

## **MINUTES OF A SPECIAL MEETING**

### **URBANA PLAN COMMISSION**

**DATE:** July 20, 2000 **APPROVED**

**TIME:** 7:30 p.m.

**PLACE:** Urbana City Building  
400 S. Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Ms. Marilyn Upah-Bant, Mr. Gerrit Knaap,  
Mr. Christopher Alix, Ms. Helaine Silverman, Mr. Joseph  
Rank, Mr. Randy Kangas.

**MEMBERS EXCUSED:** Mr. J. Barry Howell, Ms. Bernadine Stake.

**STAFF PRESENT:** Elizabeth Tyler, AICP/ASLA, Asst. City Planner  
Rob Kowalski, Senior Planner  
Pat Tarte, Recording Secretary

**OTHERS PRESENT:** Susan Taylor, Art Zangerl

Ms. Upah-Bant nominated Mr. Kangas to serve as acting Chairperson in the absence of Mr. Howell. He was approved by unanimous voice vote.

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

The meeting was called to order at 7:34 p.m. A quorum was declared present.

#### **2. CHANGES TO THE AGENDA**

There were none.

#### **3. APPROVAL OF MINUTES**

There were no minutes presented for approval.

#### **4. COMMUNICATIONS**

There were none.

## **5. CONTINUED PUBLIC HEARINGS**

### **Plan Case 1746-T-00, Zoning Ordinance Text Amendment to add definitions for an Athletic Training Facility, Non-Residential and Residential.**

Ms. Tyler presented an overview of the case concluding with a staff recommendation for approval.

Mr. Kangas asked if there was an example of each use in the community. Ms. Tyler said that there is not an existing facility in town of this particular type. She noted that some of the training facilities at the University might come close to the facility proposed.

Ms. Silverman asked if Urbana had to have this type of facility, or if that had already been decided. Ms. Tyler explained that this case was originally part of Plan Case 1741-T-00 that had been heard on May 20, 2000. She added that it had been adopted at the City Council meeting of May 29, 2000. She noted that Plan Case 1746-T-00, was the result of a directive from the City Council to the Plan Commission stating that they wanted a definition to be drafted in the Zoning Ordinance that would be consistent with the way it had been originally presented. Ms. Silverman asked if the last sentence of the non-residential definition which reads, "however, limited public use is permitted for regular training and fitness classes and public outreach." was open for discussion. Ms. Tyler answered yes. She said that the petitioner who had originally asked about this type of facility wanted to be able to use it for income generating purposes and therefore staff had added this wording to the definition. Ms. Silverman stated that public use of anything athletic belonged in something like a health and fitness club and not in an athletic training facility. She said that if the City is going to have such a facility it should only be used for dedicated athletes. She said that she would like to see the public use of the facility and the use by dedicated athletes kept separate. She explained that her reasoning had to do with the impact of traffic volume on the neighborhoods where they would be located.

Ms. Upah-Bant asked that Ms. Tyler discuss the parking specifics, as she had not been present when this first came before the Commission. She asked if the non-residential use was similar to a health and fitness club, and if the residential use was similar to a multi-family residence. Ms. Tyler said that there is a table in the Zoning Ordinance that provides guidelines on parking.

Ms. Silverman asked if the major impact of the residential use would be primarily on neighbors renting the apartments where they live. Ms. Tyler said that was probably a fair statement. Ms. Silverman then said that she was concerned with the destruction of neighborhood quality by business. She said that she felt, in this case, there was a very real potential for something very large to negatively affect the people living around it. Ms. Tyler pointed out that in all of the residential zones where the athletic training facility is allowed a Conditional Use Permit is required. She stated that a Conditional Use Permit requires a hearing and must meet certain criteria before the Zoning Board of Appeals. She reiterated that the suitability of these uses for the zones under discussion was discussed in detail and adopted as part of this Ordinance in May.

Ms. Silverman said that she found the entire concept of Special Use and Conditional Use Permits extremely troubling. She said they are always opening up the possibility and the likelihood that neighbors will have to organize in an adversarial manner against a plan that should not be developed. She stated these permits should not be allowed because something is being required when they come into existence that should not be in existence at all.

Ms. Tyler stated that this argument was a pretty negative way of looking at a democratic process that actually can improve projects. She mentioned as an example the case of a daycare center that could screen the surrounding neighbors from traffic noises and lights through the use of a Conditional Use Permit. She said that if the conditions can be met it would be a very good location for a daycare center that has outgrown its present building. She stated that one of the benefits of both Special Use and Conditional Use Permits is that they give our governing bodies needed latitude. She noted that with just zoning, any number of things could happen within any particular zone. Ms. Tyler went on to say that these permits are a good way to be able to take a closer look at things. She said that without those mechanisms there would be many more compatible use issues. She stated that you couldn't have a community that was zoned only residential.

Mr. Kangas asked if a large lot would be needed for this facility. Ms. Tyler stated that it could require a large lot.

Mr. Knaap asked if the non-athletic facility might be appropriate in a CRE zone. Ms. Tyler said that staff had looked at like uses to identify appropriate zones. She said that she could envision the facilities in some CRE zones. She said that to place them in the CRE zones staff would have had to make that jump and justify them at that time. She said it might be something to look at in the future. She also noted that the question might become moot in time because the City may be looking at revising the CRE since it seems to cover more than it should.

Ms. Silverman asked the meaning of B-4 zoning as opposed to B-4E zoning. Ms. Tyler explained that B-4 is the Central Business District and that B-4E is the extension of that zoning. She said that it contains more modern zoning regulations. She stated that Schnuck's is B-4E while Main Street is B-4.

Mr. Alix asked under what circumstances a health and/or fitness club would be permitted in R-4, 5, and 6. Ms. Tyler said that it was permitted by Conditional Use Permit in R-6B. Mr. Alix said that he was concerned because this looked like an attempt to allow what could be a relatively high intensity use into a residential area. Ms. Tyler said that the thinking on this was that these uses would benefit from being in a residential area. She said it would be a quieter atmosphere that would be conducive to this sort of training. Mr. Alix stated that he was uncomfortable with a Conditional Use in R-4. He also said that the definitions as stated were accurate for what the City Council had in mind.

Ms. Tyler said that she wanted to make sure that everyone knew that all testimony and evidence should be completed before any of the Commissioners stated how they intended to vote.

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Mr. Rank stated that striking the last sentence in the definition of non-residential training facility would limit its applicability in those zones where everyone agrees it is totally appropriate. He continued that the fact that it has to come back before the Plan Commission for a Special Use Permit satisfied him.

Mr. Kangas stated that he agreed with Mr. Rank. He asked if there is a definition for limited public use. Ms. Tyler answered that it would need some interpretation from the Zoning Administrator but that the thought was to leave some room for cash flow on a limited basis with some classes set up to promote the particular training facility for seniors, etc. She said that it would not be like a walk in fitness center.

Ms. Silverman asked the meaning of public outreach. Ms. Tyler said that the thought was that perhaps children would like to meet some of the athletes that would be using the facility. Ms. Tyler noted that most businesses like to do some sort of public outreach or public relations. She added that it was just a general term.

Mr. Alix asked why there is an issue of having public use. He said that his understanding was that the non-residential facility would only be allowed in business zoning districts. He did not understand the reasoning behind defining a non-residential training facility when the definition and the zoning districts for a health and fitness club could meet that need. Ms. Tyler explained that the residential training facility definition was built on the definition for the non-residential facility. He asked if the residential facility also allowed limited public use. Ms. Tyler said that was how it could be read now. She said that the market to be reached would determine whether the facility would have resident programs. She said that if non-residential, the programs would need to be short term or they would need to rely on residential facilities elsewhere, such as at the University.

There was a discussion dealing with the placement of the training facility in residential zoning districts. Ms. Tyler said that the training facility is a new type of use and that there was no clear direction, prior to the Amendment, as to where these facilities could go. She noted that it would be more quiet and peaceful for the athletes in residential neighborhoods. She said that they did not want these facilities in Single Family Residential or in Two Family Residential but rather in Multi Family Residential with the extra control that would be provided by the Conditional Use Permit or the Special Use Permit.

Ms. Tyler stated that there would be more uses added to the Table of Uses in the future. She said that staff is contemplating a number of changes after looking at some land use survey information. She said staff had found lots of uses that do not fit anywhere on the Table. She added that in the interest of being complete, staff has started to look at making these changes.

Mr. Knaap moved to send a recommendation for approval of Plan Case 1746-T-00 to the City Council for consideration at their August 7, 2000 meeting. Mr. Rank seconded the motion.

Upah-bant, yes

Rank, yes

Knaap, yes

Kangas, yes

Silverman, no

Alix, yes

The motion passed 5 – 1.

Mr. Kangas forwarded Plan Case 1746-T-00 to the City Council with a recommendation for approval.

## **6. OLD BUSINESS**

### **CCBZA 219-AT-99, Omnibus Text Amendment of the Champaign County Zoning Ordinance regarding kennels, veterinary hospitals, pet cemeteries, etc.**

Ms. Tyler made a presentation of the case concluding with a staff recommendation that the City Council defeat a resolution of protest for all parts of the Text Amendments.

Mr. Alix asked if County AG-1 and AG-2 zoning translates to Urbana AG zoning. Mr. Kowalski answered that County AG-2 zoning translates to City of Urbana AG zoning, and County CR zoning translates to City of Urbana CRE zoning.

Ms. Silverman asked how schools acquire the parking they need if they do not have enough spaces. Ms. Tyler said that this new text would only apply to new schools being built. She said that in a case such as the expansion of an existing school, that expansion would have to comply with the new Zoning Ordinance parking requirements in the County.

Ms. Kangas asked for a definition of the small-scale metal fabricating shop designation. Ms. Tyler said that the definition for the small-scale metal fabricating shop is “using tools, materials, and techniques customarily found in farm shops”. She said that in the County Zoning Ordinance there are several pages of requirements for home occupations. She also said that there are lots of restrictions and conditions on those home occupations, and that this amendment would be limited to existing buildings only. She said that in many cases there is a need on the part of farmers to find ways to supplement their farm income. She added that this would allow the County some flexibility and control in helping farmers start home occupation businesses. She said that County staff was comfortable with this wording.

Mr. Rank asked if an existing building ceases to be serviceable does the use go away or can a new building be built on the site of an existing building to continue the business. Ms. Tyler said that under this provision of the County Zoning Ordinance they could not do so. She said that this was a better question for County staff. She noted that the purpose of this particular amendment was to allow for the reuse of existing farm buildings. She said that it is fairly limited in its application.

There was a discussion concerning whether metal fabricating would be allowed in City AG. After checking the Zoning Ordinance it was found that the City did not allow them in the AG zoning area. Mr. Alix asked if machine shops were allowed in City AG zoning, and Ms. Tyler answered that it could not exist under current zoning.

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Mr. Knaap stated that the reason the City is concerned with County Zoning is because if a use is allowed by right the City has no authority over when that use begins to exist. Ms. Tyler said that the City has no say with the County Special Use Permit. She said that the only input the City has would be with zoning protests. She said that as a courtesy the City is contacted about Special Use Permits but has no review authority. Mr. Knaap said that the reason the City cares about what is permitted in the AG zone is because the broader the leeway granted in the AG zone the less impact the City has in the ETJ jurisdiction. Mr. Knaap said that the City cares what is allowed in the ETJ jurisdiction because at some point it could be annexed to the City and would, therefore, have an effect on the efficient expansion of the City. He noted that if the County is extremely lenient in what they allow in the AG zone the City might have to live with that use without an ability to comment on the practice.

Mr. Kangas said that due to the number of home occupations that are allowed in the County and the number of restrictions that apply, there are a lot of controls on County home occupations. Ms. Tyler added that the County's restrictions and conditions on rural home occupations are very stringent. She also added that all rural home occupations are required to obtain a County Zoning Use Permit, which would be equivalent to the City's Building Permit.

Ms. Tyler noted that there are two very different goals for urban development and rural development. She said that this case is a good example of that concept. She continued that farmers struggle with securing secondary sources of income and she said that the County has done a good job of adding flexibility to their Zoning Ordinance in order to help these farmers, while keeping good controls.

Mr. Alix said that all six of the amendments seemed to be eminently reasonable and felt that there would have to be strenuous objection to attempt to influence this issue. He said that as the County rural home occupation zoning use is so restrictive he could not see it being abused. He said that he would support the request.

Mr. Alix moved that CCZBA –219-AT-99 be forwarded to the City Council with a recommendation to defeat a resolution of protest at their August 7, 2000 meeting. Ms. Silverman seconded the motion.

Mr. Knaap stated that he felt that to allow pet cemeteries in the ETJ area was problematic. He said that if that should happen just outside the municipal borders it could be a problem. Ms. Tyler said that the conditional use restrictions would come into play at that point. Mr. Knaap asked if that would give the City any input. Ms. Tyler said that the City could comment but would not be able to force a supermajority vote. Mr. Knaap said that he was hesitant to allow any further lenience in what would be allowed in the agricultural zone. He said that was the primary reason he would vote against this case.

Mr. Kangas called for a roll call. The vote follows:

Upah-Bant, yes

Rank, yes

Knaap, no

Kangas, yes

Silverman, yes

Alix, yes

The motion passed 5 – 1.

Mr. Kangas forwarded CCZBA 219-AT-99 to the City Council to be heard at the August 7, 2000 meeting.

## **6. NEW PUBLIC HEARINGS**

### **Plan Case 1750-T-00: Request by the Zoning Administrator to amend the text of Article XII (Historic Preservation Ordinance) of the Urbana Zoning Ordinance.**

Mr. Kowalski presented an overview of the case concluding with a staff recommendation of approval of the presented text amendments as outlined in the staff memo.

Mr. Kangas said that as one of the Commissioners that had heard the Historic Preservation Plan and Ordinance when it was originally presented to the Plan Commission he remembered that one of the more controversial issues was what authority the Historic Preservation Commission would really have or whether the City Council would have the final word. He continued saying that on number 15 page 221 of the Ordinance dealing with an owner being in agreement with and seeking the designation, and the Commission agrees, the process should be very simple and will end at the Historic Preservation Commission level and not go forward to the City Council. He also said that if someone other than the owner of a property nominates a property and the owner agrees with the nomination the case would once again go forward without recourse to the City Council. Mr. Kangas continued that on page 222 under Article XII of the Zoning Ordinance it talks about City Council authority and says, “if the owner has registered a preference against the nomination submitted by someone other than the owner” he said that he thought the words “ the owner has agreed by means of a registered preference” should be added when the owner of a property has agreed with the nomination. He said this would act as proof of that agreement.

Mr. Art Zangerl, a member of the Historic Preservation Commission, agreed with the addition of the wording suggested by Mr. Kangas.

Mr. Alix asked if in order to be a Lot of Record does the property have to have been subdivided in compliance with the Plat Act. He asked if a lot in the City has been subdivided in violation of the Plat Act and does not meet the criteria to be an official Lot of Record would it be subject to historic preservation. Mr. Kowalski answered that a Lot created after December 16, 1979 would require being properly subdivided with the Plat recorded. He said that the City has many lots that were created before that date and these are considered Lots of Record. He said that there could be a lot that has not been properly subdivided or not been part of a subdivision and it could still be a Lot of Record recognized by the City that was created before December 16, 1979.

Mr. Knaap asked how many historic designations have been assigned. Mr. Zangerl answered there were five. He said they included the Princess Theatre, the Linley House, the Ricker House,

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the Masonic building, and the small cottage located at 108 Webber Street. He stated that all five are individual landmarks, as there were no districts yet. He said that all five had been non-controversial. It was noted that the Norman Baxleys owned four of the five properties nominated and approved for landmark status. The exception was the Ricker House.

Ms Upah-Bant moved that Plan Case 1750-T-00 be forwarded to the City Council with a recommendation for approval, including the addition of the words to the amendment “the owner has agreed by means of a registered preference.” Ms. Silverman seconded the motion.

Mr. Kangas called for a roll call. The vote follows:

Alix, yes	Silverman, yes	Kangas, yes	Knaap, yes
Rank, yes	Upah-Bant, yes		

The motion passed 6 – 0

Mr. Kangas forwarded Plan Case 1750-T-00 to the City Council with a recommendation for approval of the amendment including the addition of the words “the owner has agreed by means of a registered preference.”

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Ms. Tyler stated that Plan Case 1748-SU-00, the Les Johnson Special Use Permit application was withdrawn before it was heard by Council.

Ms. Tyler said that Plan Case 1749-CP-00 and Plan Case 1749-M-00 were both approved.

Ms. Tyler mentioned that there would be meetings discussing Big Grove on July 25, 26, and 27 from 6 p.m. until 10 p.m. at the County. She said that anyone with questions could contact Mr. Kowalski next week.

Ms. Tyler said there would be County action on the Big Grove issue on August 3, 2000 at a special County meeting.



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Ms. Tyler stated that a town hall meeting on the downtown would be held on July 27 at 7 p.m. in Council Chambers. She said that there would be a state of the downtown presentation at that meeting.

Ms. Tyler announced that the joint Plan Commission meeting with the City of Champaign and the Village of Savoy had been rescheduled for October 12, 2000.

Ms. Tyler announced that the August 10, 2000 Plan Commission meeting had been cancelled because of a lack of cases.

There was a question about recent University action involving Eminent Domain. Mr. Kangas explained that Eminent Domain is a police power of government that is used, in certain cases, to obtain property wherein the owner of the property has to sell to the government, for a fair market price, whether the owner wants to sell or not.

## **11. STUDY SESSION**

There was none

## **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

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April D. Getchius, Secretary  
Urbana Plan Commission