

**MINUTES OF A RESCHEDULED MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** March 26, 2009

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building – Executive Conference Rooms A & B  
Second Floor  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Don White

**MEMBERS EXCUSED:** Bernadine Stake, Marilyn Upah-Bant

**STAFF PRESENT:** Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Anzel, Planning Secretary

**OTHERS PRESENT:** Russell Arbuckle, Jeannie Covert, Christopher and Dolores Guest, SeoYeon Kim, Robert Lurvey, DJ and Jann Meyer, Gina Pagliuso, Chris Saunders, Mary Stevens, Chris Stohr, Nancy Westcott

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

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

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Mr. White moved to approve the minutes of the March 5, 2009 meeting as presented. Mr. Fitch seconded the motion.

Mr. Fitch commented on second paragraph on page 2 where he talked about the mathematics of the percentages. He pointed out that his calculations were wrong. However, the minutes were transcribed accurately.

The minutes were approved by unanimous voice vote.

#### 4. COMMUNICATIONS

Communications received for Plan Case No. 2101-M-09:

- Letter from Jeannie Covert and Gina Pagliuso
- Letter from Edward Durkin and Susan F. Lafferty
- Letter from Robert Lurvey
- Email from Sara Metheny
- Letter from Mary Grace Stevens
- Letter from DJ and Jann Meyer
- Email from Mary Stuart

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. OLD BUSINESS

There was none.

#### 7. NEW PUBLIC HEARINGS

**Plan Case No. 2101-M-09: A request by MOJO Properties, LLC to rezone 708 South Vine Street from R-3, Single and Two-Family Residential, to R-4, Medium Density Multiple Family Residential.**

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with a brief background and history of the proposed site. He noted that the lot has been vacant since 1980. He described the proposed development and the surrounding adjacent areas by noting their current zoning and land uses as well as the future zoning designations shown in the 2005 Comprehensive Plan. He discussed the difference in the floor area ratio and open space ratio requirements for both the R-3 and the R-4 zoning districts. He reviewed the La Salle National Bank court case criteria and how it pertains to the proposed rezoning case. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

*Staff recommends that the Plan Commission forward Plan Case No. 2101-M-09 to the Urbana City Council with a recommendation for approval.*

Mr. White inquired as to whether the property has actually been "for sale" since 1980. Mr. Engstrom responded that he doesn't know did not do a title search on the property so he is unsure of how many owners there have been.

Mr. Hopkins commented that the proposed site is no different from any other parcel development regarding sanitary sewer connection. The only circumstance in which a lateral line would already exist is if this would a replacement building. Mr. Engstrom said that this is true; however, in the older areas of town there are generally lateral lines in place. Robert Myers, Planning Manager, stated that to the best of staff's knowledge there are two sewer lines under the street in this block. One is an Urbana-Champaign Sanitary District (UCSD) interceptor sewer

line. Interceptor lines generally can't be tapped. The second line he believes is an 8-inch City line that has apparently collapsed about mid block. He noted that on the same side of the block as the proposed site, several homes are served by private sewer lines off the back that crosses neighboring properties. Mr. Hopkins said that these lines would be private lateral lines.

Chair Pollock asked if UCSD was responsible for bringing the line to the property line. Mr. Engstrom replied by that if the lateral line needs to be hooked up to the 8-inch line, then the property owner would be responsible for digging up the line to the street and hooking it up.

Chair Pollock wondered if the cost of digging up the line and connecting to the 8-inch sewer line would be the same for the proposed four two-bedroom townhouses as it would be for a duplex.

Mr. Hopkins asked if the 8-inch line has collapsed, then who would be responsible for it. Mr. Myers said he understands from the Public Works Director that it would be the City's responsibility to repair the sewer line itself but the property owner's responsibility to extend and connect a lateral line to it.

Mr. Fitch inquired as to whether the Public Works Department had an opinion about more traffic exiting onto Vine Street. Mr. Engstrom said that the Public Works Department was okay with the proposed development.

Mr. Fitch remarked that it appears on there was an alley that ends at Oregon Street. Does City staff know if the alley was ever vacated? Mr. Engstrom said he did not know.

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

Chris Saunders, owner of the lot in question, mentioned that he purchased the property along with several other parcels. The previous owner did try to sell this particular parcel by itself for quite some time with no luck. He currently has had the property on the market for approximately three or four months now. He has not received any calls or been contacted by an interested party. He has it listed for \$45,000 as a duplex lot.

If he is unsuccessful at selling the property, his goal is to get the maximum use out of the property. He has no desire to build a single-family home on the proposed site, because it would be cost prohibitive to do so. If he develops the lot as a duplex, then he would construct two four-bedroom duplexes, which is the same number of bedrooms as what he is proposing to build if the proposed rezoning request is approved.

The proposed development would cost about \$500,000. It would be fairly upscale. The target market would be young professionals rather than students. However, if he builds two four-bedroom units, then he would probably target students, because he would need to fill the units with tenants. At this time, he is not sure if he would proceed with developing the site if the rezoning request is not approved.

Mr. Fitch asked if Mr. Saunders had considered a different building orientation. Mr. Saunders referred this question to his architect, Russ Arbuckle. Mr. Arbuckle replied that they tried laying

the development out in a number of ways, but the proposed orientation is the only way they could get it to work. Other design orientations would not allow them to have the appropriate number of parking spaces that are required.

Mr. Fitch inquired whether the alley in the back of the property is usable or not. Mr. Arbuckle displayed a copy of the original plat. It does not show an alley.

D.J. Meyer, 801 South Vine Street, stated that he has a friend who lives in a house next to an apartment building similar to the proposed plan and his friend has no privacy. In looking at the proposed plans, he sympathizes with the neighbors who live next door to the proposed site. His other concern is that although there is a proposed plan included in the packet of information, there is no guarantee that this is what will be built on the lot. Chair Pollock pointed out that the question for the Plan Commission and the City Council is whether the higher density zoning would be appropriate for the proposed site. They need to take into consideration what can be built on the site if they approve the rezoning request.

Mr. Meyer expressed his concern about the value of his property going down because of all of the surrounding apartment buildings. Another apartment building could add to this demise.

Jann Meyer, 801 South Vine Street, mentioned that they have lived in the area for 19 years. Over this period, she noted that she saw a "For Sale" sign posted on the property for about two years. Therefore, it has not been up for sale for 20 years. If it was, then no one knew about it. She and her husband have spent a lot of time and money converting their home from an apartment back into a single-family home. She does not consider apartment buildings to be part of the neighborhood. She believes that if the proposed rezoning is approved, then it will create a domino effect.

Jeannie Covert, 806 South Vine Street, said that she bought her house about a year ago. They are currently remodeling the interior of their house. She converted her home from a two-unit rental property back into a single-family home. She has noticed that there is an effort to turn more homes back into single-family homes. She mentioned that she owns rental properties and takes pride in being a good landlord by providing a safe, quiet environment for her tenants. She has looked at the homes for sale, including the property in question, in the immediate area and sees the work that needs to be done to improve the value of the neighborhood. She sees enough homes already built that need improvement and she does not understand the logic to develop the vacant lot into an upscale development.

Gina Paliuso, 806 South Vine Street, expressed her concern about the traffic along Vine Street in front of the site and the neighborhood is all single-family residences except for the one duplex. The neighbors take pride in their properties.

Dr. Christopher Guest, 707 South Urbana Avenue, lives directly behind the proposed lot. He pointed out that the proposed parking lot would overlook his back yard. He is not too excited about this. He loves living in the City of Urbana. He loves walking down to the Farmer's Market every Saturday when the weather is nice. Urbana has a small town feel and has quality. He picked the neighborhood he lives in due to the quality of the neighborhood. He stated that there is a lot of neighbor friction about the proposed rezoning, because the petitioner is trying to pack

four units into a lot that is designed for one or two units. It just does not work. He does not like the fact that the petitioner is using the excuse of it being too expensive to find and connect into the sewer line as a selling point on approving the rezoning request. He wants to keep the quality of the homes and of the people high in this particular area. By keeping it lighter residential density would help achieve this. A multi-unit building with medium density would affect the character of the neighborhood.

Chair Pollock inquired about the petition that Dr. Guest has. How many signatures are on the petition? Dr. Guest stated that there are 29 signatures on the petition of people living in the immediate area. Chair Pollock questioned how many of the homes adjacent to the proposed site are owner-occupied. Dr. Guest believes that all of the homes on parcels that abut the proposed site are owner-occupied. He went on to say that Urbana Avenue is not a busy street like Vine Street is. It is a lazy street because it does not hook up with anything else. Kids play in the street.

Nancy Westcott, 801 South Urbana Avenue, commented that Urbana Avenue is mostly single-family owner-occupied homes. The development of the duplex at 505 South Urbana Avenue gives her very little faith in redevelopment of vacant lots. The duplex was constructed from property line to property line with the garages adjacent to the street. It looks hideous next to the refurbished older home.

She fears that once there is a new apartment complex, when another property comes up for sale, then someone will buy it to redevelop it into an apartment complex. If the whole block becomes apartment complexes, then it will destroy the character of Urbana Avenue. It currently is a very quiet street. She is afraid that the character of the neighborhood will change dramatically.

Mary Stevens, 804 South Vine Street, mentioned that she has lived here since 1947. The neighborhood has always been a one-family residential neighborhood. College students living in the area does not appeal to her. The house to the north of her is a rental property now and she dreads summer coming, because the rental property is not kept up. She is against the proposed duplex development.

Robert Lurvey, 710 South Vine Street, pointed out that he lives immediately south of the proposed site. He rents out the downstairs of his home while he and his mother live in the upstairs. The property to the north of the proposed site was former owner-occupied condominiums. The owners have graduated from the University of Illinois and moved on. Hopefully, the next owners will be graduate students as well. He spoke with Mr. Saunders and believes that he operates in good faith. His concern is not with Mr. Saunder's project, but with using zoning as a blunt instrument. The sewer issue is hypothetical. No one knows what is happening with the sewer. To base a zoning decision on this reason would be improper. The LaSalle National Bank criteria only addresses the value of the proposed property and not that of the surrounding properties and the extent to which property values would be diminished. The development of 708 South Vine Street would definitely improve its own property value, but it may be hit or miss as to whether it would increase or decrease the value of his property of that of the property on the north side. He expressed concern about the notification process. Notification of this public hearing was sent to the owners of the property on the north side to that address and not to the owners mailing address, which is different.

Mr. Lurvey described the neighborhood as being duplexes to the south, single-family homes to west and commercial to the far north. If the City wants people to keep refurbishing the older homes, then they need to have a balance. If they keep allowing multi-family units to be built, then the balance will be shifted and the density goes higher and higher.

Mr. Meyer re-approached the Plan Commission to ask a question. He stated that there previously was a home on the proposed lot. Does anyone know whether the home was connected or not to the sewer system? Mr. Myers responded that City staff reviewed their records and had record of when the house was demolished. But their files don't show whether or not a sewer lateral was capped off or abandoned or if there was a septic tank.

Chair Pollock pointed out that regardless of who develops the lot, whether it is the current owner or someone who may buy and develop it in the future, there will have to be a sewer connection made. How does one go about finding if there is already a sewer line? Mr. Engstrom replied that the owner will have to dig where he thinks it might be until he finds it or discovers that there is no line.

Chris Stohr, of 405 East High Street, stated that he worked with the City of Urbana for a long time to preserve single-family homes in the Historic East Urbana Neighborhood Area. It is always discouraging to hear that someone wants to tear down an old house and replace it with an apartment building. Stretching the footprint of a building to the very limits of what is legally allowed and changing the way parking is for an apartment does a lot to bring down the value of the property. It discourages people from spending money on maintaining their own homes. These are some of the most valuable assets that people in this area have. He knows from experience, because he lives next door to an apartment that was built on a owner-occupied single-family lot. So, he hopes that the Plan Commission will listen to the neighbors and residents in the area.

Mr. Saunders re-approached the Plan Commission to speak. He thanked everyone for voicing their concerns. He reiterated that the property is for sale, and he would love to find a buyer for it. His concern is that he would not be requesting a rezoning if he wasn't asking to be able to develop a nicer project. He does not need permission to build a duplex. He can have eight bedrooms either way. However, what he is proposing to build is a lot nicer than a duplex. If he builds a duplex, it will be scaled down. He is not going to build a single-family home on the lot.

Chair Pollock asked if a duplex is constructed, wouldn't another option be for Mr. Saunders to construct a two-unit duplex? Mr. Saunders stated that is correct. He currently manages 706 South Vine Street which is a condo duplex.

Chair Pollock wondered if there would be a difference in terms of repaying the cost of the building between four two-bedroom units and two four-bedroom units. Mr. Saunders answered that there would be a difference in the tenant makeup. It would probably cost the same amount to build each one. The proposed vacant lot is currently costing him about \$400 a month to maintain (property taxes, mowing, etc.). This is not the type of property that he looks to purchase and to develop. However, the property was included with a group of properties that he purchased. He now owns the property and he would like to do something with it. It does not

serve the neighborhood by sitting empty. The Urbana Park District is not going to buy it from him for a neighborhood park.

Mr. Grosser questioned if the proposed rezoning is not approved, will Mr. Saunders do something with the property? Mr. Saunders said that he could sit on the property for a long time but would rather not do so. There is a cost involved in keeping a property empty. It is bringing in no income and costing him money. If he develops, he would develop it as a duplex. It would not be as nice as the four-plex he wants to build. It would be a scaled down vinyl structure. Many people have commented that if the rezoning is approved, then he might construct some monstrous building. That is not true. There are a lot of limitations on what he could build in the R-4 Zoning District.

Mr. White commented he assumed it would cost a little more to build condos. Mr. Saunders said that the proposed project would be a \$500,000 project. The four units would not be an income producer, and they would be something that he would sell off as owner-occupied housing to young couples, graduate students, etc.

Jeannie Covert re-approached the Plan Commission. She mentioned that they looked up MOJO Properties and found some properties that they manage. The properties are in despair and not well maintained. There is a garbage dumpster on the sidewalk on one of the properties with concrete all the way across the front of it.

Dr. Guest re-approached the Plan Commission. He recalled Mr. Saunders saying that if the proposed rezoning is not approved, then he will build lower quality duplexes. Chair Pollock explained that Mr. Saunders will still have to meet city building code requirements and fire safety requirements. Mr. White added that a developer uses different materials when constructing a building that they plan to sell versus a building that they plan to rent.

Mr. Stohr re-approached the Plan Commission. He recommended that when looking for the sewer line connection, they use extreme caution because if an uncapped sewer line was not taken care of properly, it could create a very big mess for the neighborhood.

With no further questions or comments, Chair Pollock closed the public input portion of the hearing. He then opened it up for Plan Commission discussion and/or motion(s).

Mr. Myers asked Dr. Guest if he planned on submitting his petition to the City this evening. He pointed out that in order to be a valid zoning protest, it would need to be submitted to the City Clerk's office and have the right number of signatures of adjoining property owners. Doing so would require a super majority vote of the City Council in order to pass the rezoning request.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2101-M-09 to the City Council with a recommendation for denial. Mr. Grosser seconded the motion. Discussion and comments on the motion followed.

Mr. Hopkins believes that the end question is how change will migrate. When he looks at the zoning map and he sees what is happening as was expressed by the neighborhood at this meeting, a change to higher density is not migrating in this area now. If the proposed rezoning is

approved, then the City would be making a statement that this block should change to higher density. It seems clear to him that the City does not want to make this statement.

Mr. White agrees with Mr. Hopkins, but the neighborhood has an opportunity for higher class owner-occupied condos or for duplexes that would probably not be owner-occupied. He doubts if anyone would build a single-family home on the proposed lot. Therefore, he is in favor of changing the zoning.

Ms. Burris stated that she is opposed to the rezoning request because she sees it as spot zoning. If the proposed rezoning is approved, then it will increase the likelihood that the properties to the left and to the right will change as well. If the block becomes multi-family residential, then it would take so much away from the character of the neighborhood.

Mr. Fitch said it is a close call for him. The balance is to preserve the character of the neighborhood while promoting infill development. It is a difficult thing to do. There is a lot to like about the proposal of condominiums in the neighborhood. He believes there is a place for this type of development but just not on this particular lot. North of Green Street would be ideal because it is already zoned R-4 and is located near downtown Urbana. It would be more beneficial there.

Mr. Grosser feels sympathetic to the neighbors' concerns. Regardless, he did not feel there is a compelling case to change the zoning regardless of who the developer is or what might be built on the proposed lot. It sounds like development is going to happen either way, so he does not feel that changing the zoning is necessary to allow for development of the lot.

Chair Pollock thanked the neighborhood for attending the meeting and voicing their concerns. The 2005 Comprehensive Plan that guides the Plan Commission's decision making is unclear about what type of residential the proposed lot should be. He believes that there is a place for this type of development, and he does not feel that the proposed lot is that place. By denying the proposed rezoning, they are not putting an unfair financial burden on the developer. Therefore, he supports the motion.

Mr. Fitch understood this is business. It is not a charity. The proposed vacant property is costing Mr. Saunders money. If Mr. Saunders should decide to build a duplex, he recommended that Mr. Saunders talk over his plans with City staff so that he can build something nice.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that this case would be forwarded to the City Council on April 6, 2009.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Myers then reported on the following:

- ✚ The Garage Replacement Text Amendment was approved by the Urbana City Council.
- ✚ The Official Zoning Map Annual Update was approved by the Urbana City Council.
- ✚ The Lighting Standards Text Amendment was forwarded to the Committee of the Whole for further discussion.
- ✚ Upcoming Plan Cases - Two rezoning cases and a Sign Code Text Amendment for the Plan Commission meeting on April 9th

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

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Robert Myers, AICP  
Secretary, Urbana Plan Commission