

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: **October 18, 2018**

TIME: **7:00 P.M.**

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

MEMBERS PRESENT: Barry Ackerson, Jane Billman, Tyler Fitch, Nancy Ouedraogo,
 Daniel Turner, Chenxi Yu

MEMBERS ABSENT: Andrew Fell, Lew Hopkins, Jonah Weisskopf

STAFF PRESENT: John Schneider, Director of Community Development; Marcus
 Ricci, Planner II; Lily Wilcock, Planner I; Teri Andel,
 Administrative Assistant II

OTHERS PRESENT: David Atchley, Milo Black, Nila Blair, Allen Booth, Mary Ann
 Bunyan, David Crow, John Kiser, Bridget Logue, Gina Pagliuso,
 Paul Tatman

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

Chair Fitch called the meeting to order at 7:02 p.m. Roll call was taken and a quorum of the members was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes of the September 6, 2018 regular Plan Commission meeting were presented for approval. Mr. Turner moved that the Plan Commission approve the minutes as written. Mr. Ackerson seconded the motion. The minutes were approved as written by unanimous voice vote.

4. COMMUNICATIONS

- Letter from Tim Bartlett of the Urbana Park District regarding Plan Case Nos. 2353-M-18 and 2355-M-18

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2352-M-18 – A request by Jonah Weisskopf to rezone an approximately 0.16-acre parcel located at 206 South Cedar Street from R-6 (High Density Multiple Family Residential) to B-4 (Central Business) Zoning District.

Chair Fitch opened the public hearing for this case.

Marcus Ricci, Planner II, introduced Lily Wilcock as the new Planner I for the City of Urbana. He then presented the staff report for the proposed map amendment. He began by stating that approval of the proposed request would make the zoning of the property consistent with the designation shown in the Future Land Use Map of the 2005 Comprehensive Plan. He pointed out a correction of the address in the Summary of Findings, which should say 206 South Cedar Street rather than 406 North Lake Street. He noted the location, zoning, existing land uses, and future land use designations of the subject property as well as for the surrounding adjacent properties. He reviewed the *LaSalle* and the *Sinclair* Supreme Court case criteria and how they pertain to the proposed rezoning. He read the options of the Plan Commission and presented City staff's recommendation for approval.

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Ms. Billman asked if the Plan Commission usually had a third option somewhere in between approving the case as requested and denying it. Mr. Ricci replied that there is not a third option in a rezoning case.

Mr. Turner wondered if there was an immediate plan for a change of use in the property. Mr. Ricci responded that while there is a slate of potential uses in the B-4 Zoning District, the application mentioned adaptive reuse possibly providing an integrated coffee shop or a music venue.

Chair Fitch stated that it appears the rest of the block is zoned B-4. He noted the major differences between the B-3 (General Business) Zoning District and the B-4 Zoning District, which are as follows: 1) there are no yard setback requirements in the B-4 Zoning District, 2) no height requirement and 3) the Floor Area Ratio (FAR) is higher. He asked how tall a building could be constructed on the property if the proposed rezoning was approved. Mr. Ricci did not believe it would be very tall because of the size of the lot.

Ms. Yu asked about the R-6B Zoning District located across Green Street. Chair Fitch explained that while the R-6B Zoning District has similar residential uses as the B-4 Zoning District, it has fewer business uses than the B-4 District. Mr. Ricci added that there are fewer uses permitted in

the R-6B District and is primarily high-density multiple family residential. The existing use of three-unit apartment building would be allowed to continue as a non-conforming use under the existing zoning of R-6; however, if it is rezoned to B-4 and the existing use is discontinued, then it would not be allowed to be re-established. If it were rezoned to R-6B, then the use would be allowed to continued, and if it stopped, it would be allowed to start up again. The request to be rezoned to B-4 comes from the Future Land Use designation of "Central Business" in the 2005 Comprehensive Plan. Mr. Turner pointed out that the memo states that the proposed B-4 zoning district permits Multifamily Dwellings, and that, if the current multifamily use ceased, it would be permitted to resume in the future in either the R-6B or B-4 zoning districts. Mr. Ricci agreed to the clarification, and further clarified that the current multifamily use could be converted to a single-family use in the R-6B district but not in the proposed B-4 district.

Ms. Billman asked if the subject property had been considered for historical status. Mr. Ricci believed it to be a local historic landmark. Ms. Billman questioned if the historical status would have any impact on the proposed rezoning. Mr. Ricci said no. Due to being a historical landmark, the existing structure would cause the property to be on the Demolition Delay List and there would be additional requirements if the owner would want to demolish the existing building.

Chair Fitch reviewed the procedure for a public hearing. He then opened the hearing for public input. Mr. Ricci announced that the petitioner, Jonah Weisskopf, was not able to address the board due to being a member of the Plan Commission. Also, Mr. Weisskopf did not designate a representative to speak.

Allen Booth approached the Plan Commission to speak in opposition of the proposed rezoning. He discussed the development issues of the New Yorker building at 302 Cedar Street and gave history of the immediate area. He stated that the neighborhood is delightfully quiet and quite charming. It is part of the Faculty/Professors' Ghetto. If the City rezones the subject property to B-4, there are many permitted uses that would diminish the character of the neighborhood.

Gina Pagliuso approached the Plan Commission to speak in opposition of the proposed rezoning. She stated that she serves on the Historic Preservation Commission, but she was not speaking on behalf of the Commission. She clarified that the subject property is not a local historic landmark; however, it is on the list of the 100-Most Significant Homes in Urbana. Because of the age of the existing home and depending on its zoning, it may or may not be on the 45-day demolition delay list.

She stated that she was not necessarily against rezoning the property; however, she is definitely against some of the uses that would be allowed if the property is rezoned to the B-4 Zoning District. The owner talks about adaptive reuse, but there is nothing that binds the owner to do so. The existing structure has been located at 206 Cedar Street since 1930, but it has been located on the block since the late 1800s.

She expressed concern about the elimination of setback requirements in the B-4 District should the rezoning be approved and the owner decide to demolish the existing building and redevelop the lot. She suggested the City take a middle road and rezone the property to R-6B where some business would be allowed but it could still also be used as residential.

The subject property is the only property on the block not owned by the Urbana Free Library or the City of Urbana. She would hate for the City to lose another gorgeous building in Urbana that has existed almost as long as the City itself. So, she hoped that the City finds a middle of the road option, one that would consider the historic significance of the building and the neighborhood and would allow the owner to get some additional use out of the building that might bring some more income that might in turn make the owner feel like it is worth adaptively reusing the existing building. Rezoning to B-4 makes it more financially feasible to demolish the building and redevelop the lot.

Mr. Ackerson asked what would make it eligible for historic landmark status. Ms. Pagliuso replied that it is on the list of 100 Most Significant Homes in Urbana. The Historic Preservation Commission discussed hundreds of homes for several hours to narrow the list down to 100 properties, and the existing structure was chosen by the Historic Preservation Commission to be on the list. While it has not been nominated to be a local historic landmark, that does not mean it won't be in the future.

Ms. Billman inquired if the City approves the rezoning, will the property still be able to become a historic landmark. Ms. Pagliuso answered yes.

With no further input from the audience, Chair Fitch closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Turner asked for verification of the historical status of the subject property and the ownership of the other properties on the block. Mr. Ricci verified that Ms. Pagliuso's testimony was accurate. Some of the lots were recently rezoned to B-4 earlier this year.

Ms. Yu asked what the previous zoning was of the property to the south of the subject property. Mr. Ricci said it was previously zoned B-1, Neighborhood Business.

Mr. Ackerson stated that this is a tough decision because he could appreciate the historic nature of the existing structure. However, when thinking about the Comprehensive Plan, the subject property sticks out like a sore thumb to be the only property not zoned B-4 on the block. He is sensitive to the adjacent neighborhood and fond of the Faculty Ghetto aspect even though it is adjacent to it.

Mr. Turner agreed that it made logical sense to think of the property as B-4. Although we cannot predict the future, the owner was not talking about tearing the existing structure down.

Chair Fitch said that the purpose of the B-4 Zoning District is to stimulate additional development in the downtown area. The existing structure could be torn down and redeveloped as a large structure with a variety of uses that could be compatible to the downtown area but not necessarily compatible with the adjacent neighborhood.

Mr. Turner asked if the City had any plans for the lots on the block owned by the City of Urbana. Mr. Ricci stated that the lot to the south is occupied by a boutique, and the lot to the north is additional parking for the library.

Ms. Billman commented that she would have more trouble with the rezoning if the property was located on the other side of Green Street. The proposed property is adjacent to the Professor Ghetto. She felt the City needs to balance quiet, walkable neighborhoods with stimulating business growth in the downtown area. With regards to the historic nature of the existing building, she would hate to see it demolished and hoped that the Historic Preservation Commission would begin the process towards making the property a local historic landmark. She stated that she intended to vote in favor of the proposed rezoning.

Mr. Turner shared his experience with visiting some adaptive reuse of existing historic structures in other communities. One cannot predict what will happen.

Chair Fitch pointed out that the 2005 Comprehensive Plan designates the proposed site as community business. He talked about other possible business zoning districts and stated that he planned to support the proposed rezoning.

Mr. Ackerson moved that the Plan Commission forward Case No. 2352-M-18 to the City Council with a recommendation for approval. Ms. Billman seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fitch	-	Yes
Ms. Ouedraogo	-	Yes	Mr. Turner	-	Yes
Ms. Yu	-	Yes	Mr. Ackerson	-	Yes

The motion passed by unanimous vote. Mr. Ricci noted that this case would be forwarded to the City Council on Monday, November 5, 2018.

Plan Case No. 2353-M-18 – A request by Sarah M. Burch, Trustee for the James W. Burch III, Declaration of Trust dated May 17, 1996, to rezone nine parcels totaling approximately 1.19 acres generally located at 408 North Lake Street AND 403, 405, 407, 409, 411 and 413 North Race Street, AND 203 and 205 West University Avenue from B-3 (General Business) to B-4 (Central Business) Zoning District.

Plan Case No. 2355-M-18 – A request by Bridget Logue to rezone an approximately 0.166-acre parcel located at 406 North Lake Street from B-3 (General Business) to B-4 (Central Business) Zoning District.

Chair Fitch opened the public hearing for these two cases together.

Marcus Ricci, Planner II, presented the staff report to the Plan Commission. He began by noting a correction in the first paragraph on Page 1 of the written staff report. Mary Logue should be corrected to Bridget Logue, who is the owner of 406 North Lake Street. Exhibit A shows where the subject properties to be rezoned are located. He gave a brief background on each of the proposed properties, noting the zoning, existing land use and Future Land Use designation of each as well as for the surrounding adjacent properties.

Another correction he noted was to Criterion 2 of the *LaSalle National Bank* criteria in the written staff report. The B-4, Central Business, Zoning District allows fewer business uses than the B-3,

General Business, Zoning District allows. He stated the purpose of the B-3 and B-4 Zoning Districts and noted the regulatory differences between them. He reviewed the *LaSalle National Bank* and the *Sinclair* criteria and how they pertain to the proposed rezoning requests. He noted the letter that City staff received from the Urbana Park District. He read the options of the Plan Commission for each case and presented City staff's recommendations for approval of each case. He noted the applicants were available to answer questions.

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Mr. Ackerson inquired about the possible impact on the neighboring Urbana Park District property to the west if the properties are rezoned to B-4. Mr. Ricci responded that there are 137 possible uses in the B-3 Zoning District of which 114 are permitted by right. The B-4 Zoning District only has 129 possible uses of which 100 are permitted by right. He noted that this does not mean that 114 possible uses in B-4 are the same uses permitted in the 137 total uses in B-3. One use may be allowed in the B-4, but not allowed at all in the B-3.

Mr. Ackerson wondered how this would affect the plans for the Kickapoo Rail Trail connection. Mr. Ricci did not believe there would be any different impacts from the B-3 Zoning District compared to those from the B-4 Zoning District.

Ms. Billman asked if the City traffic engineers weighed in on the proposed rezoning requests. Mr. Ricci explained that a traffic impact analysis would be required of the developer when any proposed use(s) would be submitted. He noted that the Illinois Department of Transportation (IDOT) is performing safety and road improvements along University Avenue, which includes taking four and a half feet of land from each parcel along University Avenue for additional right-of-way. This will make it more difficult to redevelop those parcels individually.

Mr. Turner asked if the main motivation to rezone to the B-4 Zoning District was the elimination of setback requirements. Mr. Ricci replied that the main motivation for the rezoning requests was to bring the properties closer to their Future Land Use designation of Central Business. The practical development benefits that come from the B-4 Zoning District are the elimination of yard setbacks. There would still be a visibility triangle analysis at Race Street and University Avenue that would limit how close development could occur near the property lines. There is also the elimination of parking requirements; however, in some recent cases involving the B-4 Zoning District, parking was more of a market driven requirement than a City requirement. One other requirement is a potential change in storm water management plan requirements. Public Works Department staff have determined that there is sufficient sanitary and storm sewer capacity in this area for the slate of uses that would be possible in the B-4 Zoning District.

Mr. Turner asked if rezoning the properties to B-4 would bring some of the lots into conformity with regards to their size. Mr. Ricci said this was correct. Four of the proposed lots are smaller than the B-3 Zoning District would normally allow to be created. Mr. Turner questioned if it were possible to reconfigure the lots. Mr. Ricci answered yes, an owner could submit a minor or major development request to reconfigure those lots into a single lot, but it would not be required to reconfigure: a large development could simply straddle the existing property lines. In this case, it would be treated as a "zoning lot".

Mr. Turner inquired if there were any immediate plans for development of the proposed lots. Mr. Ricci deferred the question to the applicant.

Chair Fitch reviewed the procedure for a public hearing and opened the hearing for public input. He invited the petitioner to speak.

Paul Tatman approached the Plan Commission to speak on behalf of the applicant for Plan Case No. 2353-M-18. He mentioned that he was a former partner with Jim Burch until he passed away. He stated that they have some potential interest in redeveloping the proposed lots, but does not yet have a contract to do so.

Mr. Turner questioned how the proposed rezoning would help in the redevelopment of the site. Mr. Tatman answered that with IDOT making improvements to University Avenue and installing 10-foot sidewalks, they are taking land away from the owner. With this loss and the 17-foot setback requirement in the B-3 Zoning District, they would lose about 30 feet to develop on. Parking is important for one of the potential users of a new development, so they would need as much land as possible to develop on.

David Crow approached the Plan Commission to speak on behalf of the applicant for Plan Case No. 2355-M-18. He said that everything Mr. Tatman testified also applies to 406 North Lake Street.

Mr. Ackerson inquired about access to the 406 North Lake Street property. Mr. Crow explained that there is an easement across another property to access 406 North Lake Street.

Mr. Ackerson asked if 406 North Lake Street was just one piece of the plan to develop one use on all of the subject properties. Mr. Crow said that was correct.

Nila Blair approached the Plan Commission to speak. She stated that she lives at 406 North Lake Street with the applicant, and has since 1985. She talked about the history of the area. She understood both sides of rezoning the proposed lots. She has witnessed the expansion of business in the area pushing the residential owners out, but she also welcomes change. While Leal Park is beautiful, she does not notice many people enjoying it. No one is going to build single-family homes on the proposed lots.

Gina Pagliuso approached the Plan Commission to speak in opposition. She stated that she was not so much opposed to the area being zoned for business as she is opposed to the elimination of the setbacks. If it does become one big lot, then we could end up with a building right next to the sidewalk. She expressed concern about the impact on Leal Park and what would happen to Lake Street. The Greek Revival Cottage, which is a National Register Landmark, is located in Leal Park. Rezoning to B-4 would change all of the development requirements. The developer will have to do a lot of architectural surveying because the proposed lots used to be a cemetery. She would hate to see a shopping center with a zero lot line be developed right up against the park. She used to live at 205 West University Avenue, so she has an emotional tie to this area. She does visit the park regularly.

With no further input from the audience, Chair Fitch closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Mr. Turner commented that the B-4 zone would require less parking and less setback so it would actually create more walkability, which is something that the City wants to promote. He had mixed emotions because it has been zoned for business for a long time but nothing has really happened, and the rezoning may help facilitate the improvements made to the area around Boneyard Creek. He planned to vote in favor of the proposed rezoning requests.

Mr. Ackerson stated that he would have preferred if a representative from the Urbana Park District would have been able to attend. He felt the person who lives in the area to have a very powerful testimony. He was trying to figure out what the negative impact would be because one can have a park in the middle of high-density business areas. He had concerns about the impact on the connection to the Kickapoo Rail Trail, but he had not heard anything that would keep the trail from being developed. So, he was leaning towards approval to make the subject properties become more consistent with the Future Land Use designation of Central Business. This is an area of town that needs redevelopment.

Chair Fitch commented that he understood the Park District’s concern about the elimination of setback requirements because there would be no buffering for Leal Park. He believed this could be negotiated between the Urbana Park District and the developer. He felt that the Plan Commission had set a precedent in Plan Case No. 2352-M-18 where the Comprehensive Plan designates the land to be Central Business. The proposed rezoning requests in Plan Case No. 2353-M-18 and 2355-M-18 also call for the City to rezone to bring the subject properties into conformance with the plan. He planned to vote in favor of approving the rezoning requests.

Ms. Billman expressed concern with traffic. It is a sharp turn at the corner of University Avenue and Race Street, but she trusts the City’s Traffic Engineering staff. She believed that traffic would limit the business use to be developed on the subject lots.

Ms. Billman moved that the Plan Commission forward Plan Case No. 2353-M-18 to the City Council with a recommendation for approval. Mr. Turner seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Ms. Ouedraogo	-	Yes
Mr. Turner	-	Yes	Ms. Yu	-	Yes
Mr. Ackerson	-	Yes	Ms. Billman	-	Yes

The motion passed by unanimous vote.

Ms. Billman moved that the Plan Commission forward Plan Case No. 2355-M-18 to the City Council with a recommendation for approval. Mr. Turner seconded the motion. Roll call on the motion was as follows:

Ms. Ouedraogo	-	Yes	Mr. Turner	-	Yes
Ms. Yu	-	Yes	Mr. Ackerson	-	Yes
Ms. Billman	-	Yes	Mr. Fitch	-	Yes

The motion passed by unanimous vote.

Mr. Ricci noted that both cases would be forwarded to the City Council on Monday, November 5, 2018.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

John Schneider, Director of Community Development Services, thanked the Plan Commission members for their service to the community.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission