



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director of Community Development Services

DATE: July 3, 2008

SUBJECT: Plan Case 2068-M-08: A request to rezone properties located at 701, 705 and 707 N. Lincoln Avenue; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street from R-2, Single-Family Residential to B-3U, General Business-University.

Introduction and Background

Howard Wakeland has applied to rezone nine properties generally located along the west side of N. Lincoln Avenue between Hill Street and Church Street from R-2, Single-Family Residential to B-3U, General Business-University. The properties are commonly known as 701, 705 and 707 N. Lincoln Avenue; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street. Mr. Wakeland owns eight of the nine properties. The other property is owned by Viola Bradley. As part of the application material, Mr. Wakeland submitted a signed statement from Ms. Bradley supporting the proposed rezoning. (See Exhibit F) There are a total of eleven properties that comprise the block. The two remaining properties located at 703 N. Lincoln Avenue and 907 Hill Street are not proposed to be rezoned.

The petitioner is requesting that the subject properties be rezoned from R-2 to B-3U to allow for the construction of a maintenance and storage building on the southwest corner of the subject properties to serve the apartment complexes the petitioner owns to the south of University Avenue. The petitioner also plans to move an eight unit apartment building to the subject site, construct his offices on the site and seek a commercial renter, possibly a restaurant. The petitioner has indicated in his application that the time schedule for development is over the next two years.

On May 22, 2008, the Urbana Plan Commission held a public hearing concerning this case. The Plan Commission voted 3 ayes and 2 nays to forward the case to City Council with a recommendation for denial.

Adjacent Land Uses and Zoning Designations

Five of the nine properties to be rezoned are occupied by single-family homes. Four of these five properties are rental units and the other is owner occupied. The remaining four properties to be rezoned are vacant. In addition to the properties to be rezoned, there are two other properties in the block. Of

these two properties, one is owner-occupied and the other is a single-family rental unit. Photographs of the homes can be found in Exhibit D. Church Street, which lies to the south of the subject properties, is unimproved.

There are single-family homes to the immediate west of the subject properties and east of N. Lincoln Avenue, all of which are zoned R-2, Single-Family Residential. The homes in the block east of the subject properties and along the east side of N. Lincoln Avenue are owned by Carle Foundation and are currently residential rental units. The Carle Spine Institute is located at the southeast corner of N. Lincoln Avenue and Church Street. Illinois American Water Company is located to the south of the subject properties and is zoned IN, Industrial. To the north is the former Family Video building that currently houses Hanger Prosthetics and Orthotics. That property is zoned B-1, Neighborhood Business.

The following is a summary of surrounding zoning and land uses for the subject site:

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	R-2, Single-Family Residential	Single-family homes	Community Business
North	B-1, Neighborhood Business	Commercial - Hanger Prosthetics & Orthotics	Community Business
	R-2, Single-Family Residential	Single-family homes	
South	IN, Industrial	Institutional - Illinois American Water Company	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 area containing the site as “Community Business”. The 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 #3 of the Comprehensive Plan also has the following annotation for the site: “Promote community business that can serve the University population and immediate neighborhood”. Rezoning the subject properties to B-3U is consistent with the designation of the site in the Comprehensive Plan as well as the following Comprehensive Plan Goals and Objectives:

Goal 4.0 Promote a balanced and compatible mix of land uses that will help create long-term, viable neighborhoods.

Objectives

- 4.1 Encourage a variety of land uses to meet the needs of a diverse community.
- 4.2 Encourage development patterns that offer the efficiencies of density and a mix of uses.

Goal 25.0 Create additional commercial areas to strengthen the city's tax base and service base.

Objectives

- 25.1 Provide a sufficient amount of land designated for various types of community and regional commercial uses to serve the needs of the community.
- 25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.
- 25.3 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

Other relevant goals include:

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.
- 2.4 Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing.

Goal 5.0 Ensure that land use patterns conserve energy.

Objectives

- 5.1 Encourage development patterns that help reduce dependence on automobiles and promote different modes of transportation.

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.

Issues and Discussion

The subject properties are currently zoned R-2, Single-Family Residential. According to the Urbana Zoning Ordinance, the intent of the R-2 Zoning District is to provide areas for single-family detached dwellings at a low density. Five of the nine properties to be rezoned are occupied by single-family homes and the other four properties are vacant. The petitioner is proposing to develop the subject properties with a mixture of both commercial and multi-family residential uses. More specifically, it is the petitioner's intent to construct a maintenance and storage building on the southwest corner of the subject properties to serve the apartment complexes the petitioner owns to the south of University

Avenue. The petitioner also plans to move an eight unit apartment building to the subject site, construct his offices on the site and seek a commercial renter, possibly a restaurant. The petitioner is proposing to rezone the subject properties to from R-2 to B-3U to accommodate his plans for redevelopment of the site.

The properties to be rezoned are generally located in the 700 block of N. Lincoln Avenue, west of N. Lincoln Avenue between Hill Street and Church Street. Eleven properties comprise the block where the rezoning is proposed; however, only nine of the eleven properties are proposed to be rezoned. The other two remaining properties are located in between the properties to be rezoned. (See Exhibit A) One of the properties fronts on Hill Street and the other fronts on N. Lincoln Avenue. Inclusion of these two lots would be more favorable from a planning and development standpoint. To minimize the impact of commercial development on adjacent residential uses, the Urbana Zoning Ordinance requires screening or a buffer area between properties zoned R-2 and B3-U per Section VI-6. In addition, Section VIII-3 requires that off-street parking located directly adjoining a residential zoning district or use, be screened.

The subject site borders Lincoln Avenue. Lincoln Avenue is a major north-south corridor in Urbana and serves as an important route from I-74 to the University of Illinois. Commercial development along portions of N. Lincoln Avenue is supported by the 2005 Urbana Comprehensive Plan. The plan designates the subject properties as well as other properties along the west side of N. Lincoln Avenue from University Avenue north to King Park as “Community Business”. Future Land Use Map #3 also notes that this area is to “promote community business that can serve the University population and immediate neighborhood”.

The B-2 Neighborhood Business-Arterial, B-3U, General Business-University and CCD, Campus Commercial District are three zoning districts that are consistent with the Comprehensive Plan designation of the subject properties. Of these three zoning districts that allow a mix of residential and commercial uses, the B-3U Zoning District is the most flexible in permitted uses and the most intense in relation to development regulations. The following table outlines the development regulations and purposes for the B-2, B-3U and CCD Zoning Districts. In addition Zoning Description Sheets that outline permitted uses can be found in Exhibit E.

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
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.								
B-3U	6,000	60	none	4.00	0.10	15	5	5
The B-3U, General Business-University District is intended to provide areas in proximity to the University of Illinois for a range of business and office uses to meet the needs of persons and businesses associated with the University. This district is also intended to provide areas for high density residential uses to insure an adequate supply of housing for persons who desire to reside near the campus. These business and residential uses may occur as mixed uses in the same structure. The development regulations in this district are intended to allow buildings which are compatible with the size and scale of the University’s buildings.								

CCD	6,000	60	none	4.00	0.10⁵	6	5	5
The CCD, Campus Commercial District is intended to create a district to provide opportunities for development of a commercial center to serve the University of Illinois campus and neighboring residential areas. The focus of this area of campus as the “gateway” to the University, the presence of public functions such as the Office of Admissions and Records, the Spurlock Museum, the Krannert Center for Performing Arts, the increased academic presence and adjacent strong residential neighborhoods all contribute to the area’s demand for commercial services.								

Most properties currently zoned B-3U in the City of Urbana contain residential uses. Most of these are multi-family, but a few are duplex or single-family rentals. Those properties currently zoned B-3U are located immediately adjacent to the University. More specifically these are located along the west side of Lincoln Avenue from W. Green Street north to a half-block south of University Avenue and extending west to Harvey Street.

As illustrated by the development regulations, the B-3U Zoning District would allow for higher intensity development than what is currently in the area. The N. Lincoln Avenue corridor from University Avenue north to Hill Street is an area that is in transition. A mixed-use, office/retail development is proposed at the southwest corner of Lincoln and University Avenues that will provide for a “gateway” to the University. In addition, Carle Hospital is undergoing development/expansion of their campus. Carle Hospital is currently updating their master plan. In a preliminary plan map update, the properties along the east side of N. Lincoln Avenue between Church Street and Hill Street that are owned by Carle are proposed to be developed in the near future. In addition Carle is proposing a new hospital building and heart and vascular center, several new parking lots, the closure of three public streets, changes to circulation patterns and improvements in traffic control. Segments of Coler, Busey and Park Streets were recently vacated by the City to facilitate the construction of a new Heart and Vascular Institute and to improve safety on campus. The street vacations will alter the flow of traffic. Traffic will be diverted to Church Street and will connect with either N. Lincoln Avenue or McCullough Street and then to University Avenue. To accommodate the redevelopment that is occurring in the area, the City will be increasing the right-of-way along N. Lincoln Avenue to provide for a center turn lane along N. Lincoln Avenue from University Avenue to Fairview Avenue. Approximately seven feet of the subject properties along N. Lincoln Avenue will be dedicated as right-of-way to provide for the turn lane. In addition, a new traffic signal is proposed at the intersection of N. Lincoln Avenue and Church Street.

Urbana Plan Commission Public Hearing

The Plan Commission held a public hearing concerning Plan Case 2068-M-08 on May 22, 2008. Minutes from the public hearing are attached in Exhibit G. During the public hearing there was lengthy discussion about the proposed development of the subject properties, the suitability of the B-3U Zoning District, and the impact of the rezoning on the properties that are located amongst the properties to be rezoned and that will remain residential.

The three owners of the properties, not under Howard Wakeland’s ownership, and located in the proposed block to be rezoned were present at the public hearing. All of the owners expressed concern for development that would be permitted if the subject properties were rezoned to B-3U and the impact it would have on their properties.

The Plan Commission acknowledged that the B3-U Zoning District is consistent with the designation of the subject property in the Comprehensive Plan. Other options were noted that would also be consistent, but that would have less impact on the remaining residential properties. It was also noted that although

a development plan is not required, it would be beneficial to see a site plan to be able to assess the impact on adjacent properties not proposed to be rezoned. It was questioned whether rezoning was appropriate at the present time since the full development potential of the area could not be realized without securing the remaining properties in the block and the fact that there is not a specific plan for development at this time.

Two motions were made that failed before the final motion was made and passed. The Plan Commission ultimately voted 3 ayes and 2 nays to forward the case to City Council with a recommendation for denial of the proposed rezoning.

The La Salle Criteria

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 surrounding properties contain a mix of land uses and zoning. The property to the north is zoned B-1, Neighborhood Business and is used for commercial purposes. Illinois American Water Company is located to the south and is zoned IN, Industrial. There are single-family homes that are zoned R-2, Single-Family Residential to the east and west. The residential properties along the east side of N. Lincoln Avenue and north of Hill Street are anticipated to remain. The existing zoning is compatible with the existing land uses. With the proposed mixed-use retail/office building at the southwest corner of Lincoln and University Avenues and the proposed development/expansion of the Carle Hospital Campus, N. Lincoln Avenue is redeveloping into a higher intensity commercial and institutional corridor, providing for development opportunities particularly along the west side. The proposed zoning is compatible with this shift and with the designation of the development patterns in the 2005 Urbana Comprehensive Plan; however, it is at a much higher intensity than the adjacent residential properties not proposed to be rezoned.

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-3U, General Business-University.

Under the current zoning, the subject properties can only be used for single-family dwellings at a low density. The petitioner states that the proposed zoning change will allow the subject properties to be developed to enhance and support the expansion in the Carle Campus Plan, the proposed development of the medical corridor, and the proposed development at University and Lincoln Avenues that will serve as an entrance to the University of Illinois. In addition, the petitioner states that the proposed rezoning is consistent with the upgrading of area properties and more intensive use of property in the area that is becoming increasingly more business oriented. The proposed rezoning would allow the petitioner to redevelop the site for a broader range of uses and at a higher intensity. Therefore, the property values

of the subject properties should logically increase. It is also likely that the adjacent residential properties not proposed to be rezoned would increase in value as commercial property, but would most likely decrease in value as single family residences.

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 proposed rezoning would allow for a wider mix of uses at a higher density on the site. Allowing for a mix of both residential and commercial uses would allow the subject properties to be developed with sensitivity to the single-family uses to the west. For instance, multi-family structures could be situated on the western portion of the subject properties to serve as a buffer from proposed commercial uses. Although the B-3U Zoning District would allow development of the subject properties in this way, it is not a requirement to do so. If the subject properties are rezoned to B3-U, the area could be developed with any of the uses permitted and at an intensity allowed under the B-3U Zoning District.

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 located along N. Lincoln Avenue. Lincoln Avenue is a major north-south corridor in Urbana and serves as an important route from I-74 to the University of Illinois. The site is also located in close proximity to the University-Lincoln Avenue intersection where more intensive land uses are promoted by existing zoning and by the designated future land use of the area in the Comprehensive Plan. Redevelopment is currently occurring in the area that is intensifying the existing uses. In light of this redevelopment, development of the subject properties to a higher intensity seems appropriate. However, this development would negatively impact the remaining single family residential properties not proposed to be rezoned.

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 petitioner has not claimed that the subject properties are currently vacant due to their zoning.

Summary of Staff Findings

1. The subject properties are currently zoned R-2, Single-Family Residential, and are occupied by single-family homes.
2. The petitioner is requesting that the subject properties be rezoned from R-2, Single-Family Residential to B-3U, General Business-University.
3. The petitioner plans to construct a maintenance and storage building on the subject properties to serve the apartment complexes the petitioner owns to the south of University Avenue. The petitioner also plans to move an eight unit apartment building to the subject site, construct his offices on the site and seek a commercial renter, possibly a restaurant.
4. The subject properties are generally located in the 700 block of N. Lincoln Avenue, west of the N. Lincoln Avenue between Hill Street and Church Street. There are eleven properties in this block. Only nine of the eleven properties are proposed to be rezoned. The other two will remain single family residences.
5. The 2005 Urbana Comprehensive Plan future land use map designates the properties as Community Business with a note that the area “promote community business that can serve the University population and immediate neighborhood”. The proposed rezoning to the B-3U Zoning District would be generally consistent with the Comprehensive Plan.
6. The B-3U Zoning District would allow for the development of the subject properties at a higher intensity than what is currently in the area, with minimal protection to adjacent properties that will remain residential.
7. On May 22, 2008, the Urbana Plan Commission held a public hearing concerning this case. The Plan Commission voted 3 ayes and 2 nays to forward the case to City Council with a recommendation for denial.

Options

The Urbana City Council has the following options regarding Plan Case 2068-M-08:

1. Approve the rezoning request as presented herein; or
2. Deny the rezoning request.

Recommendation


Based on the analysis and findings presented herein and input received at the public hearing held by the Urbana Plan Commission on May 22, 2008, the Plan Commission recommends that City Council **DENY** Plan Case No. 2068-M-08.

After hearing the testimony at the public hearing, Staff concludes that although the proposed B-3U Zoning District is consistent with the designation of the subject properties in the 2005 Urbana Comprehensive Plan, rezoning the subject properties to the B-3U designation at this time may not be desirable based on the following:

1. There are residential properties located amongst the properties to be rezoned that could be negatively impacted by the proposed rezoning.
2. There is no specific development plan for the properties to be rezoned that can demonstrate the development potential of the site and the minimization of impacts on adjacent properties.
3. The B-2 Zoning District is also consistent with the designation of the properties by the Comprehensive Plan. The B-2 Zoning District would allow for the properties to be developed with a mix of residential and commercial uses at a lower intensity than the B-3U Zoning District and therefore could be a more appropriate choice.

Staff concurs that the proposed rezoning of the subject properties from R-2 to B-3U not be approved until such time as the petitioner can secure the remaining properties in the block and/or show a development plan for the subject properties that justifies the proposed rezoning to B-3U and that minimizes the impact on adjacent residential properties. As an alternative, staff suggests that rezoning the subject properties to B-2, Neighborhood Business - Arterial be considered as it would be less intense than the B-3U Zoning District and more compatible with the surrounding residential uses.

According to discussion with the Legal Division, rezoning of the subject properties to B-2, Neighborhood Business-Arterial instead of B-3U, General Business-University is possible as part of this application since the B-2 Zoning District is a lower zoning district than the proposed B-3U, General Business-University. Staff would support rezoning the properties from R-2 to B-2.

Prepared by:

Lisa Karcher, Planner II

Attachments: Draft Ordinance Amending the Zoning Map of the City of Urbana, IL

- Exhibit A: Location Map and Existing Land Use Map
- Exhibit B: Existing Zoning Map
- Exhibit C: Future Land Use Map
- Exhibit D: Photographs of Subject Properties
- Exhibit E: Zoning Description Sheets (B-2, B3-U and CCD)
- Exhibit F: Petition for Zoning Map Amendment

Draft Plan Commission Hearing Minutes

cc: Howard Wakeland
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Viola Bradley
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Urbana, IL 61801

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Rawles, O'Byrne, Stanko, Kepley & Jefferson, P.C.
P.O. Box 800
Champaign, IL 61824-0800

ORDINANCE NO. 2008-07-072

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS

(Rezoning of 701, 705 and 707 N. Lincoln Avenue; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street from R-2, Single-Family Residential to B-3U, General Business-University - Plan Case 2068-M-08)

WHEREAS, Howard Wakeland has petitioned the City for a Zoning Map Amendment to rezone 701, 705 and 707 N. Lincoln Avenue; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street from R-2, Single-Family Residential to B-3U, General Business-University; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on May 22, 2008 concerning the petition filed in Plan Case No. 2068-M-08; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is generally consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 3 ayes and 2 nays to forward the case to the Urbana City Council with a recommendation to deny the rezoning request of the property herein described below from R-2, Single-Family Residential to B-3U, General Business-University.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described area from R-2, Single-Family Residential to B-3U, General Business-University.

LEGAL DESCRIPTION:

Lot 1, 2, 3 and 5 in Marshall's First Addition as per Plat recorded in Plat Book "G" at Page 173, situated in the City of Urbana, in Champaign County, Illinois. Permanent Parcel Nos.: 91-21-07-429-016, 91-21-07-429-015, 91-21-07-429-014 and 91-21-07-429-012.

AND

Lot 2, 3, 4 and 5 of Justus S. Templeton Subdivision, as per plat recorded in Book "G" at page 104, situated in the City of Urbana, in Champaign County, Illinois. Permanent Parcel Nos.: 91-21-07-429-022, 91-21-07-429-020, 91-21-07-429-019 and 91-21-07-429-018.

AND

Commencing at a point 140 feet North of the Southeast corner of the North Half of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, running thence North 66 feet; thence West 20 rods; thence South 66 feet; thence East 20 rods to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois. Permanent Parcel No.: 91-21-07-429-017.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this _____ day of _____, 2008.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2008.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

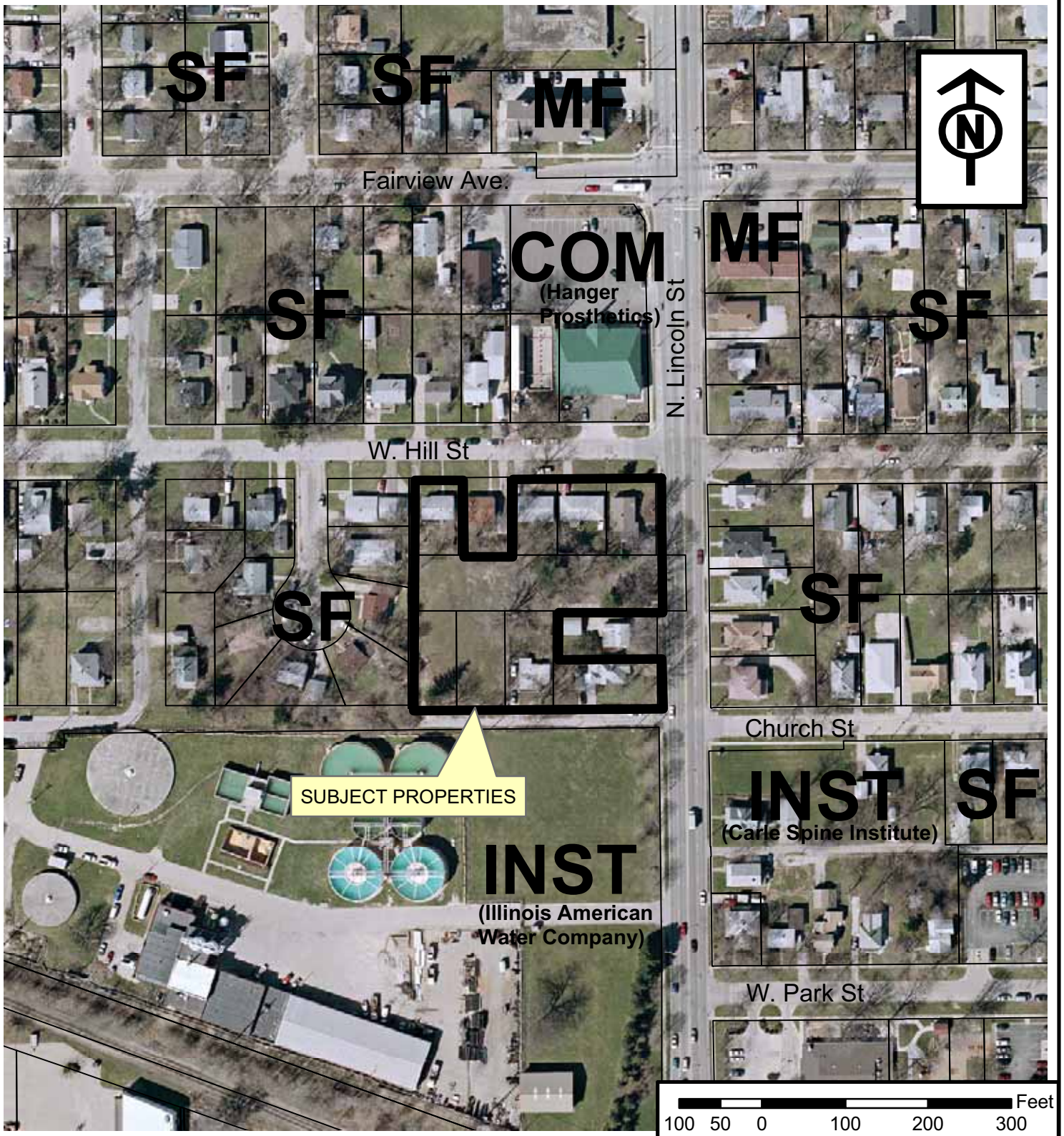
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of July, 2008, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: "**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of 701, 705 and 707 N. Lincoln Avenue; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street from R-2, Single-Family Residential to B-3U, General Business-University - Plan Case 2068-M-08), which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2008, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2008.

(SEAL)

Phyllis D. Clark, City Clerk

Exhibit A: Location and Existing Land Use Map

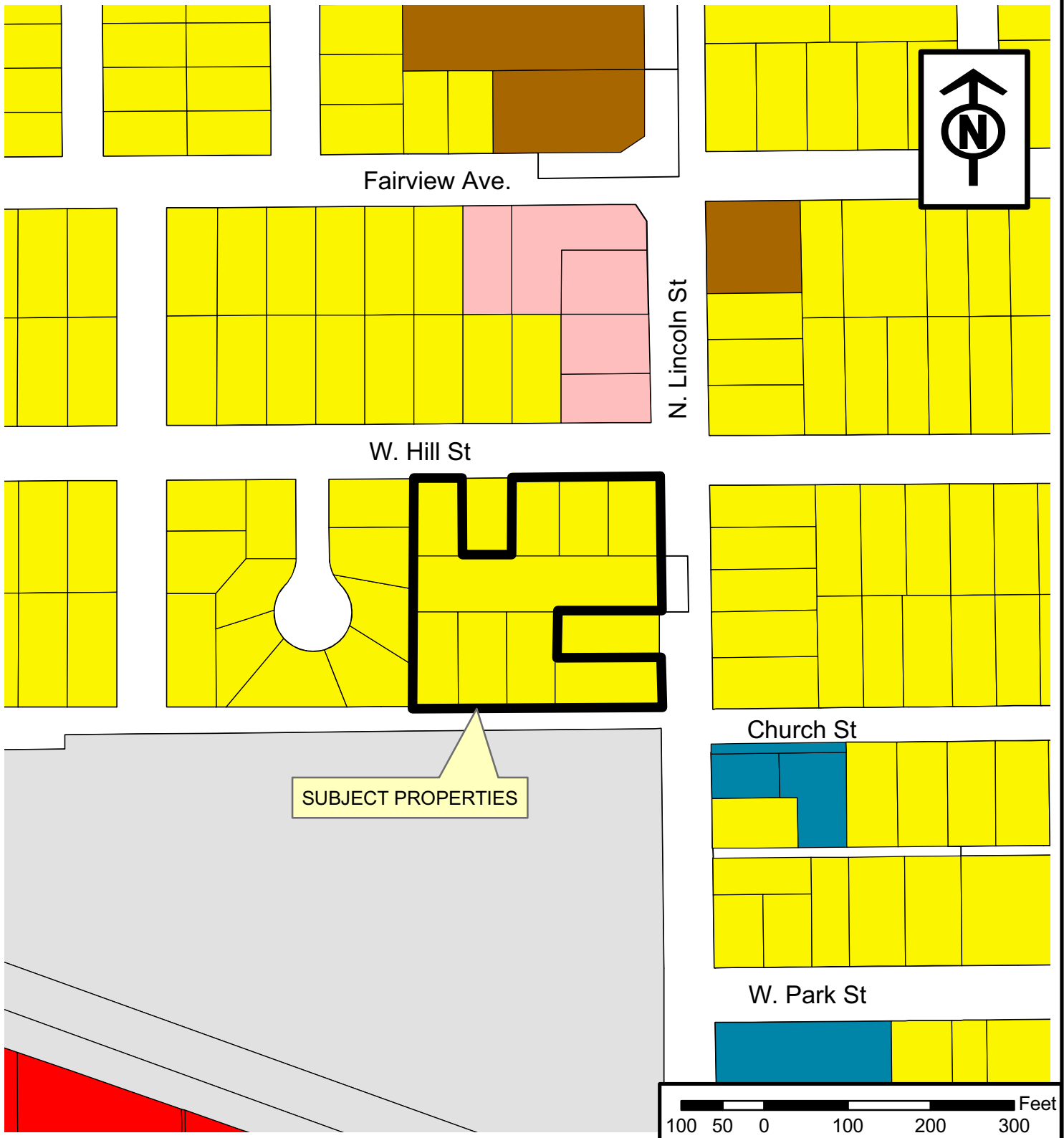


Plan Case: 2068-M-08
Petitioner: Howard Wakeland
Location: 701, 705 and 707 N. Lincoln Street; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street.
Description: Request to rezone the subject properties from R-2, Single-Family Residential to B3-U, General Business University.

Prepared 5/08 by Community Development Services - Ikk

COM - Commercial
 INST - Institutional
 MF - Multi-Family
 SF - Single-Family

Exhibit B: Existing Zoning Map



Plan Case: 2068-M-08
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Location: 701, 705 and 707 N. Lincoln Street; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street.
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Prepared 5/08 by Community Development Services - Ikk







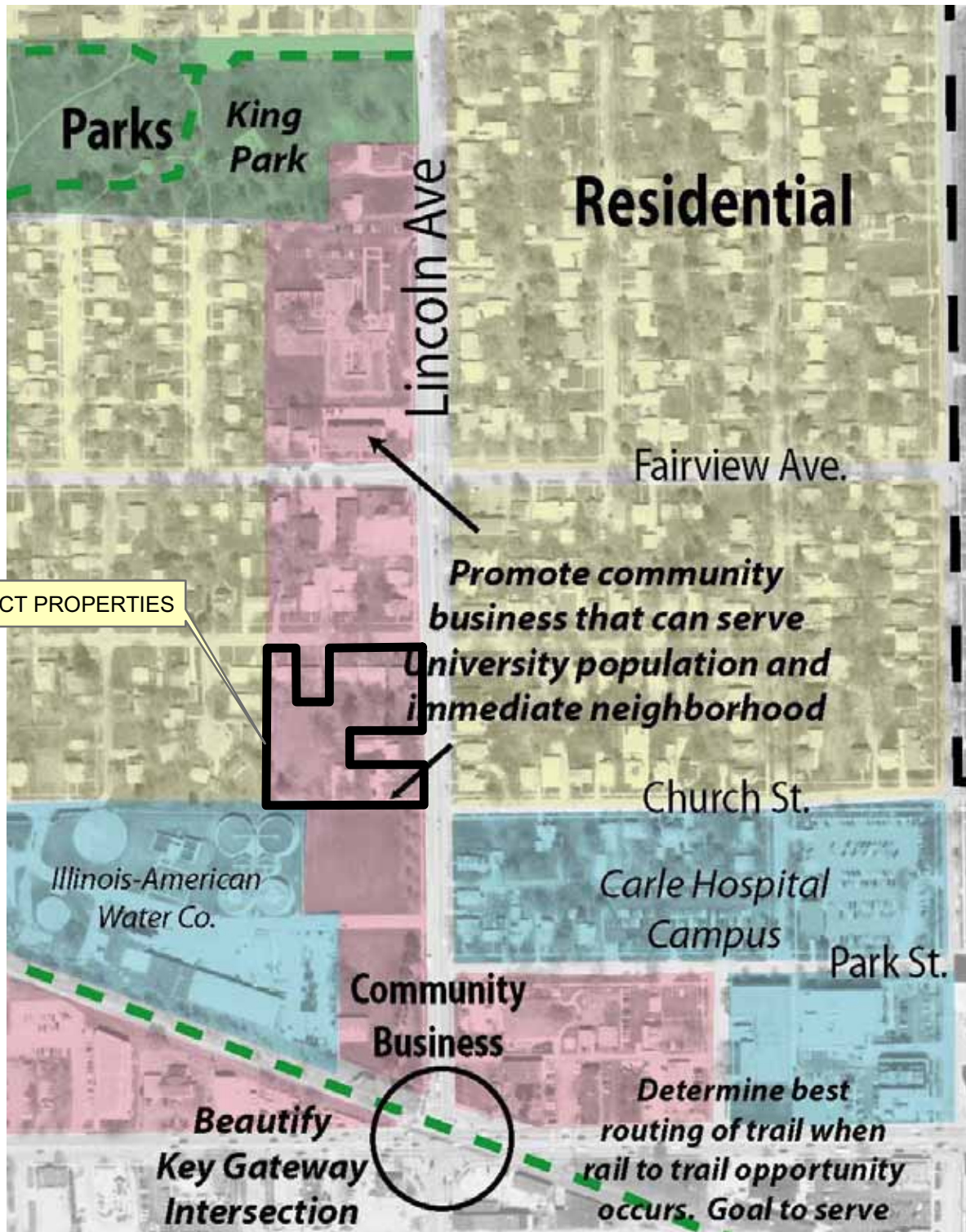
	B1		R5
	B3		
	IN		
	MIC		
	R2		

Exhibit C: Future Land Use Map



Plan Case: 2068-M-08

Petitioner: Howard Wakeland

Location: 701, 705 and 707 N. Lincoln Street; 903, 905 and 909 W. Hill Street; and 906, 908 and 910 W. Church Street.

Description: Request to rezone the subject properties from R-2, Single-Family Residential to B3-U, General Business University.

EXHIBIT D: Photos of Subject Properties



909 Hill Street



907 Hill Street (NOT TO BE REZONED)



905 Hill Street



903 Hill Street



707 N. Lincoln Street



703 N. Lincoln Street (NOT TO BE REZONED)



701 N. Lincoln Street



B-2 – NEIGHBORHOOD BUSINESS-ARTERIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-2 Zoning District is as follows:

"The *B-2, Neighborhood Business-Arterial District* is intended to provide areas of limited size along arterial streets in proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide areas for new high density residential uses. These businesses and residential uses may occur in the same structure. Due to the location of arterial streets in many residential neighborhoods where 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."

PLEASE NOTE: In order to promote a desired mix of business and residential uses in the district, Section V-7-A requires that there be a combination of such uses on a particular zoning lot under the following circumstances:

"In the B-2 District, if the floor area of a principal structure is to be occupied by a residential use of more than three thousand (3,000) square feet, a business use shall also be established on the zoning lot. When a business use is required, the floor area devoted to the business use shall be equal to or greater than twenty-five percent (25%) of the total floor area that is occupied by the residential use on the zoning lot. When a business use is required, the use shall conform to the list of uses permitted in the B-2 District as designated in Table V-1."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the B-2 District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Garden Shop

Business - Food Sales and Service

Bakery (*less than 2,500 square feet*)

Café or Deli

Confectionery Store

Convenience Store

Meat and Fish Market

Restaurant

Supermarket or Grocery Store

Business - Miscellaneous

Mail-order Business (*10,000 square feet of gross floor area or less*)

Business - Personal Services

Barber/ Beauty Shop

Dry Cleaning or Laundry Establishment

Health Club/ Fitness

Laundry and/or Dry Cleaning Pickup

Mortuary

Pet Care/ Grooming

Self-Service Laundry

Shoe Repair Shop

Tailor and Pressing Shop

Business – Professional and Financial Services

Bank, Savings and Loan Association

Check Cashing Service

Copy and Printing Service

Packaging/ Mailing Service

Professional and Business Office

PERMITTED USES CONTINUED:

Business - Retail Trade

Apparel Shop
Appliance Sales and Service
Art and Craft Store and/or Studio
Bicycle Sales and Service
Bookstore
Drugstore
Electronic Sales and Service
Florist
Hardware Store
Heating, Ventilating, Air Conditioning Sales and Service
Jewelry Store
Music Store
Pet Store
Photographic Studio and Equipment Sales and Service
Shoe Store
Sporting Goods
Stationery, Gifts or Art Supplies
Tobacconist
Variety Store
Video Store

Public and Quasi-Public

Church or Temple
Institution of an Educational, Philanthropic or Eleemosynary Nature
Municipal or Government Building
Police or Fire Station
Principal Use Parking Garage or Lot
Public Library, Museum or Gallery
Public Park

Residential

Bed and Breakfast Inn
Bed and Breakfast, Owner Occupied
Boarding or Rooming House
Dormitory
Dwelling, Community Living Facility, Category I, Category II and Category III
Dwelling, Duplex
Dwelling, Duplex (*Extended Occupancy*)
Dwelling, Home for Adjustment
Dwelling, Loft
Dwelling, Multifamily
Dwelling, Single Family
Dwelling, Single Family (*Extended Occupancy*)
Dwelling, Two-Unit Common-Lot-Line
Home for the Aged
Nursing Home

SPECIAL USES:

Public and Quasi-Public

Utility Provider

Business - Miscellaneous

Shopping Center - Convenience

CONDITIONAL USES:

Agriculture

Plant Nursery or Greenhouse

Business – Food Sales and Services

Fast-Food Restaurant
Liquor Store

Business– Miscellaneous

Day Care Facility (*Non-Home Based*)
Radio or TV Studio

Public and Quasi-Public

Electrical Substation

Business – Recreation

Athletic Training Facility, Residential
Lodge or Private Club
Theater, Outdoor

Business – Vehicular Sales and Services

Automobile Accessories (*New*)
Gasoline Station

Industrial

Bookbinding
Confectionery Products Manufacturing and Packaging
Motion Picture Production Studio

CONDITIONAL USES CONTINUED:

Residential

Dwelling, Multiple-Unit Common-Lot-Line

DEVELOPMENT REGULATIONS IN THE B-2 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
B-2	6,000	60	35³	1.50⁴	0.15	15	10	15

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

Footnote³ – In the AG, CRE, B-1 and B-2 Zoning Districts, if the height of a building exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.E.3 and Section VI-5.F.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-1 shall not apply to farm buildings. However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

Footnote⁴ – See Section V-7.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the B-2 Zoning District.

For more information on zoning in the City of Urbana call or visit:

City of Urbana
Community Development Services Department
400 South Vine Street
Urbana, IL 61801
(217) 384-2440
(217) 384-2367 fax
www.city.urbana.il.us



B-3U – GENERAL BUSINESS UNIVERSITY ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3U Zoning District is as follows:

"The *B-3U, General Business-University District* is intended to provide areas in proximity to the University of Illinois for a range of business and office uses to meet the needs of persons and businesses associated with the University. This district is also intended to provide areas for high-density residential uses to insure an adequate supply of housing for persons who desire to reside near the campus. These business and residential uses may occur as mixed uses in the same structure. The development regulations in this district are intended to allow building which are compatible with the size and scale of the University's buildings."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the B-3U District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Feed and Grain (*Sales Only*)
Garden Shop
Roadside Produce Sales Stand

Business - Food Sales and Services

Bakery (*less than 2,500 square feet*)
Café or Deli
Confectionery Store
Convenience Store
Fast-Food Restaurant
Liquor Store
Meat and Fish Market
Restaurant
Supermarket or Grocery Store
Tavern or Night Club

Business - Miscellaneous

Auction Sales (*Non-Animal*)
Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)
Lawn Care and Landscaping Service
Mail Order Business (*10,000 square feet of gross floor area or less*)
Radio or TV Studio
Wholesale Business

Business - Personal Services

Ambulance Service
Barber/ Beauty Shop
Dry Cleaning or Laundry Establishment
Health Club/ Fitness
Laundry and/or Dry Cleaning Pickup
Massage Parlor
Medical Carrier Service
Mortuary
Pet Care/ Grooming
Self-Service Laundry
Shoe Repair Shop
Tailor and Pressing Shop

Business - Professional and Financial Services

Bank, Savings and Loan Association
Check Cashing Service
Copy and Printing Service
Packaging/ Mailing Service
Professional and Business Office
Vocational, Trade or Business School

PERMITTED USES CONTINUED:

Business – Recreation

Athletic Training Facility, Nonresidential
Athletic Training Facility, Residential
Billiard Hall
Bowling Alley
Dancing School
Lodge or Private Club
Outdoor Commercial Recreation Enterprise
(Except Amusement Park)
Private Indoor Recreational Development
Theater, Indoor

Business - Retail Trade

Antique or Used Furniture Sales and Service
Apparel Shop
Appliance Sales and Service
Art and Craft Store and/or Studio
Bicycle Sales and Service
Bookstore
Building Material Sales *(All Indoors Excluding
Concrete or Asphalt Mixing)*
Department Store
Drugstore
Electronic Sales and Service
Florist
Hardware Store
Heating, Ventilating, Air Conditioning Sales and
Service
Jewelry Store
Monument Sales *(Excludes Stone Cutting)*
Music Store
Office Supplies/ Equipment Sales and Service
Pet Store
Photographic Studio and Equipment Sales and
Service
Shoe Store
Sporting Goods
Stationery, Gifts and Art Supplies
Tobacconist
Variety Store
Video Store

Business - Vehicular Sales and Service

Automobile Accessories *(New)*
Automobile Washing Facility

Industrial

Electronics and Related Accessories – Applied
Research and Limited Manufacturing

Public and Quasi-Public

Church or Temple
Hospital or Clinic
Institution of an Educational, Philanthropic or
Eleemosynary Nature
Methadone Treatment Facility
Municipal or Government Building
Police Station or Fire Station
Principle Use Parking Garage or Lot
Public Library, Museum or Gallery
Public Park
University or College
Utility Provider

Residential

Bed and Breakfast Inn
Bed and Breakfast, Owner Occupied
Boarding or Rooming House
Dormitory
Dwelling, Community Living Facility, Category
I, Category II, and Category III
Dwelling, Duplex
Dwelling, Duplex *(Extended Occupancy)*
Dwelling, Home for Adjustment
Dwelling, Loft
Dwelling, Multifamily
Dwelling, Multiple-Unit Common-Lot-Line
Dwelling, Single Family
Dwelling, Single Family *(Extended Occupancy)*
Home for the Aged
Hotel or Motel
Nursing Home

SPECIAL USES:

Business – Miscellaneous

Mail Order Business *(greater than 10,000 square feet of gross floor area)*
Shopping Center – Convenience
Shopping Center – General

CONDITIONAL USES:

Agriculture

Plant Nursery or Greenhouse

Business - Miscellaneous

Crematory
Day Care Facility (*Non-Home Based*)
Veterinary Hospital – Small Animal

Business – Vehicular Sales and Service

Gasoline Station

Public and Quasi-Public

Nonprofit or Governmental, Educational and
Research Agencies
Radio or Television Tower and Station

Industrial

Bookbinding
Confectionery Products Manufacturing and
Packaging
Engineering, Laboratory, Scientific and Research
Instruments Manufacturing
Motion Picture Production Studio
Printing and Publishing Plants for Newspapers,
Periodicals, Books, Stationery, and Commercial
Printing Surgical, Medical, Dental and Mortuary
Instruments and Supplies Manufacturing

DEVELOPMENT REGULATIONS IN THE B-3U DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
B-3U	6,000	60	None	4.00	0.10	15	5	5

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

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(217) 384-2367 fax
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CCD – CAMPUS COMMERCIAL DISTRICT ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the CCD Zoning District is as follows:

"The *CCD, Campus Commercial District* is intended to create a district to provide opportunities for development of a commercial center to serve the east-central University of Illinois campus and neighboring residential areas. The focus of this area of campus as the "gateway" to the University, the presence of public functions such as the Office of Admissions and Records, the Spurlock Museum, the Krannert Center for Performing Arts, the increased academic presence and adjacent strong residential neighborhoods all contribute to the area's demand for commercial services. Because, however, this area of campus must be designed to be compatible with other development in the area, a Special Use Permit is required for the establishment of a non-university-or-college related use within the campus commercial district."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the CCD District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Public and Quasi-Public

University/ College

SPECIAL USES:

Public and Quasi-Public

Nonprofit or Governmental, Educational and
Research Agencies
Police or Fire Station

Business - Food Sales and Service

Bakery (*less than 2,500 square feet*)
Café or Deli
Confectionery Store
Convenience Store
Meat and Fish Market
Restaurant

Business – Personal Services

Barber/ Beauty Shop
Dry Cleaning or Laundry Establishment
Health Club/ Fitness
Laundry and/or Dry Cleaning Pickup
Shoe Repair Shop
Tailor and Pressing Shop

Business – Retail Trade

Antique or Used Furniture Sales and Service
Apparel Shop
Art and Craft Store and/or Studio
Bicycle Sales and Service
Bookstore
Drug Store
Electronic Sales and Service
Florist
Jewelry Store
Music Store
Photographic Studio and Equipment Sales and
Service
Shoe Store
Sporting Goods
Stationery, Gifts or Art Supplies
Variety Store
Video Store

SPECIAL USES CONTINUED:

Business – Professional and Financial Services

Bank, Savings and Loan Association
 Copy and Printing Service
 Packaging/ Mailing Service
 Professional and Business Office

Business – Recreation

Billiard Hall
 Dancing School
 Private Indoor Recreational Development

Residential

Dwelling, Loft
 Dwelling, Multi-Family

DEVELOPMENT REGULATIONS IN THE CCD DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)	MIN SIDE YARD (in feet)	MIN REAR YARD (in feet)
CCD	6,000	60	None	4.00	0.10⁵	6	5	5

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

Footnote⁵ – The Open Space Ratio (OSR) in the CCD, Campus Commercial District shall be applied as follows:

- a) The open space ratio requirement in the CCD, Campus Commercial District, shall only be applied for the residential square footage of the development.
- b) In the CCD, Campus Commercial District, the first floor of residential development may be considered the ground level area for development for applying the open space ratio requirement.
- c) There shall be no minimum requirement for permeable ground cover and no maximum requirement for paved recreation areas in the open space requirement for development in the CCD Zoning District.

For more information on zoning in the City of Urbana call or visit:

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Community Development Services Department
 400 South Vine Street
 Urbana, IL 61801
 (217) 384-2440
 (217) 384-2367 fax
www.city.urbana.il.us



PLAN COMMISSION
Michael Pollock - Chair

TO: Elizabeth Tyler, City Planner
City of Urbana
Community Development Department – Planning Division
400 South Vine Street
Urbana, IL 61801
Phone (217) 384-2440 FAX (217) 384-2367

PETITION FOR ZONING MAP AMENDMENT

DO NOT WRITE IN THIS SPACE

FOR OFFICE USE ONLY

Date Petition Filed 04/29/2008 Plan Case No. 2068-M-08

Date set for Public Hearing _____ Dates(s) of Public Hearing _____

Date Legal Notice Published _____ Newspaper _____

Date Adjacent Property Owners Notified _____

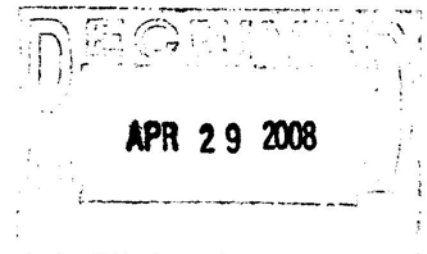
Fee Paid: _____ ^{Check} Receipt No. 1036 Amount \$150.00 Date 04/29/2008

Comments: (Indicate other actions such as continuances): _____

Recommendation by Plan Commission _____ Date _____

Action by City Council _____ Date _____

1. Name of Petitioner(s) HOWARD WAKELAND
2. Address 1811 A AMBER, URBANA
3. Telephone 367-8606
4. Name and address of Owner(s) (if different from Petitioner(s)) SAME
5. Telephone 367-8606
6. Location of Subject Parcel(s) _____
Number Street
7. Tax Parcel ID# _____



8. Legal Description, attach additional sheets if necessary. (Note this petition cannot be processed unless an accurate legal description of the subject parcel(s) is provided).

PLEASE SEE ATTACHMENTS 1 & 2

9. Area of Property (width) 299.94 feet x (depth) 309.26 feet = 92759.4 square feet.

10. Present use of Property OPEN SPACE & HOUSES - SEE ATTACHMENT 3

11. Present Zoning of Property R1

12. Proposed use of Property OFFICE BLDG, MAINTENANCE BLDG, APARTMENTS, RESTAURANT

13. Proposed Zoning B3U

14. Present Comprehensive Plan Designation COMMUNITY BUSINESS ATTACHMENT 4

15. How does this request conform to the Comprehensive Plan? A FULLER DESCRIPTION IS GIVEN IN THIS APPLICATION AS TO HOW THIS REQUEST MEETS & STRENGTHENS THE COMPREHENSIVE PLAN

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

THIS CHANGE ENHANCES THE RECENT CHANGES TO THE CARLE CAMPUS PLAN, THE DEVELOPMENT OF THE MEDICAL CORRIDOR & THE ENTRANCE TO UIUC.

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

DEVELOPMENT OF CARLE CAMPUS & MEDICAL CORRIDOR AND ENTRANCE TO UIUC

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

PRIMAELLY LOCATION AND ASSEMBLY OF SEVERAL CONTIGUOUS PROPERTIES

19. What other circumstances justify the zoning map amendment? _____

UPGRADING OF PROPERTIES AND
MORE INTENSIVE USE OF PROPERTY

AREA IS INCREASINGLY MORE BUSINESS ORIENTED

20. Time schedule for development: (if applicable) OVER NEXT TWO

YEARS STARTING MID 2008

21. Additional exhibits submitted by the petitioner SEE ATTACHMENTS

WHEREFORE, the petitioner prays that this petition be heard by the Urbana Plan Commission and the petition for change of zoning be granted.

Respectfully submitted this 29th day of April 2008

Signature of Property Owner Howard L. Wakefield

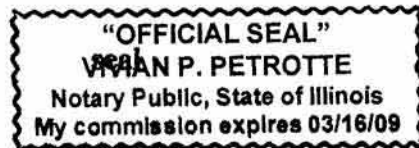
Signature of Petitioner Howard L. Wakefield

STATE OF ILLINOIS)
) SS
CHAMPAIGN COUNTY)

I, _____, being first duly sworn on oath, deposes and says, that he is the same person named in and who subscribed the above and foregoing petition, that he has read the same and knows the contents thereof, and that the matters and things set forth are true in substance and in fact as therein set forth.

Subscribed and sworn to me this 29th day of April 2008.

Wesley D. Petrotte
Notary Public



Petitioner's Attorney _____

Address _____

Phone _____

**PROPERTIES INCLUDED IN THE REQUEST FOR ZONING CHANGE
IN THE 700 BLOCK OF NORTH LINCOLN, URBANA KNOWN AS THE
TEMPLETON SUBDIVISION ADDITION TO THE CITY OF URBANA**

ZONING REQUEST SUBMITTED BY HOWARD WAKELAND

CITY ADDRESS	PROPERTY DESCRIPTION	SIZE	OWNER
910 W. CHURCH	91-21-08-429-018 <i>91-21-07-429-018</i>	60 X 140.4	H. WAKELAND 1811 A AMBER, U
908 W. CHURCH	91-21-08-429-019 <i>91-21-07-429-019</i>	60 X 140.4	H. WAKELAND 1811 A AMBER, U
906 W. CHURCH	91-21-08-429-020 <i>91-21-07-429-020</i>	60 X 140.4	H. WAKELAND 1811 A AMBER, U
701 N. LINCOLN	91-21-08-429-022 <i>91-21-07-429-022</i>	86.4 X 129.2	H. WAKELAND 1811 A AMBER, U
705 N. LINCOLN	91-21-08-429-017 <i>91-21-07-429-017</i>	66 X 309.3	H. WAKELAND 1811 A AMBER, U
707 N. LINCOLN	91-21-08-429-016 <i>91-21-07-429-016</i>	59.4 X 93	H. WAKELAND 1811 A AMBER, U
905 W. HILL	91-21-08-429-014 <i>91-21-07-429-014</i>	59.4 x 93	H. WAKELAND 1811 A AMBER, U
909 W. HILL	91-21-08-429-012 <i>91-21-07-429-012</i>	59.4 x 93	H. WAKELAND 18 11 A AMBER, U
703 N LINCOLN	91-21-08-429-021 <i>91-21-07-429-021</i>	54 x 129.2	JUDY CONERLY 502 E G H BAKER DR, U
903 W. HILL	91-21-08-429-015 <i>91-21-07-429-015</i>	59.4 x 93	VIOLA BRADLEY 903 W. HILL, U
907 W. HILL	91-21-08-429-013 <i>91-21-07-429-013</i>	59.4 x 93	DORTHEA SIMMONS 502 Eliot Drive, U

REQUEST FOR REZONING OF THE TEMPLETON ADDITION
TO THE CITY OF URBANA TO B3U

The majority of property owners of the Templeton Addition of Urbana (8 of 10 properties) seek to rezone the area to a higher use level. This area of the city is undergoing a major shift in use and was recommended for change in the last 10 year Comprehensive Planning Study. We believe that B3U is the most appropriate zoning for this section of the city. The attached list shows ownership of each property. Approving owners are Viola Bradley (one lot) and Howard Wakeland (seven lots). All materials submitted to the city to date have been sent to each of the individual owners to insure they are informed.

The Templeton addition is recommended for Community Business to serve University population in the new Comprehensive Planning study. (See attached Map #3) The property on the west side of Lincoln and north of Hill Street has been rezoned to a business use. The Illinois Water company already has zoning for industrial use on the west side of Lincoln in the block to the south across Church Street. Recently, Carle Foundation received increased zoning and closure of some streets to expand their campus on the east side of Lincoln.

Thus the Templeton Addition is surrounded by business zoning on three sides. Lincoln Avenue is also to be widened later this year with the city taking some of the Templeton Addition along its eastern frontage.

Wakelands intend to place a maintenance and storage building on the south west corner of the Templeton addition to serve the apartment complexes they have to the south of University Avenue. They also plan to move a small apartment building there, locate their offices there and seek a commercial renter – possibly a restaurant. The private homes are likely to remain family units for several years in the future.

PREFERENCE OF OWNERS OF PROPERTY IN THE TEMPLETON SUBDIVISION OF URBANA (700 BLOCK OF NORTH LINCOLN) TO SEEK OR NOT SEEK REZONING OF THEIR PROPERTY FROM R1 ZONING TO A HIGHER LEVEL ALLOWING COMMERCIAL, BUSINESS, APARTMENTS OR OTHER HIGHER LEVEL USE.

As owner of 903 W Hill, Urbana (Property 91-21-08-429-015) I prefer to

Not seek a zoning change

To seek a higher zoning level

Viola Bradley - Owner Date 5-21-08

Viola Bradley

217-344-6916

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: May 22, 2008

TIME: 7:30 P.M.

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

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

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

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

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

COMMUNICATIONS

- ◆ Property Owner Preference Form submitted by Viola Bradley

NEW PUBLIC HEARINGS

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

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

Ms. Karcher described the land uses and zoning of the surrounding adjacent properties. Referring to Exhibit C (Future Land Use Map), she discussed how the request to rezone the proposed properties relates to the 2005 Comprehensive Plan. She talked about how the

petitioner proposes to redevelop the subject properties if the proposed rezoning request is approved. She also discussed the B-3U Zoning District requirements.

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

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

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

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

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

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

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

Chair Pollock commented that the intimation in this case is that the development would be built so that the higher intensity uses would be along Lincoln Avenue and the lower intensity uses

towards the inside of the development that abuts on the adjacent residential properties. However, isn't it true that if it the properties are rezoned to B-3U, then the petitioner could build pretty intense uses elsewhere on the property? Ms. Karcher said that is correct.

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

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

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

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

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

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

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

The LaSalle National Bank criteria were discussed in the written staff report and mentioned in the staff presentation given by Ms. Karcher. Mr. Stanko reiterated that there is Industrial zoning immediately to the south of the proposed properties where the Illinois-American Water Company is located. There is business zoning across Hill Street to the north along Lincoln Avenue. There is MIC (Medical Institutional Campus) zoning where the Spine Institute is located. Carle

continues to acquire land north along University Avenue and would probably own the properties east of the proposed properties. He assumed those properties would eventually be rezoned to MIC as well. Therefore, the surrounding zoning and uses are consistent with the B-3U Zoning District and the 2005 Comprehensive Plan.

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

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

Mr. Fitch wondered how the layout of the buildings would be. He figured that the maintenance building would go in the southwest corner of the area. Where would the apartment building, the office and the commercial building be placed? Mr. Stanko answered that Mr. Wakeland is thinking about placing the maintenance building in the southwest corner of the property and maybe the apartment building to the east of it. If there are concerns and the City would rather have the apartment building serve as a buffer between the other planned businesses and the existing residential neighborhood, then Mr. Wakeland is flexible. Mr. Wakeland stated that the most likely place for the restaurant would be in the middle fronting on Lincoln Avenue. This might change if he can persuade the property owners that own the two properties in this area to sell those properties to him. He mentioned that he has one offer out, but he has not heard any response back as of yet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Pollock asked if Mr. Wakeland understood that he would have to screen three sides of each of those two properties. Mr. Wakeland replied yes. Chair Pollock commented that he could potentially have, if this case is approved, a very large commercial structure immediately next to two residential structures, which generally speaking is not looked favorably upon. Having a high intense use next to a residential use is not something that the City searches for. He looks at having those two properties outside the proposed development as being troublesome. Mr. Stanko responded by saying that the Plan Commission might want to look at where the two properties are located in the parcel. The one that fronts on Lincoln Avenue will be diagonally across the street from the Carle Spine Institute. It will be directly across the street if Carle develops the area to the north of the Carle Spine Institute. The second property located on Hill Street is not too far away from parcels already zoned as business use at the northwest corner of Lincoln Avenue and Hill Street. To some extent, those properties are already exposed to the type of uses that would be constructed on Mr. Wakeland's property.

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

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

Mr. Conerly stated that in reviewing the documents sent to him, he noticed that there is no limit to the height of the future facilities that could be built if the rezoning is approved. Ms. Karcher commented that there is no height limit in the B-3U zoning district; however, the height would

be restricted by the footprint of the building and the FAR regulation. Chair Pollock responded by saying that Mr. Wakeland could still possibly build a tall building. Ms. Karcher said yes.

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

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

Mr. Fitch wondered about the expansion of Lincoln Avenue. Is it seven feet from the existing curb? If so, it would shorten the yard to the other side of the sidewalk, correct? Mr. Conerly said that is correct. The City would move and replace the sidewalk seven feet from where it is now. Mr. Fitch asked if it would affect the two trees in the front yard. Mr. Conerly said it would be very close. This is another concern of theirs that they have discussed with the City staff. He mentioned that the seven feet has not been finalized between the property owner and the City of Urbana because of those trees.

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

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

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

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

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

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

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

Mr. Stanko re-approached the Plan Commission to address some of the comments made by members of the audience. He began by saying that the Simmons and the Conerly properties are rental properties. He believes the only owner-occupied home is Ms. Bradley's home. He understands the neighbors' concern about what might be developed next door to them in how a future development would be buffered from their properties and what impact it would have on them.

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

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

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

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

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

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

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

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

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

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

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

does not see Mr. Wakeland or any other developer constructing a large building until the three remaining properties are owned by the developer.

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

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

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

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

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

Roll call on the motion was as follows:

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

The motion failed by a vote of 1-4.

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

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

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

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

Roll call on the motion was as follows:

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

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

ADJOURNMENT OF MEETING

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

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission