

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: October 18, 2001

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Christopher Alix, Alan Douglas, Michael Pollock,
Joseph Rank, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Randy Kangas, Gerrit Knaap

STAFF PRESENT: Elizabeth Tyler, Planning Manager; Tim Ross,
Planner; Reed Berger, Economic Development
Coordinator

OTHERS PRESENT: Randy Baker, Kyung Min Shun, Laurie Scott, Susan
Taylor, Chris Warner

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes from the September 20, 2001 meeting. Mr. Rank seconded the motion. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 1798-M-01; Request by East Lawn Burial Park Association to rezone 802 North Cunningham Avenue from B-3, General Business to AG, Agriculture.

Tim Ross, Planner, presented the staff report. He gave a brief introduction describing East Lawn Burial Park Association's request for rezoning. He discussed the background of the rezoning request including adjacent land uses and zoning designations of the surrounding properties. He identified some of the Comprehensive Plan goals, objectives, and policies related to this case. Mr. Ross listed the criteria of the La Salle National Bank pertaining to this proposal. They are as follows:

1. *The existing land uses and zoning of the nearby property.*
2. *The extent to which property values are diminished by the restrictions of the ordinance.*
3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*
5. *The suitability of the subject property for the zoned purposes.*
6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

Mr. Ross gave a summary of the staff findings. He read the Plan Commission's options for recommendation to the City Council. He stated that based on the evidence presented in the staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission forward Plan Case 1798-M-01 to the Urbana City Council with a recommendation for approval.

Mr. Rank observed that the portion of the parcel immediately to the east would still be zoned B-3, General Business, which would create an "island" of B-3 that would be completely surrounded by other uses with no access to the B-3. Mr. Ross responded that upon researching the history of the zoning of this parcel, staff discovered that while this parcel had been in its current configuration as far back as they could find, this split zoning had never been changed. Mr. Ross confirmed that in rezoning the portion of the parcel requested to AG, Agriculture, it would isolate the B-3 area. The petitioners had indicated that they are presently using part of the B-3 area with the permission of the property owners (National Guard Armory). In all likelihood, it is not a site for

commercial, and the B-3 area would be more appropriate as CRE, Conservation, Recreation, and Education than for industrial use.

Mr. Douglas questioned if the existing cemetery building would be demolished and a replacement structure be built on the same site? Mr. Ross replied that the petitioner had also requested a variance to construct a new Morton Building at the same location.

Mr. Alix asked who the petitioner was? Mr. Ross answered that although Randy Baker had been the main contact, East Lawn Burial Park Association was the actual petitioner. Mr. Alix asked if Randy Baker was the general contractor of this project? Mr. Ross replied that was correct. Mr. Alix noted that on the petition for the Zoning Map Amendment, the petitioner was identified as the East Lawn Burial Park Association as opposed to them being the landowner.

Randy Baker, of Morton Buildings, Inc. and representative of the East Lawn Burial Park Association, commented that he had been working with the East Lawn Burial Park Association on this project for over a year. He mentioned that he tried to find another site to build the maintenance building. He stated that the existing site would be the best site for the new building.

Ms. Stake moved to forward this plan case to the City Council with the recommendation for approval of the rezoning of 802 North Cunningham Avenue from B-3, General Business to AG, Agriculture. Ms. Upah-Bant seconded the motion.

Mr. Alix asked to clarify that the motion includes the variance. Mr. Ross responded that the variance was currently being requested through the Zoning Board of Appeals.

The roll call was as follows:

Mr. Douglas	-	Yes	Ms. Stake	-	Yes
Mr. Pollock	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Rank	-	Yes	Mr. Alix	-	Yes

The motion was passed by unanimous vote.

Plan Case 1799-T-01; Request by the Zoning Administrator to amend Section IX-10 of the Zoning Ordinance, Interim Development Ordinance - Moratorium on Outdoor Advertising Sign Structures (OASS).

Mr. Ross gave the staff presentation regarding this case. He began with an introduction and extensive background of the request by the Zoning Administrator. He reviewed "Exception 3" of Section IX-10 (Outdoor Advertising Sign Structures Moratorium) of the Zoning Ordinance, which regards the removal of the OASS located on the Elite Diner property within 180 days after the construction of a new OASS on the "Eliot Building" property. Mr. Ross summarized the staff findings and read the options of the Plan Commission for recommendations to the Urbana City Council. He stated that based on the evidence presented in the staff report, and without the

benefit of considering additional evidence that may be presented by the public during this hearing, staff recommended that the Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance.

Ms. Stake asked if it was unusual for staff to put the exception in third instead of first or second? Mr. Ross replied that the amendment was designed for this one particular project, and it would simply avoid amending an ideal that lasts for six months. It serves the purpose. Ms. Tyler added that it read like a contract.

Mr. Alix asked who the owner was of the Eliot Building? Mr. Ross answered that the Eliot Building was owned by Champaign County.

Ms. Upah-Bant inquired as to what the sequence of events had been regarding this case? Would the inter-governmental agreement have taken place before the moratorium? Ms. Tyler responded that the inter-governmental agreement and the moratorium occurred very close in time. The City of Urbana attorney's view was that there was a contractual obligation to allow the relocation; however, it did not actually make it into the amendment. Ms. Upah-Bant asked if the moratorium was already in place, then staff would not have been allowed to relocate the OASS? Ms. Tyler replied that she was not sure what the sequence of events were. Mr. Berger added that the discussions with Champaign County were happening long before the moratorium occurred.

Mr. Alix asked whether the moratorium had already been extended once. Mr. Ross clarified that this was a second moratorium.

Mr. Pollock questioned whether there had been an inter-governmental agreement between the City of Urbana and Champaign County that secured the rights of whatever property would be needed? Ms. Tyler replied that was correct. Mr. Pollock inquired if the bill-board regulations were in the Zoning Ordinance? Mr. Ross replied that was correct. Mr. Pollock asked if any changes coming from the moratorium would appear before the Plan Commission? Mr. Ross stated that was correct.

Ms. Stake moved to forward this plan case to the Urbana City Council with the recommendation for approval. Mr. Alix seconded the motion. The roll call was as follows:

Mr. Pollock	-	Yes	Mr. Rank	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Alix	-	Yes	Mr. Douglas	-	Yes

The motion was passed by unanimous vote.

Plan Case 1800-A-01; Request by United Fuel Company to annex 3.14± acres at 1802 North Cunningham Avenue with a zoning designation of B-3, General Business.

Elizabeth Tyler, Planning Manager, introduced Reed Berger, Economic Development Coordinator. Mr. Berger pointed out the annexation agreement and mentioned that the City of Urbana encourages annexation of properties into the City of Urbana. By approving the

annexation of the proposed property, there will be some continuity between the area south of Interstate 74 and the commercial areas north of Interstate 74. He also mentioned that the proposed area is the only area in the North Cunningham Avenue Corridor (whether zoned in the City of Urbana or Champaign County) that is not zoned for general business.

Mr. Berger mentioned that in 1981, the Regional Planning Commission did a study because all of the area north of Perkins Road up to and beyond Interstate 74 was in the County. That study concluded that most of those properties were zoned for B-2, Highway Business, and they were all becoming vacant properties. There were not any re-adaptive uses happening because of the severe restrictions of the County's Highway Business classification. Mr. Berger further explained the County's B-2, Highway Business, Zoning classification and the history of the proposed property. He reviewed the history of the City's B-2, Neighborhood Business – Arterial and B-3, General Business classifications.

Mr. Berger stated that the Comprehensive Plan's Future Land Use Map shows the entire stretch of Cunningham Avenue north of Perkins Road as commercial zoning. It does not show any properties being zoned as industrial; therefore, it would not make sense to zone the United Fuel property as industrial.

Next, Mr. Berger reviewed the staff report. He extensively reviewed the La Salle National Bank criteria in relation to this proposal. They are as follows:

1. *The existing land uses and zoning of the nearby properties.*
2. *The extent to which property values are diminished by the restrictions of the ordinance.*
3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*
5. *The suitability of the subject property for the zoned purposes.*
6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

Mr. Berger gave a summary of the staff findings. He read the Plan Commission's options for recommendations to the City Council. He stated that staff recommended that the Plan Commission forward Plan Case No. 1800-A-01 with a recommendation for approval.

Mr. Alix asked if the reason for this case to appear before the Plan Commission was because of the zoning changes of the property? Ms. Tyler stated that was correct. Mr. Alix asked if annexations were administrative matters if their translations hold? Ms. Tyler replied that was correct unless there is a zoning issue such as special use permit or rezoning, then the case would go directly to City Council.

Mr. Alix requested in the form of a question if staff would consider bringing the Plan Commission an amendment to eliminate the anachronism in the translation table between Champaign County zoning and the City of Urbana's zoning. Mr. Berger's explanation, of why

the County's B-3 classification would be more appropriately translated to the City's B-3 as opposed to the B-2 classification, seemed to be plausible. Ms. Tyler replied that it needed to be a correction. There were other small corrections, and staff could put the corrections together as an omnibus.

Mr. Alix moved to forward this case to City Council with the recommendation of approval. Ms. Stake seconded the motion. The roll call was as follows:

Mr. Rank	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Alix	-	Yes
Mr. Douglas	-	Yes	Mr. Pollock	-	Yes

The motion was passed by unanimous vote.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler gave a staff report as follows:

- Existing Conditions Report. She noted that staff had done a broad distribution of the report. She asked for comments to be turned into staff by the end of October. There are additional copies for loan or sale.
- Carle Guesthouse. City Council approved the rezoning of the two eastern parcels only. There were a number of additions added to the development agreement as a result of some negotiation with the neighborhood and other concerns expressed by City Council members. One of the important additions was that the development agreement between Carle Foundation and the City of Urbana had been amended to require a task force of individuals from Carle and the neighborhood group, UCAN.

Mr. Alix asked if the task force would have regular meetings or meet as needed? Ms. Tyler replied that the task force would meet as needed as requests are made outside of the MIC zone. Mr. Alix questioned how that would effect the noticing requirements? Will Carle have to give some notice to convene the task force? Will the task force have to meet before the City of Urbana will entertain a petition? Ms. Tyler responded that the meeting of the task force may precede or overlap the forty-five day notice requirement. Mr. Alix asked what safeguards were in place to ensure that the task force actually has input as opposed to this just being another "after-the-fact" noticing requirement? Ms. Tyler replied that it was based on trust and sincerity of the offer.

- Urbana-Champaign Sanitary District Long-Range Plan. After reviewing the resolutions made by the City of Urbana, City of Champaign, and the Village of Savoy, the Sanitary District Board approved the one fee for the entire district by a vote of 2-0. UCSD has informational meetings scheduled regarding their fee increases. UCSD will also be pursuing the approval of their long-range plan by the Environmental Protection Agency (EPA).
- Neighborhood Visioning Workshop Update. There has been excellent participation and great input from the residents. Ms. Tyler listed the future workshops (pointing out when and where those meetings are scheduled to be held). Staff decided to add another meeting to capture the residents of east Urbana who may not have realized that their neighborhood was covered by the workshop called Country Squire. Staff will re-advertise that workshop meeting as Edgewood, Scottswood, and Beringer Commons and is scheduled for November 6th at Prairie School.
- Upcoming Plan Cases.
 - ✓ Judge Weber Estate
 - ✓ Dog Park owned by UCSD
 - ✓ Presentation on Redevelopment Plan
 - ✓ Preliminary discussion on commercial development in East Campus area
 - ✓ Special Use Permit on Urbana Assembly of God

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Elizabeth H. Tyler, Secretary
Urbana Plan Commission