

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 18, 2013

TIME: 7:30 P.M.

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

MEMBER PRESENT: Andrew Fell, Tyler Fitch, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Carey Hawkins-Ash, Lew Hopkins, Dannie Otto

STAFF PRESENT: Robert Myers, Planning Manager; Rebecca Bird, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Viola Bradley Bias, Carol McKusick, Susan Taylor, Howard Wakeland

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

Mr. Fitch called the meeting to order at 7:33 p.m. The roll was called, and he declared that there was a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved that the Plan Commission approve the minutes from the July 2, 2013 special meeting. Ms. Upah-Bant seconded the motion. The minutes were then approved by unanimous vote.

4. COMMUNICATIONS

Regarding Plan Case No. 2210-M-13

- Letter from Viola Bradley-Bias stating her opposition to the rezoning
- Future Land Use Map 3, Urbana Comprehensive Plan, provided by Howard Wakeland

- Copy of the 2013 Official Zoning Map marked with area proposed to be rezoned, provided by Howard Wakeland

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2210-M-13: A request by Howard Wakeland to rezone an area totaling 0.689 acres located at 906, 908 and 910 West Church Street and 701 North Lincoln Avenue from R-2, Single-Family Residential Zoning District, to B-2, Neighborhood Business - Arterial Zoning District.

Chair Fitch outlined the public hearing procedures for this evening as specified in the Plan Commission bylaws.

No new City staff report was provided as a presentation had been made at the previous Plan Commission meeting.

Howard Wakeland, petitioner, addressed the Plan Commission regarding his application. He stated that he has been attempting to rezone the proposed lots since 2005. He explained why the proposed rezoning is important to his business and to his family, which is to move his office from the southeast corner of Lincoln and University Avenues so he can redevelop that area. If the City denies the proposed request, then they will be sending the message to other developers and anyone thinking of investing in the City of Urbana that the City does not stand behind their approved plans, like the 2005 Comprehensive Plan. He read a notation on Future Land Use Map 3 which indicates along the west side of Lincoln Avenue “community business that can serve University population and immediate neighborhood”. He handed out copies of the Future Land Use Map 3 from the 2005 Comprehensive Plan and a copy of the 2013 Official Zoning Map for the proposed area.

Mr. Wakeland talked about his intentions to construct a new office and maintenance warehouse on the proposed lots. When he purchased the lots, the promise of rezoning looked a lot greater than it does now. If he does not get the zoning, he will move on to something else, which may or may not include moving out of town. He stated that his business pays two-thirds of the amount of property taxes that Carle Hospital would have paid for their properties. His business has a first class rating with the University of Illinois as a housing provider. They take care of their rental properties and visit them on a daily basis to perform maintenance and to inspect them.

When he purchased 705 North Lincoln Avenue, it was a “crack house” which he demolished. He cleared out probably a hundred scrub trees on the properties behind 705 North Lincoln to increase visibility and reduce illegal activity there.

Mr. Wakeland thanked the Plan Commission for considering his proposal to rezone. He stated that he would answer any questions they may have. There were none.

Mr. Fitch asked if any opponents of the application wished to speak.

Viola Bradley Bias, 903 West Hill Street, addressed the Plan Commission. She stated that she opposed the rezoning application. She disagreed with the characterization of her block as drug ridden. Although the area once had some drug problems, eventually most of those people moved

away. She has a problem with Mr. Wakeland building an office/maintenance warehouse behind her house because it will lower the value of her property. She had an appraiser come out to her property who indicated that her property's value would be reduced. She does not agree that Mr. Wakeland's company necessarily takes care of their rental houses that well. For instance, over a month ago she reported to his staff that a large tree limb had broken and is dangling behind her house on Mr. Wakeland's property in a hazardous way. Mr. Wakeland talks about what he wants. Although she does not pay as much property taxes as Mr. Wakeland, she still pays her taxes. She likes her neighborhood and the house she lives in. She raised her children in her house. She maintains her home so that it does not become run down. She expressed concern about noise coming from a maintenance warehouse because of loud machinery. She works odd hours and is fighting cancer so she needs to be able to sleep and recuperate. She urged the Plan Commission to recommend denial.

Ms. Stake commented that she drove through the neighborhood and found it to be very nice. The City should not approve the proposed rezoning. Mr. Fitch asked Ms. Stake to save comments until after the public hearing has been closed.

Mr. Fitch asked if there were any questions for Ms. Bias.

Robert Myers, Planning Manager, asked Ms. Bias if she had a written report or assessment from the property appraiser, and if so would she like to submit it as evidence? That would be very helpful for the record. Ms. Bias replied that she does not have a copy with her. She came straight to the meeting from work.

Susan Taylor, 606 West Michigan Avenue, stated that one of the reasons people choose to live in Urbana over living in Champaign is because it is a more residential community. The case is to rezone four properties from R-2, Single-Family Residential Zoning District, to B-2, Neighborhood Business Arterial Zoning District. The homes along W. Hill Street have a residential character because they are all single-story homes. It is a historic neighborhood with many homes having families who raised three generations. She reviewed La Salle National Bank criterion #1, #2 and #4.

Chair Fitch asked if anyone else wished to speak about this application.

Carol McKusick, 1907 North Cunningham Avenue, inquired about the two owner-occupied properties on the block. She questioned what the difference between this application and the previous rezoning applications for this block. Mr. Fitch explained that the difference is the number of properties being proposed for rezoning. The case currently before them is for four properties all owned by Mr. Wakeland. The case in March 2013 was for a larger area including the four now being proposed.

Ms. McKusick asked about the petitioner's plans for developing the four lots. Mr. Fitch said that Mr. Wakeland has stated that he intends to construct a new office building and a maintenance warehouse. However, if the proposed rezoning is approved, then he would be able to develop any of the uses which are allowed by right in the B-2 Zoning District.

Mr. Fitch asked the petitioner if he had any closing statement or rebuttal of any information presented tonight.

Mr. Wakeland stated that he began offering to purchase Ms. Bias' property about 8 to 10 years ago. He had offered to purchase her property for \$125,000 even though he estimated that the house was only worth \$70,000. At one time, Ms. Bias had even arranged a meeting with her lawyer to sell the property, but nothing became of it because she did not show up for the meeting. He recently informed Ms. Bias that he was withdrawing his offer to purchase after all this time. Never once when he was trying to purchase the property did he speak of kicking her off her property. So the situation with Ms. Bias has not been as hard as it appears.

His application follows up with the future land use designation shown in the 2005 Comprehensive Plan. The application is to rezone only four of the properties that he owns in the block. With regards to Ms. Taylor's comments, he pointed out that she was talking about properties along Hill Street that are not included in the proposed rezoning request. Those would remain residentially zoned.

Ms. Stake asked Mr. Wakeland why he wants to own so many properties. Mr. Wakeland replied that the rest of his family owns 80% of the company. When you don't have retirement benefits provided as part of your job, your outlook on life is different. Because they are self employed, his two children do not have retirement pensions. So they invest in properties to provide financial security for their future.

Ms. Stake asked why Mr. Wakeland did not build more affordable housing on the lots. Mr. Wakeland responded that in his opinion there is already too much low cost housing in Urbana. The average household income in Urbana has decreased over the last twenty years because higher income households are moving to smaller towns surrounding Urbana and Champaign. Even many City of Urbana employees like Fire and Police do not live inside Urbana. They are finding easier, better and more comfortable housing for the same price elsewhere. There is no future for him or his children in building affordable housing in Urbana.

Ms. Upah-Bant asked City staff that in terms of bringing zoning into conformance with the Comprehensive Plan, does a property owner have to request to rezone their property or can the City of Urbana request a rezoning?

Mr. Myers answered that the vast majority of rezoning applications are at the request of the property owner. The City of Urbana occasionally proactively rezones properties, such as the rezoning of over 100 properties zoned IN (Industrial) to either IN-1 (Light Industrial/Office) or IN-2 (Heavy Industrial) zoning districts. Another example is when City staff proactively rezoned over 100 properties in the Historic East Urbana Neighborhood to bring the zoning more in line with the uses in the neighborhood and the Comprehensive Plan. But the vast majority of rezoning cases are initiated by property owners.

Ms. Upah-Bant asked if the Comprehensive Plan is binding. Mr. Myers replied that it is the official policy guide in terms of land use and zoning, but it does not dictate how the City rezones properties. It is true that a great deal of thought, consideration and public support stands behind the 2005 Comprehensive Plan. There were many meetings held with the public and steering committee. It was approved by the City Council as the City's official land use guide.

Ms. Upah-Bant asked if the City could be held liable if the Plan Commission or the City Council were to deny a rezoning application that would bring a property in line with the Comprehensive Plan. It seems like an oxymoron to deny a request which would implement the Comprehensive Plan.

Mr. Myers replied that they can make a recommendation that would go against the Comprehensive Plan, but if they did so, it would be best for the Plan Commission and City Council to articulate findings as to why the facts in this instance do not support the Comprehensive Plan. For instance, sometimes market conditions change after a Plan is adopted. And those making a Plan do not have the benefit of detailed market studies and appraisals for each individual parcel. Yes, property owners do rely on comprehensive plans in terms of investment. His advice would be for the Plan Commission to use the La Salle National Bank criteria as the basis for reviewing rezoning applications.

Mr. Fitch asked about 703 North Lincoln Avenue. In previous rezoning attempts for this area, the property owner of 703 North Lincoln Avenue attended the Plan Commission meetings to speak in opposition of each request. Has City staff had contact with that property owner regarding the current application?

Rebecca Bird, Planner II, responded that City staff has not heard from the Conerly family regarding this case. City staff hand delivered a letter to their house to remind them of this meeting tonight. Additionally, she updated the sign placed onsite in terms of the new date.

With no one else wishing to speak, Chair Fitch closed the public hearing and asked for any Plan Commission comments or motions.

Ms. Stake stated that the Comprehensive Plan has a specific goal to preserve residential neighborhoods. This is a well-established neighborhood which includes many homes, King School and King Park. The City of Urbana needs affordable housing for residents. We need to save residentially zoned areas for affordable housing.

Mr. Fell said that he agrees with some but not all of Mr. Wakeland's comments. Any developer or business owner has an expectation from the Comprehensive Plan that when he buys land that the City of Urbana has deemed appropriate for business use, he has every right to expect that the City will rezone it to business when the time comes. In addition, Mr. Wakeland has addressed all the concerns that were expressed with the petitioner's last request that was denied. There will be a significant buffer between the four lots and the residences along Hill Street. There are setback and screening requirements, so the impact on the residents of the two lots that he does not own will be minimal. He has also restricted access to be off Church Street so there will be no traffic or truck impact on the properties that are not being rezoned. Mr. Wakeland has addressed everything the City has asked him to do, so he has every right to expect that the City will be good for its word.

Ms. Upah-Bant agreed with Mr. Fell. She was involved in creating the 2005 Comprehensive Plan. If they deny the proposed rezoning, then the City needs to amend the Comprehensive Plan future land use designation for the proposed area. She does not see how they cannot approve the proposed rezoning request.

Ms. Stake commented that the Comprehensive Plan was made a long time ago. We do not need that much business. Affordable housing is very important to this community.

Mr. Fitch pointed out that another major objective of the Comprehensive Plan is infill redevelopment, which is what Mr. Wakeland is proposing. He agrees with Ms. Upah-Bant and Mr. Fell in that the Future Land Use Map is more specific than the Plan’s goals and objectives for affordable housing. The Plan Commission has an obligation to follow the Comprehensive Plan.

Mr. Fell moved that the Plan Commission forward Plan Case No. 2210-M-13 to the Urbana City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion. Roll call was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Ms. Stake	-	No	Ms. Upah-Bant	-	Yes

The motion was approved by a vote of 3 ayes to 1 nay. Mr. Myers stated that this case would be forwarded to the August 19, 2013 meeting of the Urbana City Council.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

Carol McKusick, of 1907 North Cunningham Avenue, spoke about the Plan Commission webpage. The bylaws posted on the webpage were adopted in 2005. Is there a more recent version available?

Mr. Fitch responded that the Planning Staff just recently started reviewing the bylaws. The Plan Commission expects that City staff will bring a revised version of the bylaws before them to review and comment on in the near future.

Mr. Myers stated that City staff has been reviewing language from recent court cases over the last few years in terms of procedures for public hearings. They also want to insure that the bylaws are consistent with procedures from other boards and commissions with proceedings which affect people’s property rights.

10. STAFF REPORT

Robert Myers, Planning Manager, presented a staff report on the following:

- Tyler Fitch was appointed to be the Chair of the Plan Commission by the City Council on Monday, July 15, 2013.
- Michael Pollock resigned from the Plan Commission effective June 30, 2013. He was a fantastic Chair, provided a wonderful service to the community of Urbana, and expertly ran the Plan Commission meetings.
- Citizen Planner's Workshop is in the early stages of being planned for October 3rd, October 10th or October 17th
- FOIA Requests. An Illinois court has recently ruled that if a board, commission or Council member is using an electronic device while business is being conducted, then the electronic device can be subject to the Freedom of Information Act requests. The case involved the Champaign City Council.
- Countryside Second Subdivision was approved by the City Council.
- Long Range Transportation Plan 2040. Champaign County Regional Planning Commission and CUUATS are gathering public input on a region wide transportation plan that has implications on how millions of dollars will be spent on regional transportation infrastructure over coming years. They are about to begin using an innovative way of gathering public input by using an old MTD bus that has been wrapped with a Long Range Transportation Plan visual. They drive the bus to neighborhoods and local public events where people board the bus to see displays and enter into computer terminals their perceptions and ideas about transportation of all forms. He noted some special dates that the bus will be at different locations.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Plan Commission