

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: **October 18, 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,
 Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins,
 Marilyn Upah-Bant

MEMBERS EXCUSED: None

STAFF PRESENT: Rebecca Bird, Planner II; Jeff Engstrom, Planner II; Teri Andel,
 Planning Secretary

OTHERS PRESENT: Sam Cebular, Judy Conerly, Keon Conerly, Cate Tambeaux, 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 with all members present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Mr. Fitch moved that the Plan Commission approve the minutes of the September 6, 2012 regular Plan Commission meeting. Ms. Stake seconded the motion. The minutes were then approved by unanimous voice vote.

Ms. Upah-Bant moved that the Plan Commission approve the minutes of the October 4, 2012 regular Plan Commission meeting. Mr. Fitch seconded the motion. The minutes were then approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW 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.

Rebecca Bird, Planner II, presented this case to the Plan Commission. She provided a brief background on the application noting that the petitioner owns nine of the eleven parcels. She mentioned a previous rezoning application proposed in May of 2008 to rezone the nine properties owned by the petitioner, which was withdrawn by the petitioner after being reviewed by the Urbana Plan Commission. She reviewed the zoning, current land use and future land use of the subject lots as well as that for the adjacent properties. She explained how "Community Business" is defined in the 2005 Urbana Comprehensive Plan.

Ms. Bird stated that notification letters were mailed to the property owners and residents of the two parcels under consideration for rezoning but not owned by the applicant. She noted that while she has not heard from the property owner of 903 West Hill Street, the property owner of 703 North Lincoln Avenue was in the audience and may be available to answer any questions that the Plan Commission may have.

She discussed the development regulations of the B-2 and B-3U Zoning Districts pointing out the differences between the two. She reviewed the La Salle National Bank criteria that pertain to the proposed rezoning request. She read the options of the Plan Commission and presented City staff's recommendation.

Ms. Bird stated that she would answer questions from the Plan Commission. Questions were as follows:

Does the Plan Commission have the option to recommend approval of rezoning part of the block? Ms. Bird replied yes.

It appears in the original case that the petitioner was in the process of purchasing one of the properties. Did the petitioner finally purchase that property? Ms. Bird explained that the original rezoning request did not include the property that was in the process of being sold to the petitioner. The petitioner has since then acquired that property, and it is included in the proposed rezoning. It is not one of the two properties in the current proposal that the petitioner does not own.

Were the properties to the north, which are currently zoned B-1, Neighborhood Business, formerly zoned R-2, Single-Family Residential? Ms. Bird imagined that they were formerly zoned R-2 because originally the whole area was platted for single-family houses. The zoning of 805 North Lincoln Avenue as B-1 is consistent with the Urbana Comprehensive Plan.

How do Goals 15 and 17 of the Urbana Comprehensive Plan pertain to the proposed rezoning? The proposed rezoning would be contiguous; however, the two properties that will remain single-family housing creates a “snaggled-tooth” plot of land with regards to redevelopment potential and will result in incompatibility in the block. Ms. Bird explained that as the Comprehensive Plan identifies this part of Lincoln Avenue as a commercial corridor, the proposed rezoning would support this goal.

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

Howard Wakeland, petitioner, talked about the previous rezoning proposal. He stated that he chose to take the advice of the City to withdraw his proposal and wait. In the last four years since that time, he has been improving or building on other properties that he owns, thus increasing the tax base for the City. He is requesting the proposed rezoning to provide for his children and their families future. He is not about pushing people into zoning that they do not like; however, he believes that if the City approves a zoning district that would provide up zoning from its current zoning designation, then every property will increase in value. He has never tried to push the property owners of the other two parcels to sell their lots to him. He talked about the subject lots that he owns and how he cleaned them up by removing trash trees, by demolishing two and a half houses, and by remodeling four houses on the block. He talked about possible development of the subject parcels. He feels that the City of Urbana needs more upscale housing.

Chair Pollock stated that the Plan Commission recommended denial to the City Council of the previous rezoning request four years ago. He also clarified that they never made a deal or talked on the phone regarding the previous proposal. He does not speak to anyone outside of the Plan Commission and outside of the City Council Chambers regarding any plan case. He went on to say that Mr. Wakeland appears to think that others perceive him as not being a good landlord or that he does not build good quality apartment buildings. Mr. Pollock stated that nothing could be further from the truth. Everyone realizes the quality of the work that Mr. Wakeland does and what he brings to Urbana.

Mr. Fitch wondered if Mr. Wakeland was still thinking of moving an apartment house and his office onto the proposed site. Mr. Wakeland stated that it is a possibility.

Ms. Stake wondered what the justification would be for allowing a B-3U Zoning District, which permits taverns, liquor stores and night clubs, next door to a residential area. Mr. Wakeland responded that the tax rolls need these properties to be up zoned. If the City is not willing to up zone properties to allow for development, then the City will lose out. He owned a block of properties bordered by Harvey Street, Goodwin Avenue, University Avenue and Clark Street. As a result of not being able to get it rezoned to a designation that would allow him to develop the properties, he sold them to the University of Illinois. Now, the City loses out on tax money from not only property taxes, but from what could have been developed there.

Chair Pollock commented that most of the uses Mr. Wakeland mentioned as possible development uses for the proposed sites would be allowed in the B-2 Zoning District. Has he considered rezoning to B-2 rather than to B-3U? Mr. Wakeland stated that he did not believe that the B-2 Zoning District would allow a mixed-use development. Jeff Engstrom, Planner II, stated that for a development with more than one principle use on one zoning lot, a conditional use permit would be required from the Zoning Board of Appeals in the B-2 Zoning District. Mr. Wakeland stated that if this is a possibility, then he would not be so negative to rezoning the subject parcels to B-2. Ms. Bird added that the Plan Commission could rezone the eleven properties individually, in groups or in its entirety.

Keon Conerly, of 703 North Lincoln Avenue, stated that he respects Mr. Wakeland as a business man. Mr. Wakeland has helped beautify the area by remodeling the houses that he owns in the proposed area. Mr. Conerly stated that his home at 703 North Lincoln Avenue has been a part of his family for generations. His house is not about money for him and his family. His family has received many communications from Mr. Wakeland with offers to purchase the property. They have received several letters, phone calls and home visits from Mr. Wakeland as well as Mr. Wakeland visiting him at work. He and his family have always responded saying that they are not willing to sell their home and should they decide at some point to sell their home, then they would put it up on the market. Mr. Conerly expressed concern in that Mr. Wakeland is not sure what he wants to develop on the properties he owns. There are many uses permitted in the B-3U Zoning District that are not desirable to him to have located next door to where he lives.

Chair Pollock asked if Mr. Conerly's major concern is what could be built on the properties adjacent to his home rather than the specific rezoning of his property at 703 North Lincoln Avenue. Mr. Conerly said yes, that is correct.

Susan Taylor, of 606 West Michigan Avenue, talked about the history of University Avenue serving as the divider line between the African-American community and the University of Illinois. She talked about the future Campus Circle development that was recently approved by the Plan Commission and the City Council. She commented that the City is not looking out for the whole of the Urbana community.

Mr. Wakeland re-approached the Plan Commission. Although he tried not to push or force the property owners to sell to him, he did let them know that he was interested in purchasing their properties. You have to let people know that you are interested if you want to buy it.

With no further input from the audience, Chair Pollock opened the meeting for any additional questions for City staff.

Has City staff considered public safety issues in terms of access points to the proposed sites? Ms. Bird answered that City staff would need to see specific development plans showing access to the lots. With no plans for development, there is no idea of how they might develop the lots. There is a signalized intersection just north of the proposed lots so it would be easier to access east-west. Mr. Engstrom added that the Functional Classification Map in the Comprehensive Plan shows Lincoln Avenue as a minor arterial. It is the City's policy to not allow any new curb cuts or driveways off of minor arterial streets. Therefore, any new development would have to be accessed off of Hill Street or Church Street.

If future access would be along Hill Street and the property is zoned B-3U, then the additional traffic would impact the residents who live along Hill Street? Mr. Engstrom said yes, that is correct.

Would it be possible for the Plan Commission to rezone part of the proposed lots to allow the petitioner some ability to develop the sites? Ms. Bird said yes, it is in the purview of the Plan Commission to rezone part of the proposed sites.

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

Discussion ensued about the B-3U Zoning District and other alternatives for rezoning. It seemed to be the consensus of the Plan Commission members that the B-3U Zoning District is not appropriate for the proposed area because of the unlimited height regulation, the 4.0 Floor Area Ratio (FAR) and the additional categories of permitted uses that are less desirable being located near residential areas. Some members felt that rezoning all or part of the proposed area to B-1 or B-2 would be appropriate while other members felt that any rezoning to a business district would have a negative impact on the two properties in the proposed block to be rezoned as well as on the residential properties to the north across Hill Street and to the west on Hill Court. Any increase in traffic or noise that results from business uses of any nature would have an impact on the neighboring residential areas. It is not so much about business as it is about residential preservation.

On the other hand, if the zoning does not change, then it will remain a blank area of land. If it was viable to retain single-family housing then it would be there. The area has changed from its original intent of single-family housing. When the existing residential homes become in disrepair and need to be demolished, then there will be an empty block.

The mixing of business uses into residential neighborhoods in East Urbana along Main Street has worked well. Not every residential neighborhood should have business incorporated into it; however, the Comprehensive Plan shows the proposed area as being Community Business. The neighborhood to the west on Hill Court already is adjacent to the Water Company, which is zoned IN-1, Light Industrial/Office.

The Plan Commission then discussed which properties might best be rezoned to a business district. There were many ideas of how to divide the lots into groups of what to rezone and what to leave as residential. There was no consensus reached on any one idea.

Ms. Tompkins moved that the Plan Commission continue Plan Case No. 2185-M-12 to the next regular meeting. This will allow City staff time to talk with the petitioner about some of the various options that the Plan Commission has mentioned. The motion was seconded. The case was then continued by unanimous voice vote.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Rebecca Bird, Planner II, reported on the following:

- Bainbridge Development Special Use Permit was approved by the City Council along with the variance requests for side and rear-yard setbacks on October 15, 2012.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:41 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Plan Commission