

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** December 20, 2012

**TIME:** 7:30 P.M.

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

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

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

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

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

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

Chairperson Pollock called the meeting to order at 7:32 p.m. The roll was called, and he declared that there was a quorum of the members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Mr. Fitch moved that the Plan Commission approve the minutes of the November 8, 2012 regular Plan Commission meeting as presented. Mr. Fell seconded the motion. The minutes were then approved by unanimous voice vote.

**4. COMMUNICATIONS**

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

- Letter from Alex Ruggieri, Sperry Van Ness Ramshaw Real Estate, regarding Plan Case Nos. 2193-CP-12 and 2194-M-12
- Letter from Bernadine Stake regarding Plan Case No. 2195-M-12
- Revised site plan for Plan Case No. 2196-SU-12

## 5. NEW PUBLIC HEARINGS

**Plan Case 2193-CP-12: A request by Dodd & Maatuka, LLC to amend the 2005 Urbana Comprehensive Plan future land use map designation for 1501 North Goodwin Avenue and 1205 West Bradley Avenue from Residential (Urban Pattern) to Community Business.**

**Plan Case 2194-M-12: A request by Dodd & Maatuka, LLC to rezone 1501 North Goodwin Avenue and 1205 West Bradley Avenue from R-2 (Single Family Residential) District, to B-3 (General Business) District or B-2 (Neighborhood Business–Arterial) District.**

Aditi Kambuj, Planner I, presented these two cases together to the Urbana Plan Commission. She gave a brief introduction and background for the two requests, including the property's location, zoning, and surrounding land uses. She compared the purpose and intent of the R-2 (Single-Family Residential), B-2 (Neighborhood Business-Arterial), and of the B-3 (General Business) Zoning Districts. She reviewed the applications in terms of the goals, objectives and policies of the 2005 Comprehensive Plan. She reviewed the La Salle National Bank criteria that pertain to the proposed rezoning case. She read the options of the Plan Commission. She informed the Plan Commission of communications that she received that day from neighbors via telephone and email:

- Thelma Harris, of 1303 West Bradley Avenue, opposes the applications.
- Dorothy Carter, of 1505 North Romine Street, opposes the applications.
- Carver Park Neighborhood Association in the City of Champaign does not support the proposed requests.

Mr. Pollock asked for the definition of a “mortuary”. Robert Myers, Planning Manager, answered that it is the same as a “funeral home”. The use would be allowed by right in either the B-2 or the B-3 Zoning Districts.

With no further questions for City staff, Chair Pollock opened the public hearing and invited audience participation.

Robert Dodd, Dodd & Maatuka, LLC, introduced both Pastor Edward McGhee, of the Alpha & Omega Church, and Nick Taylor, of Re/Max Realty. Mr. Dodd said that after further consideration, in order to best serve the interest of the community, they were withdrawing their request to rezone to B-3 and instead asked to rezone to B-2 (Neighborhood Business – Arterial). Except for the single-family house located at 1205 W. Bradley Avenue, the block under consideration for rezoning has been vacant since at least 1973. He pointed out that there have been attempts to develop and to sell the property for residential use including to the Housing Authority of Champaign County. Re/Max Realty recognized that the two properties have value

as a neighborhood commercial area and that the two properties can be developed at a reasonable cost if developed as such. If the zoning request is approved by the City of Urbana, the house located at 1205 West Bradley Avenue would be removed and both properties together would be divided into two equal lots. The primary impact would be along Bradley Avenue and not along Goodwin Avenue. Approval of the proposed rezoning to B-2 would allow for growth in the City by developing an area that has been unproductive. In addition, it would increase the tax base for the City of Urbana and serve as a buffer between the mixed uses to the north and the residential to the immediate south. He spoke about the letter from Alex Ruggieri that was entered as a communication. The letter states that Mr. Ruggieri does not foresee any unusual or problematic traffic problems or any adverse conditions arising from the proposed zoning change, nor should there be any negative impact on adjacent landowners. Mr. Dodd noted that due to the weather, the buyer's representative was unable to travel from Chicago to attend this meeting. However, he felt that Mr. Taylor would be able to answer any questions that the Plan Commission might have for the petitioner.

Mr. Fell understood that the lot would be divided into two lots and that the mortuary would purchase one of the lots. If another business wanted to only purchase half of the second lot, would they be willing to subdivide the second lot into two parcels? Mr. Dodd and Mr. Taylor confirmed that they planned to only subdivide the property into two lots of approximately equal area.

Mr. Pollock asked for clarification on traffic access. Mr. Dodd stated that at some point in time, there may be minor access drives off Goodwin Avenue to the side or rear of a future development, but the primary access would be off Bradley Avenue.

Mr. Pollock asked how close to the western property line did the mortuary plan to build. Mr. Dodd replied that there has been no specific development plans designed to build the mortuary at this time. They are waiting upon approval of the rezoning request to prepare a site plan. He acknowledged zoning setback requirements of the City of Urbana. Mr. Pollock asked the petitioner adhere to those setbacks rather than ask for zoning variances so that a sufficient buffer could be provided between the mortuary and the residences to the west.

James Buckley, Mt. Olive Baptist Church, expressed concern about the effect of additional traffic that future businesses would create here. Pastor McGhee responded that the Alpha & Omega Church has discussed what type of use would fit into the community. They would like to see a use that would enhance the neighborhood.

With no further input from the audience, Chair Pollock closed the public hearing. He then asked for any additional questions from the Plan Commission for City staff.

Mr. Fell did not notice any existing sidewalks on the proposed lots. Would any future development of the lots require the owner(s) to install sidewalks? Mr. Myers stated that there are existing sidewalks. However, if there is a section of sidewalk missing, the Subdivision Ordinance would require its installation at the time of either the land subdivision or development of the property.

Mr. Fell commented that the wide street width and lack of striping on Bradley Avenue is confusing because it's unclear to motorists whether there are one or two lanes of traffic. Mr. Myers said he would pass this comment along to the City's Public Works Department. In terms of access, Mr. Myers stated that traffic along Bradley Avenue was discussed with Public Works staff, and it was agreed upon that the primary traffic should be off of Bradley Avenue rather than from Beardsley Avenue behind which is a residential street.

Mr. Myers noted that several years ago he attended a series of design charrettes that the Alpha & Omega Church held to come up with ideas about how the properties could be used in the future. They considered single-family residential, duplexes, apartments, and low-intensity neighborhood uses and services. Mr. Myers believes the property owner has investigated development of the property under its current zoning. A 1940's aerial photograph of this portion of the neighborhood shows this to have been part of a farm with a farmhouse on the block. And the 1973 aerial photo shows this block as vacant except for the one house on Bradley Avenue and the old farmhouse. So he believes this block has never been developed with homes, despite its residential zoning being in place for some decades. He believes this speaks to the demand for new single-family housing to be built in this block.

With no further questions, Chair Pollock opened the meeting for Plan Commission discussion and/or motion(s). He noted that the Plan Commission would need to make two separate motions, one for the Comprehensive Plan Amendment and one for the rezoning.

Mr. Fitch recommended that City staff update the 2005 Comprehensive Plan to show the changes that have been made.

Mr. Hopkins expressed concern about the proposed Comprehensive Plan amendment and rezoning. There is no commercial along Bradley Avenue in the immediate area. Those neighboring residents who have commented have voiced opposition to the proposed requests. He feels that it would be an odd place to locate commercial uses.

Mr. Pollock commented that he likes the idea that the Plan Commission thinks about the Comprehensive Plan changes before approving an upzoning. He likes the B-2 Zoning District because it provides the opportunity to construct both single-family and multi-family residential uses. Although he agrees that they would be allowing commercial uses in an area where there are currently no commercial uses, he is not concerned that doing so would create a problem.

Mr. Fell values Mr. Hopkins concern. However, he notes that this has happened up and down Bradley Avenue. There is commercial, then residential, then commercial and more residential along Bradley Avenue up to Mattis Avenue. Most logically, they will not develop the proposed two properties as a commercial entity that would not be viable as a neighborhood business. It does not suit itself for a very intense development to begin with.

Mr. Fitch agreed with comments on both sides. He feels it is a valued concern; however, living in an area where small businesses are incorporated into the neighborhood, he believes in B-2 as a useful zoning district. Therefore, he moved that the Plan Commission forward Plan Case No.

2193-CP-12 to the Urbana City Council with a recommendation for approval. Mr. Fell seconded the motion.

Ms. Tompkins commented that she feels it is spot zoning. If it were to be rezoned, then it should probably be rezoned to multi-family. Would a mortuary still be allowed in any residential zoning district? Rebecca Bird, Planner II, stated that a mortuary would be allowed with a conditional use in the R-5 (Medium High Density Multiple Family Residential), R-6 (High Density Multiple Family Residential) and R-6B (High Density Multiple Family Residential-Restricted) Zoning Districts. Chair Pollock pointed out that the B-2 Zoning District allows a multi-family residential component by right.

Roll call on the motion was as follows:

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

The motion passed by a vote of 3-2.

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2194-M-12 to the Urbana City Council with a recommendation for approval to be rezoned to B-2 (Neighborhood Business-Arterial). Mr. Fell seconded the motion.

Mr. Hopkins felt that multi-family use would be more appropriate. He pointed out that this is a rezoning case and the proposed mortuary use could fall through and the property could be divided into 60-foot wide lots that could be used as a gas station and/or convenience store. He advised against thinking of the rezoning as a mortuary use. He felt B-2 is the wrong zoning for these two properties. He'd feel differently if this were on the edge of the neighborhood, but this is really in the middle.

Mr. Fell wondered if once sub-divided if each property would be required to provide two front yard setbacks because they would both be corner lots and front on two streets. Mr. Myers said that is correct.

Mr. Fell inquired about parking in the front yard. Mr. Myers explained that the Zoning Ordinance would allow it with installation of a landscape buffer between the street and parking lot.

Mr. Pollock acknowledges that B-2 is not the perfect zoning for the proposed two lots but planned to support it none-the-less. Mr. Hopkins' comments are accurate. The Plan Commission should consider the range of possible uses that would be allowed in a B-2 Zoning District.

Mr. Pollock wondered if the Plan Commission would review the subdivision plat for this property. Mr. Myers explained that if it does not require an extension of utilities, then it would be considered a minor subdivision, which would be reviewed administratively. However, if

subdividing requires extending utilities or subdividing land into five lots or more, then the Plan Commission would review it first and make a recommendation to the City Council.

Roll call on the motion was as follows:

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

The motion was passed by a vote of 3-2. Mr. Myers noted that these two cases would be considered at the Monday, January 7, 2013 City Council meeting.

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

Rebecca Bird, Planner II, presented this case to the Plan Commission. She stated that this case is similar to Plan Case No. 2185-M-12 except that the petitioner, Howard Wakeland, was now applying to rezone the same properties to B-2 (Neighborhood Business – Arterial). Following the Plan Commission’s recommendation, City staff received legal advice from the new City Attorney that had differed from previous legal advice concerning noticing procedures. Consequently, Mr. Wakeland withdrew his application before the City Council undertook consideration and has now resubmitted a new application to rezone to the B-2 Zoning District, which is the zoning district recommended by the Plan Commission.

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

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

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

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

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

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

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

**Plan Case 2196-SU-12: A request by B & H Real Estate Ventures, LLC for a Special Use Permit to expand a Pawn Shop at 1004 West University Avenue in the B-3 (General Business) Zoning District.**

Jeff Engstrom, Planner II, presented this case to the Plan Commission. He gave a brief introduction and background for the proposed Special Use Permit. He talked about the zoning and current land uses of the proposed site and of the surrounding neighboring properties. He discussed how the goals, objectives and policies of the 2005 Comprehensive Plan relate to the proposed special use permit. He reviewed the requirements that a Special Use Permit application must meet and read the options of the Plan Commission. He presented staff's recommendation for approval subject to the two conditions in the written staff report.

Mr. Fell asked about parking. It appears on Exhibit A: Location and Current Land Use Map that the some of the parking for the Gold & Diamond Exchange business is located on the neighboring property to the east. Mr. Engstrom explained that there is an agreement with Tri-Color Locksmith for to share those parking spaces.

Mr. Fell asked how vehicles parked in the shared spaces leave the property since they are angled away from the street. Do they drive around the back of the building or turn around as they back out of the parking space? Chair Pollock stated that these questions can best be answered by the owners of the Gold & Diamond Exchange.

When looking at the site plan, Mr. Pollock wanted to know if the striped square represents the new addition. Mr. Engstrom explained that the striped square represents a new roof on one of the existing buildings. The dashed line represents the new addition.

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

Robert Rigdon, President of Gold & Diamond Exchange, addressed the question of how vehicles parked in the easement next to Tri-Color Locksmiths turn around to exit the lot. He stated that there is enough room for drivers to back out and drive around behind the Gold & Diamond Exchange. However, most of them back onto the Gold & Diamond property and pullout facing University Avenue.

Mr. Hopkins asked if customers will still be able to drive around behind the building and come out on the west side after the expansion. Mr. Rigdon said yes.

Mr. Fell inquired as to whether the narrowest point behind the building, with only 10 feet between the corner of the building and the rear property line, meets the City's ordinance. Discussion ensued about possible solutions if the drive does not meet City Code. Mr. Engstrom responded that he could see several solutions. The easiest solution involved moving parking space number 11 so that two cars could pass along the east side of the building. Chair Pollock recommended that City staff research this and work out a solution agreeable with the owner before taking this case to the City Council.

Mr. Fell moved that the Plan Commission forward Plan Case No. 2196-SU-12 to the Urbana City Council with a recommendation for approval with the necessary adjustments to the site plan to insure parking compliance. Mr. Fitch seconded the motion. Roll call on the motion was as follows:

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

The motion was passed by unanimous vote. Mr. Myers noted that this case would be forwarded to the Urbana City Council at a special meeting on Friday, December 21, 2012.

## **6. CONTINUED PUBLIC HEARINGS**

There were none.

## **7. OLD BUSINESS**

There was none.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

There was none.

## **11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:07 p.m.

Respectfully submitted,

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Robert Myers, AICP, Secretary  
Urbana Plan Commission