



## 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

**DATE:** September 11, 2008

**SUBJECT:** Plan Case 2082-CP-08: A request to amend the 2005 Urbana Comprehensive Plan future land use map designation for 502, 504 and 508 East Elm Street from Central Business to Residential (Urban Pattern).

Plan Case 2083-M-08: A request to rezone 502, 504 and 508 East Elm Street from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.

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### **Introduction and Background**

The petitioners Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams have submitted two requests concerning property at 502, 504, and 508 East Elm Street. The first request is to amend the 2005 Urbana Comprehensive Plan future land use designation for the subject properties from Central Business to Residential (Urban Pattern). The second request is to rezone the properties from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential. The subject properties are located on the north side of East Elm Street between Maple Street and Grove Street. (See Exhibit A) There are five properties in this block. The subject properties are currently occupied by single-family homes. The other two properties, which lie between 504 East Elm Street and 508 East Elm Street, are used for multi-family purposes. These two properties are not a part of the subject rezoning petition. The multi-family use at 504½ East Elm Street is a single-family dwelling that has been converted into three units. The other multi-family use located at 506 East Elm Street is a single story five unit apartment building.

The Plan Commission held a public hearing for Plan Case Nos. 2082-CP-08 and 2083-M-08 at their August 21, 2008 meeting, which was continued at their September 4, 2008 meeting. Concerning the request to amend the Comprehensive Plan in Plan Case 2082-CP-08, the Plan Commission voted 4 ayes and 2 nays to forward the case to City Council with a recommendation for **denial**. Concerning the request to rezone properties in Plan Case 2083-M-08, the Plan Commission voted 4 ayes and 2 nays to forward the case to City Council with a recommendation for **approval**.

### **Adjacent Land Uses and Zoning Designations**

There is currently both residential and commercial zoned property and land uses in the surrounding area. The property immediately to the north of the subject properties is zoned B-4 Central Business

and is occupied by Long’s Garage. There is a mix of both single-family, two-family and multi-family uses to the east, west and south of the subject properties. The area to the east, west and south is zoned R-5, Medium High Density Multiple Family Residential.

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

<b>Location</b>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Comprehensive Plan Future Land Use</b>
Site	R-5, Medium High Density Multiple Family Residential	Residential - Single Family Homes	Central Business
North	B-4, Central Business	Commercial – Long’s Garage & John Smith Auto Sales	Central Business
South	R-5, Medium High Density Multiple Family Residential	Residential – Single and Multi-Family	Residential (Urban Pattern)
East	R-5, Medium High Density Multiple Family Residential	Residential – Single and Multi-Family	Residential (Urban Pattern)
West	R-5, Medium High Density Multiple Family Residential	Residential – Two-Family and Multi-Family	Central Business

**Zoning Districts**

The subject properties are currently zoned R-5, Medium High Density Multiple Family Residential and are proposed to be rezoned to R-3, Single and Two-Family Residential. According to Section VI-2 of the Urbana Zoning Ordinance, the purpose and intent of the R-5 Zoning District is as follows:

*“The R-5, Medium High Density Multiple Family Residential District is intended to provide areas for multiple-family dwellings at densities ranging up to medium high.”*

In comparison, the purpose and intent of the R-3 Zoning District is as follows:

*“The R-3, Single and Two-Family Residential District is intended to provide areas for low-density residential development, including single-family attached and detached dwellings and two-family dwellings”.*

The petitioners are requesting that the subject properties be rezoned so that the zoning is consistent with the current use of the properties. Since the subject properties are currently occupied by single-family homes, the R-3 Zoning District would be more consistent with the existing use than the R-5 Zoning District.

**Comprehensive Plan**

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

*“The Central Business land use designation is exemplified by Downtown Urbana but also includes other mixed-use areas. Contains a dense, highly intensive land use pattern focusing on an urban style of development and architecture. Pedestrian, bicycle and transit access are emphasized to ensure areas are walkable. Contains a mix of land uses ranging from commercial, high-density residential, office as well as institutional. Mixed-use developments offer residential uses above first floor commercial and office space.”*

The petitioners are proposing to amend the future land use designation of the subject properties to Residential (Urban Pattern). Residential (Urban Pattern) is defined by the Comprehensive Plan as follows:

*“Residential areas contain primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate. Residential areas can have different physical patterns of development.”*

*“Urban Pattern of Development is a pattern of development that is typically found in older, established neighborhoods. Includes a grid network of streets with, in some cases, vehicular access from rear alleys. Streets may be narrow in order to slow down traffic and favor the pedestrian. The urban pattern also contains a well-connected sidewalk system that encourages walking and provides convenient pedestrian access to nearby business centers. May include smaller lots where homes face the street and the presence of garages along the street is minimized.”*

The Comprehensive Plan serves as a guiding document for future development in and around the City of Urbana. Proposals and developments submitted as plan cases are reviewed for consistency with the goals, objectives and land use recommendations of the Comprehensive Plan. For this reason, it is desirable for the proposed rezoning to be consistent with the Comprehensive Plan. The petitioners are proposing to rezone the subject properties from R-5 to R-3. In order for the proposed rezoning to be consistent with the Comprehensive Plan, an amendment to the Comprehensive Plan is also requested. Since the subject properties are currently occupied by single-family homes, the petitioners are proposing a Comprehensive Plan Map Amendment from Central Business to Residential (Urban Pattern) so that the land use designation of the subject properties in the 2005 Comprehensive Plan will be consistent with the current use of the properties and with the proposed zoning designation.

## **Discussion**

In considering the proposed Comprehensive Plan Map Amendment and rezoning of the subject properties, City Council should consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City’s Comprehensive Plan and zoning law decisions in the Illinois Courts provide the framework for this consideration.

### **Comprehensive Plan Goals, Objectives and Policies**

The proposed Comprehensive Plan Map Amendment should be considered in light of other goals, objectives and policies contained in the 2005 Urbana Comprehensive Plan. The following goals and objectives of the 2005 Urbana Comprehensive Plan relate to the cases:

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

##### *Objectives*

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

**Goal 12.0 Preserve the characteristics that make Urbana unique.**

*Objectives*

- 12.1 Identify and protect neighborhoods and areas that contain significant historical and cultural resources.

**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.

The subject properties are in the Historic East Urbana Neighborhood. Properties to the east of the subject properties are the subject of a plan case that is concurrently before City Council. The purpose of that plan case is to correct inconsistencies between existing multi-family zoning and current single-family land uses in an area designated in the Comprehensive Plan. The goal is to preserve the single-family nature of the neighborhood by rezoning the properties to R-3, Single and Two-Family Residential. The petitioners are also proposing to rezone the subject properties so that the zoning is consistent with the existing use of the properties for single-family purposes; thereby protecting the integrity of the properties as single-family residences. The difference with this case, however, is that the Comprehensive Plan designates the future land use of the subject properties as Central Business. In addition, the subject properties are not within the area identified by the Comprehensive Plan to be reviewed for inconsistencies between existing zoning and land uses. A Comprehensive Plan Map Amendment is therefore recommended prior to any rezoning of the properties so that the Comprehensive Plan designation and zoning will be consistent.

The Comprehensive Plan designates areas both north and south of East Main Street as Central Business from Vine Street east to Grove Street on the south side of East Main Street, and to the east property line of Auto Zone on the north side of East Main Street. With the exception of Kurland Steel, the properties along the north side of East Main Street have realized their commercial potential of the Central Business land use designation with the Schnuck's development and Auto Zone. On the other hand, the area designated as Central Business along the south side of East Main Street is a mix of commercial, office, and residential uses. The subject properties are at the southeast boundary of the area designated as Commercial Business south of East Main Street. The properties to the east and south of the subject properties are designated by the Comprehensive Plan as Residential (Urban Pattern). These properties are occupied by both single and multi-family residential uses. In addition, although the Central Business designation extends from East Main Street south to Elm Street, the properties along Elm Street remain occupied by single-family, two-family and multi-family dwellings. These properties are a part of the established Historic East Urbana Neighborhood. Elm Street functions as a local street providing access to the East Urbana Neighborhood. Amending the Comprehensive Plan designation for the subject properties from Central Business to Residential (Urban Pattern) is appropriate considering the surrounding residential uses and residential character of the area. The Central Business designation would still remain for the property to the north of the subject properties. This property fronts on East Main Street, which would provide much better visibility and access for commercial development. In addition, the proposed Comprehensive Plan Amendment would not result in a substantial diminishment of the future Central Business area.

## Urbana Plan Commission

The Urbana Plan Commission held a public hearing concerning Plan Case Nos. 2082-CP-08 and 2083-M-08 on August 21, 2008 and September 4, 2008. Members of the Plan Commission expressed concern about amending the Comprehensive Plan as proposed, since the Comprehensive Plan was adopted relatively recently. The Plan Commission also discussed concern with the proposed rezoning of the subject properties. It was noted that the surrounding properties have already been developed in a mix of uses including commercial and multiple family. It was questioned whether the proposed rezoning would actually accomplish what the petitioners want, namely the preservation of the single family character of their properties and the neighborhood, in general. Following discussion, the Plan Commission, in a vote of 4 ayes and 2 nays, recommended that Plan Case 2082-CP-08 concerning the amendment to the Comprehensive Plan Map be forwarded to City Council with a recommendation for **denial**. The Plan Commission in turn voted 4 ayes and 2 nays to forward Plan Case 2083-M-08 concerning the rezoning of the subject properties to City Council with a recommendation for **approval**. Draft minutes of the Plan Commission public hearing can be found at the end of this packet.

## 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.*

Lowering the intensity from an R-5 Zoning District to an R-3 Zoning District for the subject parcels would not adversely affect surrounding uses. With the exception of the property immediately north of the subject properties, the surrounding area is a mix of single-family, two-family and multi-family residential uses. The subject properties are currently occupied by single-family homes. Rezoning the subject properties to R-3, Single and Two-Family Residential would be more consistent and representative of the current use of the properties compared to the existing zoning designation of R-5, Medium High Density Multiple Family Residential.

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-5, Medium High Density Multiple Family Residential and the value it would have if it were rezoned to R-3, Single and Two-Family Residential.*

The R-5 uses not permitted by right in the R-3 Zoning District would restrict to a greater degree the use of the subject properties, especially for redevelopment for multi-family uses. Overall, however, the property values should not be greatly affected by the proposed rezoning.

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.*

*Questions 3 and 4 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 rezoning of the subject properties should not jeopardize the health, safety, morals or general welfare of the public. The subject properties have been occupied by single-family homes for many years. The petitioners have noted that the “amendment would help to stabilize the value of the neighborhood by preserving historic single family homes (built 1883, 1893, 1918) and preventing further encroachment of unattractive higher-density apartment complexes.”

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 lot sizes, location near downtown shopping and employment areas, and the fact that the neighborhood has remained largely dominated by single-family uses even though the area is zoned for multi-family uses, all seem to indicate that the subject properties are appropriate for continued single-family residential uses. It is important to note that the subject properties were designated by the 1982 Comprehensive Plan for commercial uses, but have to this date not been developed as such.

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 subject properties are not currently vacant due to their zoning. The properties have been developed with single-family homes. A single-family dwelling is a permitted use under the current R-5 Zoning District, for which the properties are currently zoned.

## **Summary of Findings**

1. The subject properties are currently designated by the 2005 Urbana Comprehensive Plan as Central Business and are zoned R-5, Medium High Density Multiple Family Residential.
2. The subject properties are currently occupied by single-family homes which, according to the petitioners, were built in 1883, 1893, and 1918.

3. The petitioners are requesting a Comprehensive Map Amendment from Central Business to Residential (Urban Pattern) and a Zoning Map Amendment from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.
4. A residential land use designation in the Comprehensive Plan is appropriate for the subject properties, given their location in the Historic East Urbana Neighborhood and their proximity to other residential uses.
5. The proposed Comprehensive Plan Amendment would not result in a substantial diminishment of the future Central Business area.
6. The proposed rezoning to R-3, Single and Two-Family Residential would be consistent with the current land use of the properties.
7. The proposed rezoning and Comprehensive Plan Amendment are consistent with the proposed rezonings for the surrounding Historic East Urbana Neighborhood.
8. The proposed rezoning appears to generally meet the LaSalle Case criteria.
9. At their September 4, 2008 meeting the Urbana Plan Commission in a vote of 4 ayes and 2 nays recommended that City Council **deny** the proposed Comprehensive Plan amendment in Plan Case 2082-CP-08. In addition the Urbana Plan Commission in a vote of 4 ayes and 2 nays recommended that City Council **approve** the proposed rezoning of properties in Plan Case 2083-M-08.

## Options


The Urbana City Council has the following options regarding Plan Case Nos. 2082-CP-08 and 2083-M-08:

1. Approve the requests as presented herein; or
2. Deny the requests.

## Recommendation

For proper procedure, staff recommends that City Council take action on the Comprehensive Plan Amendment (Plan Case No. 2082-CP-08) prior to taking action on the rezoning (Plan Case No. 2083-M-08). Based on the analysis and findings presented herein, the Urbana Plan Commission recommends that City Council **DENY** Plan Case 2082-CP-08 and **APPROVE** Plan Case No. 2083-M-08. Staff recommends that City Council **APPROVE** both Plan Case Nos. 2082-CP-08 and 2083-M-08.

Prepared by:

  
Lisa Karcher, Planner II

Attachments: Draft Ordinance Amending the Comprehensive Plan Map of the City of Urbana, IL  
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: Petition for Comprehensive Plan Map Amendment

Exhibit E: Petition for Zoning Map Amendment

Exhibit F: Public Correspondence

Draft Minutes of August 21, 2008 Plan Commission Hearing

Draft Minutes of September 4, 2008 Plan Commission Hearing

cc: Sara Metheny  
502 East Elm Street  
Urbana, IL 61802

Jason Finley  
504 East Elm Street  
Urbana, IL 61802

Samuel Santos & Elizabeth Abrams  
508 East Elm Street  
Urbana, IL 61802



ORDINANCE NO. 2008-09-115

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP OF THE CITY OF  
URBANA, ILLINOIS**

(Comprehensive Plan Map Amendment for 502, 504 and 508 East Elm Street from  
"Central Business" to "Residential (Urban Pattern)" - Plan Case 2082-CP-08)

WHEREAS, Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams  
have petitioned the City for a Comprehensive Plan Map Amendment to change the  
future land use designation for 502, 504 and 508 East Elm Street from Central  
Business to Residential (Urban Pattern); and

WHEREAS, after due publication, a public hearing was held by the Urbana  
Plan Commission on August 21, 2008 and September 4, 2008 concerning the  
petition filed in Plan Case No. 2082-CP-08; and

WHEREAS, the Urbana Plan Commission voted 4 ayes and 2 nays to forward  
the case to the Urbana City Council with a recommendation to deny the request  
that the Comprehensive Plan designation for 502, 504 and 508 East Elm Street  
be changed from Central Business to Residential (Urban Pattern); and

WHEREAS, the Urbana City Council has determined it is in the best  
interest of the citizens of the City of Urbana to amend the Comprehensive  
Plan.

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

Section 1. The Official Comprehensive Plan Future Land Use Map of Urbana,  
Illinois, is herewith and hereby amended to change the land use designation  
of the following described properties from Central Business to Residential  
(Urban Pattern).

LEGAL DESCRIPTION:

Lot 2, the West 33 feet of Lot 3, and Lot 5 in Block 1 of James Thorpe's  
Subdivision of Blocks 1 and 2 of James Thorpe's Addition to the City of  
Urbana, according to the plat of said Subdivision recorded August 25, 1897 in

Book "A" of Plats at page 331, situated in Champaign County, Illinois. The properties are more commonly known as 502, 504 and 508 East Elm Street, Urbana, Illinois.

Parcel Nos.: 92-21-17-229-003, 92-21-17-229-004 and 92-21-17-229-007

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**

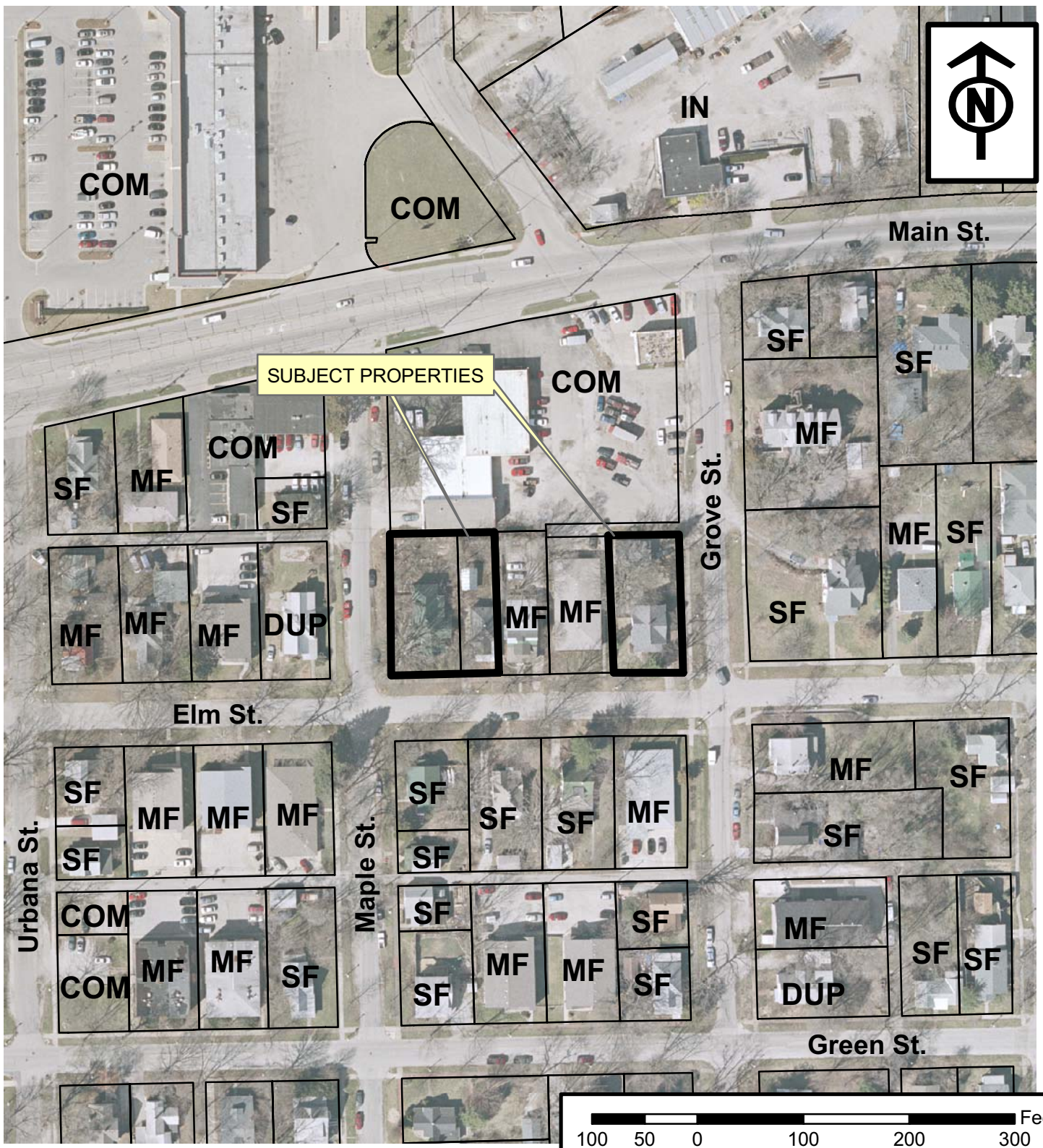
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_ day of June, 2008, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled: **"AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP OF THE CITY OF URBANA, ILLINOIS** (Comprehensive Plan Map Amendment for 502, 504 and 508 East Elm Street from "Central Business" to "Residential (Urban Pattern)" - Plan Case 2082-CP-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

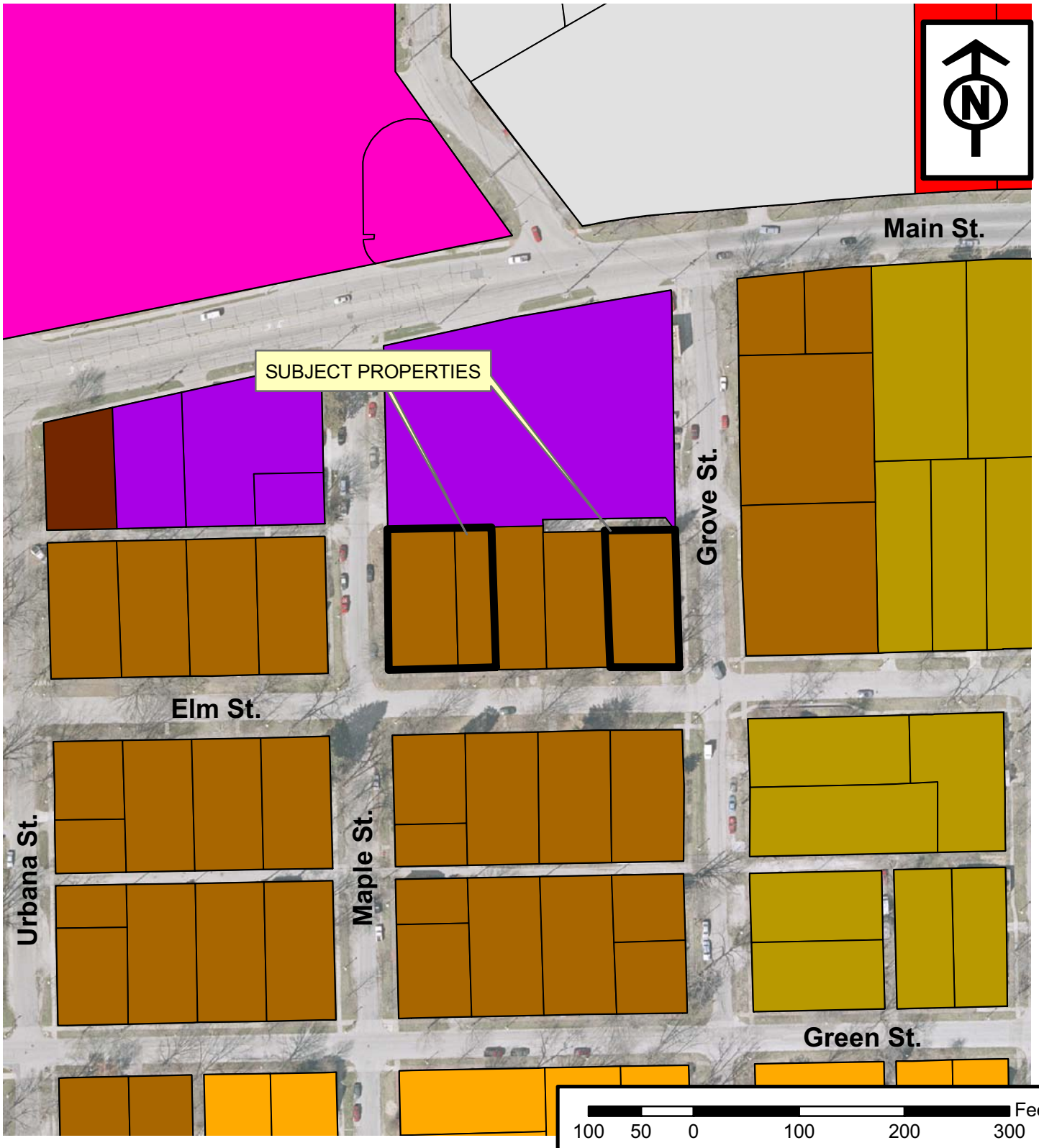
# EXHIBIT A: Location and Existing Land Use Map



**Plan Case:** 2082-CP-08 and 2083-M-08  
**Petitioner:** Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams  
**Location:** 502, 504 and 508 East Elm Street  
**Description:** Request to amend the future land use designation from Central Business to Residential (Urban Pattern); and to rezone the subject properties from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.

COM - Commercial  
 MF - Multi-Family  
 SF - Single-Family  
 IN - Industrial  
 DUP - Duplex

# EXHIBIT B: Existing Zoning Map

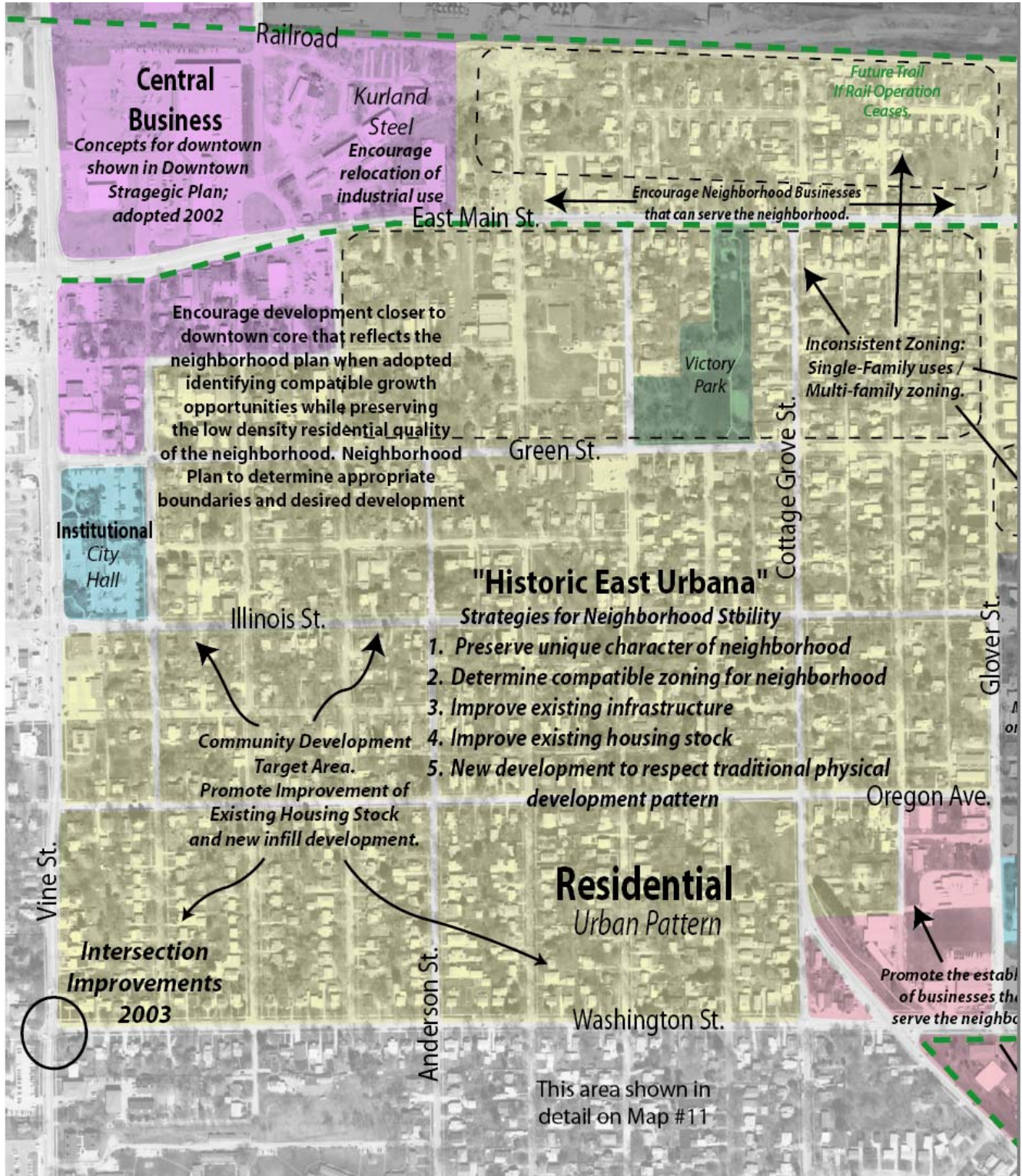


**Plan Case:** 2082-CP-08 and 2083-M-08  
**Petitioner:** Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams  
**Location:** 502, 504 and 508 East Elm Street  
**Description:** Request to amend the future land use designation from Central Business to Residential (Urban Pattern); and to rezone the subject properties from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.

*Prepared 8/08 by Community Development Services - lkk*

	B3		R3
	B4		R4
	B4E		R5
	IN		R6

# Exhibit C: Future Land Use Map



Plan Case: 2082-CP-08 and 2083-M-08

Petitioner: Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams

Location: 502, 504 and 508 East Elm Street

Description: Request to amend the future land use designation from Central Business to Residential (Urban Pattern); and to rezone the subject properties from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.

Prepared 8/08 by Community Development Services - Ikk



# Petition for Comprehensive Plan Map Amendment

# Plan Commission

## APPLICATION FEE - \$150.00

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

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed \_\_\_\_\_ Plan Case No. \_\_\_\_\_

Fee Paid - Check No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

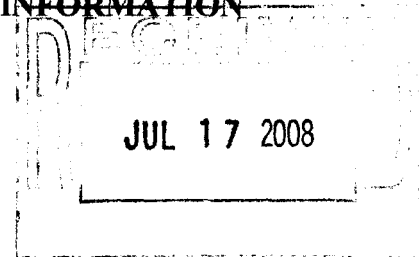
### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. Portion(s) of Comprehensive Plan affected by petition:

Change #1: Map - 10 Page - 80

Change #2: Map - \_\_\_\_\_ Page - \_\_\_\_\_

Change #3: Map - \_\_\_\_\_ Page - \_\_\_\_\_



2. Location of Subject Site North half of 500 block of E Elm St.

3. PIN # of Location 92-21-17-229-003, 92-21-17-229-004, 92-21-17-229-007

4. Name of Applicant/Petitioner(s) Sara Metheny Phone 217-766-8577

Address 502 E. Elm St. Urbana, IL 61802  
(street/city) (state) (zip)

Property interest of Applicant(s) owner  
(owner, contract buyer, etc)

see Appendix A

5. Name of Owner(s) Sara Metheny Phone 217-766-8577

Address 502 E. Elm St. Urbana, IL 61802  
(street/city) (state) (zip)

**If there are additional owners, please attach extra pages to the application.**

see Appendix A

6. Name of Professional Site Planner(s) N/A Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

7. Name of Architect(s) \_\_\_\_\_ N/A \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

8. Name of Engineers(s) \_\_\_\_\_ N/A \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

9. Name of Surveyor(s) \_\_\_\_\_ N/A \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

**If there are additional consultants, please attach extra pages to application.**

**DESCRIPTION, USE, AND ZONING OF PROPERTY: Attach an additional sheet if necessary**

Legal Description \_\_\_\_\_

Lot 2, and the West 33 feet of Lot 3, and Lot 5  
in Block 1 of James Thorpe's Subdivision of Blocks 1 and 2  
of James Thorpe's Addition to the City of Urbana,  
according to the plat of said Subdivision recorded  
August 25, 1897 in Book "A" of Plats at page 331,  
situated in Champaign County, Illinois.

Lot Size 171 feet x 130 feet = 22,230 square feet

Present Use of Property Single family residences  
(vacant, residence, grocery, factory, etc)

Present Comprehensive Plan Designation Central Business

Proposed Use of Property continue as single family residences and/or duplexes

Proposed Comprehensive Plan Designation Residential (Urban Pattern)

10. Why is this Comprehensive Plan amendment needed? (What are the implications on the City of the proposed amendment? To better achieve the goals and objectives of the Comprehensive plan, specifically:

- "Preserve and enhance the character of Urbana's established residential neighborhoods"
- "Promote established neighborhoods close to campus and the downtown as attractive places for people to live"
- "Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area."



11. What error in the existing Comprehensive Plan would be corrected by the proposed Amendment? The present Comprehensive Plan designation is inconsistent with existing land use; the proposed amendment would correct this and also bring designation/zoning in line with the 2008 East Urbana Neighborhood rezoning which covers the surrounding area including the south half of the 500 block of E Elm St.
12. What changed or changing conditions warrant the approval of this Amendment? The properties in question fall within the boundaries of Historic East Urbana, yet were excluded from the 2008 East Urbana Neighborhood rezoning, which rezones most of the neighborhood to R3 zoning. The primary applicant, Sara Metheny, has resided on her property for 22 years and attests to the stable low-density residential nature of this block.
13. What other circumstances justify the Amendment? Properties are suitable for R3 as they meet the R3 development regulations, including distance of buildings from the street, and all three houses are structurally sound. Properties also contain several beautiful oak trees about 200 years old, descendants or remnants of the Big Grove of oaks that stood until the 1800s. Amendment would help stabilize the value of the neighborhood by preserving historic single family homes (built 1883, 1893, 1918) and preventing further encroachment of unattractive higher-density apartment complexes.
14. Time schedule for development (if applicable) N/A
15. Additional exhibits submitted by the petitioner see Appendix B

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 28 day of March 2008

Sara Metheny  
Signature of Property Owner

same as owner  
Signature of Petitioner

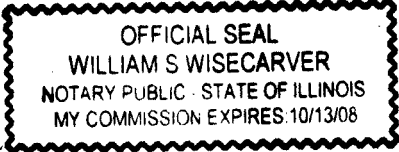
STATE OF ILLINOIS )  
  ) SS  
CHAMPAIGN COUNTY )

I, SARA METHENY, 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 28th day of March 2008

W S WiseCarver  
Notary Public

SEAL



OFFICIAL SEAL  
WILLIAM S WISECARVER  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 10/13/08

Petitioner's Attorney \_\_\_\_\_ N/A

Address \_\_\_\_\_

Phone \_\_\_\_\_

Appendix A

Additional Applicants/Owners:

Name of Applicant/Owner:

Jason R. Finley

Phone:

217-328-0722

Address:

504 E. Elm St.  
Urbana, IL 61802

Names of Applicants/Owners:

Samuel Santos & Elizabeth Abrams

Phone:

217-344-7995

Address:

508 E. Elm St.  
Urbana, IL 61802

Appendix B

Photographs of Homes:

502 E Elm St.



504 E Elm St.



508 E Elm St.



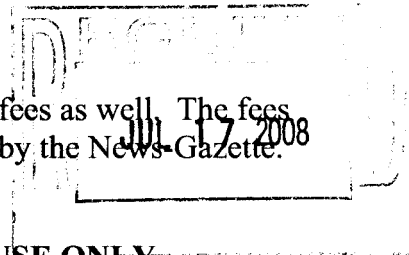


# Petition for Zoning Map Amendment

# Plan Commission

## APPLICATION FEE ~ \$150.00

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



**DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY**

Date Request Filed \_\_\_\_\_ Plan Case No. \_\_\_\_\_  
Fee Paid - Check No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. Location of Subject Site North half of 500 block of E Elm St.
2. PIN # of Location 92-21-17-229-003, 92-21-17-229-004, 92-21-17-229-007
3. Name of Applicant/Petitioner(s) Sara Metheny Phone 217-766-8577  
Address 502 E. Elm St. Urbana, IL 61802  
(street/city) (state) (zip)

Property interest of Applicant(s) owner  
(owner, contract buyer, etc)

see Appendix A

4. Name of Owner(s) Sara Metheny Phone 217-766-8577  
Address 502 E. Elm St. Urbana, IL 61802  
(street/city) (state) (zip)

**If there are additional owners, please attach extra pages to the application.**

see Appendix A

5. Name of Professional Site Planner(s) N/A Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)
6. Name of Architect(s) N/A Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip)

7. Name of Engineers(s) \_\_\_\_\_ N/A \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

8. Name of Surveyor(s) \_\_\_\_\_ N/A \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(street/city) (state) (zip)

**If there are additional consultants, please attach extra pages to application.**

**DESCRIPTION, USE, AND ZONING OF PROPERTY: Attach an additional sheet if necessary**

Legal Description \_\_\_\_\_

Lot 2, and the West 33 feet of Lot 3, and Lot 5  
in Block 1 of James Thorpe's Subdivision of Blocks 1 and 2  
of James Thorpe's Addition to the City of Urbana,  
according to the plat of said Subdivision recorded  
August 25, 1897 in Book "A" of Plats at page 331,  
situated in Champaign County, Illinois.

Lot Size 171 feet x 130 feet = 22,230 square feet

Present Use of Property Single family residences  
(vacant, residence, grocery, factory, etc)

Present Zoning Designation R5

Proposed Use of Property continue as single family residences and/or duplexes

Proposed Zoning Designation R3



9. Present Comprehensive Plan Designation Central Business. See accompanying petition with proposal to change to  
10. How does this request conform to the Comprehensive Plan? Residential (Urban Pattern).

See accompanying petition to amend 2006 Comprehensive Plan.

11. What error in the existing Zoning Map would be corrected by the Proposed Amendment? \_\_\_\_\_

See accompanying petition to amend 2006 Comprehensive Plan.

12. What changed or changing conditions warrant the approval of this Map Amendment? \_\_\_\_\_

See accompanying petition to amend 2006 Comprehensive Plan.

13. Explain why the subject property is suitable for the proposed zoning \_\_\_\_\_

See accompanying petition to amend 2006 Comprehensive Plan.

14. What other circumstances justify the zoning map amendment? \_\_\_\_\_

See accompanying petition to amend 2006 Comprehensive Plan.

15. Time schedule for development (if applicable) \_\_\_\_\_

See accompanying petition to amend 2006 Comprehensive Plan.

16. Additional exhibits submitted by the petitioner \_\_\_\_\_

see Appendix B



**Andel, Teri**

**From:** zaramamacafe@gmail.com on behalf of Sara Metheny [sara@anabru.net]  
**Sent:** Wednesday, August 20, 2008 10:22 PM  
**To:** mpollock@usd116.org; Myers, Robert; Karcher, Lisa; Engstrom, Jeffrey; rbird@city.urbana.il.us; Andel, Teri; Tyler, Elizabeth; ! Roberts, Dennis; hd.stevenson@city.urbana.il.us; ! Lewis, Robert; ! Smyth, Charlie; ! Gehrig, David; ! Bowersox, Brandon; ! Barnes, Lynne  
**Cc:** stohr@isgs.uiuc.edu; sdossett1@yahoo.com; sewyatt@uiuc.edu; jrfinley@uiuc.edu  
**Subject:** Plan Case2083-M-08, request to amend Urbana Comprehensive Plan

Due to my work schedule I am unable to attend the 8-21 Plan Commission Meeting. Please read these statements on my behalf.

Input on the proposed rezoning in east Urbana  
 by Sara Metheny, homeowner 502 E. Elm St.

In the last few years I have been encouraged by new homeowners within the Heuna area and their enthusiasm for the neighborhood. I believe downzoning to be an important measure to motivate new home buyers to locate in historic east Urbana and to inspire current residents to be proud of and maintain to the best of their ability their own well crafted historic homes.

I've owned my home at 502 E. Elm for 23 years, but my house, built in 1883 is 125 years old. The craftsmanship and stability of this home will allow it to stay standing for many years to come. Overshadowing my house is one of the largest and oldest oak trees in Urbana. At the other end of my block, at 506 E. Elm is another huge oak tree, another remnant of Urbana's Big Grove and another solid historic home. The craftsmanship and stability of the homes on my block far exceeds what I have seen in the newer, ill positioned, high density apartments that have been put up in this area without privacy barriers and little respect or regard to neighboring properties and the families that live there.

I respectfully request approval for the downzoning the properties listed in Plan Case 2083-M-08. I believe this to meet the overall goals to preserve and enhance the character of Urbana's established residential neighborhoods.

PLEASE ALSO CONSIDER:

I will unfortunately be out of town on the night of the Aug 21st meeting of the Urbana Plan Commission, at which will be heard the rezoning petition that my neighbors and I have submitted, and the larger east Urbana rezoning proposal.

As I won't be able to attend and personally state my opinion on the proposals during the public input period, I am including a brief statement, below, that I hope can be read in my absence.

Thank you,  
 ~jason

Input on proposed rezonings in east Urbana

8/21/2008

by Jason R. Finley, homeowner 504 E. Elm St.

I grew up in a manicured yet impersonal suburb in southern California, so living in Urbana has been a new and fulfilling experience for me. I am proud to have bought my first home here and to be a member of this community.

I previously lived in an apartment building here in east Urbana, so I have seen first-hand the lack of motivation of building owners (who don't live here) and of tenants (who don't treat the building as their own) to care about appearance or upkeep beyond their immediate needs.

Thus, I believe that downzoning is an important move against further encroachment of facelessly geometric buildings, car-crowded streets, and trash-littered alleys. The proposed rezonings will do much to preserve the personal and variegated nature of this neighborhood before it has receded, irretrievable, into memory.

## MINUTES OF A SPECIAL MEETING

### URBANA PLAN COMMISSION

**APPROVED**

**DATE:** August 21, 2008

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

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

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**MEMBERS PRESENT:** Jane Burris, Tyler Fitch, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

**MEMBERS EXCUSED:** Ben Grosser, Lew Hopkins

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services Department; Lisa Karcher, Planner II, Jeff Engstrom, Planner I; Teri Anzel, Planning Secretary; Bill Gray, Director of Public Works Department

**OTHERS PRESENT:** Tom Berns, Delores Babel Cole, Chris Billing, Scott Dossett, Marianne Downey, Andrew Durst, Sue Fristoe, Laura Huth, Marsh Jones, Mike Lehman, Margaret Miller, Dale Oakes, Tracy Philbeck, James Reedy, Jason Reedy, Rich Sciortino, Aaron P. Smith, Chris Stohr, Susan Taylor, Julie Watkins, Scott E. Wyatt

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### COMMUNICATIONS

Regarding Plan Case No. 2082-CP-08 and Plan Case No. 2083-M-08

 E-mail from Sarah Metheny and Jason Finley

 E-mail to Tyler Fitch from Jason Finley

### NEW PUBLIC HEARINGS

**Plan Case No. 2082-CP-08:** A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Adams to amend the 2005 Urbana Comprehensive Plan's Future Land Use Map designation for 502, 504 and 508 East Elm Street from Central Business to Residential (Urban Pattern).

**Plan Case No. 2083-M-08:** A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Adams to rezone 502, 504 and 508 East Elm Street from R-5, Medium High Density Multiple Family Residential, to R-3, Single and Two-Family Residential.

Lisa Karcher, Planner II, presented these two cases together to the Plan Commission. Referring to Exhibit A, she showed where the three properties are located on East Elm Street. She described the proposed uses of the three properties as well as that of the surrounding properties. Also, she noted the zoning of the proposed properties and of the surrounding properties. Exhibit C shows how the proposed rezoning relates to the Future Land Use Map. The properties are part of the Historic East Urbana Neighborhood area. The petitioners have proposed an amendment to the Comprehensive Plan, so that the proposed zoning and its existing use is consistent with the current use of the properties as single-family homes. She reviewed the LaSalle National Bank Criteria that pertain to the proposed rezoning case. She read the options of the Plan Commission, and she presented staff's recommendation, which was as follows:

*Staff recommended that the Plan Commission take action on the Comprehensive Plan Amendment prior to taking action on the rezoning. 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 recommends that the Plan Commission forward both Plan Case Nos. 2082-CP-08 and 2083-M-08 to the Urbana City Council with a recommendation for approval.*

Ms. Upah-Bant stated that she is entirely baffled by this case. It appears to her that this would be spot zoning. She understands why the property owners would want to rezone to R-3, but it bothers her that there are two properties zoned R-5 right in the middle of them. How can they approve this? How can they amend the Comprehensive Plan and make a little island of R-5? Chair Pollock commented that "Residential" as indicated in the Comprehensive Plan would cover the R-3, R-4 and R-5 Zoning Districts. These zoning districts are all residential zoning districts. The rezoning would be different though. The Comprehensive Plan would allow us to do this in a uniform way.

Ms. Karcher suggested looking at this in a larger context. City staff is proposing a rezoning of the properties to the east to R-3. Planners like to think in terms of blocks. In the proposed rezoning case, it is consistent in the sense that City staff is proposing to rezone properties east of Grove Street which would also be zoned R-3. It would be somewhat of a continuation of that rezoning except the two properties in between would remain zoned R-5. Ms. Upah-Bant asked if this is not kind of odd. Ms. Karcher replied said yes and no. South of there, everything is zoned as R-5, but there is still a mix of multi-family and single-family. The applicants are attempting to preserve the use of their properties as single-family and protecting it. Ms. Tyler added that it is not an easy case. Usually people want to up zone, and here we have people wanting to down zone to match what their use is. There is a rezoning study going on nearby.

The harder planning question is about changing the Comprehensive Plan. We cannot meet the LaSalle National Bank Criteria without changing the Comprehensive Plan. One question led to another. Chair Pollock asked if it is fair to say that the HEUNA rezoning case and the fact that this area was left out has spurred the petitioners to want to attach to the HEUNA rezoning. Ms. Tyler said yes.

Mr. White remarked that the community decided in 2005 that they wanted to do through the Comprehensive Plan. He does not understand why staff is messing with it at all. It is a 2005 document and is labeled as such. It is not zoning, and it is not a legal requirement. So let's not

keep trying to amend the Comprehensive Plan. As far as the change in zoning, he does not have a problem with it. It does kind of look like spot zoning.

Chair Pollock commented that in the past there have been zoning changes made that did not necessarily match the Comprehensive Plan, and there has not always been a change to the Comprehensive Plan to precede the changes. He inquired as to whether there is some legal jeopardy in doing rezoning without changing the Comprehensive Plan. Why are they going together in this case? Ms. Tyler replied that City staff is trying to be fastidious. She believes that they could rezone without changing the Comprehensive Plan. She did not think it would create legal jeopardy but that staff could check with the Legal Department.

Chair Pollock questioned if they are moving into a direction where if a proposed rezoning is not in line with the Comprehensive Plan designation, then the Plan Commission and City Council should expect to see an amendment to the Comprehensive Plan. Ms. Tyler said yes. This is what they have done in the past. It is the way in which City staff feels they need to bring rezoning requests forward technically. The Plan Commission and/or City Council might feel comfortable with the rezoning but not with the amendment to the Comprehensive Plan. This has happened in the past, and it is okay. Generally, Staff wants the two to be consistent.

Chair Pollock wondered if this is a minor change in direction in terms of looking more regularly at looking at rezoning requests and amendments to the Comprehensive Plan together. Ms. Tyler said that City staff would like to be able to do that. We stopped being able to do that very effectively with the old Comprehensive Plan. The old plan was just so out-of-date. Now, we have a new up-to-date plan, and we really do not want to see a lot of amendments. If there is a big change of direction then staff will bring it forward to Plan Commission and City Council to discuss it. We do need to be able to amend the Comprehensive Plan from time to time for the right reasons. Staff feels it is best to bring rezoning requests and amendments to the Comprehensive Plan together to the Plan Commission and City Council.

Mr. White remarked that the 2005 Comprehensive Plan was approved by City Council without changing the zoning, so why change the Comprehensive Plan when changing the zoning? Chair Pollock suggested that the Plan Commission concentrate on what is before them. They have the opportunity if they do not agree with this to vote on one and not on the other.

Mr. Fitch asked if the block immediately to the south of the proposed three properties was the block that City staff removed from the proposed Historic East Urbana rezoning area. Ms. Karcher said yes.

Mr. Fitch inquired if these three property owners had requested to be included in the Historic East Urbana rezoning area. Ms. Karcher explained that the proposed case before them came out of the petitioners attending the Neighborhood Open House that City staff held regarding the Historic East Urbana rezoning study. The petitioners told staff that they desired to have their properties be part of the rezoning study. City staff told them that unfortunately their properties are not within the study area and that under the Comprehensive Plan, their properties are designated as being "Central Business." These three properties were not included in the Historic East Urbana rezoning for these reasons.

Mr. Fitch questioned if the petitioners had filed the proposed rezoning application prior to City staff removing the block to the south from the study area. Ms. Karcher replied that technically staff did not publish anything in the study area. When the petitioners attended the open house the block to the south was part of the zoning study. Many things changed after receiving input from the neighborhood.

Ms. Karcher reiterated that the proposed rezoning request is different from what they normally see in that the rezoning is going down rather than up. They look at the Comprehensive Plan to see if it supports what is being proposed. Her only recommendation is that if the Plan Commission is thinking about doing a rezoning and not a Comprehensive Plan amendment that they make sure they state why they are doing it. The Comprehensive Plan is a guiding document. Ms. Tyler added that if the Plan Commission did not want to approve the Comprehensive Plan and approve the rezoning, then they make a finding about the timing. It is a good thing to think about in terms of in the long run, what should the Central Business District area be. There is a way to decouple these two cases if the Plan Commission is not comfortable with the Comprehensive Plan aspect.

Chair Pollock stated that they are two different cases. It is his intention, especially after hearing the discussion, to take the cases separately.

Ms. Upah-Bant felt like she was still missing something. She appreciated the explanations that Ms. Karcher and Ms. Tyler have given. However, what if these three property owners had asked to be rezoned to R-7? They are not making any changes based on the zoning change. She felt that this is what the real difference is in the proposed case. No one ever asks to increase their zoning and then not act on it. Now we are down zoning and it will not make any difference. Ms. Karcher explained that it will make a difference to the petitioners because it is their intention to preserve their properties as single-family. Ms. Upah-Bant argued that the petitioners are the property owners so of course they can preserve their properties even without the rezoning. Is this an attempt to reach beyond the grave and make sure that their properties never change? One might almost think that it is a way to stick it to the two property owners in the middle of these three properties.

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

Jason Reedy, of 501 East Elm Street, explained that he is not one of the petitioners in this case. He owns a property on the other side of Elm Street that refused to participate. He stated that the petitioners do not want to rezone their properties. They think they do because they think they are preserving their neighborhood, but it is too late to preserve the neighborhood, especially now that two more homes to the east are planned to be demolished and rebuilt as multi-family apartment building.

Chair Pollock asked if Mr. Reedy realized that under a lower zoning this would not be allowed to happen. The petitioners in this case want to rezone their properties to a lower designation to protect that area from being redeveloped into multi-family dwellings. Mr. Reedy urged the Plan Commission to deny the proposed rezoning case before them because otherwise the petitioners will be stuck in the neighborhood surrounded by multi-family homes like he is. The difference is that he wants his property to remain zoned as R-5, so he can sell his home easier when he



decides to do so. No one wants to live in a single-family home completely surrounded by multi-family apartment buildings. The Plan Commission would be helping the petitioners by denying the proposed rezoning case before them.

He agreed that it would be great if all of the properties in this area were included in the Historic East Urbana rezoning. It would force the R-5 units to become non-compliant. Then if something happened to the apartment buildings such as a wind storm, fire, etc., the property owners would not be able to rebuild the apartment buildings. The neighborhood could have an opportunity to retake these properties and turn them back into single-family homes. But as it stands now, this part of the neighborhood is gone as far as single-family homes. The only thing left to do is sell your house, leave the neighborhood and let it get demolished. It is a shame but that is where it is going.

Christopher Stohr, of 405 East High Street, stated that Ms. Metheny could not attend the meeting because of work responsibilities. He commented that Mr. Reedy's story has been heard time and time again where a property owner has sunk their hearts and souls and money into maintaining and fixing up their properties only to find themselves living next door to an apartment building. It is heart breaking. This is the same reason why Ms. Metheny and the other petitioners want to try and hold onto and preserve what little single-family residential aspects are left in this area. As a part of that neighborhood he supports the petitioners and continues to encourage his neighbors to down zone their properties to preserve what is left.

With no further input from the audience, Chair Pollock suggested that the Plan Commission continue these two cases to the next scheduled meeting to give the petitioners another opportunity to attend the public hearing and address the Plan Commission. With no objection from the Plan Commission this public hearing was continued until September 4, 2008.

## MINUTES OF A SPECIAL MEETING

### URBANA PLAN COMMISSION

**DRAFT**

**DATE:** September 4, 2008

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

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

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**MEMBERS PRESENT:** Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White

**MEMBERS EXCUSED:** Ben Grosser, Marilyn Upah-Bant

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services Department; Robert Myers, Planning Manager; Lisa Karcher, Planner II, Jeff Engstrom, Planner I; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Katy Balderson, Marianne Downey, Jason Finley, Paul MacCallum, Sara Metheny, Dennis Roberts, Bill Sheridan, Christopher Stohr, Susan Taylor

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### CONTINUED PUBLIC HEARINGS

**Plan Case No. 2082-CP-08:** A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Adams to amend the 2005 Urbana Comprehensive Plan's Future Land Use Map designation for 502, 504 and 508 East Elm Street from Central Business to Residential (Urban Pattern).

**Plan Case No. 2083-M-08:** A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Adams to rezone 502, 504 and 508 East Elm Street from R-5, Medium High Density Multiple Family Residential, to R-3, Single and Two-Family Residential.

Lisa Karcher, Planner II, briefly reviewed the two cases. She stated that the two cases could be reviewed together but that the Plan Commission should make two separate recommendations – one for each case.

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

Jason Finley, 504 East Elm Street, stated that he is one of the petitioners in these two cases. As Ms. Karcher mentioned earlier, the north half of the 500 block of East Elm Street was not included in the larger rezoning initiative. He and his neighbors are very much in favor of the rezoning initiative so they were instructed by City staff to file the two petitions to rezone their properties separately. Basically, the purpose behind the proposed rezoning request and Comprehensive Plan amendment are the same as those behind the larger rezoning, which is to preserve the low density character of the neighborhood and to bring the zoning more in line with actual use.

He commented that it has been fulfilling to be a part of a community in which people know each other. He previously lived in an apartment building in East Urbana, so he has seen first hand how the lack of motivation of the apartment owners and the tenants of such buildings who do not treat the apartment buildings as their own homes. The motivation to care about appearance or upkeep beyond an immediate short term needs is something that he feels is important for preserving the character of a neighborhood in the long run.

Sara Metheny, one of the petitioners and owner resident of 502 East Elm Street, said that she has lived in her home for 23 years and loves the neighborhood. Thankful to her neighbors who spoke at the previous Plan Commission meeting in her favor. She is glad to hear that City staff is willing to work with the property owner of the two properties across the street from her home when he builds the new apartments. She talked about the big oak trees that were cut down at 406 East Elm Street about eight years ago after the property was purchased and the old house was torn down.

Chris Stohr, Chairman of the Historic East Urbana Neighborhood Association (HEUNA), expressed his gratitude of the efforts of City staff, Alderman Dennis Roberts and Dr. Libby Tyler to come together and work out an agreement.

Ms. Metheny re-approached the Plan Commission to ask for a continuance. She feels it might be a good idea to meet with the property owner of 503 and 505 East Elm Street and with City staff and see what may happen with regards to the construction of two apartment buildings. Otherwise, she and the other petitioners might be shooting themselves in the foot to down zone if there are not some accommodations made. It could put them in a position where it becomes a race to sell their homes as quickly as possible before the property values go down.

Chair Pollock stated that the petitioners are free to continue the case; however, given the amount of time it will take to address these other issues, then this petition may expire. Mr. Fitch commented that if the petitioners continue with their application and wish to sell at a later date, the future property owners could always come back individually and request to up zone the properties again. Chair Pollock said yes. It would require another change to the Comprehensive Plan along with the zoning in trying to keep the two in sync with each other.

Ms. Tyler pointed out that it is easier to try to down zone rather than up zone. It would be a harder path in the future. City staff may be able to hold a meeting with the property owner of 503 and 505 East Elm Street between now and the next Plan Commission meeting. Maybe that would give the petitioners a better sense of the value of their petition. The larger planning issue

would take so much time that the petition would become invalid. Mr. Pollock questioned how long the Plan Commission could hold the case open. Ms. Tyler did not believe that there were hard and fast rules. If the petitioners ask for a continuance, then there is more leeway to get more information. They are still on safe ground right now. The City has had continuances of several difficult text and plan cases before. Chair Pollock informed Ms. Metheny that if the petitioners are interested in continuing the cases, then they have the right to do so.

Ms. Burris stated that she understood the petitioners' concern, but the request to continue the rezoning and Comprehensive Plan amendment requests does not sit right with her. If the petitioner wants to rezone, then now is the time to do so. The new property owner of 503 and 505 East Elm Street has already purchased the properties and are planning to build the apartment buildings. She feels that it is admirable of the property owner to be willing to work with City staff for design elements. However, the petitioners cannot assume that the promises made between the City and the property owner of 503 and 505 East Elm Street would be bonding. The property owner could change his mind. Either the petitioners want to protect the rights that they have now or leave it open. Chair Pollock added that they certainly hope the developer, as a good neighbor, works with City staff and the neighborhood in trying to come up with something that fits in well. However, legally the developer does not have to do so.

Ms. Metheny described the apartment buildings across the street. All these apartment buildings are close to the downtown area and to the City building. She would think that the City (with a world class university) would want to put nice buildings in the downtown area. She realizes that City staff is working on it.

Ms. Tyler replied that City staff has some varied success. Even beyond the City's rules and regulations, City staff has been able to use a good neighbor persuasion. They achieved a great look with Coler Crossing. In other cases, it is more economic. City staff has tried working with other developers in getting a better look, and it has not been very receptive. City staff is optimistic in this case and will definitely give it their best shot with the property owner of 503 and 505 East Elm Street.

Ms. Metheny inquired as to how many units the new property owner plans to build. Ms. Karcher stated that it appears to be five units on each floor, so there could be about ten units per building, but they would need a set of full plans to be sure.

Chair Pollock asked Ms. Metheny what she would like to do regarding the proposed two cases. Ms. Metheny stated that she would like to continue with two petitions as they stand.

With no further questions or concerns from the audience, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s). He reminded the Plan Commission that they need to deal with the two cases separately when making motions.

Ms. Burris commented that she is in favor of the rezoning, but she is against changing the Comprehensive Plan. She does not believe that the Comprehensive Plan should be tampered with. It would set a precedent for future people to try to change the Comprehensive Plan.

Mr. White moved that the Plan Commission forward Plan Case No. 2082-CP-08 to the City Council with a recommendation for denial. Mr. Fitch seconded the motion.

Mr. White stated that the Comprehensive Plan is what it is. He does not agree that someone who files a petition should be able to request a change to the Comprehensive Plan with all the work and input that went into creating the 2005 Comprehensive Plan.

Ms. Stake felt that it was a mistake to not include this section of Urbana when they updated the Comprehensive Plan. Sometimes we make mistakes. However, she does not like the idea of changing the Comprehensive Plan over and over again. So she will probably vote in favor of denying the Comprehensive Plan amendment. She will definitely vote in favor of the rezoning request though.

Chair Pollock commented that the Comprehensive Plan is a snapshot that is not written in stone, so it can be changed. He would not call it a mistake because when they were creating/updating the Comprehensive Plan they were looking at everything in the entire City. The things that came up during discussions of updating the Comprehensive Plan are issues and topics that people are aware of and alarmed by or terribly interested in personally. There are about five to ten specific areas that drew a lot of attention. It is not that every single area in the City was well considered and thought out. It may just not have been addressed at that particular time. He likes the fact that people in the neighborhood want to protect the neighborhood nature of where they live. If the people who live there want to make a change, he does not see a problem with that, and he applauds them for coming forward.

Mr. Hopkins thought this to be a tricky issue. His reaction is to also not change the Comprehensive Plan. However doing so is also information. The information is that the designations, if they have that much strength, on the maps in the Comprehensive Plan are block by block and not parcel by parcel. This means that they are approximations. In some cases, they were kept separate from apparent parcel lines to avoid this.

This block is already more than two-thirds commercial. It is adjacent to blocks that were intentionally identified to become "Central Business". Two of the five parcels on this block are multi-family. By not changing the Comprehensive Plan designation, he believes that they are keeping the message that this is what makes sense there at sometime in the future. If they change the zoning down now, then they are acknowledging that someone will come back to the Plan Commission and City Council and ask to bring the zoning back up later. When they ask to bring the zoning back up later, then it will be consistent with the Comprehensive Plan. He stated that this is okay with him, but he does not feel that this is what other people are imaging and accomplishing by not changing the Plan and changing the zoning.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	No
Ms. Stake	-	No	Mr. White	-	Yes

The motion to deny was approved by a vote of 4 – 2.

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2083-M-08 to the City Council with a recommendation for approval. Ms. Stake seconded the motion.

Mr. White opposed the proposed rezoning because there is commercial to the north in the same City block. There are apartment buildings going in on two lots across the street as well. There are duplexes and multi-family units to the west. He believes that this block would be a wonderful location for a store. Therefore, he would prefer to leave the zoning as is. He does not believe that rezoning would protect them against anything, because as long as they own the house, they can keep it as a single-family residence.

Ms. Stake felt that the City should rezone the properties, because the petitioners have requested it. One of the things that the City needs to be doing is saving more of the older homes. This is part of our conservation. The City of Urbana has a lot of nice old homes that should be saved. Therefore, she is going to vote in favor of the motion.

Mr. Fitch stated that because of the timing of the larger rezoning, the filing of the proposed petition to rezone and then the filing of the building permit for the two apartment buildings, these two petitions have been put in a difficult situation. He is going to respect the petitioners' wishes and approve their request to rezone.

Mr. Hopkins expressed two concerns about the rezoning. The first concern is whether or not the rezoning would accomplish what the petitioners wish to accomplish. The second concern is whether the petitioners will be happy with the rezoning once they have it. He understands that the petitioners would like to be able to continue to use their properties the way they use them now. The concerns they raise depend not on how they use their properties, but on how their neighbors use their properties. In other words, it is not a question of "do I not like my house?", it is that "I would not like my house as much if all the neighboring houses became these ugly 5-unit or 10-unit apartment buildings with no trees". Rezoning the petitioners' properties does not deal with this. The way in which this attempts to accomplish this is that three property owners have gotten together and are essentially making a mutual commitment to rezone their properties. The difficulty is that the zoning is not really going to accomplish this because any one of those properties can still come back to the City to get a rezoning individually. There is no actual binding of these three properties together. If the intent is to bind these three properties in a commitment, the way to do that is with a Covenant of Deed. This would have more affect in accomplishing the purpose. So, his inclination is to vote against the proposed rezoning because he does not feel that it works.

Ms. Stake feels that the Plan Commission should vote in favor of the rezoning because it is making a statement that this is a residential area. Ms. Tyler is very good at working with developers, and if she works with the developer of 503 and 505 East Elm Street, then they accept the fact that there would be a mixed residential and larger buildings. This does not mean that they have to say that all the residential properties will become larger buildings. So, she feels this should be a precedent to show that the City really is in favor of saving the older homes. By

rezoning the homes, it is one way of saying that we are in favor of keeping the single-family homes as they are.

Ms. Burris saw three petitioners coming together as a community. Although we are talking about a short block and two of the houses are going to be turned into apartment buildings, the petitioners want to preserve the corners and the ends of the block. She feels it is more about community. The idea is to preserve community. If at some point in time, one or two of the properties sell, and the new owners want to build apartment buildings, then they could come back to the Plan Commission and to the City Council and ask to be rezoned back up. Right now, these homes deserve their lifetime, and she would not want to cut it short by denying the rezoning request and causing the property owners to house hunt somewhere else. Ms. Stake agreed with Ms. Burris's comments.

Chair Pollock commented that Mr. Hopkins may in fact be right. This may not accomplish what the ultimate goal is for the petitioners, but the fact is that by coming together and forming a community in this block, if they are making an error in the long term, it is not something that cannot be repaired. The petitioners own their homes, and he is willing to allow them to rezone their properties, so he plans to support the motion.

Mr. White expressed his concern about spot zoning. There would be an R-3, R-5 and Commercial all in the same block. This rezoning would set a precedent; therefore, he would prefer to leave the zoning as it is. Chair Pollock responded by saying that he did not see the precedent as a particular problem. When other rezoning cases come before them, the Plan Commission and the City Council should consider them based on their merit. There may be some cases they agree with and others they do not agree with, but they are not going to decide any other case based on the approval of the proposed case.

Mr. Hopkins felt this is a concern. There is an inference that one could take from some of this discussion, which is that it is reasonable for the City to zone a piece of property for whatever an individual property owner wants because they own it or for a small cluster of property owners want because they own it, and that this is the criteria of zoning. However, this is not the underlying legal authority by which the City backs its zoning authority. The backing for the zoning authority is some reasonable application of principles such as what are set out in a land use plan as the backing for regulation of the use of property. So there is a precedent here that matters.

Ms. Burris stated that the average person buying a home does not look at the zoning of the property when purchasing it. They look at the community and the school. The petitioners purchased their single-family homes in an R-5 Zoning District. They might have thought it was zoned for single-family since that is the type of properties they purchased. So, she is not convinced that this will set a precedent or that it will be detrimental.

Mr. Fitch noted that he has only been on the Plan Commission a short while, but he has seen individuals come in all the time to request a zoning change. It is almost never down zoning requests though. There is usually a discussion on how a rezoning request fits into the public good. In this case, the notion of community and the notion of making a statement is good logic.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	No	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	No

The motion to approve was passed by a vote of 4 – 2.

Mr. Myers pointed out that these two cases would go before the City Council on September 15, 2008.