

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: November 8, 2012

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: Dannie Otto, Marilyn Upah-Bant

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

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

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

Chairperson Pollock called the meeting to order at 7:30 p.m. The roll was called, and he declared that there was a quorum of the members present.

2. CHANGES TO THE AGENDA

Chair Pollock announced that the Plan Commission would review Plan Case No. 2192-T-12 under New Public Hearings first on the agenda due to members of the audience being from out-of-town. Review and discussion of Plan Case No. 2185-M-12 would follow. The Plan Commission agreed.

3. APPROVAL OF MINUTES

Mr. Fitch moved that the Plan Commission approve the minutes of the October 18, 2012 regular Plan Commission meeting as presented. Ms. Stake seconded the motion. The minutes were then approved by unanimous voice vote.

4. COMMUNICATIONS

- Letter from Susan Taylor regarding Plan Case No. 2185-M-12

- Page 7 of the May 16, 2008 written staff report regarding Plan Case No. 2068-M-08 and Page 7 of the October 12, 2008 written staff report regarding Plan Case No. 2185-M-12 submitted by Howard Wakeland

5. NEW PUBLIC HEARINGS

Plan Case No. 2192-T-12: A request by the Urbana Zoning Administrator to amend Table V-1 of the Urbana Zoning Ordinance to permit “Pawn or Consignment Shop” in the B-3, General Business Zoning District.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He explained that the Table of Uses in the Zoning Ordinance currently only permit “Pawn Shop” and “Consignment Shop” in the B-4, Central Business, and B-4E, Central Business-Expansion, Zoning Districts. The City of Urbana now has only one pawn shop, which is located at 1004 West University Avenue in the B-3, General Business Zoning District. It is a legally non-conforming use. A potential buyer of 1004 West University Avenue wants to invest in the property and expand the building. However, since it is a non-conforming use, his plans cannot be approved. This issue prompted City staff to review which zoning districts would be suitable for pawn or consignment shops. There does not appear to be a strong planning or zoning basis for limiting pawn shops to downtown Urbana. City staff is asking for approval of an amendment to the Table of Uses to allow pawn shops in the B-3, General Business District, as well as downtown districts.

There were no questions for City staff, and there was no public input. Chair Pollock closed the public hearing and opened it for Plan Commission discussion and/or motion(s).

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2192-T-12 to the City Council with a recommendation for approval. Ms. Tompkins seconded the motion. Roll call was as follows:

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

The motion passed by unanimous vote. Mr. Myers noted that this case would be forwarded to the City Council on Monday, November 19, 2012.

6. CONTINUED PUBLIC HEARINGS

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

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

- One of the strongest points favoring rezoning is that the 2005 Comprehensive Plan designates the future land use of the entire block as "Community Business".
- The Crystal Lake Neighborhood Plan (Figure 13) recognizes the block on the east side of Lincoln Avenue, between Church and Hill Streets, as a long-term expansion area for the Carle Hospital campus. This would be located directly across Lincoln Avenue from the block in question.
- The existing R-2, Single Family Residential Zoning of the block directly adjoins IN-1, Light Industrial/Office Zoning District to the south. The proposed rezoning could provide a transition between the water company to the south and the single-family residential area to the north and northwest.
- Lincoln Avenue is a minor arterial street both in terms of how it functions and future designation in the Comprehensive Plan. Multiple driveway access of single-family homes onto arterial streets interrupts the flow of traffic and can create traffic hazards, especially when cars back out of driveways onto arterial streets.
- Nine of the eleven properties proposing to be rezoned are owned by the applicant, so there is an opportunity for potential reuse or redevelopment of the block that otherwise would not be possible.
- Single-family residential use is permitted by right in both the B-2, Neighborhood Business-Arterial, and in the B-3U, General Business-University Zoning Districts. Therefore, the existing homes would not become non-conforming uses if the City approves the proposed rezoning.
- Although the City has the ability to rezone all or a portion of the proposed properties, there would be no benefit or protection to the two owner occupied homes not owned by the applicant. In fact rezoning most of the block to a business zone and leaving those two homes zoned single-family residential would likely be a disservice to those properties in the long run.

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

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

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

Is the Comprehensive Plan a guide or is it a mandate? Mr. Myers explained that the Comprehensive Plan is an official policy guide. The City should take the plan seriously in terms

of land use decision making. However, it does not strictly dictate the outcomes. Chair Pollock added that it is a guide. If the Plan Commission chooses in a rezoning or an official act of the City to not follow it, then there are some possible liabilities.

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

The Plan Commission discussed how large of a building could be developed on the proposed lots. Considering that the total area is 1.82 acres, if the properties are zoned B-2 with a maximum Floor Area Ratio (FAR) of 1.50, then there could be a 105,000 square foot building with a maximum height of 35 feet constructed on the properties. If the properties are zoned B-3U with a maximum FAR of 4.00, then there could be a 280,000 square foot building with no height limit.

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

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

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

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

He referred to a handout of his distributed to the Plan Commission, and that the Plan Commission recommended approval of B-3U the last time he applied. Chair Pollock clarified that in 2008, the Plan Commission recommended to the City Council denial of rezoning the

proposed area to the B-3U Zoning District, and that Mr. Wakeland then withdrew the case prior to the City Council's review and decision.

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

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

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

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

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

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

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

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

Ms. Tompkins stated that no matter what the City decides, someone will be upset. If the City does not rezone the proposed lots, it is clear that the vacant residential lots will remain empty. On the other hand, if they rezone the proposed lots, then they may be putting pressure on the two residential property owners to sell eventually. As much as the City needs affordable housing, the City cannot force Mr. Wakeland to develop single-family homes on the vacant lots. Considering the B-2 and B-3U Zoning Districts, the purpose of zoning is not to give a developer free rein to

do whatever he wants. Instead, it is to protect the neighboring properties. Simply because Mr. Wakeland wants B-3U and wants to be able to have these other uses does not mean that is what the City should give him. She feels the best decision would be to rezone all of the properties to the B-2 Zoning District.

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

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

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

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

Mr. Ash believes that the difference between the proposed area and East Urbana is the emphasis on neighborhood preservation. In the Comprehensive Plan, the strategies in rezoning East Urbana was to preserve the unique character of the neighborhood, to determine the compatible zoning for the neighborhood, to improve infrastructure and to improve existing housing stock and new development to respect traditional development pattern. The Comprehensive Plan

should also protect the residential character of the area west of Lincoln Avenue under discussion. How far can “Community Business” creep into the residential neighborhood should this be approved? Although B-2 may be the best fit for the proposed area, he is worried about the future and so he will not support it.

Chair Pollock commented that B-3U is simply too intense and would allow too much in terms of floor area ratio and height that could have a horrible impact on the residential neighbors around the proposed parcels and is therefore not viable. There are no suspicions about Mr. Wakeland or his family. They have done extensive and high quality developments in the City of Urbana. The Plan Commission has to think about the future of what would be allowed if someone else owned the lots. The Comprehensive Plan recognizes that the proposed area will not be redeveloped as single-family housing. The B-2 Zoning District will give the two residential property owners on the block some protection in the short term and options to the owners in the long term. If the City does not rezone the parcels, then the vacant lots will likely remain vacant.

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

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

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

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

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

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

Carol McKusick spoke about possible improvements to Plan Commission procedures:

- Create way for the public to provide input on the minutes before they are approved at meetings;
- Posting correspondence on the City's website which has been submitted by the public; and
- Listing members and vacancies on agendas

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Plan Commission