



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Plan Commission

FROM: Christopher Marx, Planner I

DATE: July 31, 2015

SUBJECT: Plan Case 2262-M-15: A request by Howard Wakeland to rezone nine parcels totaling approximately 1.58 acres from R-2, Single Family Residential Zoning District and B-2, Neighborhood Business-Arterial zoning districts to B-3, General Business zoning district located at 905, 907, and 909 West Hill Street; 701, 705, and 707 North Lincoln Avenue Urbana; and 906, 908, and 910 West Church Street, Urbana.

Introduction and Background

Howard Wakeland has submitted an application to rezone nine parcels on a block bounded by Hill Street to the north, Lincoln Avenue to the east, and Church Street to the south from R-2, Single-Family Residential and B-2, Neighborhood Business Arterial to B-3, General Business zoning district. The subject properties are located at 906, 908, and 910 W Church Street; 701, 705, and 707 N Lincoln Avenue; and 905, 907, and 909 W Hill Street. Five of the lots contain single-family houses, four lots are vacant and the area totals approximately 1.58 acres. The applicant is the owner of all of the subject properties.

Pursuant to the Urbana Zoning Ordinance, the Plan Commission may either recommend approval or denial of the proposed rezoning request to City Council for final action.

Related Plan Cases

There are several plan cases from previous years relating to this case. They involve the subject property and similar requests of rezoning.

Plan Case 2068-M-08

In May of 2008, the applicant submitted a similar rezoning application involving nine properties on the block bounded by Hill Street to the north, Lincoln Avenue to the east, and Church Street to the south. He requested to change them to a B-3U zoning designation. The Plan Commission held a public hearing on May 22, 2008. The petition was withdrawn by the applicant subsequent to the public hearing.

Plan Case No. 2185-M-12

In June of 2012, the applicant submitted an application to rezone the subject properties along with other properties comprising the whole block bounded by Hill Street to the north, Lincoln Avenue to the

east, and Church Street to the south from R-2, Single-Family Residential to B-3U, General Business – University District. On October 18 and November 8, 2012, the Urbana Plan Commission held public hearings regarding the proposed rezoning and recommended on a vote of five ayes and two nays that the City Council approve a rezoning to B-2, Neighborhood Business – Arterial rezoning rather than B-3U. At the public hearing, the owner of 703 N. Lincoln Avenue, one of the properties included in the application but not owned by the applicant, expressed his opposition to the application to rezone the properties to B-3U, but said that he would not necessarily oppose a rezoning of the adjacent properties to B-2, Neighborhood Business – Arterial. For procedural reasons, the applicant withdrew his application for B-3U zoning prior to City Council action and expressed an interest in reapplying for B-2 zoning. The property at 703 N. Lincoln is not proposed in the current rezoning application and is currently for sale.

Plan Case No. 2195-M-12

In November of 2012, the applicant submitted a revised application for the whole block from R-2 to B-2. The Plan Commission held a public hearing on December 20, 2012. The applicant was the only member of the public to speak at the public hearing. Following the public hearing, the Plan Commission recommended that the City Council approve B-2 zoning for the subject properties by a vote of five ayes to zero nays. The City Council considered the application at their January 22, 2013 meeting. Eleven members of the public opposed the application and one spoke in support. The owner of 903 W Hill Street, one of the two properties included in the previous application but not owned by the applicant, spoke in opposition to the application and said that she intended to keep her property in single-family residential use. The property at 903 W. Hill Street is also not included in the current rezoning application. During discussion, the City Council expressed concerns regarding the appropriateness of the B-2 district for this area because of the two properties included in the application which were owner-occupied homes. In addition, Council members expressed concern about the impact of commercial uses adjacent to the single-family neighborhood surrounding the subject properties on the west and north. Following consideration, the City Council unanimously defeated the application. One difference between this application and the current application is that the current application does not include the two properties not owned by the applicant.

Plan Case No. 2205-M-13

In February 2013, the applicant submitted a revised application that did not include the parcels not owned by the petitioner as well as the properties at 705 and 707 N. Lincoln Avenue. Under this request, there was only one lot with frontage along Lincoln Avenue, at the southeast corner of the block, proposed for commercial use. The application was to rezone the subject properties from R-2 to B-2. On March 21, 2013, the Urbana Plan Commission held a public hearing regarding the proposed rezoning and recommended that the City Council deny the rezoning request because the Commission found the revised application to be weaker than the previous requests due to the limited amount of frontage on Lincoln Avenue. The Commission found that limited frontage along an arterial was contrary to the nature of a B-2 designation. The applicant withdrew the application following the Plan Commission hearing.

Plan Case 2210-M-13

In June of 2013, the applicant submitted a scaled back rezoning request that only included the four properties along Church Street on the southern end of the block. He was requesting to rezone the properties to B-2. The Plan Commission held public hearings for the application on July 2 and July 18, 2013. The Plan Commission approved the request by a vote of three ayes and one nay. Several Plan Commission members noted that the rezoning request was consistent with the Community Business designation of the four parcels in the Comprehensive Plan. At its August 19, 2013 meeting, the City

Council unanimously approved the rezoning request in Ord. No. 2013-08-074.

Adjacent Land Uses, Zoning, and Comprehensive Plan Designations

The subject properties are fronted by Church Street, Hill Street, and Lincoln Avenue. The four properties along Church Street are zoned B-2, Neighborhood Business-Arterial. The rest of the parcels to the north are zoned R-2, Single-Family Residential. The two properties located on the same block as the subject properties but not included in the application are also zoned R-2. North and west of the subject properties are single-family homes on Hill Street. Further north along Lincoln Avenue is a commercial building with a Family Video store, and a medical supply and office use, which is zoned B-1, Neighborhood Business. The block further north contains more single family homes and commercial properties along the Lincoln Avenue corridor. Directly south of the subject properties is an Illinois American Water Co. water treatment plant that is zoned Light Industrial/Office. There are single-family homes owned by The Carle Foundation directly east across Lincoln Avenue from the subject properties, and across Lincoln Avenue from the water treatment plant is the western edge of the Carle Hospital campus.

Following is a summary of zoning, existing land uses and Comprehensive Plan future land use designations for the subject site and surrounding property. Exhibits A, B and C further illustrate this.

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	R-2, Single-Family Residential B-2, Neighborhood Business-Arterial	Single-family homes Vacant lots	Community Business
North	R-2, Single-Family Residential B-1, Neighborhood Business	Single-family homes, Video Store, Clinic and medical supplies	Community Business
South	IN-1, Light Industrial	Undeveloped lot owned by Illinois American Water	Community Business
East	R-2, Single-Family Residential	Single-family homes	Residential
West	R-2, Single-Family Residential	Single-family homes	Residential

Comprehensive Plan

The 2005 Urbana Comprehensive Plan identifies the future land use for the subject site as “Community Business.” The Comprehensive Plan defines “Community Business” as follows:

Community Business centers are designed to serve the overall community as well as the immediate neighborhood but are less intense than regional commercial centers. Located along principal arterial routes or at major intersections. Community Business centers contain a variety of business and service uses at scales and intensities that make them generally compatible with surrounding neighborhoods. Encourage planned-unit developments to create a variety of uses, and to transition intensities to adjoining neighborhoods. Design facilities to permit pedestrian, bicycle, and transit access as well as automobile traffic.

Future Land Use Map No. 3 of the 2005 Comprehensive Plan includes the following notation for the properties on the west side of the Lincoln Avenue corridor between University Avenue and King Park: “Promote community business that can serve University population and immediate neighborhood.”

The following Comprehensive Plan Goals and Objectives also pertain to the rezoning:

Goal 1.0 Preserve and enhance the character of Urbana’s established residential neighborhoods.

Objectives

- 1.5 Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

Goal 2.0 New development in an established neighborhood will be compatible with the overall urban design and fabric of the neighborhood.

Objectives

- 2.1 Ensure that the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood.

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

- 15.1 Plan for new growth and development to be contiguous to existing development here possible in order to avoid “leapfrog” developments.

Goal 17.0 Minimize incompatible land uses.

Objectives

- 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 18.0 Promote infill development.

Objectives

- 18.1 Promote the redevelopment of underutilized property using techniques such as tax increment financing, redevelopment loans/grants, enterprise zone benefits, marketing strategies, zoning incentives, etc.

Goal 25.0 Create additional commercial area to strengthen the city’s tax base and service base.

Objectives

- 25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.
- 25.4 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

Discussion

The existing R-2, Single-Family Residential zoning is intended to provide areas for single-family detached dwellings at a lower density. The existing B-2, Neighborhood Business-Arterial zoning is

intended to provide commercial space for an underutilized stretch of properties along a major arterial, while not disrupting the transitional space and that separates it from a predominantly residential neighborhood. The R-2 zoned properties along the south side of Hill Street also provide a transitional space buffering the neighborhood homes from commercial space. The petitioner owns the majority of the parcels on the block and has requested several times to rezone the area to allow for more intensive uses. In Plan Case No. 2195-M-12, a similar request was denied by the City Council partly because of concern for removing the transitional space and R-2 zoned properties. In Plan Case No. 2205-M-13, when the applicant proposed fewer parcels for rezoning to B-2, the Plan Commission recommended denial because of a possible transitional space loss and overall concerns about the viability of commercial space with too little frontage along Lincoln Avenue. It wasn't until Plan Case No. 2210-M-13 that the petitioner was approved for a rezoning of the southernmost properties from R-2 to B-2. The approval allowed vacant lots with a frontage on Lincoln Avenue to be developed into a commercial property with limited intensity, while still preserving the transitional space from the R-2 neighborhoods.

The lots were rezoned to B-2 as opposed to other Business districts in the Zoning Ordinance out of guidance from past plan cases and input from the surrounding neighborhood. The B-2 district is designed for commercial space along arterials near neighborhoods of low density, such as the single-family households surrounding the subject property. The B-2 district's description and summarized development regulations are as follows:

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum FAR	Minimum OSR	Required Yards (In Feet) ¹		
						Front	Side	Rear
B-2	6,000	60	35³	1.50⁴	0.15	15	10	15
<p>The B-2 Zoning District is intended to provide areas of limited size along arterial streets in close proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide for areas for new high density residential uses. These business and residential uses may occur in the same structure. Due to the location of arterial streets in many residential neighborhoods were commercial and high density residential uses would not be appropriate, the B-2 District shall be limited to only those areas that have been so designated in the City's adopted Comprehensive Plan and related amendments."</p>								

The rezoning of properties on the southern portion of the block was meant to allow commercial development to occur on the site, while maintaining sensitivity to the low-density housing surrounding it. The rezoning was also intended to create a proper transition of intensity and preserve the neighborhood buffer space as provided by the R-2 zoned properties on the northern portion of the block. The proposal to rezone most of the block disrupts the intentions of the past rezoning decisions by eliminating the transitional buffer along the south side of Hill Street and availing the properties to more intensive uses. The B-3 district allows for the possibility of more intense uses and significantly larger buildings than does the B-2 district. The B-3 district's description and summarized development regulations are as follows:

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum FAR	Minimum OSR	Required Yards (In Feet) ¹		
						Front	Side	Rear
B-3	6,000	60	none³	4.00	none	15	5	10
The B-3, General Business District is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City."								

It should be noted that there objections in the past and at least one objection received, in this current case of nearby residents opposed to a rezoning of the entire block for commercial space and more intensive uses. The Zoning Ordinance in Section VI-6 does require screening and buffer areas between R-2, B-2, and B-3 districts that aren't separated by a street. Some of the requirements to shield nearby single-family homes would include 10 foot buffers for both the side and rear yards, a landscaping buffer for the side yard consisting of a solid 6-foot high wood or masonry fence, and a landscape buffer with a minimum depth of 5 feet for the rear yards. The differences between the R-2 and B-3 districts in intensity and density are one reason they are less commonly found directly adjacent to each other in the City.

At the suggestion of staff, the applicant has submitted an illustrative site plan showing how commercial land uses could be laid out on the site. It should be noted that all the proposed uses from commercial stores and office spaces, are already permitted by right in the B-2 district as illustrated. The submitted illustration is general and mainly intended to offer a visualization of the layout for the potential uses.

While rezoning much of the block would be consistent with the Comprehensive Plan designation for the area, it would remove the transitional buffer space along the south of Hill Street. It would also be done over the objection of a nearby resident. It would also diminish a spatial transition of intensity that came about from past planning cases and a designation of the block as a transition area in the Comprehensive Plan. The petitioner has stated a need to rezone more of his properties to make his existing commercial properties more viable. Staff is offering an alternative recommendation to preserve the transitional buffer space along Hill Street while still accommodating the petitioner's desire for more commercial space.

Staff recommends a rezoning of the center parcel at 705 N. Lincoln Avenue of the subject properties to B-2. Already owned by the applicant, the center parcel would provide more space contiguous to the existing B-2 properties. It would also provide more frontage along Lincoln Avenue and potential access for the more isolated B-2 properties along Church Street. The single family homes on the northern portion of the subject properties would preserve the spatial buffer by remaining zoned as R-2. The maintaining of B-2 properties would also avoid a possible disruptive adjacency of R-2 and B-3 districts.

Overall, the staff recommendation would preserve the transitional buffer space with the homes along

the south side of Hill Street. It would also enhance the existing commercial spaces along Church Street with more space and frontage to a main arterial. Lastly, it would preserve the proper zoning of the area by allowing the proposed uses of the petitioner while keeping the subject properties within the least intensive zoning district necessary.

The La Salle Criteria for Original Request for B-3 Rezoning

In the case of *La Salle National Bank v. County of Cook* (the “La Salle” case), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

1. The existing land uses and zoning of the nearby property.

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The southern parcels of the subject property, zoned B-2, are compatible with several other B-1 zoned properties on the next northerly block of the Lincoln Avenue arterial. They are also compatible with the B-3 and B-3U properties located further south on Lincoln Avenue. The existing R-2 zoning, on the northern parcels of the subject property, is compatible with the single-family residential neighborhoods to the north, east, and west of the subject properties. The northern parcels, proposed for rezoning, provide an appropriate transitional buffer space from the Illinois American Water Company substation and hospital affiliated buildings to the south. Rezoning most of the subject properties to a more intense commercial use district of B-3 would remove that buffer for many of the surrounding homes.

Rezoning the subject properties that front Lincoln Avenue to a commercial use would be consistent with the 2005 Urbana Comprehensive Plan and development patterns of the region.

2. The extent to which property values are diminished by the restrictions of the ordinance.

This is the difference in the value of the property as R-2, Single-Family Residential and the value it would have if it were rezoned to B-2, Neighborhood Business Arterial.

Under the current zoning, the R-2-zoned subject properties are essentially limited in use as single-family dwellings. The B-2 properties are available for a range of commercial or residential uses with a single lot frontage along Lincoln Avenue. The proposed rezoning of all the properties to B-3 would provide a greater range of allowable commercial uses while also permitting the existing residential uses to exist until they are redeveloped. Because the proposed rezoning would allow more types of uses and with a greater intensity, the property values would theoretically increase. The properties that are currently vacant would potentially see increased property values because of the addition of development. Properties to the north, west, and east of the subject properties would have undetermined effects on their property values because of a greater proximity to a B-3 district.

The property at 703 N. Lincoln, which would remain R-2, would have undetermined effects on its property values as the property is for sale and would be surrounded by commercial zoning. It is currently for sale and advertised as a tear-down potential property. The property at 903 W. Hill Street,

also not included in the application, would also have undetermined effects on its property value because of being isolated from adjoining residential properties.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact of zoning on the value of the property. Therefore, any discussion pertaining to specific property values should be considered speculative.

3. The extent to which the ordinance promotes the health, safety, morals or general welfare of the public. (see No. 4 below)

4. The relative gain to the public as compared to the hardship imposed on the individual property owner.

The questions here apply to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

The existing R-2, Single-Family Residential zoning is intended to provide areas for single-family detached dwellings at a low density. The restrictions inherent in having the northern parcels zoned R-2 and the southern parcels zoned B-2 is to offer protection for nearby properties that are in single-family residential use. The protection applies to properties to the north, east, and west of the subject properties. The preservation of R-2 zoning and the vacant parcel in the center of the subject properties were intended to function as a transitional buffer space offering that protection in past cases concerning rezoning. Under the proposed rezoning the two not owned by the petitioner would no longer receive such protection if they were to remain as single-family residential uses.

The proposed rezoning would allow for a wider mix of uses at a higher density on the site, which could encourage redevelopment and would strengthen the City's tax base. In theory, allowing for a mix of both residential and commercial uses could allow development of the subject properties to transition or step down uses toward the single-family uses to the west on Hill Street Court. But, the proposed zoning as requested in the application would be with less buffering and transition of intensity than what currently exists. In most parts of the city, R-2 districts are buffered with districts of less intensity than that of B-3. The building footprint and range of uses is more permissive in a B-3 district than B-2.

The applicant has indicated that the current zoning on the subject lots that are currently vacant is a hardship. Three of the vacant lots are adjacent to an industrial use and the fourth fronts on Lincoln Avenue

5. The suitability of the subject property for the zoned purposes.

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The subject properties are generally located along Lincoln Avenue, a major north-south corridor and an important route from I-74 to the University of Illinois. The site is also located in close proximity to the University Avenue-Lincoln Avenue intersection where more intensive land uses are occurring, as promoted by existing City land uses policies and the Comprehensive Plan. In light of redevelopment trends, development of the subject properties to a higher intensity may be appropriate. However, this

development could negatively impact the surrounding single family residential properties by directly adjoining them to a more intensive B-3 district. The elimination of a transition between the single family residential homes and the more intense commercial uses challenges the suitability of the subject property for rezoning to B-3.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

There are four vacant lots among the subject properties. Those houses were demolished by the applicant in 1979, 1995, 2002, and 2007.

La Salle Criteria For B-2 Rezoning Alternative Staff Recommendation

(Staff is proposing a rezoning of the vacant lot at 705 N. Lincoln Avenue to adjoin the existing B-2 zoned lots as an alternative rezoning proposal.)

1. *The existing land uses and zoning of the nearby property.*

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The southern-most parcels of the subject property, currently zoned B-2, are compatible with several other B-1 zoned properties on the next northerly block of the Lincoln Avenue arterial. They are also compatible with the B-3 and B-3U properties located further south on Lincoln Avenue. The existing parcels zoned R-2, north of the subject property, are compatible with the single-family residential neighborhoods to the north, east, and west of the subject properties. The center parcel, proposed in this alternative for rezoning under the staff recommendation, provides an appropriate buffer and transition from the Illinois American Water Company substation and hospital affiliated buildings to the south. Rezoning the center parcel to a more permissive use district would reduce, but not eliminate, that buffer for the surrounding homes to the north.

Rezoning the center property at 705 N. Lincoln Avnue to a commercial use would consistent with the 2005 Urbana Comprehensive Plan and development patterns of the neighborhood. This rezoning would allow a greater amount of frontage along Lincoln Avenue, the commercial viability for the three B-2 properties would less limited because of a greater amount of space and potentially wider entrance. The property at 703 N. Lincoln Avenue has stated in past cases an intent to keep the property as an owner-occupied single-family home. It is currently listed for sale and advertised as a property with prominent street frontage and “teardown” potential. The proposed rezoning would leave the property as noncontiguous from the R-2 zoned properties to the north.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

This is the difference in the value of the property as R-2, Single-Family Residential and the value it would have if it were rezoned to B-2, Neighborhood Business Arterial.

Under the current zoning, the R-2-zoned subject properties are essentially limited to use as single-family dwellings. The B-2 properties are available for a range of commercial or residential uses with a single lot frontage along Lincoln Avenue. The proposed rezoning of the center property at 705 N. Lincoln to B-2 would provide a greater range of allowable commercial uses. Because the proposed rezoning would allow better access to the vacant B-2 properties and the ability to develop a wide range of uses, the property values would increase. The properties that are currently vacant would potentially see increased property values because of the addition of development. Properties to the north, west, and east of the subject properties could also be affected by a commercially developed property, but the continued existence of a buffer from commercial properties would be largely preserved.

The property at 703 N. Lincoln, which is not owned by the applicant, would remain R-2. The proposed rezoning would have undetermined effects on its property values as the property is for sale and would be surrounded by commercial zoning. The property is currently for sale with advertising indicating a potential for being torn down or redeveloped.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact of zoning on the value of the property. Therefore, any discussion pertaining to specific property values should be considered speculative.

3. The extent to which the ordinance promotes the health, safety, morals or general welfare of the public. (see No. 4 below)

4. The relative gain to the public as compared to the hardship imposed on the individual property owner.

The questions here apply to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

The existing R-2, Single-Family Residential zoning is intended to provide areas for single-family detached dwellings at a low density. The restrictions inherent in having the northern parcels zoned R-2 and the southern parcels zoned B-2 is to offer protection for nearby properties that are in single-family residential use. The protection applies to properties to the north, east, and west of the subject property. The preservation of R-2 zoning and the vacant parcel in the center of the subject properties was intended to function as a buffer offering that protection in past cases concerning rezoning. Under this proposal, the properties north of the subject property would still benefit from a transitional buffer against more intense uses to the south due to the retention of R-2 zoning along the south side of Hill Street. The proposed alternative rezoning would allow for a wider mix of uses at a higher density on the site, which would encourage redevelopment and could strengthen the City's tax base. In theory, allowing for a mix of both residential and commercial uses on this block could allow development of the subject properties to transition toward the existing single-family uses to the west on Hill Street Court.

The applicant has indicated that the current zoning on the subject lots that are currently vacant is a hardship. Three of the vacant lots are adjacent to an industrial use and the fourth fronts on Lincoln Avenue

5. The suitability of the subject property for the zoned purposes.

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The subject property is located along Lincoln Avenue, a major north-south corridor and an important route from I-74 to the University of Illinois. The site is also located in close proximity to the University Avenue-Lincoln Avenue intersection where more intensive land uses are occurring, promoted by existing City land uses policies and the Comprehensive Plan. Redevelopment is currently occurring in the area south such as student housing and new university related development. that is intensifying the existing uses. In light of this redevelopment pattern, development of the subject property to a higher intensity seems appropriate. Under the alternative, the transitional buffer space to the lower use residential properties would still exist. The unused commercial properties owned by the applicant could also be better utilized.

6. The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

The vacant lot that is the subject property seems unlikely to be developed under the current single-family residential zoning. The previously existing house on the lot was demolished in 1995.

Summary of Staff Findings

1. The City of Urbana received a petition to amend the Urbana Zoning Map for the subject properties from R-2, Single-Family Residential to B-3, General Business.
2. The subject properties are generally located in the 700 block of N. Lincoln Avenue, west of N. Lincoln Avenue between Hill Street and Church Street. The subject properties are 906, 908, and 910 W. Church Street; 701, 705, and 707 N. Lincoln Avenue; and 905, 907, and 909 W. Hill Street. The applicant owns all 9 properties. The application excludes two other properties on the block not owned by the applicant.
3. The 2005 Urbana Comprehensive Plan future land use map designates the future land use of these properties as "Community Business."
4. The proposed rezoning to B-3 would generally not conform to all of the LaSalle Criteria, as it would disrupt an important transitional buffer between a lower density residential neighborhood and higher use intensity commercial development. The proposed uses for the development are already allowed under existing B-2 zoning on some of the subject properties.
5. The alternative staff-proposed rezoning would better conform to the LaSalle Criteria, as it would continue to allow commercial development on property which is currently vacant while preserving important buffer space.

6. Some of the subject properties are appropriate for a B-2 Business district zoning due to their location on Lincoln Avenue, a north-south arterial that is a major gateway to the University of Illinois campus.

Options

The Plan Commission has the following options for recommendations to the City Council regarding Plan Case 2262-M-15:

1. Forward this case to City Council with a recommendation for approval of the rezoning request as presented herein; or
2. Forward this case to City Council with a recommendation for approval of a portion, but not all, of the area; or
3. Forward this case to City Council with a recommendation for denial of the rezoning request. If the Plan Commission finds the application is inconsistent with the criteria and denies the application, the Plan Commission should provide the reasons for denial.

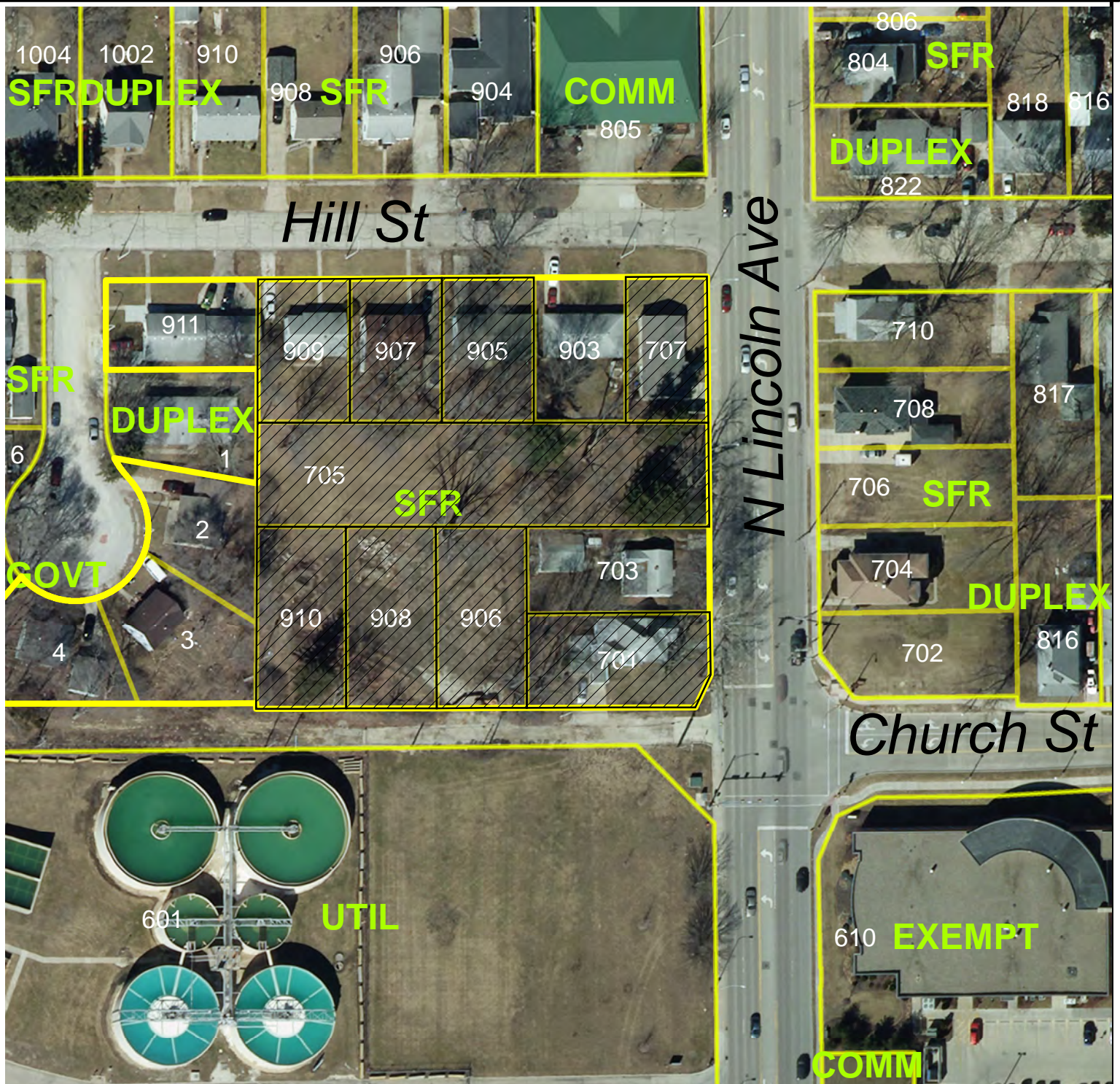
Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends the Plan Commission forward Case No. 2262-M-15 to the City Council with a recommendation for **DENIAL** of B-3, General Business zoning for 905, 907, and 909 West Hill Street; 701, 705, and 707 North Lincoln Avenue Urbana; and 906, 908, and 910 West Church Street, Urbana. Staff recommends an alternative proposal of **APPROVAL** of rezoning the center parcel at 705 N. Lincoln Avenue to B-2, Neighborhood Business – Arterial zoning.

Attachments:	Exhibit A:	Location and Existing Land Use Map
	Exhibit B:	Existing Zoning Map
	Exhibit C:	Future Land Use Map
	Exhibit D:	Site Pictures
	Exhibit E:	Siteplan Illustration
	Exhibit F:	Siteplan Illustration with Buffer Requirements
	Exhibit G:	Proposed Rezoning Alternative with Buffer Requirements
	Exhibit H:	Petition for Zoning Map Amendment

CC: Howard Wakeland

Exhibit A: Location and Existing Land Use Map



Case: Plan Case 2262-M-15

Subject: Rezoning

Location: 905, 907, and 909 West Hill Street; 701, 705, and 707 North Lincoln Avenue Urbana; and 906, 908, and 910 West Church Street

Petitioners: Howard Wakeland

 Subject Property

0 55 110 220 Feet



Exhibit B: Current Zoning Map



Case: Plan Case 2262-M-15

Subject: Rezoning

Location: 905, 907, and 909 West Hill Street; 701, 705, and 707 North Lincoln Avenue Urbana; and 906, 908, and 910 West Church Street

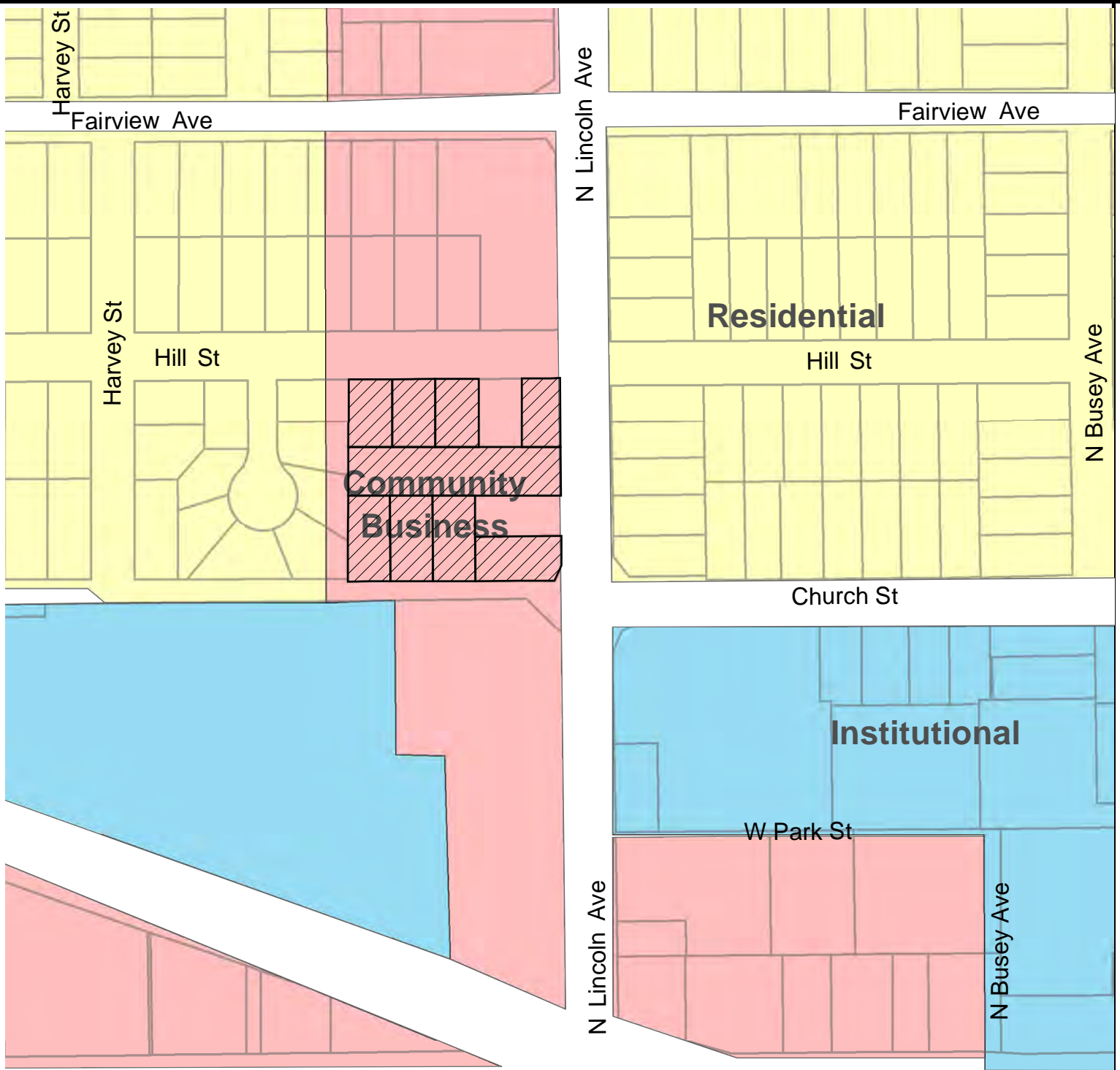
Petitioners: Howard Wakeland

0 55 110 220 Feet



- Subject Property
- B1
- IN-1
- R2
- B2
- MIC

Exhibit C: Future Land Use Map



Case: Plan Case 2262-M-15
 Subject: Rezoning
 Location: 905, 907, and 909 West Hill Street; 701, 705, and 707 North Lincoln Avenue Urbana; and 906, 908, and 910 West Church Street
 Petitioners: Howard Wakeland

0 55 110 220 Feet



Subject Property



Residential



Community Business



Institutional

Exhibit D – Site Pictures

Hill Street



Lincoln Avenue (North going South)



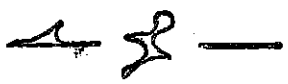


Church Street (East towards West)



7/16/2015

NORTH

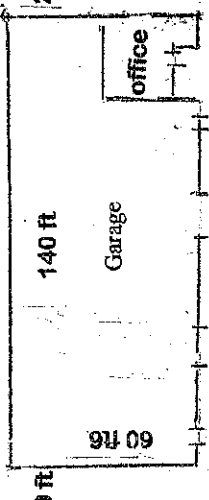
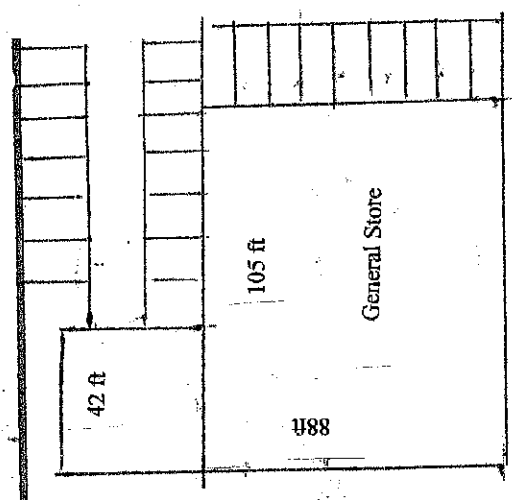
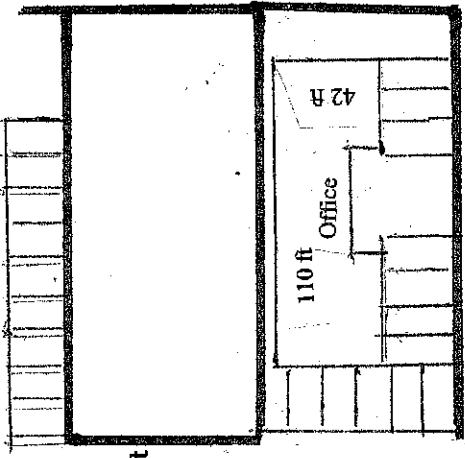
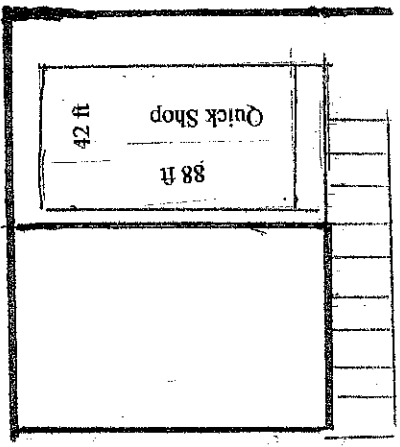


Lincoln Avenue

Hill Street

Church Street

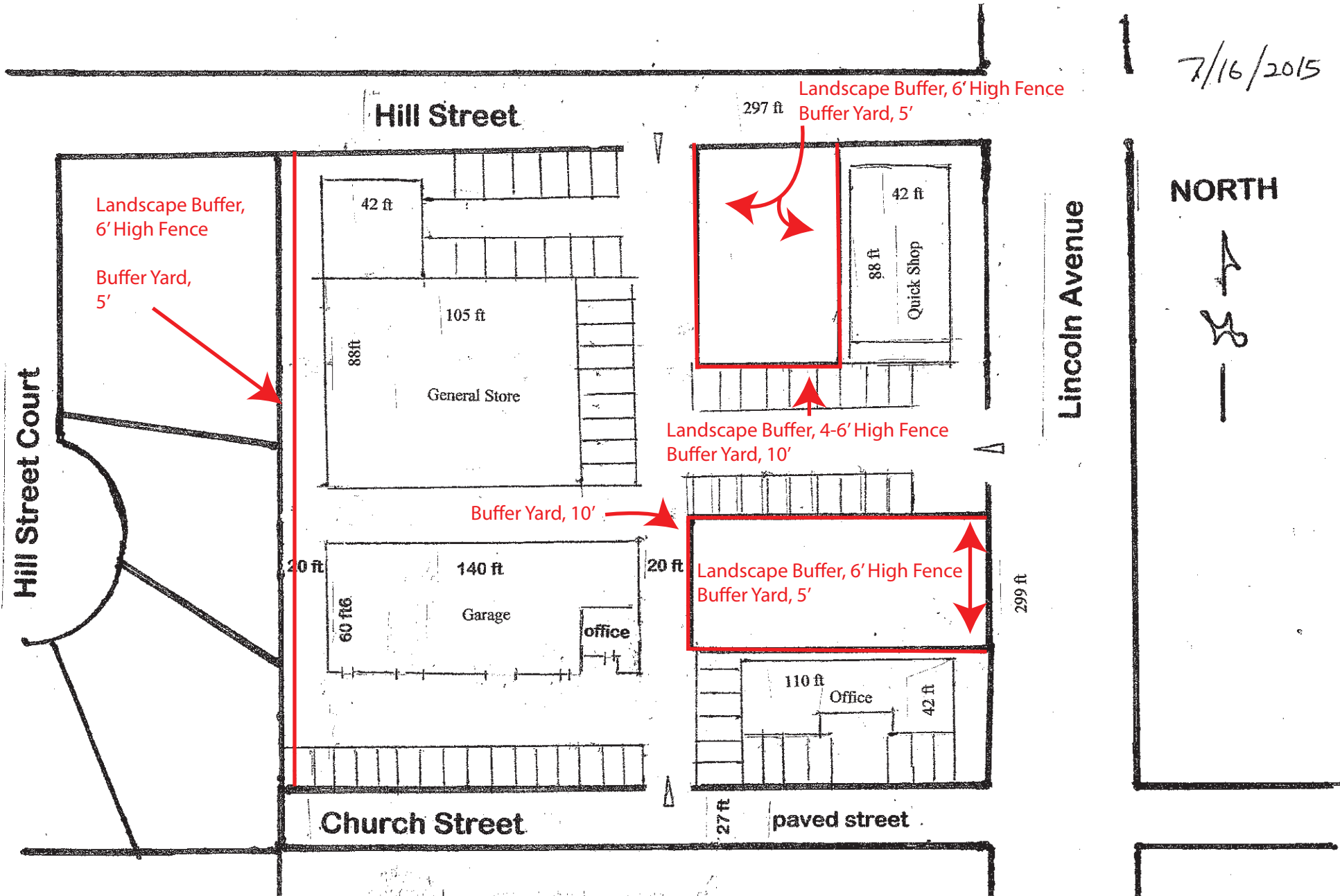
paved street



Hill Street Court

**VISUALIZATION OF BUILDING
 LOCATED AT 905-907 WEST CHURCH
 URBANA ILLINOIS**

7/16/2015



**VISUALIZATION OF BUILDING
LOCATED AT 905-907 WEST CHURCH
URBANA ILLINOIS**

Fairview Ave



1007

1006

1003

1001

909

907

805

1004

1002

910

908

906

904

808

819

817

806

804

822

818

816

814

Hill St

Landscape Buffer, 6' High Fence
Buffer Yard, 5'

1005

Hill Street Ct
Hill Street Ct
Hill Street Ct

911

909

907

905

903

707

1

705

710

708

706

704

702

817

815

812

816

814

N Lincoln Ave

6

5

4

2

3

910

908

906

703

701

Buffer Yard, 10'

Church St

601

610

816

W Park St

809

805

RECEIVED
JUL 13 2015
2:36 PM



Application for Zoning Map Amendment

Plan Commission

APPLICATION FEE - \$175.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ Plan Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): HOWARD WAKELAND Phone: 217-367-8606

Address (street/city/state/zip code): 1811 A AMBER, URBANA, IL.

Email Address: HOWARD@ADVANTAGEDPROPERTIES.COM

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

2. OWNER INFORMATION

Name of Owner(s): HOWARD WAKELAND Phone: _____

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

Email Address: _____

Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Address/Location of Subject Site: _____

PIN # of Location: 906-716 W CHURCH, 701-707 N - 707 N, LINCOLN, 901-909 W HILL,

Lot Size: 11 LOTS - 43,560' - SEE ATTACHMENT SEE MAP ATTACHMENT

Current Zoning Designation: R1 + B2

Proposed Zoning Designation: B3

Current Land Use (vacant, residence, grocery, factory, etc): RESIDENCE

Proposed Land Use: Commercial

Present Comprehensive Plan Designation: Community Business

How does this request conform to the Comprehensive Plan?

Legal Description: B' NEIGHBORHOOD BUSINESS &
TR4 MEDIUM DENSITY RESIDENTIAL
IN 1 - LIGHT INDUSTRIAL/OFFICE

4. CONSULTANT INFORMATION

Name of Architect(s): _____ Phone: _____

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

Email Address: _____

Name of Engineers(s): HOWARD WAKELAND Phone: _____

Address (street/city/state/zip code): 1811 A AMBER, URBANA, IL. 217-367-8806

Email Address: HOWARD@ADVANTAGEENGINEERS.COM

Name of Surveyor(s): REX BRADFELD, URBANA, IL. Phone: _____

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

Email Address: _____

Name of Professional Site Planner(s): _____ Phone: _____

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

Email Address: _____

Name of Attorney(s): GLENN STANICO Phone: _____

Address (street/city/state/zip code): _____ 217-352-7661

Email Address: _____

5. REASONS FOR MAP AMENDMENT:

What error in the existing Zoning Map would be corrected by the Proposed Amendment?

NEW BUSINESS AREA

What changed or changing conditions warrant the approval of this Map Amendment?

VERY LARGE COMMERCIAL BUILDING IN AREA

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

INCREASED OCCUPANTS LIVING IN AREA

What other circumstances justify the zoning map amendment? _____

DEVELOPMENT OF NEW LEVISED UNITS

Time schedule for development (if applicable). 6 MONTHS

Additional exhibits submitted by the petitioner. _____

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Harwood W. Wheeler
Applicant's Signature

6/26/15
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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

To: Members of the Urbana Plan Commission
From: Howard Wakeland, owner of the property being reviewed

Why a new request for zoning?

Just two years ago we asked for B2 rezoning in this area as we anticipated building a food preparation center for Hendrix house. They are in the catering business and needed a facility with a number of new capabilities which they do not have in their present location. We prepared a proposal and sent it to them thinking we had a good chance to be selected as the builder. They chose to go to a church in North Urbana with the idea of remodeling it for their food preparation use. Thus the B2 zoning we originally asked for was not used in the manner we anticipated.

We are now requesting B3U or B3 zoning because of major changes now scheduled for this area in the next few years that was not envisioned just 2 years ago.

We should realize that this area is in a rapidly changing area of the city subject to many new potential uses. You are aware of the very large apartment complex being built on University Avenue in the 900 block estimated to have 500+ new students in that building. One of the minor unmet needs that we see is storage facilities for individual students.

Most of you are aware of the new location of the University Carle Hospital proposed and anticipated to be started within the next two years. It is not known yet exactly how many buildings will be built but believe the vision is that several medical buildings to be built aligned along University Avenue. Aith retention of the Lincoln-University intersection as the gateway to the University of Illinois.

Our own company - Advantage Properties located on University-Lincoln intersection will be seeking new zoning for the South East corner of that intersection for an approximately 6 acre commercial area to be built for interested developers that might choose to be close to the new Carle-Illinois Hospital. If this zoning is granted in (B3 U) we will seek new larger Commercial and University groups to locate their business and laboratories there. This will lead Advantage Properties to seek another location for their offices and for supporting buildings such as garages and storage buildings. We hope to move a large share of that to this new location on North Lincoln for which we are asking a B3U classification.

We also anticipate that's several smaller shops or food service groups may wish to also locate in the North Lincoln site. It is difficult to envision the kinds of interests and the level of growth that will come to this area but we believe that the need for new land for such developments will be large.

We are now seeking to enlarge the area that we requested new zoning to include the entire East portion of the Marshals Addition to the city of Urbana which includes 11 lots of which we own nine. We are still hopeful of Purchasing those two additional properties in the future but negeotiations have not gone smoothly.

In addition to the increased number of students in the area Carle and University of Illinois College of Engineering are planning to build a new medical engineering hospital and will likely be seeking more land to meet that need. This will most likely mean additional students and additional research projects in this North campus area.

Thus we believe that we have properly evaluated the fact that this area near the intersection of University and Lincoln will become a highly desirable area for storage and perhaps a new area to service our own motor fleet

I am enclosing a letter which provides a lot of former background on this property which was sent to the mayor in August of 2013 by Elizabeth Tyler the FAICP director. It will provide much of the background of why we originally attempted to change the zoning area and why we believe another change is needed to meet future needs.

Why did we not request the zoning for the entire subdivision area before the zoning board previously. We're trying to be considerate of our neighbors that did not want to support rezoning. We have made several attempts to purchase their property. Both are willing to sell at elevated prices. We may meet those prices in the future but do not have a strong desire for additional property now. The house at 703 has been empty for nearly a year with no indication of new tenants. The property at 903 W. Hill is still for sale at an increased price level if we desire to meet it. However, owning nine of the 11 lots in that subdivision we believe that we can add sizable number of storage and commercial buildings without endangering their properties.

We are inclined to move ahead with development in view of the anticipated increased demand in that area. We can enter the subdivision from three different sides on the North, East and South entries without a need for the other two properties. We request that lots 905-909 Hill Street, 701, 705, 707 Lincoln Avenue, and 906-910 Church, be rezoned to B3U. It should be noted that the city improved the Lincoln-Church inter section with entry pavement and traffic lights recently with improved entry from Lincoln Street.

OWNERS

PARCEL ADDRESS SIZE AREA

NUMBER

91-21-07-429-012 809 W HILL 93 x 59.4 5524

013 807 W HILL 93 x 59.4 5524

014 805 W HILL 93 x 59.4 5524

015 803 W HILL 93 x 59.4 5524

016 707 N. LINCOLN 93 x 59.4 5524

017 705 N LINCOLN 66 x 309.26 20411

018 810 W CHURCH 60 x 140.4 8424

019 808 W CHURCH 60 x 140.4 8424

020 806 W CHURCH 60 x 140.4 8424

021 703 N LINCOLN 54 x 129.26 6980

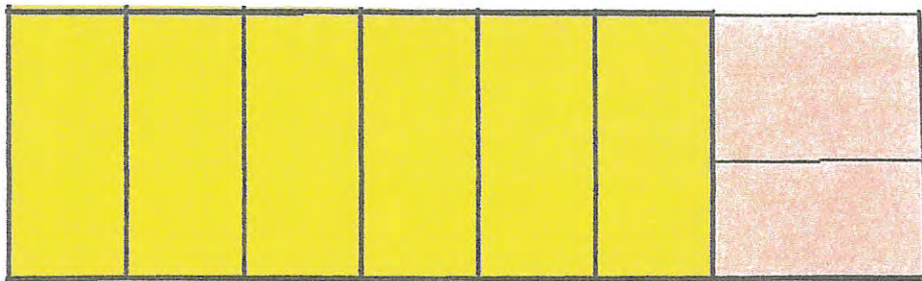
022 701 N. LINCOLN 86.44 x 129.26 11173

TOTAL AREA 297 x 300 = 89100 ÷ 43580 ⁹¹⁴⁵⁶/_A = 2.05 ACRES

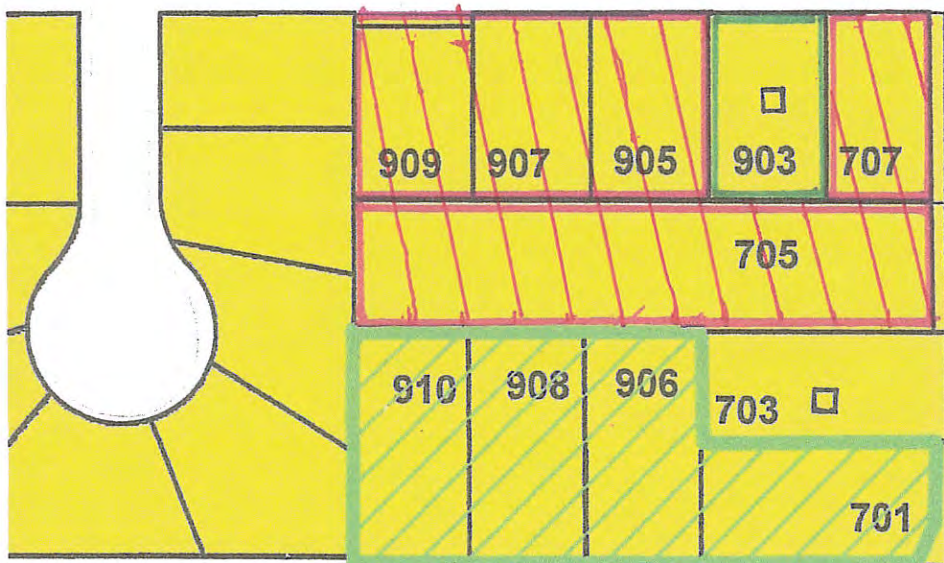
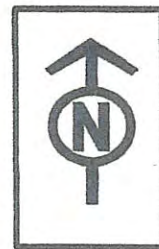
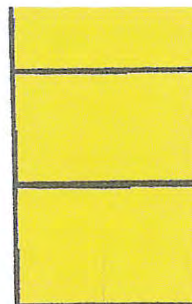
LESS 5524 + 6980 = 12504 = 89100 - 12504 OR 76596 = 1.76 ACRES

NEW ZONING

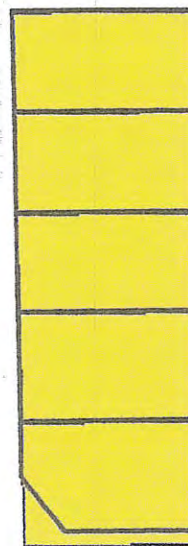
EXISTING ZONING



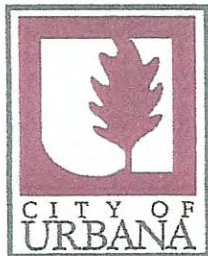
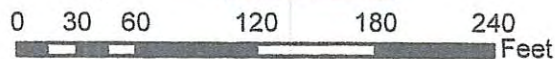
W Hill St








W Church St



N Lincoln Ave

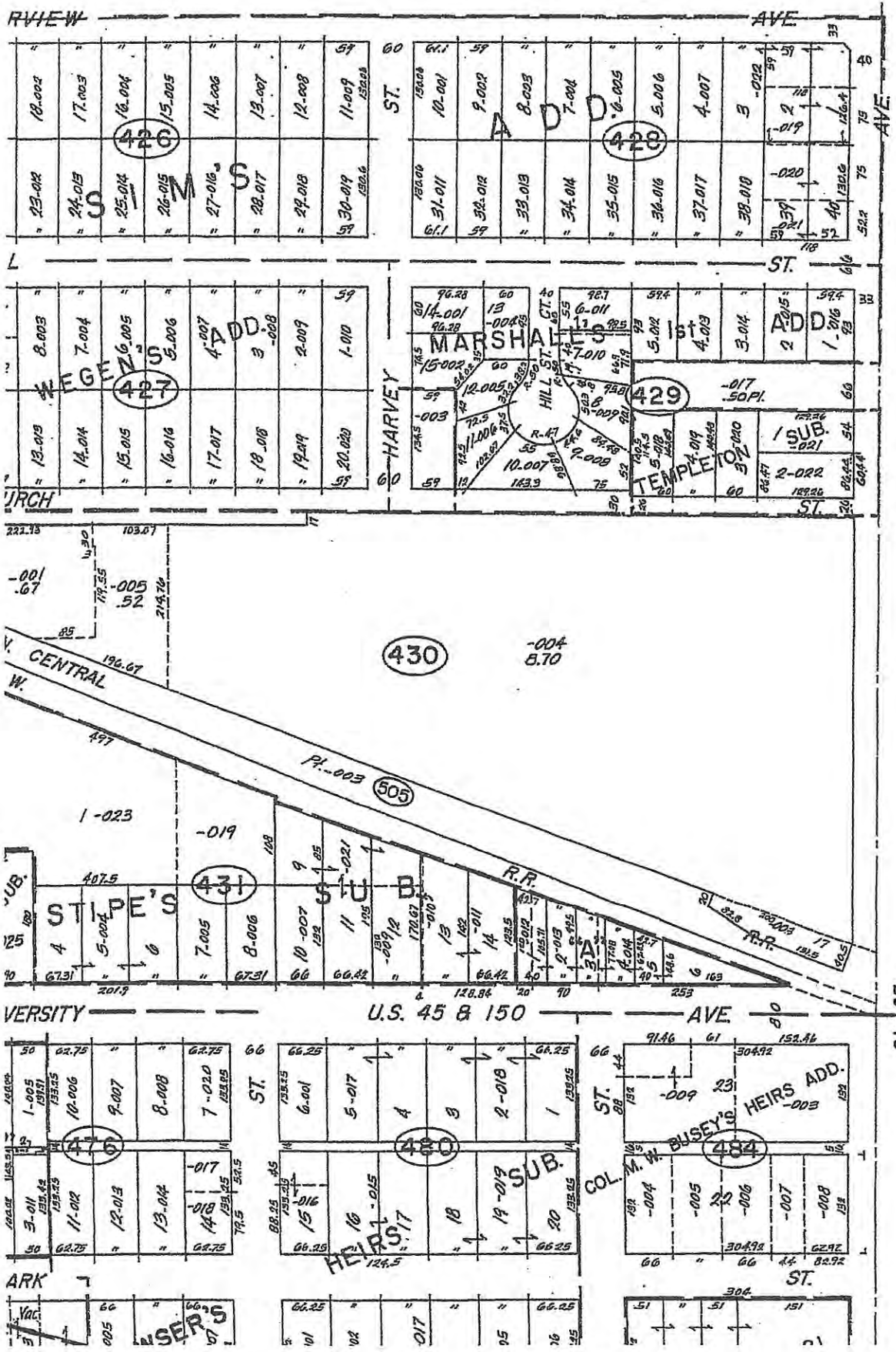


Case: 2210-M-13
 Subject: Application to rezone properties from R2 to B2
 Location: 906, 908, 910 W Church Street & 701 N Lincoln Avenue
 Petitioner: Howard Wakeland

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

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

REVISED: Jan 1st, 2003



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

21-8E

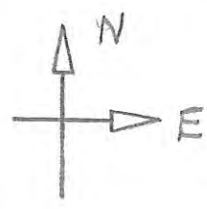
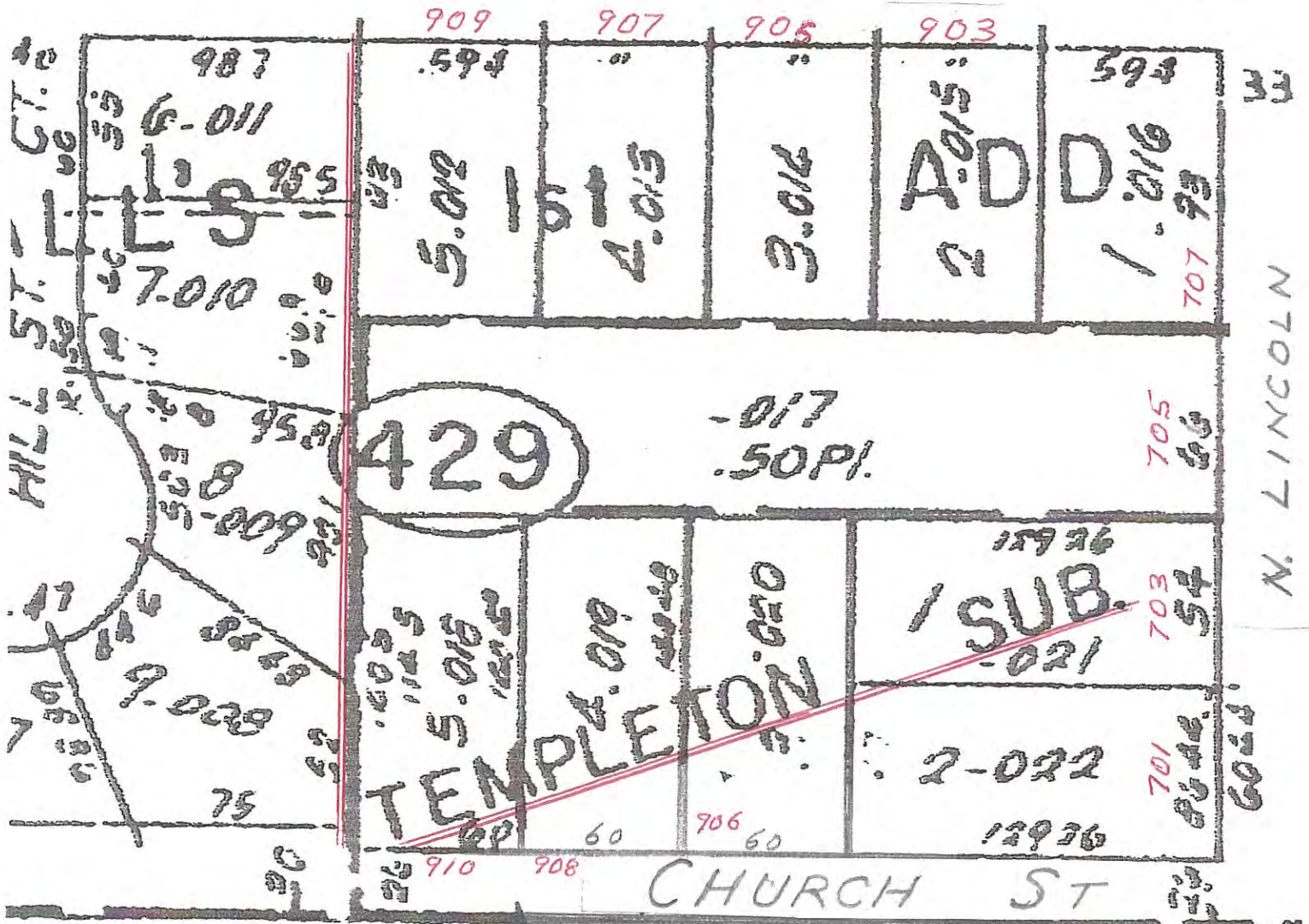
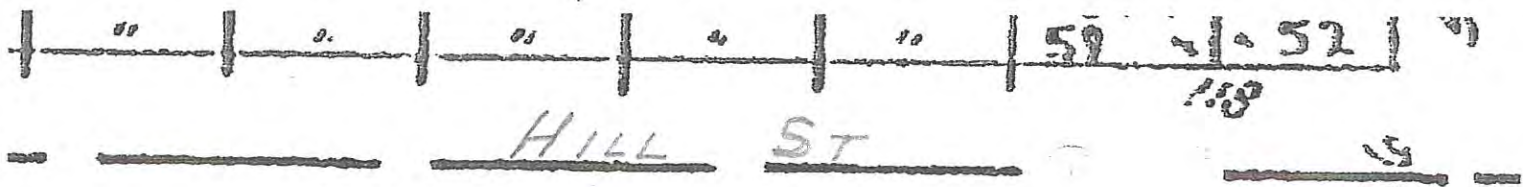
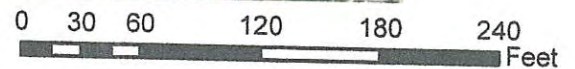


EXHIBIT A: Location & Land Use Map

2013



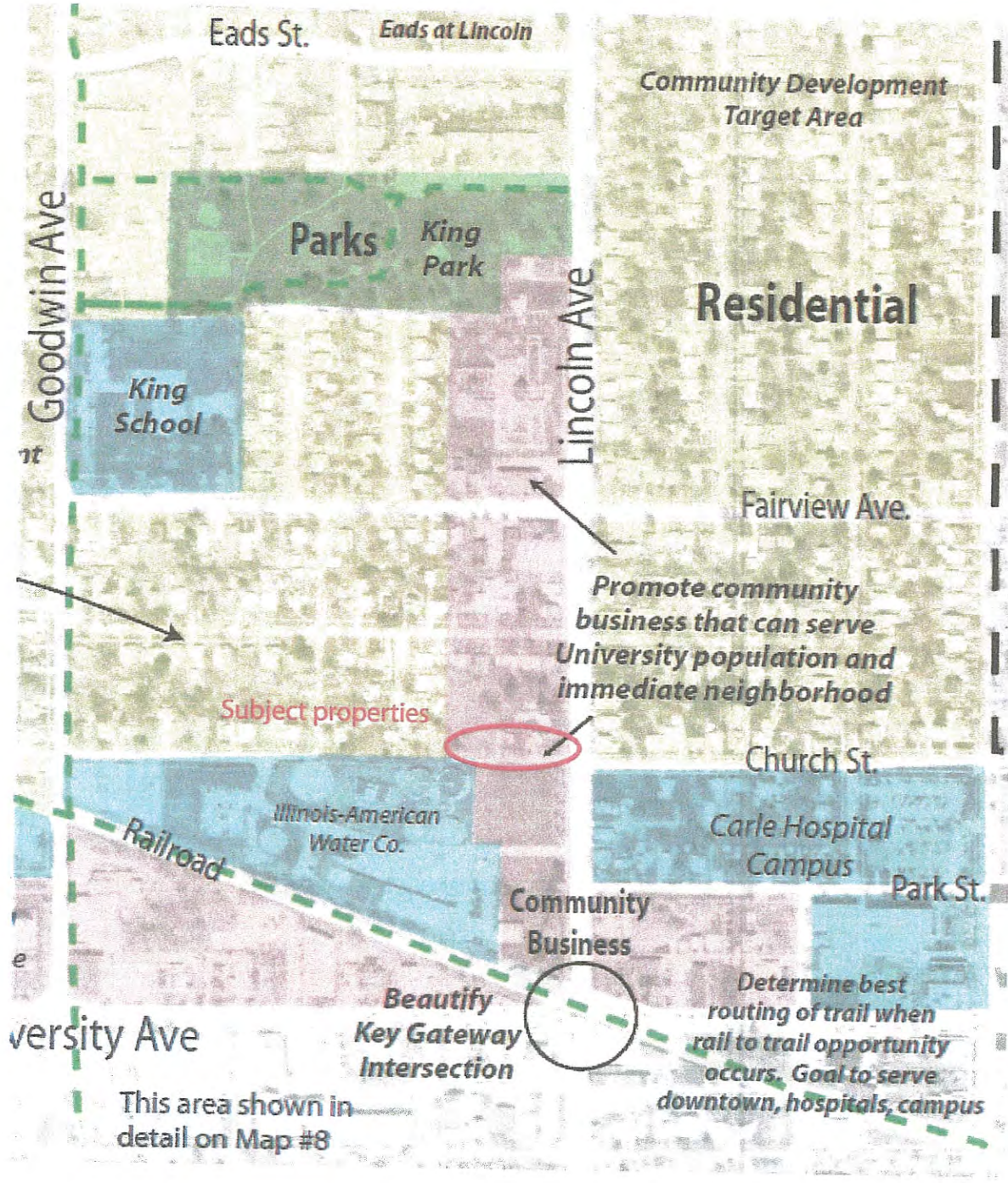
Case: 2210-M-13
Subject: Application to rezone properties from R2 to B2
Location: 906, 908, 910 W Church Street & 701 N Lincoln Avenue
Petitioner: Howard Wakeland



Subject Properties

EXHIBIT C: Future Land Use Map

2013



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