rezone properties located at 701, 705 and 707 North Lincoln Avenue; 903, 905 and 909 West Hill Street; and 906, 908 and 910 West Church Street from R-2, Single-Family Residential to B-3U, General Business – University Zoning District.

Lisa Karcher, Planner II, presented this case to the Plan Commission. Referring to Exhibit A (Location and Existing Land Use Map), she showed where the proposed properties are located in the City of Urbana. Howard Wakeland is the petitioner, and he owns eight of the nine properties. Viola Bradley owns the ninth property, and she has submitted a Property Owner Preference form, a copy of which was distributed to Commissioners prior before the meeting commenced.

Ms. Karcher described the land uses and zoning of the surrounding adjacent properties. Referring to Exhibit C (Future Land Use Map), she discussed how the request to rezone the proposed properties relates to the 2005 Comprehensive Plan. She talked about how the petitioner proposes to redevelop the subject properties if the proposed rezoning request is approved. She also discussed the B-3U Zoning District requirements.

Ms. Karcher reviewed the La Salle National Bank criteria that pertain to the proposed rezoning request. She summarized staff findings, read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Plan Commission forward Plan Case No. 2068-M-08 to the Urbana City Council with a recommendation for approval.

Mr. Grosser asked what the screening requirements would be. Ms. Karcher explained that the Zoning Ordinance requires a fence on the side-yard property lines and a landscape buffer for the rear-yard property line. City staff held a discussion about what this would mean. Does it mean the neighbors' rear yards or the petitioner's rear yard property line? City staff has concluded that they would have to consider how it would impact the two existing properties, as well as the properties to the west, as the development plans are submitted. The City needs to consider the orientation of the development that would be proposed. In addition, when a parking area is immediately facing a residential district, additional screening would be required to shield the headlights from that residential neighborhood.

Mr. Grosser asked if the other B-3U zoned properties are all adjacent to the University of Illinois. Ms. Karcher referred to the Zoning Map. All of the existing B-3U zoning districts are located west of Lincoln Avenue and south of University Avenue.

Ms. Stake wondered how the petitioner could provide proper buffers because there are so many sides that would be up against the residential homes. Ms. Karcher responded that it would be hard to answer without first seeing the specific development proposal. Her understanding is that development of the property would happen over a period of time, so the type of buffering/screening will depend upon what is developed and when, and whether or not Mr. Wakeland would also eventually own the adjacent properties.

Ms. Stake noticed that there are quite a number of beautiful trees. She inquired as to whether or not they would have to be removed. Ms. Karcher explained that the City does not currently have a tree preservation ordinance in place for private property. The City does have requirements for street trees. If a developer needs to remove any street trees in order to develop a property, then he/she is required to replace the trees.

Chair Pollock questioned whether Carle has any plans to redevelop the residential lots that they own directly across Lincoln Avenue from the proposed properties. Ms. Karcher stated that Carle is in the process of updating their 1995 Master Plan. City staff has been able to review their preliminary plans. In these, the area to the north of the new Carle Spinal Clinic has been designated as an expansion area for the next three to five years.

Chair Pollock commented that the intimation in this case is that the development would be built so that the higher intensity uses would be along Lincoln Avenue and the lower intensity uses towards the inside of the development that abuts on the adjacent residential properties. However, isn't it true that if it the properties are rezoned to B-3U, then the petitioner could build pretty intense uses elsewhere on the property? Ms. Karcher said that is correct.

Chair Pollock wondered if the City has made arrangements for how they are going to acquire the land necessary to expand Lincoln Avenue. Ms. Karcher replied that the City's Public Works Department has been working on this for several months. She has the understanding that Public Works is planning to move forward on this project this year.

Chair Pollock inquired as to whether Mr. Wakeland owns all of the property in the proposed block that fronts onto Lincoln Avenue. Ms. Karcher said no. There is one property not owned by him on that frontage.

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

Howard Wakeland, petitioner, and Glenn Stanko, attorney for the petitioner, approached the Plan Commission to speak in favor of and to answer any questions that the Plan Commission may have. Mr. Stanko commented that the written staff memo and the comments made by Ms. Karcher covered their request thoroughly. Therefore, he does not have much more to add.

The most significant point is that the B-3U Zoning District is consistent with the 2005 Comprehensive Plan. The Plan specifically states, "*Promote community business that can serve University population and immediate neighborhood*". Mr. Wakeland's plans include moving an eight-unit apartment building up on the proposed properties. He plans to construct a building that he would use for maintaining his apartments and rental houses, many of which lie south of University Avenue. He also plans to use part of the building as an office and hopes to build an upscale restaurant that would ideally front on Lincoln Avenue. Most of his apartment buildings and rental houses are generally occupied by University of Illinois students as would the eight-unit apartment building he plans to move to the proposed location. So, what he plans to do with the proposed properties would benefit the University, and it would be consistent with the B-3U Zoning District.

Lincoln Avenue is a major north-south thoroughfare in the City of Urbana. It is an entrance to the University of Illinois campus from Interstate 74 and University Avenue. The Comprehensive Plan contemplates business development along the corridor.

There is to be a seven-foot widening of Lincoln Avenue along the west side. Mr. Wakeland has already agreed with the City of Urbana to dedicate the seven feet of the four properties that he owns that fronts on Lincoln Avenue. There is also a traffic light that is to be installed at the intersection of Lincoln Avenue and Church Street.

The LaSalle National Bank criteria were discussed in the written staff report and mentioned in the staff presentation given by Ms. Karcher. Mr. Stanko reiterated that there is Industrial zoning immediately to the south of the proposed properties where the Illinois-American Water Company is located. There is business zoning across Hill Street to the north along Lincoln Avenue. There is MIC (Medical Institutional Campus) zoning where the Spine Institute is located. Carle continues to acquire land north along University Avenue and would probably own the properties east of the proposed properties. He assumed those properties would eventually be rezoned to MIC as well. Therefore, the surrounding zoning and uses are consistent with the B-3U Zoning District and the 2005 Comprehensive Plan.

Mr. Stanko talked about screening the proposed properties. He pointed out that Mr. Wakeland fully intends to comply with all screening requirements. Screening is really not an issue on the south side, because it borders the water company. Screening will be required more on the west side and some to the north. The east side of the proposed properties already fronts on Lincoln Avenue.

He asked the Plan Commission to support the redevelopment of the proposed area by granting the rezoning petition.

Mr. Fitch wondered how the layout of the buildings would be. He figured that the maintenance building would go in the southwest corner of the area. Where would the apartment building, the office and the commercial building be placed? Mr. Stanko answered that Mr. Wakeland is thinking about placing the maintenance building in the southwest corner of the property and maybe the apartment building to the east of it. If there are concerns and the City would rather have the apartment building serve as a buffer between the other planned businesses and the existing residential neighborhood, then Mr. Wakeland is flexible. Mr. Wakeland stated that the

most likely place for the restaurant would be in the middle fronting on Lincoln Avenue. This might change if he can persuade the property owners that own the two properties in this area to sell those properties to him. He mentioned that he has one offer out, but he has not heard any response back as of yet.

Ms. Stake asked how the petitioner would buffer the two residential properties not owned by Mr. Wakeland. Mr. Wakeland stated that he would buffer whatever needs to be buffered. He mentioned that he would pursue the paving of Church Street over to the end of his property.

Chair Pollock questioned who Mr. Wakeland anticipated paying for the repavement of Church Street. Mr. Wakeland assumed it would be a joint venture between the City of Urbana and himself.

Mr. Stanko stated that Exhibit A is easier to use to determine the amount of buffering that would need to be done. There is virtually nothing on the south side to buffer. It is either vacant or the water company towers start. Hill Street is to the north and Lincoln Avenue is to the east, so the buffering requirements do not apply either place. Essentially, they would only need to buffer to the west, where the residential housing subdivision is located. Ms. Karcher stated that would be the case if Mr. Wakeland owned all of the properties in the area, but since he does not own two of the properties, he would need to buffer around these two properties. Mr. Stanko assumed that until Mr. Wakeland acquires those two properties, it would limit how he can develop the other properties in the tract.

Ms. Stake inquired as to whether Mr. Wakeland planned to keep the trees. Mr. Wakeland said he would try to keep the trees as much as they possible can.

Ms. Stake stated that a maintenance and storage structure is not permitted in the B-3U Zoning District under conditional use permit or special use permit. So, a storage area is not really what the City wants anyhow. The City wants the land to be used as the Comprehensive Plan calls for.

Ms. Karcher responded that when the City staff reviewed the petition for rezoning the proposed properties. They determined that the maintenance and storage structure is related to his rental property business. Once he moves his business office to the proposed area, the maintenance and storage structure will technically be considered an accessory use to his business. However, if he wanted to construct a maintenance or storage building for some miscellaneous use, then it would not be permitted by right. Mr. Stanko assured City staff and the Plan Commission that Mr. Wakeland's intended use is for his rental property business. Ms. Stake responded that the Comprehensive Plan calls for commercial areas, so that we would strengthen the City's tax base, and a maintenance/storage building does not do that. Therefore, it does not follow the Comprehensive Plan Goal 25.0.

Mr. Grosser wondered if there was anything about the B-2, Neighborhood Business – Arterial Zoning District, that would not support what the petitioner is planning for the proposed area. Why B-3U instead of B-2? Mr. Wakeland replied that they chose B-3U because the Comprehensive Plan talks about promoting community business to serve the University population and the immediate neighborhood. The B-3U Zoning District was created for this same purpose.

Mr. Grosser questioned what Mr. Wakeland meant by being flexible. What is it that Mr. Wakeland feels he could do in the B-3U Zoning District that he cannot do in the B-2 Zoning District? Mr. Wakeland stated that he has had experience building in the B-3U Zoning District, and it turned out to be successful. He has not had that much experience with the B-2 Zoning District.

Mr. Grosser inquired as to whether Mr. Wakeland had any B-2 zoned properties. Mr. Wakeland stated that he used to own some properties that were zoned for neighborhood business. The City has changed the zoning of some of the properties so now he is not sure what they are zoned. Ms. Karcher explained that Mr. Wakeland is talking about his property at the English Hedgerow. The front part along Lincoln Avenue is zoned B-3, General Business, but directly to the south, the properties are zoned B-2.

Ms. Stake wondered how big of a maintenance/storage structure could Mr. Wakeland build. Ms. Karcher answered that he would have to follow the setback, open space (OSR) and floor area ratio (FAR) requirements. This decision would be made once he submits development plans for the proposed area. Sometimes when an entire area is developed, the City applies the standards to the entire area. However, if he develops the area piece by piece, then the standards would be applied to the piece of area he is developing at that time. She noted that FAR means the amount of building square footage to the size of the lot. The FAR would dictate the size of the maintenance/storage building. It is hard to answer this question, because City staff does not know how he is going to develop the property at this time.

Ms. Stake commented that there are some places where only one accessory structure is allowed per house. Surely, Mr. Wakeland would not have just one accessory building for the entire area.

Ms. Stanko understands that the Plan Commission is always interested in what someone plans to do with their property. However, in technical terms, they are talking about a map amendment that would allow the range of uses that are allowed in a B-3U Zoning District. The details for a more specific use are required and reviewed when the petitioner applies for building permits to ensure that the use is allowed and complies with the Zoning Ordinance along with any other requirements. Chair Pollock said that is correct. The job of the Plan Commission is to take a look at all of the proposed properties and decide if the B-3U Zoning District is an appropriate zoning designation for these properties. The Plan Commission does not get to say that they will recommend approval if a property owner develops it in a certain way. So, either a property is appropriate for the zoning or it is not.

Ms. Stake remarked that they must understand what she says, because she is trying to get at something that is the legal way of making a decision regarding the zoning. Ms. Karcher gave the example of the Atkins development on South Windsor Road. The Atkins Group developed a large chunk of property that is zoned B-3. They have Milos Restaurant and some strip centers. Some of the development are outlots, and the City applied standards for individual lots. Some of the development is owned by the Atkins Group, and the City applied regulations for larger lots. It develops in the same way; just differently based on the developer and how they divide the lots. Ms. Stake commented that this is not exactly what she wanted to know.

Robert Myers, Planning Manager, noted that Mr. Wakeland currently has his office and maintenance facility just south of University Avenue in what is zoned B-3. He does not have any reason to believe that his current facility is out of zoning compliance in the B-3 zone, and if he would move that particular office and maintenance facility to a new location zoned B-3U, then there is no reason to believe that the use would be out of compliance.

Ms. Stake stated that it is not very clear as to how it all works. Chair Pollock added that the petitioner is not required to provide a site plan with a rezoning request. Ms. Stake agreed that he does not, but the Plan Commission has the responsibility to have the rules so they can understand them. Ms. Karcher said that it is important to note Ms. Stake's concern over the maintenance, but she did not believe that Mr. Wakeland would want to build a large maintenance/storage structure that essentially takes away his ability to develop other buildings. So, in this aspect, the Plan Commission needs to look at the properties as a whole.

Mr. Grosser sees the maintenance facility as being similar to a garage. It would be an auxiliary use to the office use. City staff would review the building plans and could refuse to allow Mr. Wakeland to build a large garage. Mr. Stanko remarked that this is a risk that Mr. Wakeland has if he gets the zoning and comes in with a plan that City staff feels does not fit, then he will not be able to construct it. He has to construct something that is permissible under the Zoning Ordinance.

Chair Pollock commented that the Plan Commission is concerned about not seeing a site plan because he has never seen a layout like this where they would be developing around properties. He asked if Mr. Wakeland has a contract to buy 903 West Hill Street. Mr. Wakeland said no.

Chair Pollock then asked why it is part of the proposed rezoning and the other two properties that Mr. Wakeland does not own are not part of the request to rezone. Mr. Stanko responded that those two property owners have not indicated that they are in agreement of the proposed rezoning. One of the two property owners is against the petition. They cannot reach the second property owner.

Chair Pollock wondered if Mr. Wakeland had any concerns that the highest and best use of developing the proposed properties would not be achieved until those two properties are part of the parcel. With the one property sitting right in the middle of the stretch along Lincoln Avenue, it might really limit what Mr. Wakeland could do with the property. If Mr. Wakeland needs those two properties in order to build the parcel out to the best use, then is he jumping the gun on the rezoning? Mr. Wakeland said no. There is no guarantee that he will be able to purchase the properties. The bottom line is that there is a lot of developmental area there that he can do something with. He is willing to take the chance that he can redevelop the parcel without those two properties.

Chair Pollock asked if Mr. Wakeland understood that he would have to screen three sides of each of those two properties. Mr. Wakeland replied yes. Chair Pollock commented that he could potentially have, if this case is approved, a very large commercial structure immediately next to two residential structures, which generally speaking is not looked favorably upon. Having a high intense use next to a residential use is not something that the City searches for. He looks at having those two properties outside the proposed development as being troublesome. Mr.

Stanko responded by saying that the Plan Commission might want to look at where the two properties are located in the parcel. The one that fronts on Lincoln Avenue will be diagonally across the street from the Carle Spine Institute. It will be directly across the street if Carle develops the area to the north of the Carle Spine Institute. The second property located on Hill Street is not too far away from parcels already zoned as business use at the northwest corner of Lincoln Avenue and Hill Street. To some extent, those properties are already exposed to the type of uses that would be constructed on Mr. Wakeland's property.

Keon Conerly, 703 North Lincoln Avenue, expressed several concerns that he has with the proposed rezoning. He is aware that the City contacting the property owners along Lincoln Avenue to acquire land to widen the street. Because of the seven feet being taken away from the property, it adds additional stress to the property for the property owner. When the City acquires the seven feet in front of 703 North Lincoln Avenue, it could potentially create problems for entering the property.

The lots at 701 and 705 North Lincoln Avenue both have very small square footage. Placing any type of structure other than a single family residential home would be harmful to the living style and existing living quarters there. Because of all the unknowns of what would actually be constructed on the proposed properties, it creates a lot of concerns for him. They feel that sound, pedestrian traffic, vehicle traffic and potential pedestrian damage to personal property at 703 North Lincoln Avenue are all potential problems.

Mr. Conerly stated that in reviewing the documents sent to him, he noticed that there is no limit to the height of the future facilities that could be built if the rezoning is approved. Ms. Karcher commented that there is no height limit in the B-3U zoning district; however, the height would be restricted by the footprint of the building and the FAR regulation. Chair Pollock responded by saying that Mr. Wakeland could still possibly build a tall building. Ms. Karcher said yes.

Mr. Conerly feels that this is a concern. Without knowing exactly what type of facility or building would be constructed, it could be a real concern of anyone occupying the residential home at 703 North Lincoln Avenue. He also noticed that there is a height restriction in the B-2 Zoning District. As a result, he asked why the petitioner is requesting a B-3U zoning rather than B-2.

He expressed concern about the storage facility being constructed close to the residential properties. He feels it would create a lot of traffic flowing through the residential area. They are also concerned about how the land would be maintained even though there would be some type of fencing or other means of screening placed around the residential properties. As a result of the concerns he mentioned, he recommended that the Plan Commission vote to send a recommendation to the Urbana City Council for denial.

Mr. Fitch wondered about the expansion of Lincoln Avenue. Is it seven feet from the existing curb? If so, it would shorten the yard to the other side of the sidewalk, correct? Mr. Conerly said that is correct. The City would move and replace the sidewalk seven feet from where it is now. Mr. Fitch asked if it would affect the two trees in the front yard. Mr. Conerly said it would be very close. This is another concern of theirs that they have discussed with the City staff. He

mentioned that the seven feet has not been finalized between the property owner and the City of Urbana because of those trees.

Mr. Myers asked Mr. Conerly if he had opinion or feeling about B-2 zoning specifically. Mr. Conerly said he had not formed an opinion about it. He was merely reading the information about it in the packet and noticed that there is a height requirement and square footage requirement in the B-2 Zoning District. Not that they would be in favor of the proposed area being rezoned to B-2, it just seems that it would be a lesser impact on their property.

Doretha Simmons, owner of 907 West Hill Street, stated that a family currently resides on her property. It has been designated as a Section 8 housing unit and has passed their inspections without any complications. She mentioned that she has owned the property for about 30 years now. It has been a great place to raise children, and it affords a family an opportunity to access a neighborhood school. She has kept the home to allow for affordable housing for a single-family.

She commented that Mr. Wakeland has been a good neighbor as he has purchased properties in the Hill Street area. He has done a lot to improve the quality of the street. He has been forth right, a statesman and a gentleman.

She understands that expansion and change is coming to this corner of the City. She does not understand what Mr. Wakeland has planned for the proposed properties in the future. This is why she is concerned and opposes the rezoning request. She is uneasy about what how Mr. Wakeland's plans will impact the residential homes. She came to the public hearing to find out more information about his plans. She is still opposed to the rezoning request until she sees his development plans and can make a better informed decision.

Viola Bradley, of 903 West Hill Street, said that she has spoken with Mr. Wakeland several times. She is not opposed to the rezoning; however, she has a problem with large buildings being constructed on the properties. She had explained to Mr. Wakeland during their conversations that she did not want anything constructed behind her property that would obstruct her view. If Mr. Wakeland constructs something that will be good for the neighborhood, then she does not oppose his plans. She currently has no intentions of selling her home.

Mr. Grosser asked if she is still in favor of rezoning her property. Ms. Bradley believes that the only thing that rezoning her property is going to do is make it more valuable.

Mr. Grosser inquired about how she felt about the rezoning of the properties around her that Mr. Wakeland owns. Ms. Bradley stated that she is opposed to rezoning the property to the east of her at 707 North Lincoln Avenue because it is on the side of her. The other properties are located behind her property. She is not opposed to the properties behind her being rezoned as long as Mr. Wakeland constructs something that is compatible with the neighborhood. Chair Pollock understood her to say the there are some ways in which the proposed rezoning would allow a redevelopment that would be okay with her, and there may be some ways that it may allow a redevelopment that would not be okay with her. Ms. Bradley answered that is correct.

Mr. Stanko re-approached the Plan Commission to address some of the comments made by members of the audience. He began by saying that the Simmons and the Conerly properties are

rental properties. He believes the only owner-occupied home is Ms. Bradley's home. He understands the neighbors' concern about what might be developed next door to them in how a future development would be buffered from their properties and what impact it would have on them.

The City's Comprehensive Plan states what they believe the area should be used as, which is business/commercial. Sometimes business commercial developments happen in stages, and they only need to look at Carle Foundation Hospital as proof of that. Here we are talking about one particular tract, and it may have to be developed in stages as well, because arguably one or two property owners are not interested in selling their properties and are opposed to the business/commercial development possibilities. This limits the development opportunity for Mr. Wakeland. He would then have to develop the parcel as he possibly could in the configuration that he is.

Mr. Wakeland could currently move the 8-unit apartment building to the proposed parcel and construct the office and maintenance buildings. He feels if it meets the Comprehensive Plan, then it would not be unreasonable to move forward in the configuration that it is. The person who is left hanging out there is really Mr. Wakeland. He is the one whose opportunities are limited. Eventually maybe Mr. Wakeland will be able to purchase the remaining three properties and fully develop the property. The development is not all going to happen overnight anyway. Mr. Wakeland plans to continue to rent out some of the properties as residential homes until he gets to the point where he can do what he wants to do.

Mr. Wakeland mentioned that he has tried to keep the neighbors informed about what they were going to do. He tried to use zero coercive action in terms of convincing the neighbors of what they should do. They are good people and he treasures them.

Mr. Grosser wondered if Mr. Wakeland would be opposed to rezoning the proposed parcels to B-2 instead of B-3U. Mr. Wakeland replied that he would prefer B-3U simply because he knows the requirements of the B-3U Zoning District.

Mr. Stanko inquired as to whether the Plan Commission could change the request for rezoning from B-3U to B-2. Chair Pollock said no. The petition is for rezoning the proposed parcels to B-3U, and that is what the Plan Commission needs to decide whether it is an appropriate zoning district for this area and make a recommendation to the Urbana City Council.

Mr. Conerly pointed out that 703 North Lincoln Avenue is not a rental property. It is family owned. At this time he does not foresee the family selling the property to Mr. Wakeland or any other buyer. Mr. Wakeland has approached the family several times about purchasing the property. They have had several family issues so selling the home is not a top priority. Yet at the same time, they understand that he has a business to run and that this is a top priority for him.

The family wonders if it is unreasonable for Mr. Wakeland to wait until he acquires all the missing pieces to the puzzle. It is hard for the residents living in the homes to picture what their quality of life is going to look like after some type of buildings get constructed on the proposed site. It is a scary thought which is why they are opposed to the rezoning request.

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

Ms. Stake understands that the Comprehensive Plan calls for business and commercial to be developed on the proposed parcels and that there already some businesses located in the neighborhood. However, she does not feel that it should be zoned B-3U, which allows buildings that are too tall and too large to fit in with the existing residential structures in the neighborhood. There are other ways to allow business on the proposed site without having as much of an impact as the B-3U.

Mr. Grosser stated that he appreciates any time a developer comes to the City and wants to develop property in a manner that is generally consistent with the Comprehensive Plan. There is a lot of vacant land in the proposed area that could clearly be utilized by Mr. Wakeland's current business. However, he is not quite convinced that the B-3U Zoning District is the best option for the property. When comparing the B-3U Zoning District to the B-2 Zoning District, the primary differences is that the B-3U Zoning District allows night time businesses in addition to daytime operations, such as taverns, liquor stores and nightclubs, etc. The B-2 Zoning District does not permit these types of uses.

Although on Lincoln Avenue it doesn't matter so much about the types of uses, it does matter to the Conerly family, Ms. Simmons, and Ms. Bradley, because it would back up to their properties and surround them on three sides. Regardless, the choice is not what Mr. Wakeland intends to build or what they think might happen, it is what could happen if they change the zoning and the property is all sold tomorrow. He is a little conflicted. Clearly this area is going to become a business use in the long run. He does not like the current configuration, but at the same time he does not see Mr. Wakeland or any other developer constructing a large building until the three remaining properties are owned by the developer.

Mr. White moved that the Plan Commission forward Plan Case No. 2068-M-08 to the Urbana City Council with a recommendation for approval. Chair Pollock seconded the motion for purposes of discussion.

Ms. Stake believes that if Mr. Wakeland starts construction of the proposed uses, then the property values of the three remaining residential properties will decrease, because no one will want to live there.

Mr. Fitch thought that at some point he could support the motion, but not at the present time. He does not feel it is the right thing to do because the three residential properties would be surrounded on three sides by the B-3U Zoning District.

Chair Pollock commented that he has no doubt that Mr. Wakeland has the best interest of the neighbors in mind. He has never heard anything negative about him as a land owner or property owner from his neighbors. The fact of Mr. Wakeland's uncertainty about what might happen on this property and the fact that the B-3U Zoning District can allow a massive development with an intense use on top of the three residential dwellings makes him wonder if this is the proper zoning at this time. Mr. Wakeland is not required to provide a Site Plan for a rezoning request, but as a Plan Commissioner it is his responsibility to help protect the neighborhood. At this

point he would feel more comfortable looking at this type of proposal further down the road when it is a little clearer that there will be less possible negative impact on directly adjoining neighbors.

Mr. Grosser stated that if the rezoning request was for a B-2 Zoning District rather than a B-3U then he would be more supportive of the request.

Roll call on the motion was as follows:

Mr. Fitch	-	No	Mr. Grosser	-	No
Mr. Pollock	-	No	Ms. Stake	-	No
Mr. White	-	Yes			

The motion failed by a vote of 1-4.

Mr. Grosser moved that the Plan Commission recommend to the Urbana City Council to suggest to the petitioner to bring the proposal back with a change to B-2 zoning. The motion died due to lack of a second.

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2068-M-08 to the Urbana City Council with a recommendation to deny. Ms. Stake seconded the motion.

Mr. Fitch reiterated that he feels this may be the best use of the proposed site but just not at this time.

Chair Pollock commented that he is not fully comfortable with this motion either. However, he feels it is the best possibility at this particular time. He respects the developer's intent to do something constructive with these properties. He understands that short of a commercial designation, there are very severe limits to what can be done with the property, but they also have to consider what can be done if they approve the rezoning request. In the unfortunate event that something happens to Mr. Wakeland or he decides to sell the properties, there are developments allowed in a B-3U Zoning District that would have a severe negative affect on the residential neighbors.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	No
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	No			

The motion was passed by a vote of 3-2. Mr. Myers noted that this case is scheduled to go before the City Council on June 2, 2008.

Plan Case No. 2070-M-08: A request by the St. Matthew Lutheran Church to rezone 2200 South Philo Road from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple Family Residential Zoning District.

Lisa Karcher, Planner II, presented this case to the Plan Commission. She began by referring to Exhibit A, Existing and Land Use Map, to show where the property is located in the City of Urbana. She described the proposed site and the surrounding properties noting their existing land use and zoning designations. She gave a brief history of the proposed site and of St. Matthew's Lutheran Church. She mentioned that the church was built in 1962. At the time it was built churches were allowed by right in the R-1 (Single-Family Residential Zoning District), R-2 (Single-Family Residential Zoning District) and R-3 (Single- and Two-Family Residential Zoning District). A text amendment to the Zoning Ordinance in 1979 changed this, and now any church that wants to build in one of those three zoning districts must have a Special Use Permit. Since St. Matthew's Lutheran Church wants to expand, they would need to request approval of a special use permit or they could request to rezone the property to R-4 (Medium Density Multiple Family Residential), and the expansion would be allowed by right.

She reviewed the LaSalle National Bank criteria that pertain to the proposed rezoning request. She summarized staff findings, read the options of the Plan Commission and presented City staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2070-M-08 to the Urbana City Council with a recommendation for approval.

Mr. Fitch inquired as to whether "institutional" was put in the Comprehensive Plan for this area in order to protect the church. Mr. Myers said that is correct. It is to recognize the church use at this location and the church's land holdings to the east.

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

Rob Kowalski, member of St. Matthew Lutheran Church, spoke to the Plan Commission. He assured the Plan Commission that the church intends to remain at the proposed location. The rezoning request is to allow the church the ability to expand by right, not to attract a buyer or redevelopment.

He mentioned that the church property has split zoning. The original lot, which the church is currently located on, is the subject of the rezoning request. About ten years ago, Clint Atkins donated ten acres to the church as part of the overall Stone Creek Annexation Agreement. This lot is zoned R-4. Two years ago, the church sold a portion of the lot for Amber Glen Alzheimer's Care Unit. However, St. Matthew Lutheran Church still holds on to the remaining four plus acres to farm to provide for their food resource bank. The crops harvested are used to help feed the hungry.

He believes that requesting a rezoning of the original land is more appropriate than asking for a Special Use Permit for expansion of the church. The church is located in the center of a six plus acre parcel, and the small addition would not have any impact on the surrounding properties. The rezoning would be consistent with the existing zoning patterns. It is consistent with the 2005 Comprehensive Plan.

He responded to Mr. Fitch's question about "institutional" zoning designation. He recalled when he was on the Urbana City staff and worked on the Comprehensive Plan, there was a lot of talk and discussion about all the properties along the east side of Philo Road. It was discussed at the time that the church was a well established use there and to continue to plan for the church area to be institutional was most appropriate. Lastly, he believes the rezoning proposal is consistent with the LaSalle National Bank Criteria. Especially criterion 1 and 5 address the appropriateness and suitability of the land for the rezoning.

Pastor Bob Rasmus, of the St. Matthew Lutheran Church, talked to the Plan Commission about the church's plans to expand. The expansion will be towards the east and will include about 4,800 square feet. He showed a display board illustrating the proposed expansion of the church.

Mr. Kowalski commented that he would consider this an elbow room expansion which means it is to allow a little more space in the existing building to accommodate their current congregation and also allow some growth.

Alvin Klein, of 1611 Beckman Court, stated that he is a member of the Eagle Ridge Homeowner's Association. He does not object to the church use or to the expansion of the church. However, he does object to the rezoning. He is glad that the church is committing to stay rather than thinking about leaving.

The reason he is in opposition of the rezoning is because the Eagle Ridge Subdivision is zoned R-1. The City has allowed the adjacent properties to be rezoned to higher intensity zoning designations all the way up to B-3 (General Business). There are many uses allowed in a B-3 Zoning District that would be undesirable next to an R-1 zone. He had not realized how powerful zoning is. Once you have lost it, you cannot get it back. Then, you have to rely on good intentions, good development and good use. He talked about how other properties surrounding the Eagle Ridge Subdivision are zoned. He mentioned that the Happy House Daycare and Southgate Shopping Center are to the east. Both are zoned B-3. The Eagle Ridge Homeowner's Association has provided their own buffer in terms of condominiums between Southgate and the subdivision. There is a tree line buffering the subdivision from the Happy House Daycare.

To the east of the Eagle Ridge Subdivision is the Stone Creek Subdivision which is zoned R-2. Then, there is the area to the north which is zoned R-4. It consists of the Alzheimer's Care Unit. There is a vacant lot between the Alzheimer's Care Unit and the St. Matthew Lutheran Church which the church currently farms.

The corner where the church is located is a key element. He would like to preserve some sort of boundary between the R-1 of Eagle Ridge Subdivision and whatever happens to the west and to the south.

He pointed out the tree line to the north of the church’s property, the vacant lot and the Alzheimer’s Care Facility. He mentioned that it was the original demarcation forest or farmer’s back lot between the McHenry Farm and the property owner to the north. This is the main barrier between the Eagle Ridge Subdivision area zoned R-1 and the properties to the south zoned R-4. He asked who owns the tree line. He talked about the drainage issues on the vacant lot that the church farms. Chair Pollock suggested that Mr. Klein call the City’s Public Works Department regarding both the tree line and the drainage issues.

He feels the main issue is that no one knows what will happen in 50 years. The vacant lot owned by the church could become an apartment building. Although this lot has already been rezoned to R-4, he would like the corner lot to remain zoned R-3 to make it more difficult for a future buyer to build multi-family units or commercial businesses on it.

Chair Pollock responded that the vacant lot is already zoned R-4 so the church could acquire a building permit and build a multi-family building on the lot without needing further permission. Mr. Klein replied yes that is true, but it could be enhanced if the proposed rezoning is approved.

Chair Pollock asked what street would the vacant lot front on if it were to be developed. Ms. Karcher said it would front onto Amber Lane. There is a rear yard setback requirement of ten feet, which when abutting an R-1 Zoning District, the City requires a landscaped buffer of five feet.

Sarah McDougal, 1305A Scovill Street, stated that she lives across Philo Road from the church. She and her neighbors were worried that the church was leaving and that a future owner would build apartment buildings. Although they want the church to stay and be happy, they also do not want to make it easier for the church to move and sell the property to a developer who would construct a high-rise apartment building.

With no further public comments, Chair Pollock closed the hearing to the public and opened it for Plan Commission discussion and motion(s).

Mr. Grosser moved that the Plan Commission forward Plan Case No. 2070-M-08 to the Urbana City Council with a recommendation for approval. Ms. Stake seconded the motion.

Mr. Grosser stated that the proposed rezoning is consistent with the 2005 Comprehensive Plan.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Abstain			

The motion was approved by a vote of 4 ayes and 1 abstention. Mr. Myers reported that this case would be forwarded to the City Council on June 2, 2008.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- ◆ Boneyard Creek Master Plan was adopted by the City Council. It is now the official vision for that segment of the Boneyard Creek.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission