

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: August 8, 2002

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Christopher Alix, Laurie Goscha, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake

MEMBERS EXCUSED: Alan Douglas, Marilyn Upah-Bant

STAFF PRESENT: Libby Tyler, CD Director; Rob Kowalski, Planning Manager; Tim Ross, Senior Planner; Teri Andel, Secretary

OTHERS PRESENT: Randy Baker, David Nall, Esther Patt, Susan Taylor, Howard Wakeland

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

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Alix moved to approve the minutes from the meeting held on July 25, 2002 as amended. Mr. Kangas seconded the motion. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

Letter from Joseph Rank to Mayor Satterthwaite.
Email from Joseph Rank to Libby Tyler.
Handout of photographs relating to Plan Case #1833-M-02.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Plan Case #1833-M-02: Request by Family Video Movie Club, Inc. to rezone 801 and 803 North Lincoln Avenue from R-2, Single-Family Residential to B-1, Neighborhood Business.

Rob Kowalski, Planning Manager, presented the staff report regarding this case. He introduced the case and gave a brief background describing the adjacent land uses and zoning designations. He discussed the B-1, Neighborhood Business Zoning District, and talked about Family Video Movie Club, Inc. and their intentions.

Mr. Kowalski talked about the King Park Neighborhood Plan and how it would relate to the proposed area. He noted a few cases of the zoning history, which preceded this request for the general and immediate area. He reviewed the Comprehensive Plan goals that related to this plan case, and he discussed the La Salle National Bank Criteria that pertained to a comparison of the existing zoning with that proposed by the petitioner.

Mr. Kowalski summarized staff findings and read the options of the Plan Commission. He stated that based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at this meeting, staff recommended that the Plan Commission forward this plan case to the Urbana City Council with a recommendation for approval.

Ms. Stake inquired as to whether the property owners along North Lincoln Avenue were given compensation for the loss of their front yards to widen Lincoln Avenue? Ms. Tyler responded that property owners were paid for the land as it was assessed, but they were not compensated for any change in their ability to develop their property.

Ms. Goscha questioned if there were stricter requirements for the B-3 zoning next to a residential neighborhood than for the B-1 zoning district in terms of screening? Mr. Kowalski stated that the requirements for screening for business zones next to residential zones are similar. It does not decipher between B-1 and B-3 zoning districts.

Ms. Goscha asked if that were true in terms of parking as well? The City only limits the minimum number of parking spaces and not the maximum. The difference between the B-1 and the B-3 zoning districts are the types of uses that are permitted in each, and the parking regulations would be the same. Ms. Tyler noted that there is some landscape buffering that can be done in a B-3 zoning district to reduce front-yard setbacks that cannot be done in a B-1 zoning district. There are also some provisions to use side-by-side parking to eliminate the side-yard setbacks in the higher business zones.

Mr. Hopkins wondered why this is the third rezoning request for this property. This proposal does not appear to be substantially new since the previous rezoning requests. Ms. Tyler

responded that the length of vacancy for the adjacent parcels have extended. The condition of the properties, as they are currently used, has continued to decline.

Mr. Alix noted that staff was making the argument that this parcel is becoming increasingly suited for neighborhood business because of the length of time that the property has been vacant. However, the property is currently zoned for neighborhood business. He questioned why the property has remained undeveloped for so long as neighborhood business? Mr. Kowalski answered that his guess would be that it had been difficult to redevelop the old University Orthopedics building because the interest to utilize an existing building, which may be obsolete, was not very great. To remove that building and build new, a developer would have to comply with the current setback requirements and other requirements of the Zoning Ordinance, which might be a discouraging factor in redeveloping that site and could be part of the reason why the other two properties have been considered needed in redeveloping this site for commercial use in general.

Ms. Stake inquired as to whether \$100,000 was the asking price for both houses or \$100,000 per house? Mr. Kowalski replied that it was \$100,000 for both houses and/or \$50,000 each house.

David Nall, Regional Manager for Family Video, stated that part of his responsibility was acquiring and developing real estate throughout Central Illinois. He addressed the question that related to this proposal being the third rezoning request. He noted that when it comes to City Council, the use of the property in a large part plays a big attributable factor of the actual zoning that would be put into use. There are desirable uses and undesirable uses. The use that Family Video has in mind, which is video rental and sales, has typically always been as a benefit to the surrounding neighborhood. Family Video's demographics are usually within a one to three mile radius of which they locate their buildings. This would be a very nice location for them. The neighborhood impact of other uses would largely influence the City Council based on the neighbors' objections to any kind of additional commercial zoning at this location. The previous petitioners were requesting uses of gas stations and liquor stores.

Mr. Nall commented that with regards to the site itself and the difficulty of developing only the B-1 zoned property, he was not sure it could be done. The property with the old University Orthopedics building has two easements on it that were granted fifteen years ago. The adjacent property owner to the west of the corner will not give up what they have, which is an eighteen-foot easement along the west side boundary. This would not allow anyone to build or block the usage. There is an eleven-foot easement running from the west boundary on the south side all the way to Lincoln Avenue. In any type of development, a developer could build a building outside the eleven-foot easement, however, the developer could not back it up close enough to the property line for there to be acceptable ingress and egress on the corner. Family Video really does not have any other way of developing this corner without doing it the way shown in the site plan. Family Video would have preferred to place the back of the building next to the B-1 adjacent property owner inside the easement that they have. The adjacent property owner was not willing to sell the easement to Family Video, because of the general impact to this property. His building is relatively close to the property line as well, and there is no way that he could park cars or get cars back into the storage area that he utilizes. Even if Family Video were able to acquire those easements, there would be difficulty with the ingress and egress into the parking lot

as it relates to the corner. The only way that Family Video and anyone else would be able to redevelop the commercial corner would be to purchase the two residential properties.

Mr. Nall noted that by Family Video making a \$1,000,000 investment does provide an anchor to certain low-to-moderate income neighborhoods within that area. As a project, it provides a lot of merit for all the right reasons.

Mr. Alix asked for clarification as to what the easements were currently used for? Mr. Nall replied that the eleven-foot easement is basically a rock driveway, and the eighteen-foot easement is asphalt. The adjacent property owner has basically ownership rights that the easement grants him. Family Video would not be able to do anything inside those easements nor would they be able to block passage within those easements.

Mr. Alix inquired as to whether the area to the west of the old University Orthopedics building was paved? Mr. Nall replied yes. Mr. Alix questioned what the use was immediately to the left? Mr. Nall answered that it was a metal stick building or poll barn, which has been converted into an office used by an engineer. Mr. Alix asked if it was continuous pavement between the east side of that building and the west side of the old University Orthopedics building? Mr. Nall replied yes. Mr. Alix questioned if Family Video intended to join their proposed parking lot to the parking lot that currently existed for the use to the west? Mr. Nall stated that was correct.

Mr. Alix asked Mr. Nall to talk about other locations where Family Video had built close to residential uses and what Family Video had done to mitigate the impact on adjacent homes, such as shielding of lights, etc.? Mr. Nall mentioned that Family Video works within the City ordinances that are provided to them by each municipality. Typically, Family Video provides six-foot fencing for screening, as well as directional lighting is utilized for parking lots.

Ms. Goscha inquired as to how many customers did Family Video anticipate having per day? Mr. Nall replied that Family Video anticipated approximately 200 customers per day.

Ms. Goscha was concerned about calling this a neighborhood business because it would not only be serving the neighborhood. It seemed like with such an arterial route (Lincoln Avenue) with heavy traffic, it was almost more of a B-3, General Business type of zoning. Mr. Nall responded that Family Video's primary concern in demographics is the number of people in a one-mile to one and a half mile radius. There would be two other competitors within a three-mile radius. In regards to the traffic, Family Video would not be creating any more traffic than is already on Lincoln Avenue. Family Video would be capturing them for a minute and returning them back to Lincoln Avenue.

Howard Wakeland, of 2213 Combes, supported this request. He felt that many things have changed and did not feel that this would be a third strike. One thing that has changed is that the University of Illinois has made a major commitment to placing its welcome center on the east side of campus. Lincoln Avenue is one of two streets that run from North to South through Urbana from Interstate 74 to Windsor Road. He felt that Lincoln Avenue was a business corridor and will become more of a business corridor. He believes that the City of Urbana should encourage the business corridor from Green Street to Interstate 74 on Lincoln Avenue,

because this would help increase tax revenue. Any business that comes into the City of Urbana and helps upgrade the area is a welcomed business.

Mr. Wakeland noted that he looked at purchasing the parcel with the old University Orthopedic building; however, he concluded that he could not renew the property unless there was more space or area to work with.

Jim Burch, of Burch Real Estate, mentioned that his brokerage firm was involved in this proposal and was available to answer any questions.

Mr. Alix inquired as to how long the property (where the old University Orthopedics building is located) had been listed for sell? Mr. Burch replied about a year and a half with his firm, and with another firm prior to that for about two years. He encouraged anyone interested to go look at the Family Video located on the corner of Bradley Avenue and Mattis Avenue in Champaign. It is a very attractive building.

Mr. Burch noted that there have been chances to put convenient marts in the existing building. However, it would have created problems. The proposed Family Video would be an attractive looking structure with good ingress and egress, good lighting, and good landscaping. By approving this proposal, the City would get rid of three structures (the two residential houses and the old University Orthopedic building) that need to be demolished. It would also be cleaning up one of the main corridors into Urbana. Family Video would be a nice clean use with a good solid company behind it.

Mr. Alix asked Mr. Burch to characterize who has been interested in the existing building and what types of uses have been suggested? Mr. Burch noted that Henry Rappily, owner of the University Orthopedic building, turned down two convenient marts, which were similar to the one on East Washington Avenue. Mr. Alix questioned if the interested parties wanted to utilize the existing building or rebuild? Mr. Burch replied that both parties wanted to utilize the existing building. Mr. Alix inquired if anyone else had expressed interest in redevelopment of this site until Family Video? Mr. Burch replied no.

Mr. Alix asked Mr. Burch if he shared the opinion of the City staff regarding this site being unbuildable based on the easements? Mr. Burch agreed with City staff. He commented that the existing structure was not worth renovating. It would cost at least \$350,000 and would be sitting on the wrong lot. In order to make this project work, Family Video needed to acquire the adjacent properties and get approval on the proposed rezoning.

Mr. Burch noted that although he has a vested interest in selling this property, he has a bigger interest in the City of Urbana. Video stores are a convenience. A person does not drive ten miles to rent a video and then back again to return it.

Mr. Kowalski added that the Zoning Ordinance does not measure intensity based on design of a site or a building. It is a use-based ordinance that looks more at zoning districts by comparing the districts to each other. B-1 is defined as Neighborhood Business and is considered less

intense than a B-3 zoning district because it offers or allows a more limited range of uses in that zoning district.

Ms. Stake felt it was not a good idea to rezone this property to B-1, Neighborhood Business, because it is not restrictive enough to exist directly with a R-2, Single-Family Residential, zoning district. The impact on the neighborhood would be great. She does not believe in strip zoning. She felt it was a poor way to have commercial. The Commissioners need to also think about what could be permitted in a B-1 zoned area.

Ms. Stake noted that the buildings for businesses would be much larger than the homes in the area and would not be consistent with the nearby neighbors. Video stores are opened late hours creating noise and light pollution.

Ms. Stake stated that the City and nearby property owners have invested large amounts of public and private funds to rehabilitate the homes in the area. Commercial uses in the neighborhood would threaten the successes that were achieved in stabilizing and improving the neighborhood, which is an important objective of the King Park Plan.

Ms. Stake mentioned that the R-2 zone is consistent with the Comprehensive Plan. The approval of this rezoning to B-1 would go against past planning and zoning and would lead to more requests for commercial zoning along Lincoln Avenue.

Ms. Stake stated how she felt the proposal did not meet the LaSalle Criteria. She added that it is more important to preserve the affordable housing of the City of Urbana. It is morally, aesthetically, and economically important to protect the homeowners interests. Although many property owners have asked for more neighborhood business, she never heard anyone ask for a video store.

Mr. Alix commented that the B-1 zone had been inconsistently applied in the past. It bothers him that the City has a zone that is relatively restrictive, but has no limits on intensity of lighting, hours of operation, noise, deliveries, etc. He noted that he agreed with Ms. Goscha. This would be on a major arterial street, and it is a use that will intend to serve auto traffic as well as walk-in traffic. He felt that the B-1 zone, in general, would be too unrestrictive to be appropriate. The B-1 zone was envisioned to be useful on secondary streets or small pockets of business development in neighborhoods.

Mr. Alix stated that he would prefer to see this property redeveloped within the existing area. The City will be more true to the intent of the B-1 zone with smaller pockets of B-1 zoning. However, he recognized that this particular parcel is effective because of the easements on it and because the siting of the property as effectively unbuildable.

Mr. Alix mentioned that the only reason why he could justify voting against this proposal would be because of the impact on the surrounding residential uses. In the absence of any objections at this public hearing or of any written objections from the residents in the surrounding neighborhood, he will have to support it.

Mr. Kangas commented that the widening of Lincoln Avenue had great negative impact to the site. It changed the suitability of housing for the proposed site. He has mixed feelings regarding this case; however, he would support it.

Ms. Goscha was concerned that the neighborhood use is not what the actual functional use of this site would be. She agreed that this site should be zoned for business. Redevelopment of this site will be a positive for the residents in the site. It will provide them with a place within walking distance that they can work and also can go to a convenience, such as a video store. She felt it would also be positive for the property values in the area. She was in support of this case, because she believed that the City needed more restrictive screening ordinances in the Zoning Ordinance for businesses next to residential areas. She hoped that the City could make some improvements on the screening in the Zoning Ordinance.

Mr. Hopkins commented that in looking at the Zoning Map, the image of a business corridor would be completely inconsistent with the current Zoning Map. There were already two other places zoned for general business in the neighborhood, and University Avenue is zoned and under-utilized for business. On the other hand, the current uses on these parcels are not viable. He suggested that the Plan Commission try to figure out a way to change the situation, so that the City can get something that actually belongs there.

Ms. Stake asked if strip zoning was a good thing? Ms. Tyler responded that one person in the audience talked about a business corridor along Lincoln Avenue and that he even stated that it was his vision. She has not heard of any plans to build a business corridor along Lincoln Avenue. Ms. Stake asked what there was to stop strip zoning if the City keeps allowing it? Ms. Tyler replied that commercial zones are on major streets, whether it is B-1 or B-3. Some streets are suitable for them, and some streets are not. The problems with the B-1 zone are subject for a text amendment. One of those problems is that it is overly permissive. The Plan Commission and City Council has the ability to direct text amendments and learn from what comes up. The focus of this public hearing was for the Plan Commission to approve or deny the rezoning request of two residential lots to B-1 for the purpose of consolidation with an adjacent B-1 lot for redevelopment. It does create that whole block face as B-1. That is a block, not a strip. Ms. Tyler pointed out that the whole east side of Lincoln Avenue is zoned R-2 until you come to Green Street. There is a greater mixture of uses along the west side with some institutional, residential, commercial and some apartments.

Mr. Pollock felt this case was less problematic than other cases that had come before the Plan Commission in the last month. He reiterated that a Comprehensive Plan Review would be coming before the Plan Commission in the future. At that time, the Plan Commission can take a look at both sides of Lincoln Avenue for the entire stretch. He was not remotely worried about the flow of traffic. Lincoln Avenue is already a major arterial street and has been designated the corridor to the University of Illinois. The nature of Lincoln Avenue has changed to some degree, and he expects it to change some more.

Mr. Pollock stated that there was no question that the proposed two properties were not going to be redeveloped in a residential sense. If this request is denied, then these properties will continue to deteriorate. They are virtually unusable in a commercial sense. The City does need to work

on the B-1 zoning text. It will be a challenge to make B-1 more restrictive, and at the same time, encourage the B-1 use.

Mr. Pollock believed that the proposed would draw traffic from all over the City. It will draw traffic from people in the neighborhood and people who are using Lincoln Avenue as a matter of course. It will be an amenity to the neighborhood. The fact that the neighborhood is interested in small businesses makes this a “Slam Dunk”.

Ms. Stake commented that the Plan Commission would be going against the Comprehensive Plan to vote for approval of this rezoning request.

Mr. Kangas moved to forward this plan case to the City Council with a recommendation for approval based on the La Salle Criteria. Mr. Alix seconded the motion. Roll call was as follows:

Ms. Goscha	-	Yes	Mr. Hopkins	-	Yes
Mr. Kangas	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	No	Mr. Alix	-	Yes

The motion was passed by a 5-1 vote.

Plan Case #1834-M-02: Request by Randy Baker to rezone the 2.45-acre property directly east of 714 North Cunningham Avenue from B-3, General Business to AG, Agriculture.

Tim Ross, Senior Planner, gave the staff report on this plan case. He presented an introduction and background including a description of the adjacent land uses and zoning designations. He discussed the Comprehensive Plan goals, objectives, and policies that relate to this proposal. He reviewed the La Salle National Bank Criteria as it pertained to the proposed rezoning request.

Mr. Ross summarized staff findings and read the options of the Plan Commission. He stated that based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at this public hearing, staff recommended that the Plan Commission forward this plan case to the Urbana City Council with a recommendation for approval.

Mr. Alix asked if there would be any tax implication to the property if rezoned to AG? Mr. Ross was not sure if the rezoning would change the assessment. Ms. Tyler stated that the EAV would probably increase with a building on it. Mr. Alix commented that agriculture property is taxed at a lower rate than property improved with buildings. Ms. Tyler replied that tax is assessed more on the use than on the zoning.

Mr. Alix questioned why a cemetery could not be placed in a B-3 zone? Mr. Ross responded that this was one of those cases where the Zoning Ordinance prohibits certain uses from higher intensity zoning districts to minimize potential conflicts between land uses. Mr. Ross stated that the cemetery would not necessarily be disruptive to other business uses. Mr. Kangas said that

the converse could be true, however. Mr. Alix stated that many cemeteries are run as commercial enterprises, and it seems a cemetery would be a business use in a business zone.

Randy Baker, of Morton Buildings, stated that the reason why East Lawn Burial Association was coming before the Plan Commission for rezoning was because the cemetery had attempted to buy this property from the National Guard in the past. He stated that sometimes the federal government does not move as fast as we like for it to. This property just became available to East Lawn Burial Association.

Ms. Goscha inquired if the existing building that was currently being used for storage would no longer be used? Mr. Baker replied that was correct. The existing building would be razed and turned into parking in that area.

Mr. Kangas moved to forward this case to the City Council with a recommendation of approval based upon the LaSalle National Criteria. Mr. Hopkins seconded the motion.

Ms. Goscha noted that she thought this was appropriate, because of all the uses that could be on this site, the B-3 zone would be more likely to cut down the existing natural resources that are there.

Roll call was as follows:

Mr. Hopkins	-	Yes	Mr. Kangas	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Mr. Alix	-	Yes	Ms. Goscha	-	Yes

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Kowalski reported on the following:

- ✓ **Savannah Green Phase III Final Plat** was approved by the City Council and would soon be recorded.

- ✓ **Smith Road:** Mr. Alix inquired as to when Smith Road would be built between Florida Avenue and Stone Creek Boulevard? Mr. Kowalski replied that it would be the City of Urbana's responsibility to build Smith Road, and he would have to check with Bill Gray, Director of Public Works, as to when it would be built.

Ms. Tyler reported on the following:

- ✓ **Methadone Treatment Facility:** Ms. Tyler gave a brief update regarding this case. She stated that the City Council sent this case back to the Plan Commission for additional review. There were differences in public testimony received at the City Council level than that received at the public hearing held by the Plan Commission. This made it difficult for the Plan Commission to hear the testimony that they needed to hear, and it made it difficult for the City Council to get the best recommendation from the Plan Commission. The motion that was passed by Council was outside the parameters of the advertised text amendment. City Council wanted to approve this case with these changes. However, the changes were significant enough that staff felt that they did not fit the case as it was advertised. Many of the City Council members had a concern with making a distinction between methadone treatment facility and any other clinic.

In the new advertisement for the new public hearing of the Plan Commission, Ms. Tyler explained that staff would define *methadone treatment facility* separately as a new row in the Table of Uses, and the permissions for use would be exactly the same as that under hospital or clinic. The difference of the advertisements for the case is that instead of three zones (B-3, B-4, and MIC), there would be nine zones (AG, R-5, R-6, B-3, B-3U, B-4, B-4E, OP, and MIC) affected.

Mr. Alix asked staff to discuss with Mr. Waaler, based on his understanding of the statutory basis for the Plan Commission's right to hear these cases, to what extent the Plan Commissioners are obliged to take into account testimony from the prior public hearing or from the Council meeting? Ms. Tyler responded that there are different levels of record. There was the record that was entered during the public hearings held by the Plan Commission. But there was also a lot of testimony during the public comment period during the City Council meeting. She stated that she would check with Mr. Waaler.

Mr. Pollock commented that he hoped that the Plan Commission would have the parameter to make that judgment based on Mr. Waaler's suggestion. Clearly the testimony that the Plan Commission has already heard and have in their minutes are relevant to the Plan Commissioners' knowledge. Anything that was said at a meeting, not before the Plan Commission and which the Plan Commissioners were not present, should not be taken into account as the Plan Commissioners make a recommendation on this case at the new public hearing.

Ms. Tyler stated that the first public hearing would be held on September 5, 2002. She added that she could give an update during Staff Report at the August 22, 2002 Plan Commission meeting.

August 8, 2002

- ✓ **Lakeside Redevelopment Meeting** will be held on August 14, 2002 at the Crystal Park Lakehouse.

Mr. Ross reported on the following:

- ✓ **Urbana Assembly of God** has withdrawn their Special Use Permit request in order to go back and finish work on their master plan. They expect that to be completed sometime this fall. At that time, the Urbana Assembly of God will probably come back to request the Special Use Permit.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 9:22 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission