



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: August 13, 2015

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

Introduction and Background

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

The Urbana Plan Commission held a public hearing regarding this application at their August 6, 2015 meeting. There were no audience members to voice support or opposition of the proposal, although one phone call was received by staff prior to the meeting and expressed opposition. Some Plan Commission members expressed concern over the loss of the transitional buffer space between the proposed higher B-3 zoning and the surrounding R-2 properties to the north. They also noted the alignment with the applicant's redevelopment ideas and the subject property's designation in the Comprehensive Plan as Community Business along the Lincoln Avenue arterial. The Plan Commission defeated a recommendation of approval of the applicant's original request to rezone all the properties to B-3 by a vote of four nays to two ayes. The Commission then approved a motion for an alternative recommendation of rezoning only the properties on the southern edge of the block as B-3 and the rest of the subject properties as B-2. The motion passed by a vote of four ayes to two nays.

Pursuant to the Urbana Zoning Ordinance, the City Council may either approve, modify, or deny the proposed rezoning request to City Council for final action.

Related Plan Cases

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

Plan Case 2068-M-08

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

Plan Case No. 2185-M-12

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

Plan Case No. 2195-M-12

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

Plan Case No. 2205-M-13

In February 2013, the applicant submitted a revised application that included only properties owned by the applicant and excluded the properties at 705 and 707 N. Lincoln Avenue. Under this request, there was only one lot with frontage along Lincoln Avenue, at the southeast corner of the block, proposed for commercial use. The application requested to rezone the subject properties from R-2 to B-2. On March 21, 2013, the Urbana Plan Commission held a public hearing and recommended that the City Council deny the rezoning request because the Commission found the revised application to be weaker

than the previous requests due to the limited amount of frontage on Lincoln Avenue. The Commission found that limited frontage along an arterial was contrary to the nature of a B-2 designation. The applicant withdrew the application following the Plan Commission hearing.

Plan Case 2210-M-13

In June of 2013, the applicant submitted a scaled back rezoning request from R-2 to B-2 of four properties along Church Street on the southern end of the block. The Plan Commission held public hearings for the application on July 2 and July 18, 2013. The Plan Commission recommended approval of the request, noting that the rezoning request was consistent with the Community Business designation in the Comprehensive Plan. At its August 19, 2013 meeting, the City Council unanimously approved the rezoning request in Ord. No. 2013-08-074.

Adjacent Land Uses, Zoning, and Comprehensive Plan Designations

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

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

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

Comprehensive Plan

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

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

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

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

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

Objectives

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

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

Objectives

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

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

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

Goal 17.0 Minimize incompatible land uses.

Objectives

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

Goal 18.0 Promote infill development.

Objectives

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

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

Objectives

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

Discussion

The existing R-2, Single-Family Residential zoning along Hill Street is intended to provide areas for single-family detached dwellings at a lower density. The existing B-2, Neighborhood Business-Arterial zoning along Church Street is intended to provide commercial space for an underutilized stretch of properties along a arterial, while not disrupting the transitional space that separates it from a predominantly residential neighborhood. The R-2 zoned properties along the south side of Hill Street also provide a transitional space buffering the neighborhood homes to the north from commercially-zoned properties to the south. The petitioner owns the majority of the parcels on the block and has requested several times to rezone the area to allow for more intensive uses. In Plan Case No. 2195-M-12, a similar request for a rezoning to B-3U, General Business University, was denied by the City Council partly because of concern for removing the transitional space and R-2 zoned properties. In Plan Case No. 2205-M-13, when the applicant proposed fewer parcels for rezoning to B-2, the Plan Commission recommended denial because of the loss of transitional space and overall concerns about the viability of commercial space with too little frontage along Lincoln Avenue. It was not until Plan Case No. 2210-M-13 that an application was approved for a rezoning of the southernmost properties from R-2 to B-2. The approval allowed vacant lots with a frontage on Lincoln Avenue to be developed into a commercial property with limited intensity, while still preserving the transitional space from the R-2 neighborhoods. Subsequently, three of the lots are still vacant while the fourth is still used as a single family residence.

The applicant currently requests a rezoning of his properties to B-3 so he can create a larger and more viable commercial development. He states that the limited frontage along Lincoln Avenue and the lack of ease of access along Church Street make the existing B-2 properties difficult to develop. The existing R-2 properties were intentionally kept with residential zoning during previous cases to provide separation for surrounding residents from commercially-zoned properties.

The applicant submitted an illustrative site plan showing how commercial land uses could be laid out on the site. It should be noted that all the proposed uses in the illustrative site plan are permitted by right in the B-2 district. The applicant stated at the Plan Commission hearing that the potential development of the property might not be limited to those uses listed in the illustration and therefore seeks the higher zoning classification of B-3.

Distinction between B-2 and B-3 Zoning Districts and Consistency with Comprehensive Plan

The B-2 zoning district was created as a district to serve neighborhood businesses along arterials with higher traffic volumes. Its description and development regulations are summarized below:

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum FAR	Minimum OSR	Required Yards (In Feet) ¹		
						Front	Side	Rear
B-2	6,000	60	35³	1.50⁴	0.15	15	10*	15*
<p>*Side yard and rear yard requirements are subject of a pending ordinance amendment set to be heard by the City Council over the next few weeks. If approved, the side yard and rear yard requirements would be 7 and 10 feet, respectively.</p> <p>The B-2 Zoning District is intended to provide areas of limited size along arterial streets in close proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide for areas for new high density residential uses. These business and residential uses may occur in the same structure. Due to the location of arterial streets in many residential neighborhoods were commercial and high density residential uses would not be appropriate, the B-2 District shall be limited to only those areas that have been so designated in the City's adopted Comprehensive Plan and related amendments."</p> <p>Potential uses include, but are not limited to: Convenience Store, Grocery Store, Café, Restaurant, Beauty Shop, Banks, Laundry/Dry Cleaning, Bed and Breakfast Inn, Professional and Business Office</p>								

The B-3 zoning district was created as a district to serve regional businesses in areas very widely accessible by most parts of the Champaign-Urbana area. Its description and development regulations are summarized below:

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum FAR	Minimum OSR	Required Yards (In Feet) ¹		
						Front	Side	Rear
B-3	6,000	60	none³	4.00	none	15	5	10
<p>The B-3, General Business District is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City."</p> <p>Potential uses include, but are not limited to: Convenience Store, Restaurant, Beauty Shop, Tavern or Night Club, Professional and Business Office, University/College, Gasoline Station, Self-Storage Facility, Hospital Clinic (with Special Use Permit), Car Wash, Automobile Sales _____</p>								

In general, the B-3 district allows significantly larger buildings with no height restrictions for commercial buildings, greater floor area ratio, and lesser open space ratio requirements. A B-3 district is also more permissive in terms of the types of uses allowed. Some of those uses include hospitals and clinics, taverns, self-storage facilities, automobile sales and services, and university-related uses.

In terms of consistency with the Comprehensive Plan, B-1, B-2, and B-3 zoning classifications can all be consistent with the Community Business Comprehensive Plan designation if the scale and intensity of uses are generally compatible with surrounding neighborhoods.

Plan Commission and Staff Recommendation

One nearby resident contacted the Community Development Services Department to express opposition to the rezoning to B-3. Based on this concern and concerns expressed during the previous cases, the staff recommendation to the Plan Commission was an alternative proposal to rezone only the vacant center parcel to B-2 to expand the potential for commercial redevelopment without eliminating the R-2 transitional buffer space along the south side of Hill Street and without increasing the potential intensity in uses or building size that B-3 allows.

At its meeting on August 6, 2015, the Plan Commission did not support the request to rezone all of the subject properties to B-3. The Commission supported commercial zoning for the applicant's properties but sought to maintain a transitional space of lower-intensity commercial use from the neighboring R-2 homes. The Plan Commission recommended an alternative proposal that the subject properties along Hill Street be rezoned to B-2 and that the center parcel and subject properties along Church Street be rezoned to B-3. Members of the commission reasoned that the southern properties had a limited exposure to the surrounding R-2 neighborhood and would not be any more incompatible as B-3 than the existing B-2 zoning. They also determined that the more limited range of uses for B-2 properties on the north of the block would be an effective transitional buffer space for the single family homes across the street.

Staff concurs with the Plan Commission recommendation as granting the applicant's request to rezone all the subject properties to B-3 would create a more significant incompatibility of uses between intensive commercial spaces and lower-density homes. Below are responses to the La Salle Criteria for the requested rezoning to B-3 and for the Plan Commission-recommended rezoning to B-2 and B-3.

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

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

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

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

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

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

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

This is the difference in the value of the property as R-2, Single-Family Residential and the value it would have if it were rezoned to B-3, Neighborhood Business Arterial.

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

The property at 703 N. Lincoln, which would remain R-2, would have undetermined effects on its property values as the property is for sale and would be surrounded by commercial zoning. It is currently for sale and advertised as a tear-down potential property. The property at 903 W. Hill Street, also not included in the application, would also have undetermined effects on its property value because of being isolated from adjoining residential properties.

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

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

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

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

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

The proposed rezoning would allow for a wider mix of uses at a higher density on the site, which could encourage redevelopment and would strengthen the City's tax base. In theory, allowing for a mix of both residential and commercial uses could allow development of the subject properties to transition or

step down uses toward the single-family uses to the west on Hill Street Court. But, the proposed zoning as requested in the application would be with less buffering and transition of intensity than what currently exists. In most parts of the city, R-2 districts are buffered with districts of less intensity than that of B-3. The building footprint and range of uses is more permissive in a B-3 district than B-2.

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

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

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

The subject properties are generally located along Lincoln Avenue, a major north-south corridor and an important route from I-74 to the University of Illinois. The site is also located in close proximity to the University Avenue-Lincoln Avenue intersection where more intensive land uses are occurring, as promoted by existing City land uses policies and the Comprehensive Plan. In light of redevelopment trends, development of the subject properties to a higher intensity may be appropriate. However, this development could negatively impact the surrounding single family residential properties by directly adjoining them to a more intensive B-3 district. The elimination of a transition between the single family residential homes and the more intense commercial uses challenges the suitability of the subject property for rezoning to B-3.

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

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

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

La Salle Criteria for the Plan Commission-Recommended Rezoning of Northern Parcels to B-2 and Center and Southern Parcels to B-3

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

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

The southern parcels of the subject property, along Church Street, are already zoned for commercial uses as B-2 and are compatible with some of the other B-1, B-3, B-3U, MOR, and MIC properties along Lincoln Avenue. Their adjacency to the water treatment plant to the south limits the number of neighboring parcels that are affected by a commercial use. Rezoning the southern parcels to B-3 from B-2 would avail them to more intensive uses, but the number of properties exposed to an incompatibility would be limited. The northern parcels of the subject property, along Hill Street, along with the center parcel are zoned R-2 and compatible with the surrounding properties to the north, west

and east. The parcels are of limited use intensity. Rezoning them to B-2 would remove an existing transitional residential buffer.

Overall, rezoning the subject properties to a commercial use would be consistent with their Community Business designation in the 2005 Urbana Comprehensive Plan.

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

This is the difference in the value of the property as R-2, Single-Family Residential and the value it would have if it were rezoned to B-2, Neighborhood Business Arterial, and B-3, General Business.

Under the current zoning, the R-2-zoned subject properties are essentially limited in use as single-family dwellings. The B-2 properties are available for a range of commercial or residential uses with a single lot frontage along Lincoln Avenue. The proposed rezoning of the properties to B-2 and B-3 would provide a greater range of allowable commercial uses. Because the proposed rezoning would allow more types of uses and with a greater intensity, the property values would theoretically increase due to potential for redevelopment. Properties to the north, west, and east of the subject properties would have undetermined effects on their property values because of a greater proximity to a B-3 district. Properties adjacent to a B-2 district would be exposed to a slightly more limited range of intensive uses than properties adjacent to a B-3 district.

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

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

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

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

The existing R-2, Single-Family Residential zoning is intended to provide areas for single-family detached dwellings at a low density. The restrictions inherent in having the northern parcels zoned R-2 and the southern parcels zoned B-2 is to offer a transition for nearby properties that are in single-family residential use. The preservation of R-2 zoning and the vacant parcel in the center of the subject properties were intended to function as a transitional buffer space in past cases regarding the subject properties. Under the proposed rezoning, the properties north of Hill Street and the two parcels not owned by the petitioner would no longer benefit from that transition. Rezoning the northern parcels and center parcel of the subject properties to B-2 would offer a commercially-based transition as opposed to the existing residentially-based transition.

The proposed rezoning would allow for a wider mix of uses at a higher intensity on the site, which could encourage redevelopment and would strengthen the City's tax base. The proposed zoning as offered by the Plan Commission and staff recommendation alters the transitional buffer from what

currently exists but maintains a transition from the R-2 zoning on the north to the proposed B-3 zoning on the south.

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

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

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

The subject properties are generally located along Lincoln Avenue, a major north-south corridor and an important route from I-74 to the University of Illinois. The site is also located in close proximity to the University Avenue-Lincoln Avenue intersection where more intensive land uses are occurring, as promoted by existing City land uses policies and the Comprehensive Plan. In light of redevelopment trends, development of the subject properties to a higher intensity may be appropriate. The development could negatively impact the surrounding single family residential properties by directly adjoining them to a more intensive area of B-2 and B-3 districts.

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

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

There are four vacant lots among the subject properties. Those houses were demolished by the applicant in 1979, 1995, 2002, and 2007. The subject properties bordering Church Street, on the southern end of the block, have not been redeveloped for commercial development since their rezoning to B-2 in 2012.

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, and B-2, Neighborhood Business - Arterial, to B-3, General Business.
2. The subject properties are generally located in the 700 block of N. Lincoln Avenue, west of N. Lincoln Avenue between Hill Street and Church Street. The subject properties are 906, 908, and 910 W. Church Street; 701, 705, and 707 N. Lincoln Avenue; and 905, 907, and 909 W. Hill Street. The applicant owns all 9 properties. The application excludes two other properties on the half block not owned by the applicant.
3. The 2005 Urbana Comprehensive Plan future land use map designates the future land use of these properties as "Community Business."
4. The proposed rezoning to B-3 would generally not conform to all of the LaSalle Criteria, as it would disrupt an important transitional buffer between a lower density residential neighborhood

and higher use intensity commercial development. The proposed uses for the development are already allowed under existing B-2 zoning on some of the subject properties. The Plan Commission did not recommend approval of the rezoning as requested.

5. The Plan Commission approved an alternative recommendation of rezoning the northern parcels (905, 907, and 909 W. Hill Street and 707 N. Lincoln Avenue) to B-2 while rezoning the southern parcels (906, 908, and 910 W. Church Street and 705 N. Lincoln Avenue) to B-3. The recommendation was designed to meet the applicant's request for greater development space while still providing a transition for the surrounding homes. The Plan Commission-recommended rezoning generally conforms to the LaSalle Criteria and staff agrees with the Plan Commission recommendation.

Options

The City Council has the following options regarding Plan Case 2262-M-15:

1. Approve the rezoning of 905, 907, and 909 West Hill Street; and 707 North Lincoln Avenue Urbana to the B-2, Neighborhood Business Arterial zoning district and 906, 908, and 910 West Church Street; and 701 and 705 North Lincoln Avenue to the B-3, General Business zoning district; or
2. Modify the application for the subject properties to other classifications of zoning districts up to B-3, General Business; or
3. Deny the rezoning application.

Recommendation

At their August 6, 2015 meeting, the Urbana Plan Commission voted 4 ayes and 2 nays to forward Plan Case No. 2262-M-15 to the Urbana City Council with a recommendation for **APPROVAL** of rezoning of 905, 907, and 909 West Hill Street; and 707 North Lincoln Avenue Urbana to the B-2, Neighborhood Business Arterial zoning district and 906, 908, and 910 West Church Street; and 701 and 705 North Lincoln Avenue to the B-3, General Business zoning district. Staff concurs with this recommendation.

Prepared by:
Christopher Marx, Planner I

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Site Pictures
Exhibit E: Siteplan Illustration
Exhibit F: Plan Commission Recommended Proposed Rezoning Map
Exhibit G: Petition for Zoning Map Amendment
Exhibit H: Draft 08/06/15 Urbana Plan Commission Minutes

CC: Howard Wakeland

ORDINANCE NO. 2015-08-089

An Ordinance Amending the Zoning Map of the City of Urbana, Illinois

(Rezoning of 1.58 acres of parcels at 905, 907, and 909 West Hill Street and 707 North Lincoln Avenue from the R-2, Single-Family Residential district to the B-2, Neighborhood Business-Arterial district and 906, 908, and 910 West Church Street and 701, 705 North Lincoln Avenue from the B-2, Neighborhood Business-Arterial district to the B-3, General Business district. - Plan Case 2262-M-15 / Howard Wakeland)

WHEREAS, Howard Wakeland, has petitioned the City for a Zoning Map Amendment to rezone a 1.58-acre area located at 905, 907, and 909 West Hill Street; 701, 705, and 707 North Lincoln Avenue; and 906, 908, and 910 West Church Street from the R-2, Single-Family Residential district to the B-3, General Business district; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 6, 2015 concerning the petition filed in Plan Case No. 2262-M-15; and

WHEREAS, the Urbana Plan Commission passed with a vote of 4 ayes to 2 nays to forward Plan Case No. 2262-M-15 with recommendation of approval for rezoning 905, 907, and 909 West Hill Street; and 707 North Lincoln Avenue Urbana to the B-2, Neighborhood Business Arterial district and 906, 908, and 910 West Church Street; and 701 and 705 North Lincoln Avenue to the B-3, General Business district; and

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

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

WHEREAS, the forwarded recommendation of rezoning by the Urbana Plan Commission is consistent with the La Salle case criteria; and

WHEREAS, the findings of the Urbana Plan Commission indicate that approval of the recommended 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 district and B-2, Neighborhood Business Arterial district to the B-2, Neighborhood Business Arterial district and B-3, General Business district.

The subject properties to be rezoned to B-3, General Business, are more accurately described as follows:

LEGAL DESCRIPTION:

Lots 2 through 5 inclusive of "Justus S. 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 Lot 2.

Commonly known as: 701 North Lincoln Avenue and 906, 908, and 910 West Church Street and, being Permanent Identification Numbers: 91-21-07-429-022, 91-21-07-429-020, 91-21-07-429-019, and 91-21-07-429-018.

And;

Commencing at a point 140 feet North of the Southeast corner of the North Half of the Northeast Quarter of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, running thence North 66 feet; thence West 20 rods, thence South 66 feet; thence East 20 rods to the Place of Beginning, situated in the City of Urbana, in Champaign County, Illinois. Except the easterly 40.00 feet of even width thereof.

Commonly known as: 705 West Lincoln Avenue, being Permanent Identification Numbers: 91-21-07-429-017

The subject properties to be rezoned to B-2, Neighborhood Business Arterial, are more accurately described as follows:

LEGAL DESCRIPTION:

Lots 1,3,4, and 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.

Commonly known as: 707 North Lincoln Avenue and 905, 907, and 909 West Hill Street, being Permanent Identification Numbers: 91-21-07-429-016, 91-21-07-429-014, 91-21-07-429-13, 91-21-07-429-012.

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

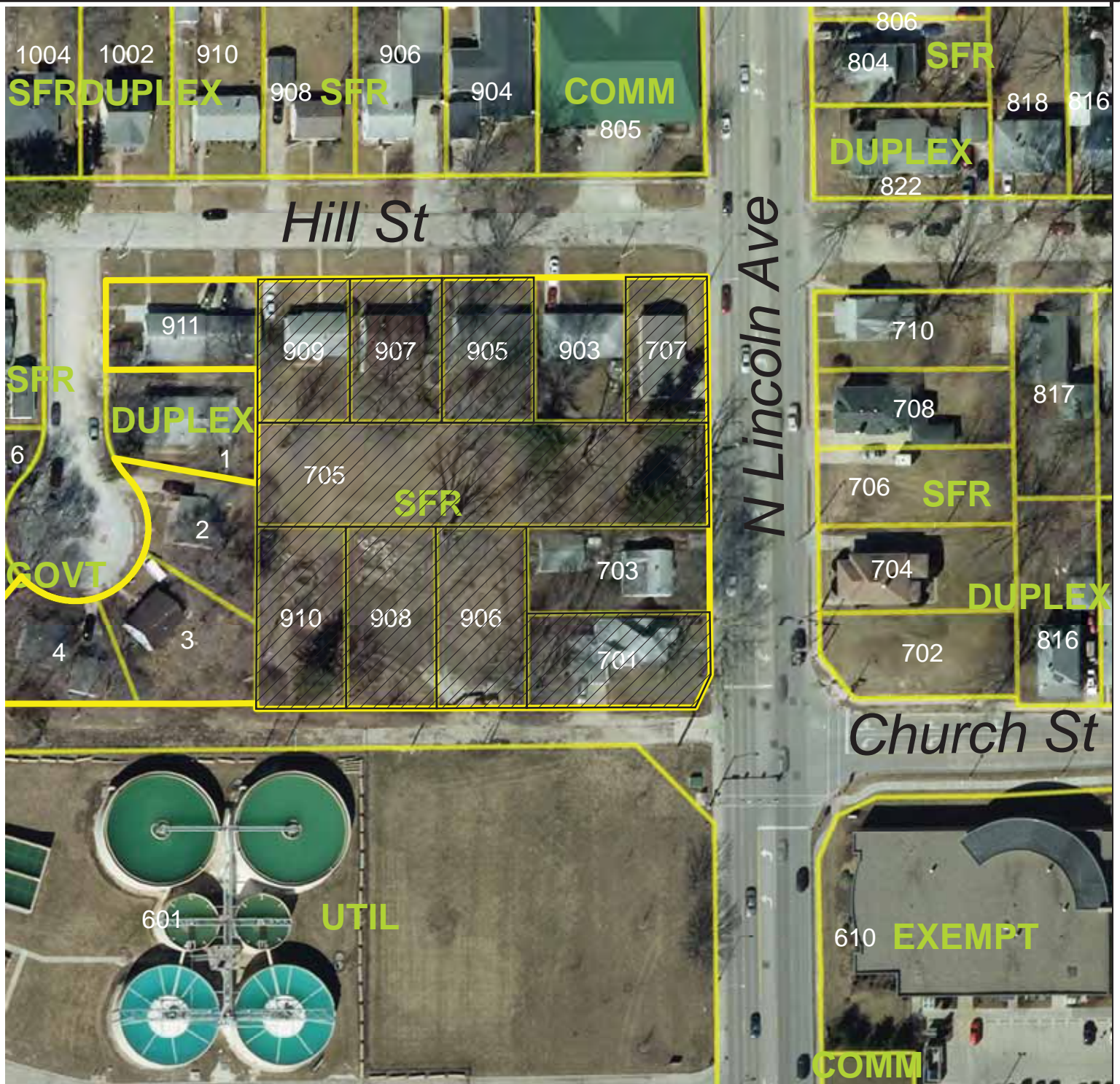
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled: "**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS** (Rezoning of 1.58 acres of parcels at 905, 907, and 909 West Hill Street and 707 North Lincoln Avenue from the R-2, Single-Family Residential district to the B-2, Neighborhood Business-Arterial district and 906, 908, and 910 West Church Street and 701, 705 North Lincoln Avenue from the B-2, Neighborhood Business-Arterial district to the B-3, General Business district. - Plan Case 2262-M-15 / 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 and Existing Land Use Map



Case: Plan Case 2262-M-15

Subject: Rezoning

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

Petitioners: Howard Wakeland

 Subject Property

0 55 110 220 Feet



E

Exhibit B: Current Zoning Map



Case: Plan Case 2262-M-15

Subject: Rezoning

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

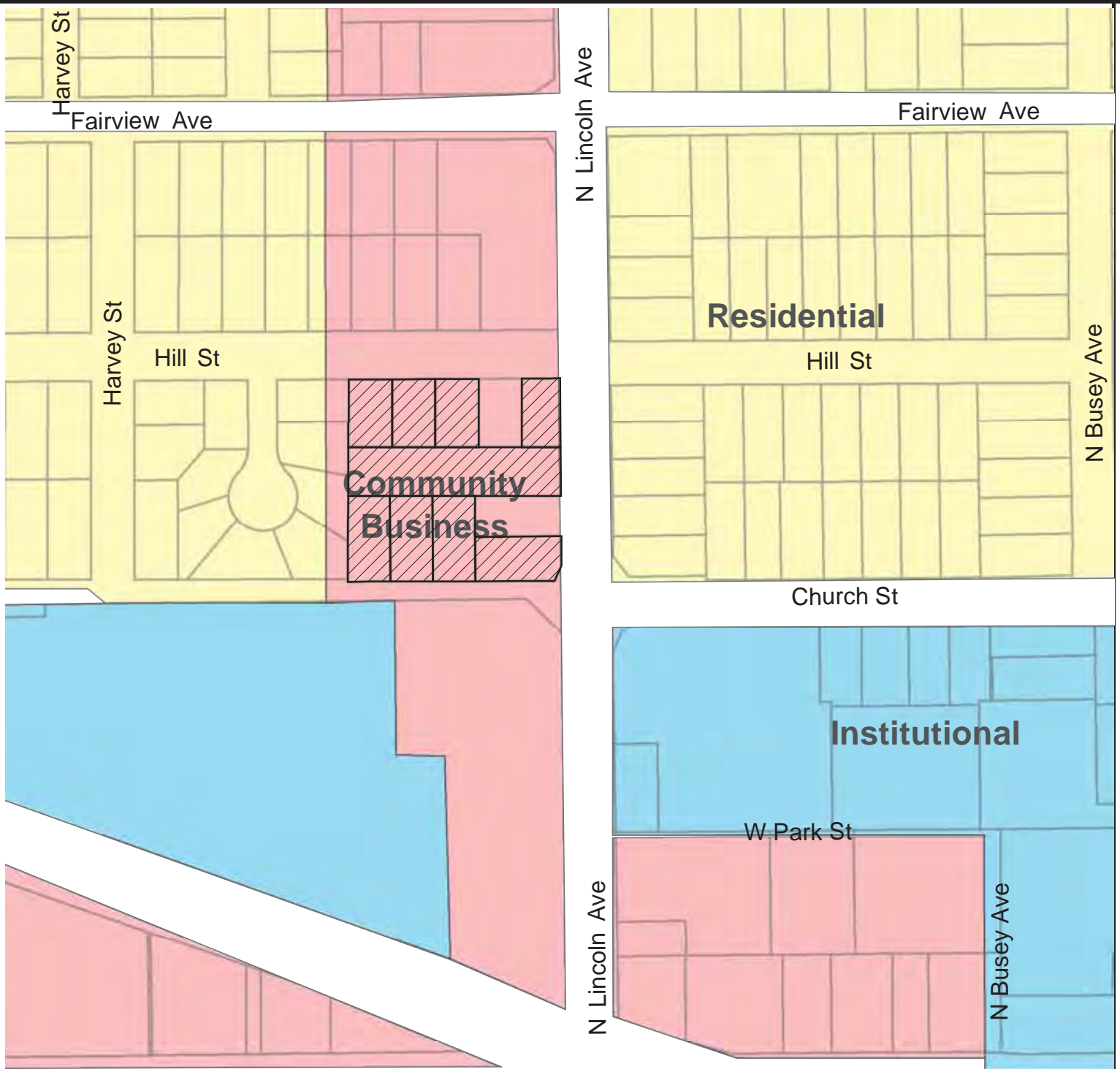
Petitioners: Howard Wakeland

0 55 110 220 Feet



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

Exhibit C: Future Land Use Map



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

0 55 110 220 Feet



- Subject Property
- Residential
- Community Business
- Institutional

Exhibit D – Site Pictures

Hill Street



Lincoln Avenue (North going South)

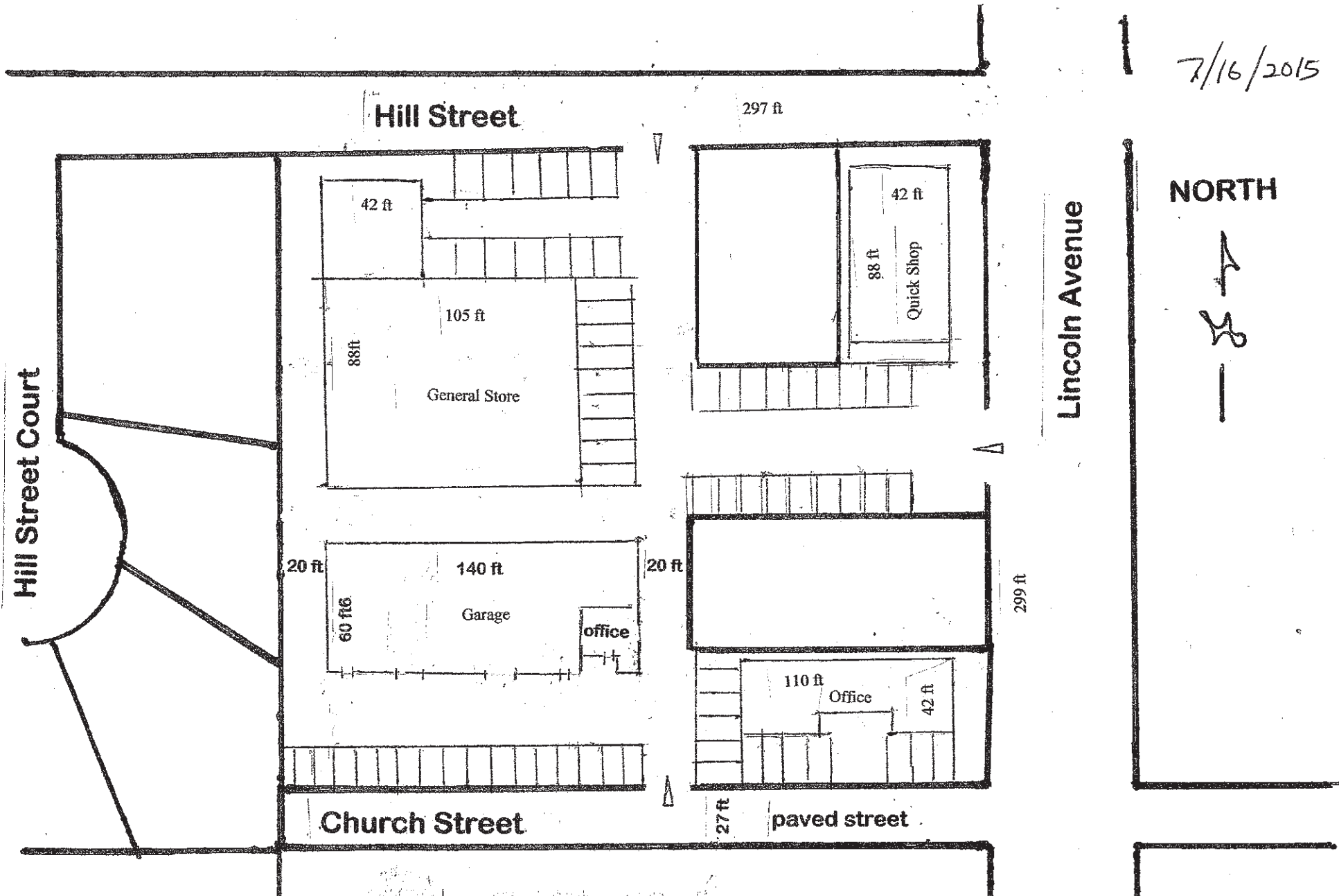




Church Street (East towards West)



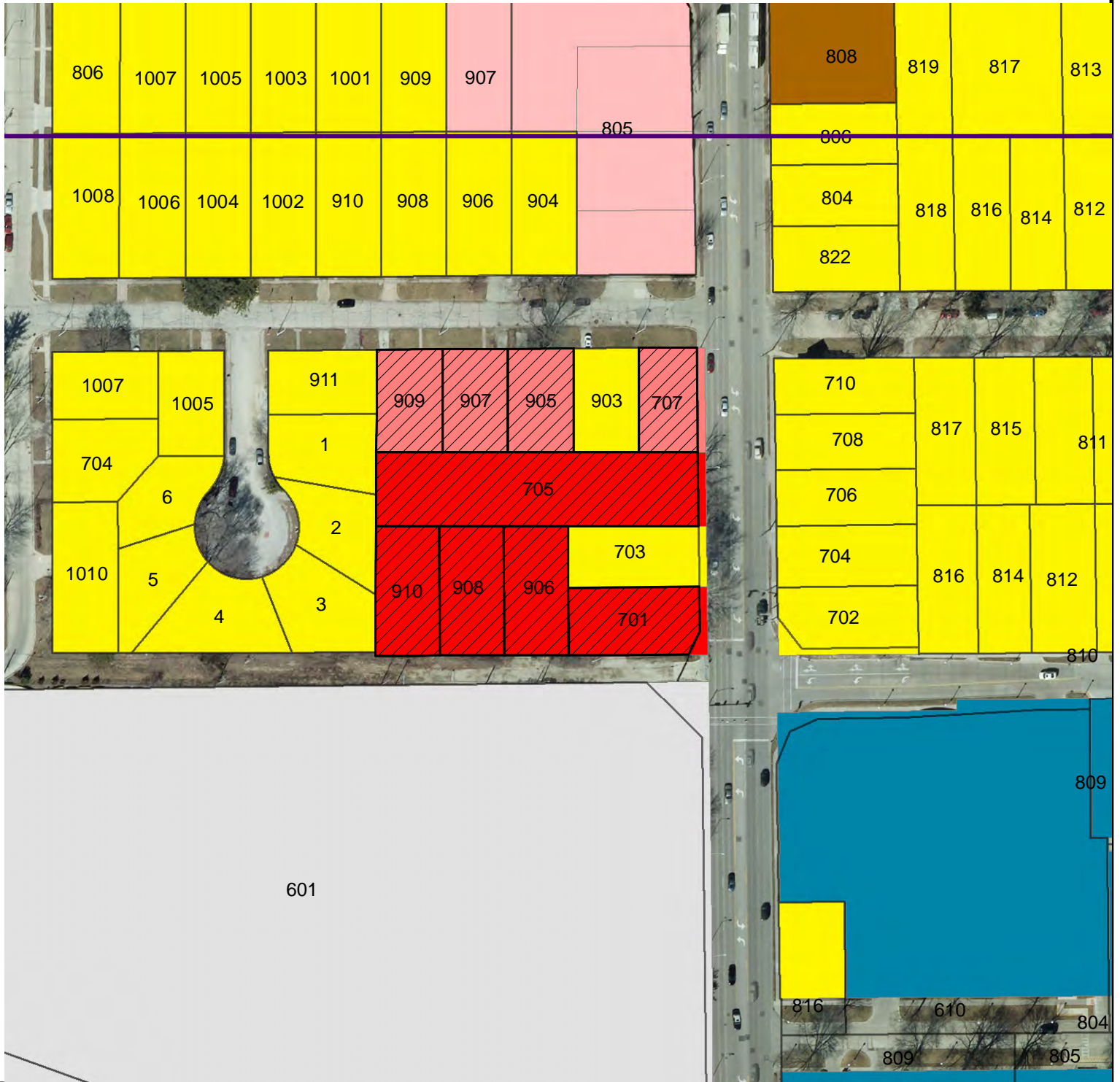
7/16/2015



NORTH

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

Exhibit F: Plan Commission Recommended Proposed Rezoning Map



Case: Plan Case 2262-M-15

Subject: Rezoning

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

Petitioners: Howard Wakeland

0 55 110 220 Feet



- Subject Property
- B1
- IN-1
- R2
- B2
- MIC
- R5

RECEIVED EXHIBIT G
JUL 13 2015
2:36 PM



Application for Zoning Map Amendment

Plan Commission

APPLICATION FEE - \$175.00

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

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

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

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

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

2. OWNER INFORMATION

Name of Owner(s): HOWARD WAKELAND Phone: _____
Address (street/city/state/zip code): _____
Email Address: _____
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Address/Location of Subject Site: _____
PIN # of Location: 906-716 W CHURCH, 701-707 N - 707 N, LINCOLN, 901-909 W HILL,
Lot Size: 11 LOTS - 43,560 sq ft - SEE ATTACHMENT *SEE MAP ATTACHMENT*
Current Zoning Designation: R1 + B2
Proposed Zoning Designation: B3
Current Land Use (vacant, residence, grocery, factory, etc): RESIDENCE
Proposed Land Use: Commercial
Present Comprehensive Plan Designation: Community Business

How does this request conform to the Comprehensive Plan?

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

4. CONSULTANT INFORMATION

Name of Architect(s): _____ Phone: _____
Address (street/city/state/zip code): _____
Email Address: _____

Name of Engineers(s): HOWARD WAKELAND Phone: _____
Address (street/city/state/zip code): _____ 217-367-8800
Email Address: JOHN AMBER, URBAN PLANNING, INC.
HOWARD & ADELINA PRESIDENTIAL CO.

Name of Surveyor(s): REX BRADFELD, URBAN, IN. Phone: _____
Address (street/city/state/zip code): _____
Email Address: _____

Name of Professional Site Planner(s): _____ Phone: _____
Address (street/city/state/zip code): _____
Email Address: _____

Name of Attorney(s): GLEN STANICO Phone: _____
Address (street/city/state/zip code): _____ 217-352-7661
Email Address: _____

5. REASONS FOR MAP AMENDMENT:

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

What changed or changing conditions warrant the approval of this Map Amendment?
VERY LARGE COMMERCIAL BUILDING IN AREA

Explain why the subject property is suitable for the proposed zoning.
INCREASED OCCUPANTS LIVING IN AREA

What other circumstances justify the zoning map amendment? _____

DEVELOPMENT OF NEW LEVISED UNITS

Time schedule for development (if applicable). 6 MONTHS

Additional exhibits submitted by the petitioner. _____

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

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

CERTIFICATION BY THE APPLICANT

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

Harwood W. Wheeler
Applicant's Signature

6/26/15
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

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

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

Why a new request for zoning?

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

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

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

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

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

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

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

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

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

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

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

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

OWNERS

PARCEL ADDRESS SIZE AREA

NUMBER

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

013 807 W HILL 93 x 59.4 5524

014 805 W HILL 93 x 59.4 5524

015 803 W HILL 93 x 59.4 5524

016 707 N. LINCOLN 93 x 59.4 5524

017 705 N LINCOLN 66 x 309.26 20411

018 810 W CHURCH 60 x 140.4 8424

019 808 W CHURCH 60 x 140.4 8424

020 806 W CHURCH 60 x 140.4 8424

021 703 N LINCOLN 54 x 129.26 6980

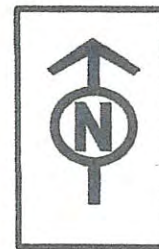
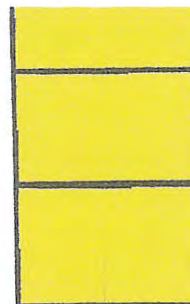
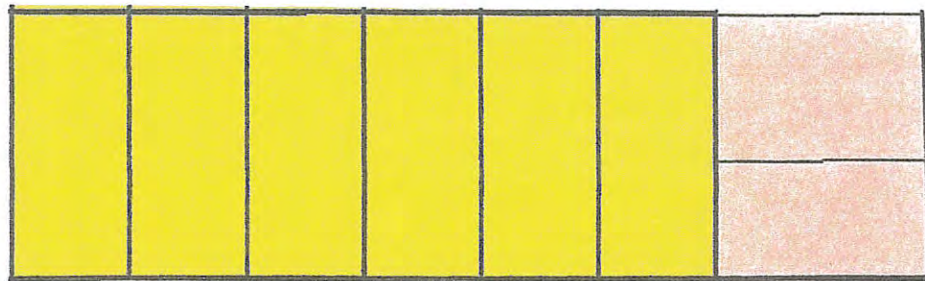
022 701 N. LINCOLN 86.44 x 129.26 11173

TOTAL AREA 297 x 300 = 89,100 ÷ 43,560 ^{91,456} / A = 2.05 ACRES

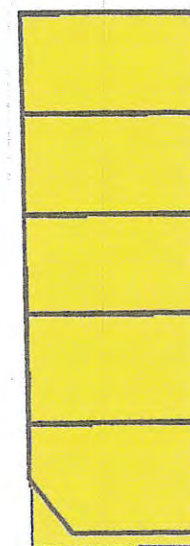
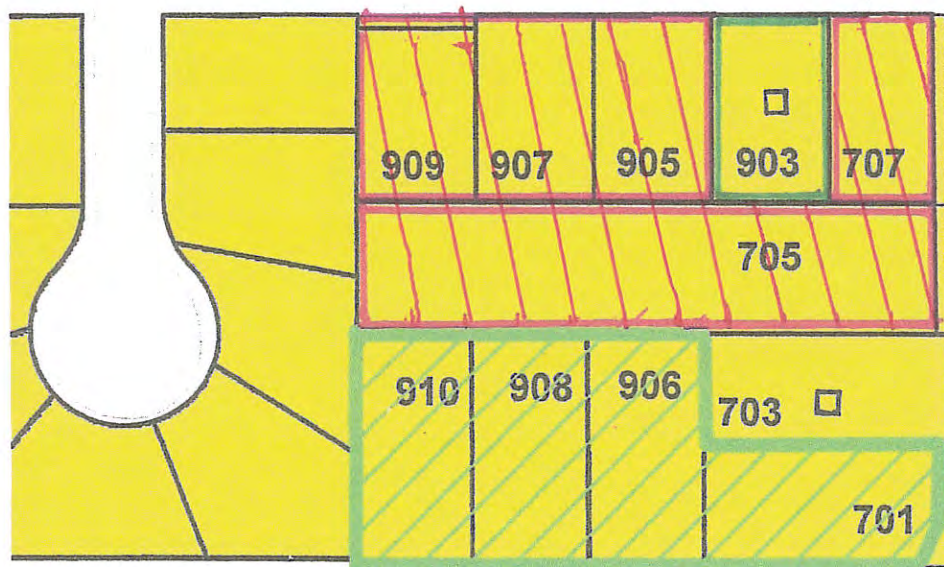
LESS 5524 + 6980 = 12,504 = 89,100 - 12,504 OR 76,596 = 1.76 ACRES

NEW ZONING

EXISTING ZONING

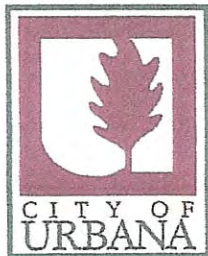
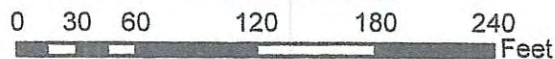


W Hill St








W Church St

N Lincoln Ave



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

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

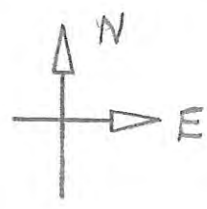
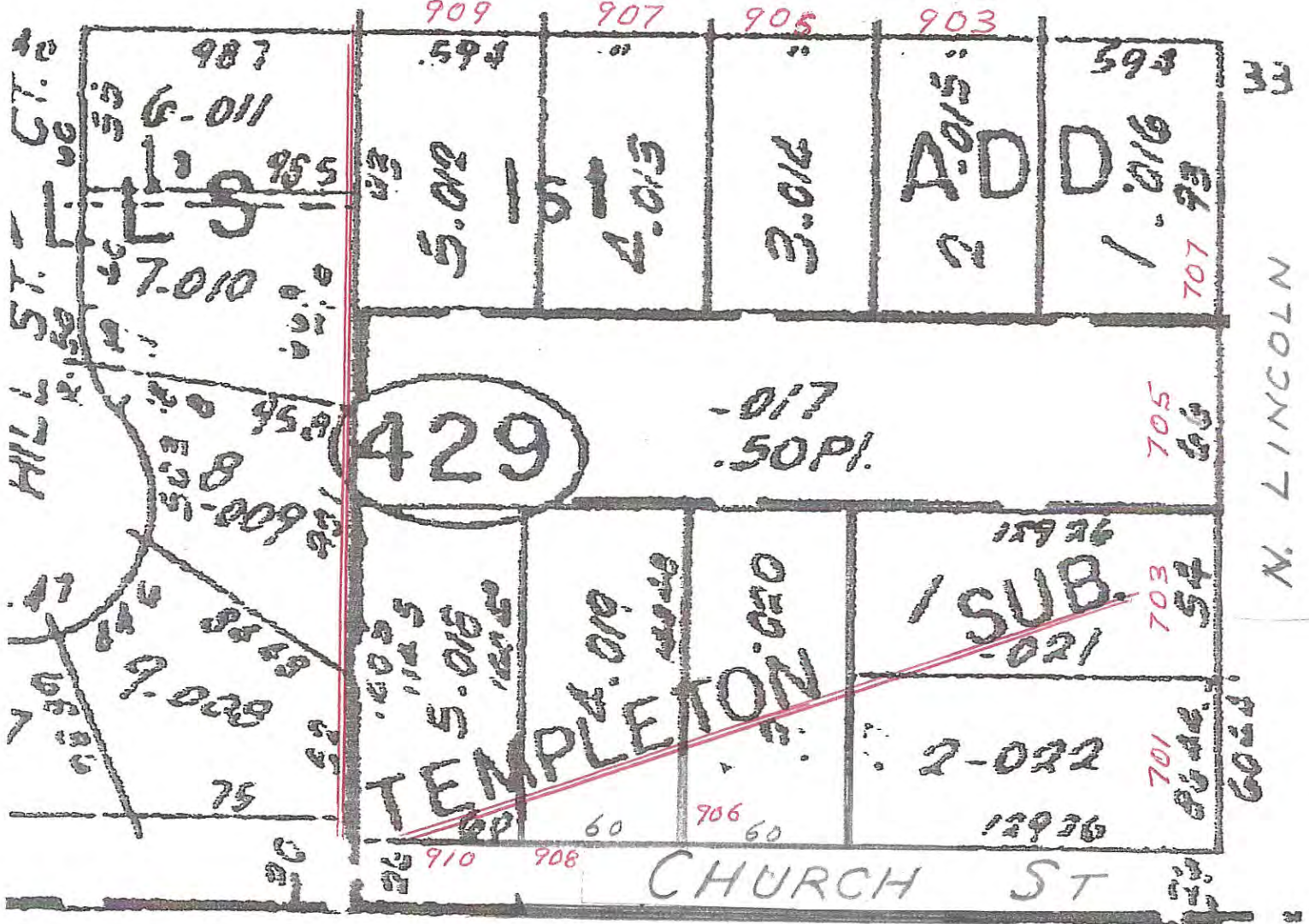
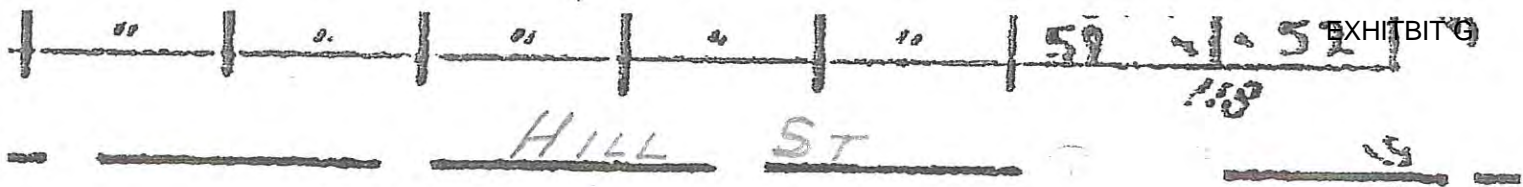
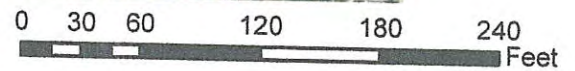


EXHIBIT A: Location & Land Use Map

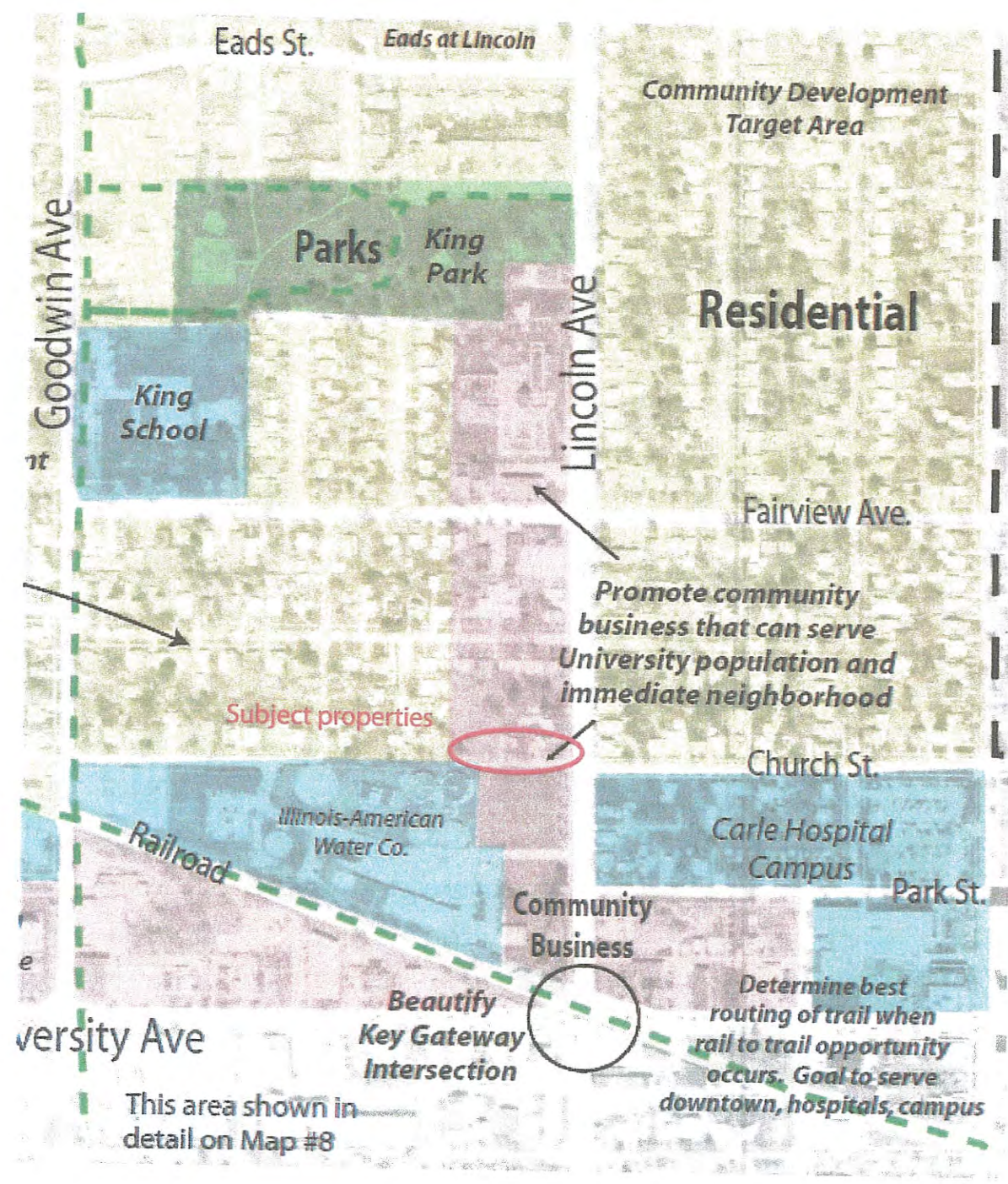


Case: 2210-M-13
 Subject: Application to rezone properties from R2 to B2
 Location: 906, 908, 910 W Church Street & 701 N Lincoln Avenue
 Petitioner: Howard Wakeland



Subject Properties

EXHIBIT C: Future Land Use Map



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

Exhibit H: Urbana Plan Commission Minutes 8/6/2015

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: August 6, 2015

TIME: 7:30 P.M.

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

MEMBER PRESENT: Barry Ackerson, Maria Byndom, Andrew Fell, Tyler Fitch, Christopher Stohr, David Trail

MEMBERS EXCUSED: Corey Buttry, Lew Hopkins, Dannie Otto

STAFF PRESENT: Lorrie Pearson, Planning Manager; Christopher Marx, Planner I

OTHERS PRESENT: Howard Wakeland, Glenn Stanko

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chairperson Fitch called the meeting to order at 7:32 P.M. Roll call was taken and there was a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the July 23, 2015, regular meeting were approved unanimously with a voice vote.

4. COMMUNICATIONS

A letter from Ms. Flickinger, dated July 23, 2015 and addressed to the Planning & Zoning Committee [sic] was received. As the content pertained to park and recreation matters, it was forwarded to the Urbana Park District for distribution to the Park Board.

5. CONTINUED PUBLIC HEARINGS

There was none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

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

Chair Fitch opened the public hearing for this case. Christopher Marx, Planner I, presented the case to the Plan Commission. He stated the past cases concerning the subject properties and the proposal by the applicant. Mr. Marx described the staff's recommendation of rejection of the application and offered a staff alternative of rezoning just the center parcel of the subject properties to B-2. He later stated the staff's recommendation of a more limited rezoning based on the past cases and sensitive neighborhood reaction to rezoning.

Mr. Fell asked about asked about rezoning the non-included nearby properties. Ms. Pearson stated generally properties are not rezoned without the property owner's consent except in large-scale rezonings or other rare cases. Mr. Fell also asked about the buffer existing across the street and forcing the landowner to have a buffer against his own lots. Mr. Marx explained the buffer existed from past plan cases where nearby residents expressed opposition to removing any buffer.

Mr. Fitch recalled the Plan Commission's approval of rezoning all of the properties to B-2 in past plan cases. He also asked if the properties not included in the application were eligible for rezoning. Mr. Marx said that only the properties listed could be rezoned.

Mr. Trail asked if rezoning around two R-2 properties hurts their value. Mr. Marx indicated the ownership status of those properties and said the effect on their value would be hard to determine. Mr. Trail also asked about the property to the south. It was clarified that is a water substation for a utility.

Mr. Fitch asked for clarification about the objection and if the resident is adjacent to the subject properties. Mr. Marx stated yes. He asked about the status of the two R-2 properties not included in the application. Mr. Marx restated how one is for sale and the other property owner has an undetermined opinion.

Mr. Stohr asked about any feedback from residents across the street on Hill Street. Mr. Marx stated he had gotten no feedback from them.

Ms. Byndom asked if the residents in the rezoned houses would be forced to move. Mr. Marx stated that they would have to move at the applicant's discretion.

Mr. Fitch restated the Plan Commission's past approvals of rezoning requests for the area that also included the 2 more properties.

Mr. Fitch restated the process and invited Mr. Wakeland and his attorney Mr. Stanko to speak before the Plan Commission. Mr. Stanko described their request for the application and their disagreements with the staff memorandum. He pointed out other examples of B-3 districts directly against R-2 districts. He also mentioned the potential uses for the subject properties and the consistency of their request with the area's designation in the Urbana Comprehensive Plan. Mr. Stanko argued that the Comprehensive Plan should be given greater weight and consideration. He finished with stating the development trends are favorable to rezoning the properties.

Mr. Stohr then asked if the application was an "all-or-nothing" consideration. Mr. Stohr stated concern for the surrounding single family homes in the area. Mr. Wakeland answered that all of these properties were acquired with the interest of redeveloping into a larger property. He recalled a past proposal of redeveloping for a potential client that fell through. He restated the importance of having all the properties for potential developments like a hotel or university related building.

Mr. Ackerson asked about the entire block being B-2 and the applicant's feelings towards that. Mr. Wakeland responded that it would be less viable and extinguish any opportunities.

Ms. Byndom asked which zones would fit with the Comprehensive Plan designation of Community Business. Ms. Pearson responded that B-1, B-2, and B-3 would all fit that classification.

Mr. Fitch reminded that a recommendation for B-2 of all the subject properties was previously rejected by the City Council and that Plan Commission could still recommend that.

Mr. Fell stated that it makes sense to include the other two properties even if it would need to be reposted. He also said that the Church Street properties don't need a buffer against a utility substation.

Ms. Byndom asked if the property could be rezoned against the owner's request. Mr. Fitch says it has been done but is generally not preferred. Mr. Fitch reminded the past positions of the two other properties and restated the current standing of them given that there was little feedback.

Mr. Fell said that he thinks it's inappropriate to deny zoning that is in the comprehensive plan. Mr. Trail agreed and suggested that a limited B-2 might be better than completely rejecting a commercial rezoning. He reiterated a concern about the difference of B-2 and B-3 and stated that the area is much more connected to the neighborhood to the north than the neighborhood to the south.

Mr. Ackerman said that it would make more sense to move in the direction towards the Comprehensive Plan while being the least disruptive towards the neighborhood.

Mr. Trail asked for clarification about the hotel. Mr. Wakeman said whatever was allowed. Mr. Fitch mentioned the differences in development standards between the two districts. Mr. Fell clarified some of the development restrictions in relation to parking.

Mr. Stohr brought up the new medical campus will probably not exist outside of the University. Mr. Fitch and Mr. Trail debated if B-2 or B-3 was more appropriate for consideration with the proximity of the medical school campus.

Mr. Fell proposed an alternative to rezone the northern properties along Hill Street to B-2 and the center parcel and southern parcels along Church Street to B-3. Mr. Trail stated the sensitivity to the surrounding neighborhood that must be considered. Mr. Fitch stated the importance of the continuity of a district on the block and the importance of voting on the original request.

Mr. Fell asked if staff could offer a recommendation and Ms. Pearson stated that a recommendation on the fly wasn't possible.

Mr. Stohr moved for a vote on the original proposal which was seconded by Mr. Fitch.

A Roll Call on the amendment to vote directly on the applicant's request to rezone all the subject properties to B-3 was as follows:

Mr. Ackerson - No	Mr. Fell - No
Ms. Byndam - No	Mr. Fitch - Yes
Mr. Stohr - Yes	Mr. Trail - No

The amendment was defeated by a vote of 4 nays to 2 ayes.

Mr. Fell moved for a forward of the case with a recommendation of rezoning the northern properties along Hill Street to B-2 and the center parcel and southern parcels along Church Street to B-3 which was seconded by Mr. Fitch.

A Roll Call on the amendment to vote on the motion by Mr. Fell to rezone the northern properties along Hill Street to B-2 and the center parcel and southern parcels along Church Street to B-3 was as follows:

Mr. Ackerson - Yes	Mr. Fell - Yes
Ms. Byndam - No	Mr. Fitch - Yes
Mr. Stohr - Yes	Mr. Trail - No

The motion passed by a vote of 4 ayes to 2 naves.

Ms. Pearson stated this case would go to council on August 17, 2015.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:08 P.M.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission