

STATE OF ILLINOIS

CITY OF URBANA

Tod Satterthwaite
Mayor



Phyllis D. Clark
City Clerk

**URBANA CITY COUNCIL MEETING
MARCH 18, 1996**

The City Council of the City of Urbana, Illinois met in regular session Monday, March 18, 1996 in the Council Chambers at the Urbana City Building.

COUNCIL MEMBERS PRESENT: Hayes, James Jr. (Alderman Ward 3)
Kearns, Carolyn (Alderwoman Ward 4)
Patt, Esther (Alderwoman Ward 1)
Pollock, Michael (Alderman Ward 5)
Ryan, Marya (Alderwoman Ward 2)
Taylor, John (Alderman Ward 7)
Whelan, Joseph (Alderman Ward 6)

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Tod Satterthwaite, Mayor
Phyllis D. Clark, City Clerk
Bruce K. Walden, Chief Administrative Officer
Jack Waaler, City Attorney
Eddie Adair, Chief of Police
April Getchius, Community Development Director
William Gray, Public Works Director
Jeff McDuffy, Division Officer/UFD
Jay Getz, Senior Planner
Bruce Stoffel, Grants Management Division Manager
Diane Schober, Grants Coordinator II

OTHERS PRESENT: Marilyn Pollard; Theryl Newland; Earl O'Shea;
Linda Applequist; Tom Jordan; Media

The meeting was called to order at 7:31 p.m. by Mayor Satterthwaite.

A. MINUTES OF PREVIOUS MEETING

Alderman Hayes made a motion to approve the minutes of March 4, 1996 and was seconded by Alderwoman Patt.

Alderman Whelan requested that a statement he made regarding

changing the two lots to three lots (similar to the Beringer Commons lots being made into National Home lots), be included in the minutes prior to his motion to defer on page 10 of the minutes. There were no objections.

The motion to approve the minutes of February 19, 1996 carried by voice vote as corrected.

B. ADDITIONS TO THE AGENDA

There were none.

C. PETITIONS AND COMMUNICATIONS

Audience Participation

Marilyn Pollard (2701 Myra Ridge Drive) and **Theryl Newland** (representing CRD) addressed the Council on the topic of Eastgate Subdivision and expressed opposition to approval of the final plat request by The Atkins Group, allowing three smaller lots instead of two. Ms Pollard and Ms Newland indicated that residents were concerned that approving the three lots would allow the developer to bring in fast-food restaurants.

Earl O'Shea (606-A Glover) addressed the Council on the topic of better government and expressed his position for and against a need for better government.

Linda Applequist (204 Pell Circle) addressed the Council on the topic of Douglas Farm and requested that the Mayor appoint a Council Member to meet with Meijer's representatives, The Atkins Group and CRD in an effort to persuade Meijer's to "do the responsible thing" and sell back the property.

Tom Jordan (Developer/The Atkins Group) addressed the Council on the topic of Eastgate Subdivision, encouraging support in approving the final plat request to divide the area into three smaller lots.

Council Participation

In recycling information distributed to residents, Alderman Whelan noted that it states: "*Haulers may offer curb side recycling services only on the same day as U-Cycle collection. Call your hauler for prices.*" Alderman Whelan inquired if this was a suggestion that the haulers would charge? Mayor Satterthwaite indicated that it would be up to the hauler. Some haulers may tell their clients they will pick-up recycling, but there is a charge for the service. There may also be some

haulers who do not charge.

Alderman Whelan informed the Council that he had spoken with Ms Clark (City Clerk) regarding a petition he contemplates submitting for signatures requesting the position of the City Clerk be appointed rather than elected. Alderman Whelan stated that he would be discussing with Ms Clark her reasoning for why she believes the position should be elected instead of appointed. He has talked to other people in the community (both Democrat and Republican) who have expressed their views on whether the position should be appointed or elected. Alderman Whelan concluded by stating that his consideration will be very "judicious" and he will keep the Council informed of his thoughts so that they might respect the conclusion he comes to.

D. OLD BUSINESS

Mayor Satterthwaite explained that agenda items D.1 and D.2 were deferred to this meeting while an agreement with ICCI (Illinois Center for Citizen Involvement) was pending. The agreement has not yet been finalized. Mayor Satterthwaite suggested that the Council entertain a motion to table these items until an agreement can be considered with ICCI.

Alderman Pollock moved to send agenda items D.1 (*Ord. No. 9596-77: An Ordinance Revising The Annual Budget Ordinance (CDBG and Urbana HOME Consortium)*) and D.2 (*Res. No. 9596-R30: A Resolution Amending The Urbana HOME Consortium And The City Of Urbana Consolidated Plan For Program Years 1995-1999*) to the earliest Committee or Council meeting to which these materials will be available to the Council. Alderman Whelan seconded. The motion carried by voice vote.

3. Ord. No. 9596-78: *An Ordinance Approving A Final Plat - Eastgate Subdivision No. 1 (Plan Case No. 1606-S-96)*

This item was tabled from the March 4, 1996 Council meeting. As a result of questions and comments made by Council at this meeting staff included in Council Member's packet a revised ordinance which reflected only Section 3 adding a condition made by Council to ensure unified development of Lot 105 of the final plat, and a memo from City Attorney Jack Waaler regarding approval authority.

It was stated by Ms Getchius that a meeting would be scheduled for the neighborhood residents to discuss improvements for the Southeast Urbana area (i.e., Douglas Farm, Rose and Tabin Tracts). Alderpersons Pollock and Whelan both indicated that

they would like all of the residents to be able to have their questions and concerns answered at the meeting, as well as be informed of what affect their interests would have on the development.

There was a question raised by Alderwoman Patt regarding why the final plat was different from the preliminary plat, to which Ms Getchius responded that the change in the business district area was a more marketable lot, according to what she was told by the developer. It is not uncommon for changes to be made from the preliminary plat.

Both Alderwoman Ryan and Mayor Satterthwaite brought up questions that were raised by residents concerning infrastructure. Alderwoman Ryan inquired how much infrastructure would have to be built before the lots in question are developed, and how much more would have to happen before the Meijer's store is put in. In terms of the private developer dollars going into the project, Ms Getchius stated that there was nothing other than the condition in the ordinance which states that the residential cannot be developed except in conjunction with the larger parcel to the east. Regarding the final recording, there is no other infrastructure that needs to be built; streets, sewers, sidewalks, etc., are all in place. Mayor Satterthwaite responded to how the City would recoup the infrastructure cost, stating that the City is not obligated to put in a lot of the infrastructure improvements until the Meijer store goes in. Therefore, the City will not be "out of pocket" any money, because those dollars will not be put in until Meijer's agrees to build. Ms Getchius stated that the City is obligated to reimburse for the east-west collector amber lane built by the developer.

During debate concerning Meijer's, Alderman Whelan inquired if the City had the capability to rezone the property if Meijer's did not develop. Ms Getchius' response was that it could not be done as long as Meijer's still had ownership.

Following debate, Alderman Taylor made a motion to approve and was seconded by Alderwoman Kearns. Debate ensued.

Because of fears and concerns raised by residents, as well as his own questions about the property, Alderman Whelan made a substitute motion to deny the change and accept the four lots as a preliminary plat. Alderwoman Patt seconded.

Following debate, Alderman Whelan amended his motion to state that the reason being that it is not in substantial conformance. Alderwoman Patt concurred.

Following further debate, Mayor Satterthwaite asked Alderman Pollock to take the chair (9:05 p.m.). Mayor Satterthwaite stated that he did not believe the change from two to three lots was substantial or that there had been any effort by the developer to "deceive" the residents. Debate ensued.

Alderman Taylor made a motion to table this item to the first Council meeting in April. Alderwoman Patt seconded.

Alderman Whelan moved to amend the motion to table, to accept a plat showing four instead of five plats. Alderwoman Patt seconded for the purpose of discussion.

Alderman Taylor suggested sending this back to staff for review for one week and schedule a special Council meeting for next week to be held prior to the Committee on Environment & Public Safety meeting.

Alderman Whelan amended his motion, now requesting to send to a special Council meeting to be held March 25, 1996 prior to the Committee on Environment & Public Safety meeting, with instructions to bring back a final plat that would reflect four rather than five lots. The motion was seconded by Alderwoman Patt and carried by voice vote.

Disposition: Ord. No. 9596-78, "An Ordinance Approving A Final Plat - Eastgate Subdivision No. 1 (Plan Case No. 1606-S-96)", was sent to a special meeting of the Urbana City Council to be held Monday, March 25, 1996.

4. Ord. No. 9596-79: ***An Ordinance Approving A Final Plat - Raintree Woods Subdivision (Plan Case No. 1604-S-96)***

Mayor Satterthwaite noted that this item was continued from the March 4, 1996 Council meeting at which time there was a motion on the floor made by Alderman Taylor and seconded by Alderwoman Ryan to approve the final plat.

Ms Getchius had nothing further to add to staff's report, but noted that a copy of the Plan Commission minutes regarding this case were included in Council's packet.

Alderman Pollock inquired if there were any other areas in which similar conditions exist that would result in future requests from a member of the public or a developer for the types of waivers from the Subdivision Code as presented in this case? Mr. Getz responded that when he spoke recently with the Urbana Township Road Commissioner he pointed out that Holcomb Woods,

north of Raintree Woods, is another example of what is happening with this case.

Alderman Pollock stated that he was originally uncomfortable approving this item because of the precedent that may be set with the violation of the Subdivision Code. He had an opportunity to visit the site and talk to some of the residents, as well as the developers. Alderman Pollock further stated that, given the staff and Plan Commission recommendation, he has come to the conclusion that this is not a good precedent to set but the best direction to go in this particular case and, therefore, supports approval of this case.

The vote on the standing motion to approve was as follows:

Alderman Hayes - Aye	Alderman Ryan - Aye
Alderman Kearns - Aye	Alderman Taylor - Aye
Alderman Patt - Aye	Alderman Whelan - Aye
Alderman Pollock - Aye	

Disposition: The motion to approve carried by roll call vote (7-aye:0-nay). Ord. No. 9596-79, "An Ordinance Approving A Final Plat - Raintree Woods Subdivision (Plan Case No. 1604-S-96)", was approved by Council.

E. REPORTS OF STANDING COMMITTEES

1. Committee on Administration & Finance

a. Ord. No. 9596-82: ***An Ordinance Authorizing The Sale Of Certain Real Estate Owned By The City Of Urbana And Acquired Under The Community Development Block Grant Program (1104 West Church Street)***

Alderman Pollock made a motion to approve and was seconded by Alderman Kearns. The vote on the motion was as follows:

Alderman Hayes - Aye	Alderman Ryan - Aye
Alderman Kearns - Aye	Alderman Taylor - Aye
Alderman Patt - Aye	Alderman Whelan - Aye
Alderman Pollock - Aye	Mayor Satterthwaite - Aye

Disposition: The motion to approve carried by roll call vote (8*-aye:0-nay). Ord. No. 9596-82, "An Ordinance Authorizing The Sale Of Certain Real Estate Owned By The City Of Urbana And Acquired Under The Community Development Block Grant Program (1104 West Church Street)", was approved by Council.

[*Requires Mayor vote.]

b. Ord. No. 9596-83: **An Ordinance Authorizing The Sale Of Certain Real Estate Owned By The City Of Urbana And Acquired Under The Community Development Block Grant Program (1212 West Beech Street)**

Alderman Pollock made a motion to approve and was seconded by Alderman Whelan. The vote on the motion was as follows:

Alderman Hayes - Aye	Alderwoman Ryan - Aye
Alderwoman Kearns - Aye	Alderman Taylor - Aye
Alderwoman Patt - Aye	Alderman Whelan - Aye
Alderman Pollock - Aye	Mayor Satterthwaite - Aye

Disposition: The motion to approve carried by roll call vote (8*-aye:0-nay). Ord. No. 9596-83, "An Ordinance Authorizing The Sale Of Certain Real Estate Owned By The City Of Urbana And Acquired Under The Community Development Block Grant Program (1212 West Beech Street)", was approved by Council.
[*Requires Mayor vote.]

c. Res. No. 9596-R31: **A Resolution Approving And Authorizing The Execution Of An Administrative Agreement For Transitional Housing For Homeless Families With Children For The Period April 16, 1996 - June 30, 1996**

Alderman Pollock made a motion to adopt this resolution and was seconded by Alderwoman Patt. The vote on the motion was as follows:

Alderman Hayes - Aye	Alderwoman Ryan - Aye
Alderwoman Kearns - Aye	Alderman Taylor - Aye
Alderwoman Patt - Aye	Alderman Whelan - Aye
Alderman Pollock - Aye	

Disposition: The motion carried by roll call vote (7-aye:0-nay). Res. No. 9596-R31, "A Resolution Approving And Authorizing The Execution Of An Administrative Agreement For Transitional Housing For Homeless Families With Children For The Period April 16, 1996 - June 30, 1996", was adopted by Council.

With nothing further to report, Alderman Pollock stated that the next meeting of the Committee on Administration & Finance is scheduled for April 8, 1996 at 7:30 p.m. in the Council Chambers, and the first budget review meeting will be held April 30, 1996 at 7:30 p.m.

2. **Committee on Environment & Public Safety**

There being no business on tonight's agenda from the Committee on Environment & Public Safety, Alderwoman Ryan stated that the next meeting of this committee would be March 25, 1996 at 7:30 p.m. in the Council Chambers.

F. REPORTS OF SPECIAL COMMITTEES

There were none.

G. REPORTS OF OFFICERS

Mayor Satterthwaite stated that in an earlier report he had made to Council regarding a grant the City of Urbana received from the State for a household hazardous waste event, he had stated that the date would be April 20, 1996 and later learned this was an error. The correct date for the event, which was supplied from the IEPA, is April 13, 1996. A flyer will be mailed to residents this week.

H. NEW BUSINESS

1. Ord. No. 9596-84: ***An Amendment To A Part Of The Zoning Ordinance And Zoning Map Of The City Of Urbana, Illinois (Schnuck's/Maple-Vine Redevelopment Site) (Plan Case #1609-M-96)***

Community Development Director April Getchius presented staff's report to Council. Ms Getchius stated that the area being rezoned is a combination of multiple zoning districts including B-3, R-6 and some B-4. The rezoning to B4-E would allow the entire property to be zoned and classified as one zoning district and allow for its redevelopment in a unified manner. The Comprehensive Plan designates this area as commercial and, therefore, the rezoning of the property to B-4E conforms to the Comprehensive Plan land use designation.

Alderman Taylor made a motion to approve. Alderman Whelan seconded. The vote on the motion was as follows:

Alderman Hayes - Aye	Alderwoman Ryan - Aye
Alderwoman Kearns - Aye	Alderman Taylor - Aye
Alderwoman Patt - Aye	Alderman Whelan - Aye
Alderman Pollock - Aye	

Disposition: The motion carried by roll call vote (7-aye:0-nay). Ord. No. 9596-84, "An Amendment To A Part Of The Zoning Ordinance And Zoning Map Of The City Of Urbana, Illinois

(Schnuck's/Maple-Vine Redevelopment Site) (Plan Case #1609-M-96)", was approved by Council.

2. Ord. No. 9596-85: **An Ordinance Granting A Special Use Permit To Allow Schnuck's Markets, Inc. To Develop A Planned Unit Development General Shopping Center (Plan Case #1610-SU-96)**

Alderman Hayes made a motion to approve and was seconded by Alderwoman Ryan.

Alderman Pollock inquired about one of the waivers which had to do with a 25 yard setback, but the code only required a 5 yard setback. Ms Getchius stated that the conditions required for a special use include a 25 ft. setback, an 8 ft. fence with barbed wire around the top, and a minimum of a 1-acre lot size. Ms Getchius said she believed this was geared for industrial uses. However, since this is a planned unit development and listed as a special use in the Use Table, staff wanted to make sure that it was clear that those three provisions that normally apply to special use, which are commonly waived (i.e., churches, etc.), be specifically called out in the ordinance to waive. The Special Use Permit is subject to final engineering details. Alderman Pollock noted, with regard to planting, he could see where the plants are and what kind they are, however, he could not determine where the sidewalks would be located, how much right-of-way would be used, or how much green space would be involved from the City right-of-way. Ms Getchius stated that this would be depicted during the platting process which will have to go to Plan Commission and Council.

The vote on the motion to approve was as follows:

Alderman Hayes - Aye	Alderwoman Ryan - Aye
Alderwoman Kearns - Aye	Alderman Taylor - Aye
Alderwoman Patt - Aye	Alderman Whelan - Aye
Alderman Pollock - Aye	

Disposition: The motion carried by roll call vote (7-aye:0-nay). Ord. No. 9596-85, "An Ordinance Granting A Special Use Permit To Allow Schnuck's Markets, Inc. To Develop A Planned Unit Development General Shopping Center (Plan Case #1610-SU-96)", was approved by Council.

3. Ord. No. 9596-86: **An Ordinance Approving And Causing Publication Of The Official Zoning Map Of The City Of Urbana, Illinois (PC-1613-M-96)**

Senior Planner Jay Getz presented staff's report to Council, stating that the changes on the zoning map include all

annexations, rezonings and subdivisions that have occurred during the past year. Mr. Getz stated that the Eastgate Subdivision would be excluded from the map, since Council has moved this item to a special meeting; however, Raintree Woods Subdivision would be shown.

Alderman Taylor made a motion to approve. Alderwoman Kearns seconded. The vote on the motion was as follows:

Alderman Hayes - Aye	Alderwoman Ryan - Aye
Alderwoman Kearns - Aye	Alderman Taylor - Aye
Alderwoman Patt - Aye	Alderman Whelan - Aye
Alderman Pollock - Aye	

Disposition: The motion carried by roll call vote (7-aye:0-nay). Ord. No. 9596-86, "An Ordinance Approving And Causing Publication Of The Official Zoning Map Of The City Of Urbana, Illinois (PC-1613-M-96)", was approved by Council.

4. Ord. No. 9596-87: **An Ordinance Annexing Certain Territory To The City Of Urbana (Landa Residence/109 S. Pfeffer Road)**

Ms Getchius stated the City's Access Urbana Program is the impetus for this item. There is a seller who would like to take advantage of the program, but cannot do so unless the property is annexed to the City of Urbana. It is a single-family residence adjacent to the city limits.

Alderman Taylor made a motion to approve. Alderwoman Ryan seconded. The vote on the motion was as follows:

Alderman Hayes - Aye	Alderwoman Ryan - Aye
Alderwoman Kearns - Aye	Alderman Taylor - Aye
Alderwoman Patt - Aye	Alderman Whelan - Aye
Alderman Pollock - Aye	

Disposition: The motion carried by roll call vote (7-aye:0-nay). Ord. No. 9596-87, "An Ordinance Annexing Certain Territory To The City Of Urbana (Landa Residence/109 S. Pfeffer Road)", was approved by Council.

5. **Appointments to the Library Services Task Force**

Mayor Satterthwaite presented the following names as his recommendation for appointment to the Library Services Task Force:

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Carolyn Kearns, 4th Ward

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Urbana At-Large

Jane Williams, 707 W. Oregon
Lachlan Blair, 506 W. Illinois
Alexis Daniels, 308 W. Green, Apt. #10

Alderwoman Patt made a motion to approve the recommendation for appointments. Alderman Taylor seconded. The motion carried by voice vote.

I. ADJOURNMENT

There being no further business to come before Council, Mayor Satterthwaite declared the meeting adjourned at 9:47 p.m.

Phyllis D. Clark, City Clerk

*This meeting was taped.