



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: November 15, 2012

SUBJECT: A request by Howard Wakeland to rezone 11 parcels from R-2, Single-Family Residential Zoning District to B-3U, General Business University Zoning District. (Plan Case 2185-M-12)

Introduction and Background

Howard Wakeland has submitted an application to rezone a block of properties bounded by Hill Street to the north, Lincoln Avenue to the east and Church Street to the south from R-2, Single-Family Residential Zoning District to B-3U, General Business University Zoning District. The block is comprised of 11 parcels, located at 906, 908, and 910 W Church Street; 701, 703, 705, and 707 N Lincoln Avenue; and 903, 905, 907, and 909 W Hill Street. Seven of the lots contain single-family houses and four are vacant. The 11 parcels total approximately 1.82 acres.

Section XI-7.A of the Urbana Zoning Ordinance allows an application to be submitted by the owner of more than 50% of the property involved. The applicant owns 9 of the 11 parcels in the application, which constitutes more than 50% of the property involved. 703 North Lincoln Avenue and 903 West Hill Street are single-family homes which are not owned by the applicant. County records indicate 903 West Hill is owner-occupied. Since receiving the rezoning application, staff has sent three letters to the owners and residents of both these properties asking for them to contact the City. The owner of 703 N Lincoln Ave attended the public hearing. City staff has not heard from the owner of 903 W Hill St.

The Urbana Plan Commission held a public hearing regarding this application on October 18, 2012 and November 8, 2012 (minutes attached). At the public hearing, a resident of 703 North Lincoln Avenue, who identified himself as the owner's son, spoke regarding the application. He stated that the family is concerned about the many uses allowed in the B-3U zoning district and the lack of building height limits in the district. Following public input, the Plan Commission discussed the potential intensity of development assuming B-3U zoning for these properties and whether the B-2, Neighborhood Business - Arterial District, would be more appropriate given the proximity to single-family residences. Following further discussion, the Plan Commission continued the public hearing to their November 8, 2012 meeting. At the Plan Commission's request, City staff, at their November 8 meeting, presented information on the appropriateness of the different commercial zoning districts for the subject properties. The applicant explained that his request remained for B-3U zoning but that B-2 zoning for the properties would be workable. No residents or property owners other than the applicant spoke at

the November 8 meeting. Following the public hearing, the Plan Commission recommended that the City Council approve B-2 rather than B-3U zoning for the subject properties by a vote of five ayes and two nays.

Related Plan Cases

In May 2008, the applicant submitted a similar rezoning application (Plan Case 2068-M-08) involving nine of the eleven properties that are part of the current application. The Plan Commission held a public hearing on May 22, 2008. Minutes from that public hearing are attached herein as Exhibit F. The petition was withdrawn by the applicant prior to the City Council’s consideration.

The applicant indicates that he has subsequently contacted the remaining property owners in the block numerous times to discuss potential purchase or agreement to rezone. He was able to purchase one more property, but has been unsuccessful with the other two. In 2012, the City of Urbana rezoned the property to the south from IN (Industrial) to IN-1 (Light Industrial/Office) in Plan Case 2167-M-12.

Adjacent Land Uses, Zoning, and Comprehensive Plan Designations

The subject properties front on Church and Hill Streets and Lincoln Avenue. All of the 11 properties included in the application are currently zoned single-family residential. Directly north of the subject properties on Lincoln Avenue is a commercial building with a Family Video store and a medical supply and office use zoned B-1, Neighborhood Business. The block further north contains an apartment building and a vacant nursing home. Directly south of the subject properties is an Illinois American Water Co. water treatment plant zoned Light Industrial/Office. There are single-family homes directly across Lincoln Avenue from the subject property, and across Lincoln Avenue from the water treatment plant is the western edge of the Carle Hospital campus.

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	R-2, Single-Family Residential	Single-family homes Undeveloped lots	Community Business
North	B-1, Neighborhood Business	Family Video & Medical Supply Office	Community Business
	R-2, Single-Family Residential	Single-family homes	
South	IN-1, Light Industrial	Undeveloped lot owned by Illinois American Water	Community Business
East	R-2, Single-Family Residential	Single-family homes	Residential
	MIC, Medical Institutional Campus	Carle Hospital Campus	Institutional
West	R-2, Single-Family Residential	Single-family homes	Residential

Comprehensive Plan

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

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

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

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

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

18.1 Plan for new growth and development to be contiguous to existing development where possible in order to avoid “leapfrog” developments.

Goal 17.0 Minimize incompatible land uses.

Objectives

17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 18.0 Promote infill development.

Objectives

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

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

Objectives

25.2 Promote new commercial areas that are convenient to existing and future neighborhoods.

25.4 Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

Discussion

The existing R-2, Single-Family Residential zoning is intended to provide areas for single-family detached dwellings at a low density. The subject properties were platted in 1947 (as J. Templeton’s Subdivision and Marshall’s Addition) and developed with single-family homes. Four of the eleven lots are now vacant.

Given the Plan Commission’s discussion at their October 18, 2012 meeting, as well as the Comprehensive Plan’s support for future community business use of this block, the most appropriate zoning to allow this should be considered. Specifically, B-1, Neighborhood Business; B-2, Neighborhood Business – Arterial; and B-3U, General Business – University districts have been reviewed by City staff and the Plan Commission as possible zoning designations for the area. A brief comparison follows.

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum FAR	Minimum OSR	Required Yards (In Feet) ¹		
						Front	Side	Rear
B-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.								
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-1	6,000	60	35³	0.30	none	15	7	10
The B-1 Zoning District is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently.								

The Comprehensive Plan’s definition of Community Business (page 63) compares most favorably with the permitted uses and development standards of the City’s B-1, Neighborhood Business and B-2, Neighborhood Business – Arterial zoning districts. (See attached zoning district information sheets.) According to Section IV-2 (Purpose of Districts) of the Urbana Zoning Ordinance, the B-1 Zoning District is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently. 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. As the subject block fronts on Lincoln Avenue, a major north-south arterial and a gateway to the University of Illinois campus, the B-2 district definition fits well from this perspective. Aside from being located on an arterial street, the recently signalized intersection at Lincoln Avenue and Church Street makes the subject block appropriate for potential traffic of business uses.

In terms of existing land uses, three of the four vacant parcels in the subject block front on Church Street, across from the Illinois American Water Treatment plant. Their location across from an industrial use makes new residential development, particularly the low-density residential development

allowed under current zoning, unlikely. Additionally, as single-family residences are allowed by right in the B-2 zoning district, existing homes in the block would remain conforming uses under B-2 zoning. In the B-1 zoning district, single-family homes would require a Conditional Use Permit, meaning that existing homes would become nonconforming under B-1 zoning.

In terms of potential uses allowed under Table V-1 of the Urbana Zoning Ordinance, fast-food restaurants and liquor stores are permitted by right in B-3U, but require Conditional Use Permits in B-2. Also, night clubs and taverns are allowed in B-3U, but not allowed in B-2. This should be considered in the context of adjacent single-family residential to the northwest and west of the subject properties.

In terms of development standards, the B-2 district is more restrictive than the B-3U district. The maximum building height allowed in B-2 is 35 feet, whereas B-3U has no building height limit. In addition, the maximum Floor Area Ratio is 4.0 in B-3U and 1.5 in B-2, meaning that more than two-and-a-half times as much floor area could be constructed on a property zoned B-3U as opposed to B-2. Side and rear setbacks are slightly higher in B-2 than in B-3U.

Staff has spoken with the applicant regarding rezoning the subject lots to the B-2 versus the B-3U zoning districts. Although the application is to rezone the properties to B-3U and that is what the applicant ideally wants, the applicant has stated that B-2 zoning would be “workable” for him.

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 existing zoning is compatible with the existing land uses. 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-1, Light Industrial/Office. There are single-family homes that are zoned R-2, Single-Family Residential to the west and across Lincoln Avenue to the east. The residential properties directly east of the subject properties are owned by Carle Hospital and shown in the City’s Development Agreement with Carle and in the City’s Crystal Lake Area Plan, as a potential future expansion area for the hospital. If future Development Agreement and Zoning Map amendments are made in conformance with these plans, the subject properties would be located across Lincoln Avenue from a medical institutional campus.

The subject block fronts on Lincoln Avenue, which has a functional classification of a Minor Arterial street. For arterials, closely spaced driveways are undesirable from a traffic and traffic safety perspective. Single-family driveways backing out onto a busy street are undesirable and can be hazardous.

With the new mixed-use retail/office building at the southwest corner of Lincoln and University Avenues and the intensification of the Carle Hospital Campus, 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, rezoning the properties B-3U would allow development at a much higher intensity than currently permitted, which may present a conflict with the two properties not owned by the petitioner, if they are to remain single-family residences, and with the single-family neighborhood to the north and west. Rezoning the properties B-2 would create a zoning transition between an industrial property and a single-family neighborhood.

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 are essentially limited to use as single-family dwellings at a low density. The proposed rezoning to B-3U would permit single-family residences by right, so the existing homes would not become non-conforming. 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 two residential properties that are included in this application but are not owned by the petitioner would increase in value as commercial property, but could decrease in value as single family residences. If the subject properties were to be rezoned to B-2 rather than B-3U, it is also likely that the property values for the subject properties would increase in value as commercial properties but less likely that there would be a decrease in value for the properties not owned by the petitioner if they were to remain 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 could allow development of the subject properties to transition or step down uses toward the single-family uses to the west on Hill Street Court. 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. It should be noted that 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.

Under B-2 zoning, however, uses that may not be appropriate adjacent to a single-family neighborhood may be either not allowed or may be allowed only under certain conditions. Examples of such uses are fast-food restaurants and liquor stores which are permitted by right in B-3U but require Conditional Use Permits in B-2. Also, night clubs and taverns are allowed in B-3U but not allowed in B-2.

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 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 land uses, 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 pattern, development of the subject properties to a higher intensity seems appropriate. However, this development could negatively impact any remaining single family residential properties on the block.

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

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

There are four vacant lots among the subject properties which seem unlikely to be developed under the current single-family residential zoning.

Summary of Staff Findings

1. The City of Urbana received a petition to amend the Urbana Zoning Map for the subject properties from R-2, Single-Family Residential to B-3U, General Business – University.
2. The Plan Commission held a public hearing regarding the petition on October 18, 2012 and November 8 at which they discussed the potential intensity of development under B-3U zoning and whether the B-2, Neighborhood Business – Arterial zoning would be more appropriate given the proximity to a single-family residential neighborhood. Following the public hearing, the Plan Commission voted five ayes to two nays to recommend that the City Council approve B-2 rather than B-3U zoning for the subject properties.

3. The subject properties are generally located in the 700 block of N. Lincoln Avenue, west of N. Lincoln Avenue between Hill Street and Church Street. There are eleven properties in this block. The petitioner owns nine of the eleven properties.
4. The 2005 Urbana Comprehensive Plan future land use map designates the future land use of these properties as “Community Business,” which is generally consistent with the B-2, Neighborhood Business – Arterial zoning district.
5. The 2005 Urbana Comprehensive Plan future land use map designates the future land use of these 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 this Comprehensive Plan designation.
6. The proposed rezoning would generally conform to the LaSalle Criteria.
7. The subject properties are appropriate for commercial zoning due to their location on Lincoln Avenue, a north-south arterial that is a major gateway to the University of Illinois campus.
8. The B-2 zoning district has less intensive development standards and allows less intensive uses than the B-3U zoning district.
9. The proposed rezoning to B-2, Neighborhood Business - Arterial would continue to allow for single-family homes to be permitted by right.

Options

The City Council has the following options regarding Plan Case 2185-M-12:

1. APPROVE B-2, Neighborhood Business – Arterial zoning for the subject properties;
2. APPROVE B-3U, General Business – University zoning for the subject properties; or
3. DENY the rezoning application.

Should B-3U be approved for the subject properties, the ordinance would need to be revised.

Recommendation

At their November 8, 2012 meeting, the Urbana Plan Commission voted 5 ayes to 2 nays to forward Plan Case No. 2185-M-12 to the Urbana City Council with a recommendation for **APPROVAL** of B-2, Neighborhood Business – Arterial zoning. Staff concurs with this recommendation.

Prepared by

Rebecca Bird, AICP
Planner II

Attachments: Draft Ordinance

Exhibit A: Location and Existing Land Use Map

Exhibit B: Existing Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: Zoning Description Sheets

Exhibit E: Petition for Zoning Map Amendment

Minutes from May 22, 2008; and October 18, and November 8, 2012 Plan Commission

CC: Howard Wakeland, 1811 A Amber Lane

Steven Wegman, Illinois American Water Co., steven.wegman@amwater.com

Keon Conerly, 703 N Lincoln Ave

Judy Conerly, 502 GH Baker Dr

Viola Bradley, 903 W Hill St

ORDINANCE NO. 2012-11-105

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

(Rezoning of 11 parcels comprising 1.82 acres located south of Hill Street and west of Lincoln Avenue from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District - Plan Case 2185-M-12 / Howard Wakeland)

WHEREAS, Howard Wakeland has petitioned the City for a Zoning Map Amendment to rezone 11 parcels comprising 1.82 acres, and generally located south of Hill Street and west of Lincoln Avenue from R-2, Single-Family Residential Zoning District, to B-3U, General Business - University Zoning District; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on October 18, 2012 and November 8, 2012 concerning the petition filed in Plan Case No. 2185-M-12; and

WHEREAS, the 2005 Urbana Comprehensive Plan future land use map designates the future land use of these properties as "Community Business," which is generally consistent with the B-2, Neighborhood Business - Arterial zoning district; and

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

WHEREAS, the subject properties are appropriate for commercial zoning due to their location on Lincoln Avenue, a north-south arterial that is a major gateway to the University of Illinois campus; and

WHEREAS, the B-2 zoning district has less intensive development standards and allows less intensive uses than the B-3U zoning district; and

WHEREAS, the proposed rezoning to B-2, Neighborhood Business - Arterial would continue to allow for single-family homes to be permitted by right; and

WHEREAS, the Urbana Plan Commission voted 5 ayes and 2 nays to forward the case to the Urbana City Council with a recommendation of approval of the request to rezone the property herein described below from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

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 properties from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District.

Common Addresses:

906, 908, and 910 W Church Street;
701, 703, 705, and 707 N Lincoln Avenue; and
903, 905, 907, and 909 W Hill Street, Urbana.

Permanent Index Nos.:

91-21-07-429-012, 91-21-07-429-013, 91-21-07-429-014, 91-21-07-429-015,
91-21-07-429-016, 91-21-07-429-017, 91-21-07-429-018, 91-21-07-429-019,
91-21-07-429-020, 91-21-07-429-021, 91-21-07-429-022

The subject properties are more accurately described as follows:

LEGAL DESCRIPTION:

A part of the Northeast Quarter of the Southeast Quarter of Section 7,
Township 19 North, Range 9 East of the Third Principal Meridian, Champaign
County, Illinois, being more particularly described as follows:

Lots 1 through 5 inclusive of "Justus D. Templeton Subdivision of Part
of the South Half, of the Northeast Quarter of the Northeast Quarter of
the Southeast Quarter of Section 7, Township 19 North, Range 9 East of
the Third Principal Meridian, Champaign County, Illinois", as shown on
a plat recorded January 20, 1947 in Plat Book "G" at page 104 in the
Office of the Recorder of Deeds, Champaign County, Illinois.

Except the easterly 7.00 feet of even width of said Lots 1 and 2.

And;

Lots 1 through 5 inclusive of "Marshall's 1st Addition, City of Urbana,
Illinois", as shown on a plat recorded December 3, 1947 in Plat Book
"G" at page 173 in the Office of the Recorder of Deeds, Champaign
County, Illinois.

Except the easterly 7.00 feet of even width of said Lot 1.

And;

Commencing at a point 140 feet North of the Southeast comer 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.

Except the easterly 40.00 feet of even width thereof.

Containing 1.82 acres, more or less, all situated in the City of Urbana,
Champaign County, Illinois.

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 _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

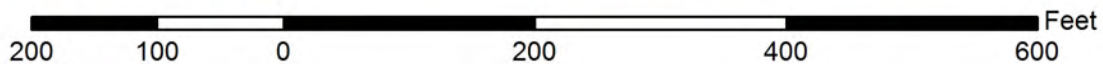
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: "**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of 11 parcels comprising 1.82 acres located south of Hill Street and west of Lincoln Avenue from R-2, Single-Family Residential Zoning District to B-2, Neighborhood Business - Arterial Zoning District - Plan Case 2185-M-12 / Howard Wakeland), 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 _____, _____, 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 _____, _____.

(SEAL)

Phyllis D. Clark, City Clerk

Exhibit A: Location & Land Use Map



Case: 2185-M-12
 Subject: Application to rezone properties from R1 to B3U
 Location: 906, 908, 910 W Church Street; 701, 703, 705, 707 N Lincoln Avenue; and 903, 905, 907, 909 W Hill Street
 Petitioner: Howard Wakeland



 Subject Properties

Exhibit B: Zoning Map



Case: 2185-M-12
 Subject: Application to rezone properties from R1 to B3U
 Location: 906, 908, 910 W Church Street; 701, 703, 705, 707 N Lincoln Avenue; and 903, 905, 907, 909 W Hill Street
 Petitioner: Howard Wakeland

 Subject Properties


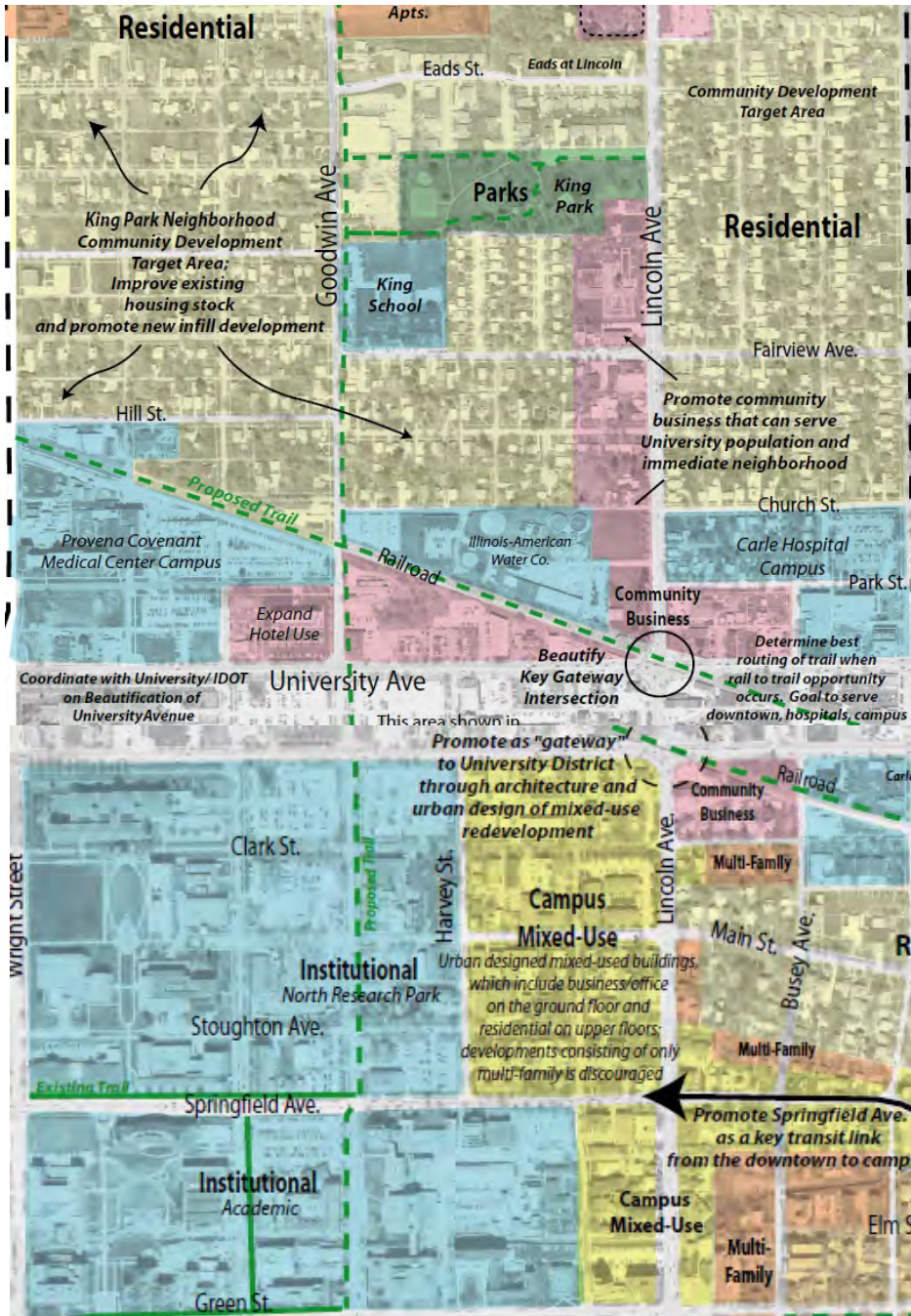
-  R2
-  R5
-  B1
-  MIC
-  IN-1

Exhibit C: Future Land Use Map



Source: Future Land Use Maps #3 & #8, 2005 Urbana Comprehensive Plan



Case: 2185-M-12
 Subject: Application to rezone properties from R1 to B3U
 Location: 906, 908, 910 W Church Street; 701, 703, 705, 707 N Lincoln Avenue; and 903, 905, 907, 909 W Hill Street
 Petitioner: Howard Wakeland
 Prepared 10/9/2012 by Community Development Services - rlb



R-2 – SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

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

"The R-2, *Single-Family Residential District* is intended to provide areas for single-family detached dwellings at a low density, on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two-family dwellings."

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

PERMITTED USES:

Agriculture

Agriculture, Cropping

Business - Recreation

Country Club or Golf Course

Public and Quasi-Public

Elementary, Junior High School or Senior High School
Park

Residential

Dwelling, Community Living Facility, Category I
Dwelling, Single Family
Dwelling, Single Family (*Extended Occupancy*)

SPECIAL USES:

Public and Quasi-Public

Church, Temple or Mosque
Electrical Substation
Institution of an Educational or Charitable Nature
Library, Museum or Gallery

PLANNED UNIT DEVELOPMENT USES:

Residential

Residential Planned Unit Development

CONDITIONAL USES:

Agriculture

Artificial Lake of One (1) or More Acres

Business – Miscellaneous

Day Care Facility (*Non-Home Based*)

Business - Recreation

Lodge or Private Club

Public and Quasi-Public

Municipal or Government Building

Residential

Bed and Breakfast, Owner Occupied
Dwelling, Community Living Facility, Category II
Dwelling, Duplex
Dwelling, Duplex (*Extended Occupancy*)
Dwelling, Two-Unit Common-Lot-Line

DEVELOPMENT REGULATIONS IN THE R-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)
R-2	6,000¹³	60¹³	35¹⁷	0.40	0.40	15⁹	5	10

FAR= FLOOR AREA RATIO

OSR= OPEN SPACE RATIO

Footnote⁹ – In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Sec. VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Sec. VI-5.D.1. (Ord. No. 9596-58, 11-20-95)(Ord. No. 9697-154) (Ord. No. 2001-03-018, 03-05-01)

Footnote¹³ – In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.

Footnote¹⁷ – Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.

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, Illinois 61801

(217) 384-2440 phone / (217) 384-2367 fax

www.urbanaininois.us



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, Planned Unit Development Uses and Conditional Uses in the B-2 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development 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
Massage Therapist
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

Appliance Sales and Service
Art and Craft Store and/or Studio
Bicycle Sales and Service
Clothing Store
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, Temple or Mosque
Institution of an Educational or Charitable Nature
Library, Museum or Gallery
Municipal or Government Building
Park
Police or Fire Station
Principal Use Parking Garage or Lot

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

PLANNED UNIT DEVELOPMENT:

Business - Miscellaneous

Commercial Planned Unit Development
Mixed-Use Planned Unit Development

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

Business – Recreation

Lodge or Private Club
Theater, Outdoor

Business – Transportation

Taxi Service

Business – Vehicular Sales and Services

Automobile Accessories (*New*)
Gasoline Station

Industrial

Bookbinding
Confectionery Products Manufacturing and Packaging
Motion Picture Production Studio

Public and Quasi-Public

Electrical Substation

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, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.G.3 and Section VI-5.H.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 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

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www.urbanaininois.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 buildings which are compatible with the size and scale of the University's buildings."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-3U District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development 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 Therapist
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

Business – Recreation

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

PERMITTED USES CONTINUED:

Business - Retail Trade

Antique or Used Furniture Sales and Service
Appliance Sales and Service
Art and Craft Store and/or Studio
Bicycle Sales and Service
Building Material Sales (*All Indoors Excluding Concrete or Asphalt Mixing*)
Clothing Store
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*)
Car Wash

Industrial

Electronics and Related Accessories – Applied
Research and Limited Manufacturing

Public and Quasi-Public

Church, Temple or Mosque
Hospital or Clinic
Institution of an Educational or Charitable Nature
Library, Museum or Gallery
Methadone Treatment Facility
Municipal or Government Building
Park
Police Station or Fire Station
Principle Use Parking Garage or Lot
University/ 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

PLANNED UNIT DEVELOPMENT USES:

Business – Miscellaneous

Commercial Planned Unit Development
Mixed-Use Planned Unit Development

CONDITIONAL USES:

Agriculture

Plant Nursery or Greenhouse

Business – Transportation

Taxi Service

Business - Miscellaneous

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

CONDITIONAL USES CONTINUED:

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

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, Illinois 61801

(217) 384-2440 phone / (217) 384-2367 fax

www.urbanaininois.us

RECEIVED JUN 22 2012



Application for Zoning Map Amendment

Plan Commission

APPLICATION FEE - \$175.00

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

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 06/22/2012 Plan Case No. 2185-M-12
Fee Paid - Check No. 1273 Amount \$175.00 Date 06/22/2012

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): HOWARD WAKELAND Phone: 217-369-8606 CELL
217-367-8606 HOME
Address (street/city/state/zip code): 1811 A AMBER, URBANA, IL 61802
Email Address: HOWARD @ ADV PROPERTIES.COM
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): OWNER

2. OWNER INFORMATION

Name of Owner(s): ADVANTAGE PROPERTIES, LLC Phone: 217-344-0394
Address (street/city/state/zip code): 406 N LINCOLN, SUITE B, URBANA, IL 61801
Email Address: ADVPROPERTIES.COM
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: LINCOLN & HILL AND LINCOLN & CHURCH
PIN # of Location: 91-21-08-429-012 THROUGH-022
Lot Size: 309' x 299'
Current Zoning Designation: R1
Proposed Zoning Designation: B3U
Current Land Use (vacant, residence, grocery, factory, etc): VACANT & RESIDENCE
Proposed Land Use: COMMERCIAL

Present Comprehensive Plan Designation:

How does this request conform to the Comprehensive Plan?

CP HAS SHOWN DIFFERENT USE
IN RECENT VERSIONS

Legal Description:

LOTS 91-21-08-429-012 THRU 022 IN

TEMPLETON ADDITION TO CITY OF URBANA, CHAMPAIGN
COUNTY, ILLINOIS.

4. CONSULTANT INFORMATION

Name of Architect(s): NONE SELECTED YET Phone:

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

Email Address:

Name of Engineers(s): HOWARD WAKELAND Phone:

Address (street/city/state/zip code): 1811 A AMBER, URBANA, IL 61802

Email Address: HOWARD@ADVPROPERTIES

Name of Surveyor(s): Phone:

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

Email Address:

Name of Professional Site Planner(s): NONE Phone:

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

Email Address:

Name of Attorney(s): JENNY PARK Phone:

Address (street/city/state/zip code): MEYER CAPEL
306 W CHURCH, CHAMPAIGN, IL 61826

Email Address: WWW.MEYERCAPEL.COM.

5. REASONS FOR MAP AMENDMENT:

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

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

BUSINESS CHANGE IN THIS SECTION OF CITY

OTHER ZONING CHANGES ALSO PROPOSED IN THIS SECTION OF CITY

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

LOCATION OF MEDICAL & BUSINESS CHANGES

What other circumstances justify the zoning map amendment? _____

HIGHER LEVEL OF USE

Time schedule for development (if applicable). LONG TERM

Additional exhibits submitted by the petitioner. _____

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

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

CERTIFICATION BY THE APPLICANT

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

Howard F. Winkler
Applicant's Signature

6/20/12
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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

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

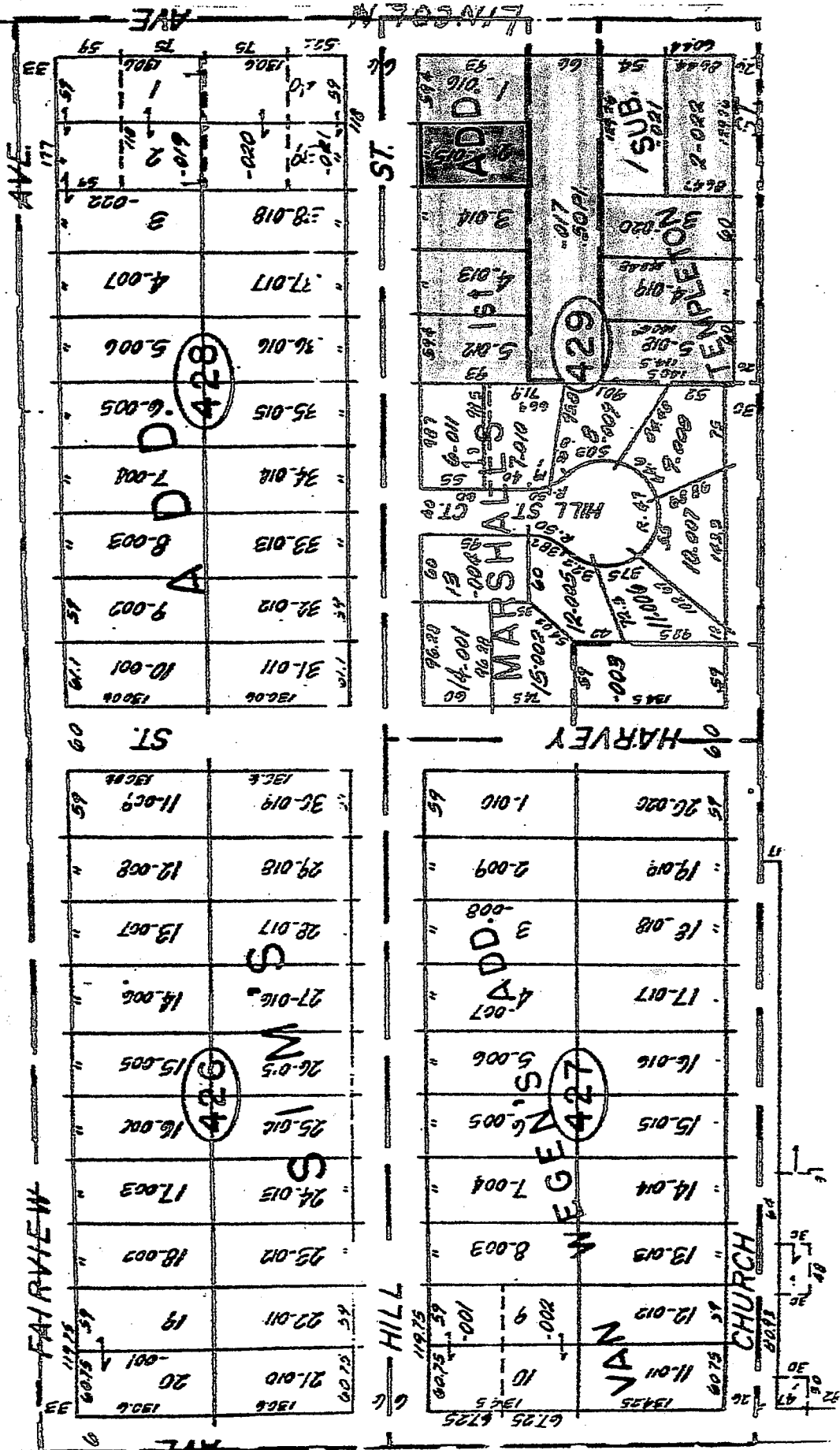
This is a new request for zoning of an area which we proposed for rezoning several years ago (2008) and the city Planner (Lisa Karcher) recommended Approval then. We discontinued the request on the suggestion of the Plan Commission Chairman in the hope of maintaining a strong harmonious relationship with the city at that time. We have documentation of that action if the City needs it.

Advantage Properties, LLC owned by the Wakeland Family owns eight of the ten property parcels and 84% of the square footage in the Templeton Addition to Urbana. Of the other two lots one is owned by Viola Bradley who earlier had agreed to sell to us but has put off the sale because of personal problems. In a recent discussion she indicated continued support for rezoning.

This area of the city is continuing to have major changes. Carle foundation is in the process of completing a 10 story hospital addition. A new building has been built on the south west corner of University and Lincoln. We have built five new student service or apartment buildings within 2 blocks of University and Lincoln. Trammel Crow attempted to build a large new student residence near University and Lincoln but experienced finance problems. We turned down a Hotel Project on the south east corner of Lincoln and University because we anticipated a dip in US economy. There continues to be interest. We are now in negotiation with a potential development on the property being proposed for rezoning.

The Templeton Addition is recommended for Community Business to serve University population in the Comprehensive Plan. Attached is a copy of the Map used in our 2008 rezoning request.

21-70



● WAKELAND PROPERTIES

○ OTHER PROPERTIES

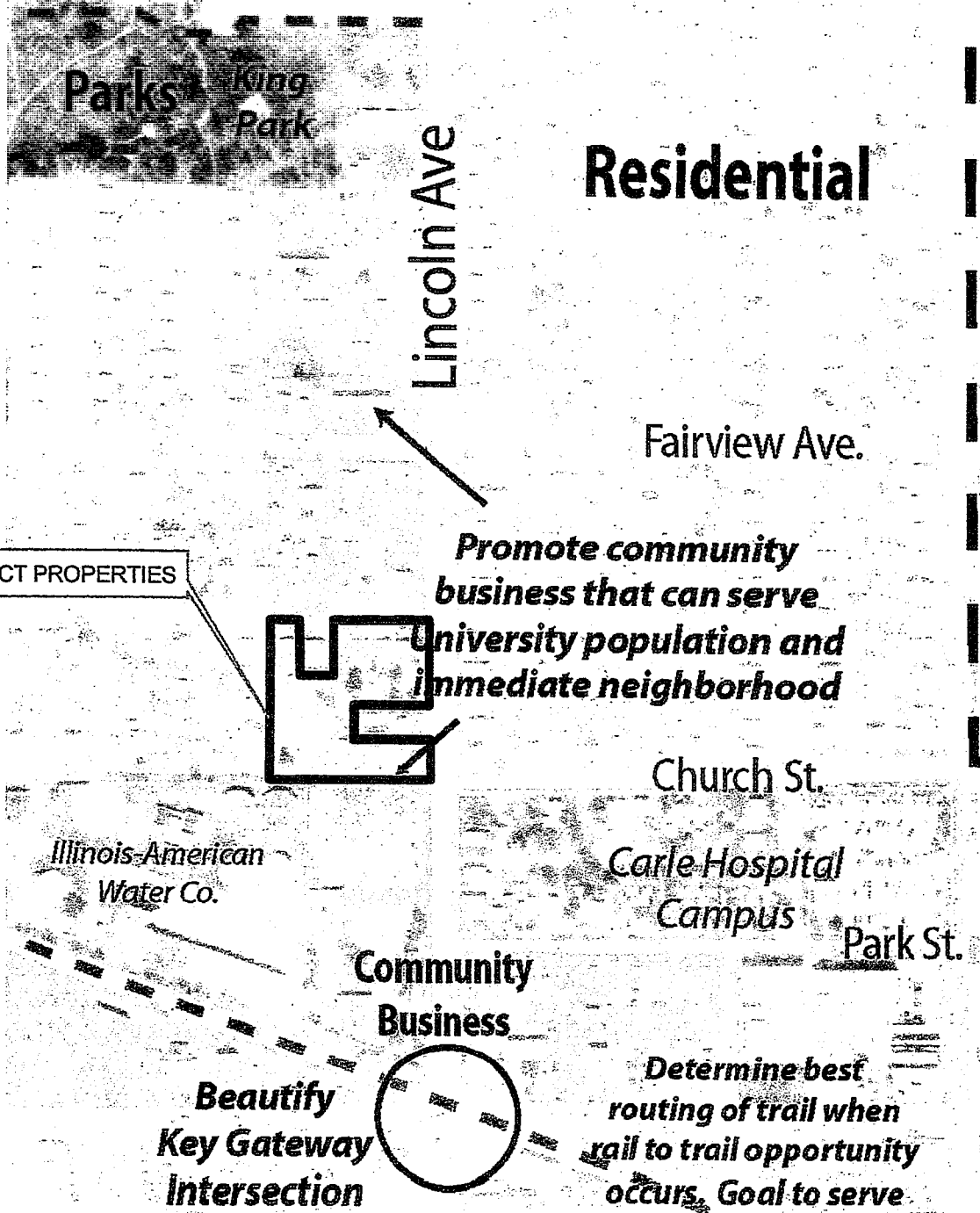
PROPERTIES INCLUDED IN THE REQUEST FOR ZONING CHANGE
 IN THE 700 BLOCK OF NORTH LINCOLN, URBANA KNOWN AS THE
 TEMPLETON SUBDIVISION ADDITION TO THE CITY OF URBANA

ZONING REQUEST SUBMITTED BY HOWARD WAKELAND

CITY ADDRESS	PROPERTY DESCRIPTION	SIZE	OWNER
910 W. CHURCH	91-21-08-429-018	60 X 140.4	H. WAKELAND 1811 A AMBER, U
908 W. CHURCH	91-21-08-429-019	60 X 140.4	H. WAKELAND 1811 A AMBER, U
906 W. CHURCH	91-21-08-429-020	60 X 140.4	H. WAKELAND 1811 A AMBER, U
701 N. LINCOLN	91-21-08-429-022	86.4 X 129.2	H. WAKELAND 1811 A AMBER, U
705 N. LINCOLN	91-21-08-429-017	66 X 309.3	H WAKELAND 1811 A AMBER, U
707 N. LINCOLN	91-21-08-429-016	59.4 X 93	H. WAKELAND 1811 A AMBER, U
903 W. HILL	91-21-08-429-015 Sales contract being prepared V Bradley to Wakeland	59.4 X 93	VIOLA BRADLEY 903 W HILL, U
905 W. HILL	91-21-08-429-014	59.4 x 93	H. WAKELAND 1811 A AMBER, U
907 W. HILL	91-21-08-429-013	59.4 X 93	H. WAKELAND 1811 A AMBER, U
909 W.HILL	91-21-08-429-012	59.4 X 93	H. WAKELAND 18 11 A AMBER, U PURCHASE CONTRACT
703 N LINCOLN	91-21-08-429-021	54 x 129.2	JUDY CONERLY 502 E G H BAKER DR, U

Exhibit C: Future Land Use Map

NOTE - 5/2008



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 ~~5/06~~ by Community Development Services - lkk

5/2008

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 consistent with the Comprehensive Plan.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

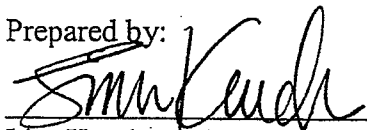
The Plan Commission has the following options for recommendations to the City Council regarding Plan Case 2068-M-08:

1. Forward this case to City Council with a recommendation for approval, or
2. Forward this case to City Council with a recommendation for denial.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2068-M-08 to the Urban City Council with a recommendation for **APPROVAL**.

Prepared by:



Lisa Karcher, Planner II

COPY FROM 2008 REPORT

Attachments: 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

cc: Howard Wakeland
1811 A Amber Lane
Urbana, IL 61802

Viola Bradley
903 W. Hill Street
Urbana, IL 61801

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

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 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.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: November 8, 2012

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins, Marilyn Upah-Bant

MEMBERS EXCUSED: Dannie Otto, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Edward Anderson, Judy Conerly, Bruce Hunter, Carol McKusick, Robert Riedon, Susan Taylor, Howard Wakeland

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2185-M-12: A request by Howard Wakeland on behalf of Advantage Properties, LLC to rezone 11 parcels totaling approximately 1.82 acres located at 906, 908 and 910 West Church Street; 701, 703, 705 and 707 North Lincoln Avenue; and 903, 905, 907 and 909 West Hill Street from R-2, Single-Family Residential Zoning District, to B-3U, General Business University Zoning District.

Robert Myers, Planning Manager, stated that he would be addressing the Plan Commission's request to compare rezoning B-3U and other business zoning districts, as well as rezoning a portion but not all of the area. presented a list of things for the Plan Commission to consider. He spoke on the following points.

- One of the strongest points favoring rezoning is that the 2005 Comprehensive Plan designates the future land use of the entire block as "Community Business".
- The Crystal Lake Neighborhood Plan (Figure 13) recognizes the block on the east side of Lincoln Ave., between Church and Hill Streets, as a long-term expansion area for the Carle Hospital campus. This would be located directly across Lincoln Avenue from the block in question.
- The existing R-2, Single Family Residential Zoning of the block directly adjoins IN-1, Light Industrial/Office Zoning District to the south. The proposed rezoning could provide

a transition between the water company to the south and the single-family residential area to the north and northwest.

- Lincoln Avenue is a minor arterial street both in terms of how it functions and future designation in the Comprehensive Plan. Multiple driveway access of single-family homes onto arterial streets interrupts the flow of traffic and can create traffic hazards, especially when cars back out of driveways onto arterial streets.
- Nine of the eleven properties proposing to be rezoned are owned by the applicant, so there is an opportunity for potential reuse or redevelopment of the block that otherwise would not be possible.
- Single-family residential use is permitted by right in both the B-2, Neighborhood Business-Arterial, and in the B-3U, General Business-University Zoning Districts. Therefore, the existing homes would not become non-conforming uses if the City approves the proposed rezoning.
- Although the City has the ability to rezone all or a portion of the proposed properties, there would be no benefit or protection to the two owner occupied homes not owned by the applicant. In fact rezoning most of the block to a business zone and leaving those two homes zoned single-family residential would likely be a disservice to those properties in the long run.

An argument could be made that rezoning is not yet “ripe” in that two owner occupied homes remain in the block not owned by the applicant. Mr. Myers keeps going back to the Comprehensive Plan’s future land use recommendation for this block as “community business” and how the Plan defines that. Mr. Myers reviewed the uses allowed and the development standards of the B-2 and the B-3U Zoning Districts. He asked the Plan Commission to use this information as part of their consideration.

Chair Pollock opened the hearing for questions from the Plan Commission for City staff. The questions were as follows:

Does the Comprehensive Plan Future Land Use Map express a priority of business over residential? Does the Plan envision these homes being gone someday? Mr. Myers answered that the Comprehensive Plan Future Land Use Map shows “Community Business”. That would mean that single-family homes would eventually be replaced by businesses.

Is the Comprehensive Plan a guide or is it a mandate? Mr. Myers explained that the Comprehensive Plan is an official policy guide. The City should take the plan seriously in terms of land use decision making. However, it does not strictly dictate the outcomes. Chair Pollock added that it is a guide. If the Plan Commission chooses in a rezoning or an official act of the City to not follow it, then there are some possible liabilities.

Has City staff considered saving the area for residential use? Mr. Myers stated that the Plan Commission and City Council can deny the rezoning request if they prefer to save the area for residential use.

The Plan Commission discussed how large of a building could be developed on the proposed lots. Considering that the total area is 1.82 acres, if the properties are zoned B-2 with a maximum Floor Area Ratio (FAR) of 1.50, then there could be a 105,000 square foot building with a maximum height of 35 feet constructed on the properties. If the properties are zoned B-

3U with a maximum FAR of 4.00, then there could be a 280,000 square foot building with no height limit.

Was the existing layout of Urbana a result of City plans? Mr. Myers said yes and no. Many areas of the City pre-date the City's first Comprehensive Plan, which was created in the 1950's. And some areas predate adoption of the Subdivision Ordinance.

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

Howard Wakeland, petitioner, clarified that his previous statements may have misled City staff into thinking that he would be willing to rezone the proposed 11 properties to B-2 instead of B-3U. He clarified that he still wants the properties to be rezoned to B-3U. He could live with B-2 zoning and make it work, but he wants to stick with his original application. He spoke about his history with purchasing and developing properties in Urbana. He mentioned that his children were born, educated, raised and now in business in the City of Urbana. They expect to continue to be this type of family.

He mentioned that he owned a block of properties located east of the Beckman Center. He could not get the City to rezone the properties, so he sold them to the University of Illinois. Those properties were once viable in bringing tax money to the City of Urbana. The City needs to increase its tax base, and this rezoning would allow development which would increase the City's tax base. The City's B-3U Zoning District is a great district to develop in because it allows a developer to be creative and flexible on what they build. He expressed his desire to rezone the proposed 11 lots to B-3U to be able to turn a run-down area into something that will bring the City more tax revenue. Mr. Wakeland reviewed the uses allowed in the B-3U Zoning District that would be compatible with the neighborhood. He mentioned that fast-food restaurant, lawn care and landscaping service, radio and TV studio, ambulance service, and medical carrier service are uses not allowed in the B-2 Zoning District; however, they are allowed in the B-3U Zoning District and would be compatible with the neighborhood. He mentioned that there is a new traffic light installed at the intersection of Church Street and Lincoln Avenue. This will provide access the south side of the proposed area.

He referred to a handout of his distributed to the Plan Commission, and that the Plan Commission recommended approval of B-3U the last time he applied. Chair Pollock clarified that in 2008, the Plan Commission recommended to the City Council denial of rezoning the proposed area to the B-3U Zoning District, and that Mr. Wakeland then withdrew the case prior to the City Council's review and decision.

Mr. Wakeland commented that whatever zoning that the City allows over what it is currently zoned will benefit the two parcels that he does not own on the block. The winner or loser in this case in the long run is the City of Urbana. He prefers the B-3U Zoning District.

Chair Pollock asked for clarification as to whether Mr. Wakeland is amendable to developing the land if the City rezones the proposed area to B-2. Mr. Wakeland stated that he would have to abide by the City Council's decision.

With no further comments or questions from the audience, Chair Pollock closed the public hearing and opened it for Plan Commission to ask additional questions of City staff. They were as follows:

What are the screening requirements for the B-2 Zoning District? Mr. Myers replied that regardless of whether the proposed lots are rezoned to B-1, B-2, B-3 or B-3U and developed next to a residential zoning of R-1, R-2 or R-3, there is a minimum landscape buffer requirement of six feet containing one tree and three bushes for every 40 lineal feet. He would have to study when fencing would be required as a screen in addition to landscaping.

Who decides on what type of landscaping should be used when developing a parcel? Mr. Myers stated that the Zoning Ordinance will dictate what type of landscaping will be used.

Will the dedicated right-of-way/alley on the south side be developed as an access to the proposed parcels? Mr. Myers responded that at a minimum he would expect a dedicated right-of-way and possibly a widening of Church Street west of Lincoln Avenue. There is a stop light at the intersection now so it would make sense to have this be the main access into any future development of the block.

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

Ms. Stake commented that the Comprehensive Plan Future Land Use Map shows King School as a place where children go to school, many of which are African-American that live in the neighborhood. King Park is where people go to play sports in the outdoors. Families who live in the R-2 Zoning District are represented by the 11 parcels proposed to be rezoned. She believes that although the Comprehensive Plan suggests "Community Development", the City needs affordable housing in this area. We need more affordable housing and not less. Rezoning would be taking away from the neighborhood. She does not recommend approving the proposed rezoning.

Ms. Tompkins stated that no matter what the City decides, someone will be upset. If the City does not rezone the proposed lots, it is clear that the vacant residential lots will remain empty. On the other hand, if they rezone the proposed lots, then they may be putting pressure on the two residential property owners to sell eventually. As much as the City needs affordable housing, the City cannot force Mr. Wakeland to develop single-family homes on the vacant lots. Considering the B-2 and B-3U Zoning Districts, the purpose of zoning is not to give a developer free rein to do whatever he wants. Instead, it is to protect the neighboring properties. Simply because Mr. Wakeland wants B-3U and wants to be able to have these other uses does not mean that is what the City should give him. She feels the best decision would be to rezone all of the properties to the B-2 Zoning District.

Mr. Ash commented that this case is a matter of principle and not race. The applicant and his family have served the community, but the two residential parcels owned by other people have also been part of the community for a long time. From previous testimony, the Plan Commission heard that one of the homes has been in the family for three generations. He believes Mr. Wakeland's intentions are good, but Mr. Ash does not share the Comprehensive Plan's vision for "Community Business" for the proposed parcels. He cannot support profits over people.

Mr. Hopkins stated that he would vote in opposition of rezoning the proposed parcels to B-3U because of no height limit, the permission of liquor licenses and nightclubs, and the high floor area ratio allowed in the B-3U Zoning District. The Plan Commission needs to keep in mind that this is a zoning case; not a special use permit request. It is not about who owns it or what a person wants to do or might do or won't do. It is about how a piece of property should be zoned. He could vote in favor of rezoning to B-2. He preferred fitting the zoning to the space that it applies to, but he is unsure that it would make a difference. His understanding from testimony of one of the homeowner's at the last meeting is that they would accept the B-2 Zoning District. Having just returned from visiting his family's farm that has been in the family for six generations, he can sympathize with the two residential property owners on all the changes going on around them. On the other hand, he would not want his property zoned differently than the adjacent properties around him. It is important for both residential property owners as well as for Mr. Wakeland to rezone all the properties as opposed to just a portion.

Mr. Hopkins believes that the B-2 Zoning District is right in the long run because it allows residential by right and because it is enough of a commitment for the land owner to decide whether they want to continue to own it and develop it in B-2 or not. If they do not rezone it, then it will sit vacant. Regarding the Church Street right-of-way continuing west and south of Hill Street Court, he is not sure that the City should develop this. If the right-of-way is primarily accessed to the southern edge of the proposed parcels but not connected to the residential community to the west, it would work better for the proposed sites and improve the distinction between the sharp cut off of the residential neighborhood.

Ms. Stake questioned whether residential property owners want to live next to businesses and expressed the need for more affordable housing. Mr. Fitch compared the proposed area to the Historic East Urbana Neighborhood area (HEUNA) where the borders of the neighborhood are zoned for business. The B-2 Zoning District allows single and multiple family residential uses. Chair Pollock pointed out that the Plan Commission is not to decide whether they want or need more affordable housing in the area. They are to decide the best possible future uses of the proposed parcels.

Mr. Ash believes that the difference between the proposed area and East Urbana is the emphasis on neighborhood preservation. In the Comprehensive Plan, the strategies in rezoning East Urbana was to preserve the unique character of the neighborhood, to determine the compatible zoning for the neighborhood, to improve infrastructure and to improve existing housing stock and new development to respect traditional development pattern. The Comprehensive Plan should also protect the residential character of the area west of Lincoln Avenue under discussion. How far can "Community Business" creep into the residential neighborhood should this be approved? Although B-2 may be the best fit for the proposed area, he is worried about the future and so he will not support it.

Chair Pollock commented that B-3U is simply too intense and would allow too much in terms of floor area ratio and height that could have a horrible impact on the residential neighbors around the proposed parcels and is therefore not viable. There are no suspicions about Mr. Wakeland or his family. They have done extensive and high quality developments in the City of Urbana. The Plan Commission has to think about the future of what would be allowed if someone else owned the lots. The Comprehensive Plan recognizes that the proposed area will not be redeveloped as

single-family housing. The B-2 Zoning District will give the two residential property owners on the block some protection in the short term and options to the owners in the long term. If the City does not rezone the parcels, then the vacant lots will likely remain vacant.

Mr. Fell pointed out that by rezoning all of the parcels, it protects the parcels of land adjacent to the two residential parcels and allows them to be buildable. Otherwise, the setback requirements would prevent any development due the size of the parcels.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2185-M-12 to the City Council with a recommendation to rezone the proposed parcels to B-2. Mr. Fitch seconded the motion.

Discussion ensued about whether the Plan Commission should include language about the B-3U Zoning District. Mr. Hopkins then moved to amend the language in the motion to read as such, The Plan Commission forward Plan Case No. 2185-M-12 to the City Council with a recommendation that the all the parcels be rezoned to B-2 and not B-3U. Mr. Fitch seconded the amendment. Roll call was taken and was as follows:

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

The motion was passed by a vote of 5 to 2. Mr. Myers noted that this case would go before the City Council on Monday, November 19, 2012.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: November 8, 2012

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins, Marilyn Upah-Bant

MEMBERS EXCUSED: Dannie Otto, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Edward Anderson, Judy Conerly, Bruce Hunter, Carol McKusick, Robert Riedon, Susan Taylor, Howard Wakeland

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2185-M-12: A request by Howard Wakeland on behalf of Advantage Properties, LLC to rezone 11 parcels totaling approximately 1.82 acres located at 906, 908 and 910 West Church Street; 701, 703, 705 and 707 North Lincoln Avenue; and 903, 905, 907 and 909 West Hill Street from R-2, Single-Family Residential Zoning District, to B-3U, General Business University Zoning District.

Robert Myers, Planning Manager, stated that he would be addressing the Plan Commission's request to compare rezoning B-3U and other business zoning districts, as well as rezoning a portion but not all of the area. presented a list of things for the Plan Commission to consider. He spoke on the following points.

- One of the strongest points favoring rezoning is that the 2005 Comprehensive Plan designates the future land use of the entire block as "Community Business".
- The Crystal Lake Neighborhood Plan (Figure 13) recognizes the block on the east side of Lincoln Ave., between Church and Hill Streets, as a long-term expansion area for the Carle Hospital campus. This would be located directly across Lincoln Avenue from the block in question.
- The existing R-2, Single Family Residential Zoning of the block directly adjoins IN-1, Light Industrial/Office Zoning District to the south. The proposed rezoning could provide

a transition between the water company to the south and the single-family residential area to the north and northwest.

- Lincoln Avenue is a minor arterial street both in terms of how it functions and future designation in the Comprehensive Plan. Multiple driveway access of single-family homes onto arterial streets interrupts the flow of traffic and can create traffic hazards, especially when cars back out of driveways onto arterial streets.
- Nine of the eleven properties proposing to be rezoned are owned by the applicant, so there is an opportunity for potential reuse or redevelopment of the block that otherwise would not be possible.
- Single-family residential use is permitted by right in both the B-2, Neighborhood Business-Arterial, and in the B-3U, General Business-University Zoning Districts. Therefore, the existing homes would not become non-conforming uses if the City approves the proposed rezoning.
- Although the City has the ability to rezone all or a portion of the proposed properties, there would be no benefit or protection to the two owner occupied homes not owned by the applicant. In fact rezoning most of the block to a business zone and leaving those two homes zoned single-family residential would likely be a disservice to those properties in the long run.

An argument could be made that rezoning is not yet “ripe” in that two owner occupied homes remain in the block not owned by the applicant. Mr. Myers keeps going back to the Comprehensive Plan’s future land use recommendation for this block as “community business” and how the Plan defines that. Mr. Myers reviewed the uses allowed and the development standards of the B-2 and the B-3U Zoning Districts. He asked the Plan Commission to use this information as part of their consideration.

Chair Pollock opened the hearing for questions from the Plan Commission for City staff. The questions were as follows:

Does the Comprehensive Plan Future Land Use Map express a priority of business over residential? Does the Plan envision these homes being gone someday? Mr. Myers answered that the Comprehensive Plan Future Land Use Map shows “Community Business”. That would mean that single-family homes would eventually be replaced by businesses.

Is the Comprehensive Plan a guide or is it a mandate? Mr. Myers explained that the Comprehensive Plan is an official policy guide. The City should take the plan seriously in terms of land use decision making. However, it does not strictly dictate the outcomes. Chair Pollock added that it is a guide. If the Plan Commission chooses in a rezoning or an official act of the City to not follow it, then there are some possible liabilities.

Has City staff considered saving the area for residential use? Mr. Myers stated that the Plan Commission and City Council can deny the rezoning request if they prefer to save the area for residential use.

The Plan Commission discussed how large of a building could be developed on the proposed lots. Considering that the total area is 1.82 acres, if the properties are zoned B-2 with a maximum Floor Area Ratio (FAR) of 1.50, then there could be a 105,000 square foot building with a maximum height of 35 feet constructed on the properties. If the properties are zoned B-

3U with a maximum FAR of 4.00, then there could be a 280,000 square foot building with no height limit.

Was the existing layout of Urbana a result of City plans? Mr. Myers said yes and no. Many areas of the City pre-date the City's first Comprehensive Plan, which was created in the 1950's. And some areas predate adoption of the Subdivision Ordinance.

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

Howard Wakeland, petitioner, clarified that his previous statements may have misled City staff into thinking that he would be willing to rezone the proposed 11 properties to B-2 instead of B-3U. He clarified that he still wants the properties to be rezoned to B-3U. He could live with B-2 zoning and make it work, but he wants to stick with his original application. He spoke about his history with purchasing and developing properties in Urbana. He mentioned that his children were born, educated, raised and now in business in the City of Urbana. They expect to continue to be this type of family.

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

The motion was passed by a vote of 5 to 2. Mr. Myers noted that this case would go before the City Council on Monday, November 19, 2012.