

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: October 20, 2005
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Lew Hopkins, Ben Grosser, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: Laurie Goscha

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Matt Wempe, Planner I; Paul Lindahl, Planner I; Teri Andel, Secretary

OTHERS PRESENT: Carol Ammons, Mother Mary Brooks, Dorothy Carter, Leonard and Faye Christmon, Phyllis Clark, Almada Davis, Levi Dinkla, John Green, Lorean Howard, Ruby Hunt, Samuel and Frankie Johnson, Adam Judeh, Ibrahim Odeh, Bob Leach, Michael Lehman, Robert Lewis, Donna McKinley, Janice Mitchell, Jerry Moreland, Beverly Napper, Andrew O’Baill, Del Owens, Lawrence Owens, Hayward and Virginia Patterson, Melvin Peeples, Ivan Ruiz, Emma Shelton, Doretha Simmons, Jennifer Tatum, Susan Taylor, Mary Thomas, Patrick Thompson, Asa Walker, Navarn Welch, Betty Williams, Joseph Wilson

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

Chair Pollock requested that they switch the order in which Plan Case No. 1961-SU-05 and Plan Case No. 1960-SU-05 were heard due to the fact that the majority of the people in the audience were there to speak on behalf of Plan Case No. 1960-SU-05. This way the people would not have to wait as long for the case to be heard. The Plan Commission approved the request.

3. APPROVAL OF MINUTES

Mr. Grosser moved to approve the minutes from the September 22, 2005 Plan Commission meeting as presented. Mr. Ward seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Letter from Leslie Mullins in opposition to Plan Case No. 1960-SU-05
- Additional Case Communication (Revised Staff Recommendation) for Plan Case No. 1961-SU-05, Independent Media Center (IMC) Telecommunications Antenna with Tower
- Supplemental Case Documents and Communications for Plan Case No. 1961-SU-05, IMC Telecommunications Antenna with Tower
- Photo of the IMC Building relating to Plan Case No. 1961-SU-05

NOTE: Elizabeth Tyler, Director of Community Development Services Department, introduced the new Planning Manager, Robert Myers, and the new City Attorney, Jim Gitz, to the Plan Commission. The Plan Commission welcomed them to the City of Urbana.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 1960-SU-05: Request by Happy Brothers Nine Corporation to allow liquor sales at a grocery store within the B-1, Neighborhood Business Zoning District.

Matt Wempe, Planner I, presented the case to the Plan Commission. He began with an explanation for the special use permit request, which was to allow the petitioner to be able to sell beer and wine at the proposed grocery store, which would be located at 907 West Fairview Avenue. He described the proposed site and gave a brief background on the history of the proposed site. He talked about the grocery store zoning interpretation, development regulations, and liquor license regulations. He described the surrounding properties, noting the other nearby uses.

Mr. Wempe went on to review the requirements for a special use permit according to Section VII-6 of the Urbana zoning Ordinance. He summarized staff findings, read the options of the Plan Commission, and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Plan Commission consider the testimony given at the

public hearing before formulating a recommendation on Plan Case No. 1960-SU-05 for the Urbana City Council. If the Plan Commission chooses to forward the case with a recommendation for approval, staff recommended the following conditions:

- 1. That the proposed store shall only be eligible for a BBB liquor license for the off-premise consumption of beer and wine. The proposed store shall not be eligible for a C liquor license without an amendment to the Special Use Permit, including further review by the Plan Commission and approval by the City Council.*
- 2. That any signs or other means of advertising beer, wine, or cigarette sales shall not be visible from the public right-of-way.*
- 3. That grocery products, as identified in Exhibit F, shall constitute at least 75 percent of all products available for sale. Non-grocery products, as identified in Exhibit F, shall not exceed 25 percent of all products available for sale, as measured by relative shelf space or square footage.*
- 4. That the hours of operation shall be 7:30 am to 12:00 midnight Monday through Saturday, and 8:00 am to 10:00 pm on Sunday as outlined in Exhibit F.*
- 5. That no additional exterior lighting shall be permitted, except where deemed appropriate by the Zoning Administrator.*
- 6. That signage related to the proposed store shall meet the requirements of the Urbana Zoning Ordinance. The sign shall be externally illuminated in a manner approved by the Zoning Administrator.*
- 7. That one handicapped accessible parking space shall be created prior to the issuance of a Certificate of Occupancy.*

Mr. Kangas asked for clarification on the enforcement of the 75/25 rule and what would be the repercussion of not complying with the 75/25 rule. Mr. Wempe explained that the City Attorney felt the best way to do this was to base it on square footage of products. For example, if there were 100 square feet of retail space, then the products identified on Exhibit F (milk, eggs, etc.) would have to equal or take up more than 75 square feet of the sales floor area. As far as the repercussions go, if the petitioner violated this particular condition, then they would be violating the special use permit as well as violating the zoning use.

Mr. Kangas inquired as to what would happen if the petitioner violated the special use permit. Ms. Tyler replied that typically staff would actively enforce this by going to the store and measuring square footage of grocery products or respond to neighbor complaints. If the store manager does not comply, staff would forward the case to the Legal Department, which would file a complaint in Circuit Court. In order for a petitioner to seek a remedy, they might come back before the Plan Commission and the City Council for a special use permit to allow a convenience store. If the Circuit Court judge did not grant the petitioner's request, then it would become a use violation. So, ultimately, the petitioner would no longer be able to operate.

Mr. Kangas wondered how staff would know if the petitioner was following the 75/25 rule. Would it be up to the residents in the neighborhood to keep track of this and file a complaint with the City if the petitioner was noncompliant? Ms. Tyler responded by saying that they had set a similar condition on the Family Video regarding the amount of adult videos that could be rented out. In this case, Family Video is not allowed to exceed 10% of adult videos. If the Family Video would expand, then they would no longer be considered a video store, but more like an adult entertainment type of use. If staff went in and measured the space that they are operating in and found that the Family Video had expanded their adult section, then they could become in violation of this condition.

Mr. Ward questioned whether the handicap parking space would be in addition to the ten required parking spaces. Mr. Wempe answered by saying that the handicap parking space would be part of the ten required spaces. He pointed out that handicap accessible spaces are typically constructed as basically two parking spaces.

Mr. Ward wondered if there was an issue of sufficient space for the required parking spaces. Mr. Wempe replied by saying that the parking was currently at 45-degree angled parking, so he believed that the petitioner could meet the requirements.

Ms. Tyler noted that the petitioner, Ibrahem Odeh, was available for any questions from the Plan Commission. Mr. Odeh did not have anything to add at this time.

Members of the audience who spoke in opposition to the proposed special use permit were as follows:

Levy Dinkla, representative for Family Video expressed concern for the required number of parking spaces. He believed that the liquor sales would increase the amount of traffic to the grocery store, and he was concerned that eight parking spaces would not be enough causing the customers of the proposed grocery store to park at Family Video.

Mr. Wempe mentioned that after a rough analysis of the site, staff believed that the petitioner could meet the parking requirements. He did not believe that there would be any overflow parking in the Family Video parking lot. Ten parking spaces is the number required for a grocery store of this size according to the Zoning Ordinance. The City could not require a higher standard unless it was the will of the Plan Commission and City Council to do so. Ms. Tyler added that the easement was granted by the proposed property to Family Video. The City would expect both parties to use the easement for access and parking maneuvers and to use it in a respectful manner.

Samuel Johnson, of 807 North Harvey Street, stated that he would love to have a grocery store; however, he voiced his concern about the selling of alcohol being disastrous for the neighborhood by influencing the children at the nearby school and people drinking in the park.

Mary Brooks, of 1210 West Beslin, conveyed her concerns about the City of Urbana addressing the problems that already exist in the area. There are residents who sell drugs in the neighborhood. The police have been working very hard to get rid of these crimes. She stated that she was against the

store and the selling of alcohol and against everything else that would come as a result of the store and the alcohol being sold from it. Take a look at the east side of town. A descent neighborhood is going down the drain because of these types of stores being permitted to sell cigarettes and alcohol. The City of Urbana does not have enough staff in the police department. We should try to curtail future problem areas. Would anyone on the Plan Commission consider having the proposed business in their neighborhood or around Leal School?

Ms. Stake recalled that during the process of updating the Comprehensive Plan, many residents asked for a grocery store to be located in this neighborhood. Ms. Brooks commented that they did not need a small grocery store in their neighborhood. Everything costs twice as much in a small grocery store than at Schnucks or County Market.

Doretha Simmons, owner of 907 West Hill Street, opposed the issuance of the liquor license to the Happy Brothers Nine Corporation. It is a great neighborhood, where kids ride their bicycles and skateboards in the street. She worried about the increase of traffic in the neighborhood and the types of clients that the proposed grocery store would attract. If someone wanted to buy alcohol, then there were other businesses already located further down the street. The residents in the area do not need another business selling alcohol right in their neighborhood and not so close to a school.

Carol Ammons, of 1108 North Busey Avenue, inquired as to what the process was to obtain a special use permit. When Mr. Wempe gave the staff presentation, it sounded as if he was a representative for the petitioner.

She voiced her concern about the safety of her children and other children walking to school. As a result of her son being questioned on his way to school by an older child and her son being frightened, she does not allow her son to walk to school anymore.

There are existing problems of people loitering on the corner of Lincoln and Fairview Avenues. This would only increase with the availability of selling alcohol in the area. There have already been two murders in the area. It comes down to the moral question of whether we want to add to the problem or reduce the amount of work that our police department has to do.

She pointed out that alcohol affects residents on a number of levels. Douglas Park, for example, is no longer a safe place for children to play because of the number of people who drink alcohol in the park. Therefore, she did not see how the proposed grocery store and the possibility of the petitioner being able to sell alcohol could be a benefit to the neighborhood. She hoped that the Plan Commission and the City Council would look beyond what the law says can be done and look at what needs to be done in the best interest of the residents in the King Park neighborhood.

Mr. Pollock responded to her question/comment regarding the procedure for obtaining a special use permit and regarding Mr. Wempe. People come to the City staff with ideas for businesses, rezoning of properties, permits, etc. depending on what the City plan says they have to have in order to develop a piece of property. The staff's responsibility and job is to put together a proposal and present it to the Plan Commission and to the City Council. Staff is not saying yes or no to any of the proposals. They make recommendations to the various boards and commissions, but they are a very

good staff and do their jobs in terms of bringing the facts before the boards and commissions to consider.

Joseph Wilson, of 2306 Burlison Drive, concurred with the previous speakers about the proposed grocery store. He pointed out that the Sunshine Grocery had problems with kids hanging around the store outside, smoking cigarettes and carrying on. He believed the same thing would happen if the proposed grocery store came into their neighborhood. The King Park neighborhood is trying to grow and prosper. Alcohol will create trouble for the neighborhood, and he did not feel that they needed a grocery store as well.

Mr. Pollock questioned if a special use permit was needed in order to allow liquor sales. Mr. Wempe replied yes. Mr. Pollock asked Mr. Wempe to review whether a grocery store with less than 3,500 square feet would be permitted by right in the B-1 Zoning District. Mr. Wempe said yes. Mr. Pollock addressed the public by saying that the Plan Commission could not review whether or not to allow the grocery store, because a grocery store was permitted by right in the B-1 Zoning District. The Plan Commission was meeting to review whether liquor sales should be allowed at the proposed location.

Dell Owens, of 1310 Eureka Street, is against the selling of alcohol in their neighborhood. She is against the store as well. She would not support it.

Jennifer Ivory-Tatum, Principal of King Elementary School, expressed her concern regarding the liquor license and sales at the proposed grocery store and its close proximity to the school. She was not only concerned about the students that attend King Elementary School, but for the older children who catch a bus to the Middle School and High School as well. The proposed store would be opening about the time that students would be walking to school or to the corner to catch a bus.

School staff has to clean up the school grounds prior to recess each day. They find beer bottles, cigarettes, and other paraphernalia. The Urbana Park District has added playground equipment to King Park. The residents do not want to add a different element to the park other than the many children who have been enjoying the park.

The school spends a lot of time teaching children about "NO Smoking". Selling these products at the proposed store down the street would really deter this.

Janice Mitchell, of 111 South Dodson, talked about the effect that the Home Run convenient store has had on the East Urbana neighborhood. It has been a big devastation to the area. Anyone who keeps up with the media knows what is happening in the 1500 Block of East Washington.

She pointed out that there was a lot of home ownership in the neighborhood. Many people had expressed a desire for a convenient store or other types of stores that could serve the daily needs for the King Park neighborhood. Their daily needs do not include alcohol.

If the petitioner wants to argue that three other businesses sell beer and wine in the general area, then consider that the three other locations are further down Lincoln Avenue. They are not in the general area of the neighborhood.

As a resident of Urbana, she asked that the Plan Commission strongly consider the negative impacts of approving alcohol sales at the proposed site.

Faye Christmon, from the Park District Advisory Board and the Community Park District, stated that she lives at the Eads on Lincoln Avenue. She takes her grandchildren to King Park all the time. They already see people with alcohol in the park. Allowing alcohol to be sold at the proposed grocery store would only increase the number of people walking or loitering in the park while drinking alcohol. There are many special days and events held in the park. She would hate to have people drinking alcohol in the park on these special events days. Therefore, she was opposed to alcohol being sold at the proposed grocery store.

Dorothy Carter, of 1509 North Romine, voiced her opposition to the proposed store and to the selling of alcohol in the neighborhood.

Phyllis Clark, of 1206-1/2 West Dublin Street, stated that she is a resident of the King Park area. She reiterated what other residents had previously said already at the public hearing. She did not oppose the grocery store; however, she did oppose the sale of alcohol for the many reasons that had already been expressed. She read a statement that she had written earlier. The neighborhood has been working hard to provide a safe place for the children to play and for families to gather. This is beginning to come to light with the improvements that have been made in the King Park area.

The Happy Brothers convenient store will attract more of a nuisance in the community than they already have. There is much loitering already on Fairview Avenue across from the proposed site. There is much unwanted activity at the apartment complex on the southeast corner of Fairview and Lincoln Avenues. These already bad situations will only perpetuate within an establishment that provides a handy access to liquor.

The perspective owner of the proposed establishment has some affiliation with the Home Run on Washington Street. Although Adam Judeh has sold the business to someone else, the building and the land was still in his possession. Thus the element that was allowed to loiter in and outside of the Home Run on Washington Street cannot and should not be allowed to fester at Lincoln and Fairview Avenues. Therefore, she urged the Plan Commission to support the requests for helping in eliminating any more crime and substance abuse in the King Park neighborhood by denying the special use request that would allow the petitioner to sell alcohol in the community.

Betty Williams, of 1204 North Lincoln Avenue, opposed the proposed grocery store and the granting of the liquor license, because it would be demeaning and degrading. A grocery store next to homes would bring the property values down.

The Home Run on Washington Street has people hanging around all the time. The people are fighting, being loud, and selling drugs and sex. The police are constantly being called to the area. The King Park area does not need that in their community.

The residents in the neighborhood want to keep it good and do not want alcohol sales in the area. She expressed her concern for the children.

She inquired as to why there were not any black people on the Plan Commission.

Lorean Green, of 1114 West Church Street, stated that the City of Urbana needed a recreation center for the children. She has lived in the City her entire life and feels that the City of Urbana has let her down. One African proverb states that "It takes a community to raise a child." The community of Urbana is not raising children anymore. Children are raising themselves, and they have nothing to hold onto. Champaign has two or three high schools, and Urbana has one. Champaign has three or four recreation centers, and Urbana has two if you count the swimming pool. The children have nothing to do but hang out on the corners.

She mentioned that she has a list of about 104 names and addresses of people who are against the proposed grocery store and against the sale of alcohol in their neighborhood. Ms. Ammons asked if it would be helpful for the residents to circulate a petition against the proposed case. Mr. Pollock stated that petitions are an effective method of letting the City know how the community feels. The Plan Commission will make a recommendation to forward on to the City Council, and the City Council will make a decision on this case on November 7, 2005. Mr. Wempe added that there was a protest procedure. A written protest is valid if it is signed by owners of 40% of the subject lots within 250 feet of the land subject to the action. Basically, if 40% of the property owners within 250 feet of the proposed site sign a petition against the special use permit request and submit it before the City Council meeting, then it would require a 2/3 super majority vote of the City Council to vote in favor in order to get approval of the special use permit.

Mr. Grosser inquired if the Plan Commission had the right of review over the decision of the Zoning Administrator designating the proposed use as a grocery store as opposed to a convenience store. Mr. Wempe responded by saying that there was an appeal process. An appeal could be made to the Zoning Board of Appeals by any person aggrieved.

Mr. White stated that he felt it was very clear that this request was not compatible with the neighborhood. He really did not like the hours of operation being opened till midnight. He would not want to live next door to a store that was opened until midnight. Therefore, he moved that the Plan Commission forward the case to the City Council with a recommendation that it be denied. Ms. Stake seconded the motion.

Ms. Upah-Bant wondered what the Family Video store hours were. Mr. Dinkla answered by saying that Family Video was open from 10 am to midnight.

Ms. Stake commented that she appreciated all the public input that was heard during this public hearing. Children are often forgotten. Starting with the community, we need to take care of our children throughout the United States.

Mr. Kangas stated that the Plan Commission was a land use commission. He clarified that the City staff was not an advocate in favor of any case that comes up. He believed that staff did the best they could within the rules given to them. He mentioned that there periodically are openings for people to apply for a position on the Plan Commission. In fact, after this meeting there will be an opening. Mr. Pollock explained that the vacancy would be a result of Mr. Kangas retiring from the Plan

Commission. He invited people from the neighborhood to fill out applications and turn them into the Mayor's office.

Mr. Grosser believed that from the list of items that the petitioner planned to sell, it sounded more like a convenience store rather than a grocery store. He encouraged people to follow up with the filing of an appeal of the decision of the Zoning Administrator on whether it should be a convenience store or grocery store.

Ms. Tyler stated that she, as Zoning Administrator, based upon the long list of products that were submitted to be sold at the proposed store and upon the direction from the City Council to allow a small grocery store by right in the B-1 Zoning District, determined that the proposed use would be more of a small grocery store. She used the Sunshine Grocery as an example to follow. She did not see a reason to discriminate against the proposed use versus the Sunshine Grocery Store. Mr. Pollock noted that there were instances of the B-1 Zoning District that the City wanted to encourage small neighborhood uses without requiring a special use permit.

Roll call on the motion to deny was as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Kangas	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ward	-	Yes	Mr. White	-	Yes

The motion was passed by unanimous vote. The case will be heard by the City Council on November 7, 2005.

Plan Case No. 1961-SU-05: Request for a Special Use Permit to install a Telecommunications Antenna with a Tower at 202 South Broadway Avenue in Urbana's B-4, Central Business Zoning District.

Paul Lindahl, Planner I, presented the case to the Plan Commission. He explained that the purpose for the special use permit request was to install a radio antenna with tower in the B-4 Zoning District. He described the proposed site and the surrounding properties. He talked about Section 106 of the Illinois Historic Preservation Act and how it pertained to the proposed antenna with tower.

Mr. Pollock inquired if the proposed special use permit would be for a temporary tower, which would later be replaced with a permanent tower under the same special use permit. Mr. Lindahl said that the proposed special use permit was for a temporary tower. A permanent tower could replace the temporary one. The only difference would be in the anchoring of the tower.

Mr. Pollock asked if the special use permit would need to be reviewed again if the petitioner wanted more height. Mr. Lindahl stated that the City would need to review the special use permit again.

Mr. Lindahl went on to talk about towers and antennas, noting the definitions of each as defined in the Urbana Zoning Ordinance. He reviewed the requirements for a special use permit according to

Section VII-6 of the Urbana Zoning Ordinance. He summarized staff findings and read the options of the Plan Commission. He presented a revised staff recommendation from what was previously sent to the commissioners, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Plan Commission recommend approval of the proposed special use permit in Plan Case No. 1961-SU-05 to the City Council along with the following condition:

- 1. The design, installation, and operation of the tower and antenna shall be in accordance with all applicable city, state, and federal laws and regulations.*
- 2. The applicant shall submit written evidence from the Illinois State Historic Preservation Office that the project is either exempt from Section 106 historic review, or if not exempt that the project has met the requirements of Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800).*
- 3. The completed installation of the tower and antenna will be in substantial conformity with the submitted engineering diagram attached to the Plan Commission Staff memo and identified as Exhibit "E".*

Mr. Grosser asked if the proposed special use permit was granted for a temporary tower and if the State of Illinois approved a permanent tower, then the petitioner would probably want to construct a permanent tower. Mr. Lindahl stated that from his understanding, there are two criteria in dealing with the Illinois State Historic Preservation Office and the Federal Communications Commission (FCC). The first criteria is that the FCC considers any tower as temporary until the petitioner has proven that it would not interfere with signals from other electronic devices and radio and television antennas. The second criterion is that because the proposed tower would have a temporary base, it could potentially be located at the proposed site for as long as two years. Then, at that point, the petitioner would have to either build a permanent tower or remove the temporary tower.

Mr. Grosser inquired as to who set the two year limit. Mr. Lindahl replied that it was one of the regulations listed in the FCC documents. One of the considerations for exempt structures was any structure with a temporary ballast mount. The purpose of this was to prevent excavation for tower bases that might disturb historic, archeological artifacts.

Ms. Tyler talked about Condition #2 in staff's recommendation. She mentioned that there was a concern expressed by the petitioner that they have been working with the Illinois State Historic Preservation Office. The procedure has taken a long time. The petitioner was concerned that if this evidence was not submitted from the State Office, then they would not be able to reach their plan deadline of November 11 or 13. Therefore, City staff wanted to help expedite the process by having the Plan Commission vote on the proposed special use permit before receiving the recommendation from the State Office.

Mr. Pollock asked staff to clarify the levels of review that were taking place. Mr. Myers explained that there were three different levels of review, which are as follows:

- 1) FCC Review to get a communications license
- 2) Local Review to get a special use permit to erect the tower
- 3) Illinois State Historic Review to see if the proposed tower would affect properties eligible for listing in the National Register of Historic Places.

If all three organizations said that they would not make a decision until the other two organizations approved the tower, then the petitioner would be running around in circles and would not be able to get anything done. Therefore, he suggested that the Plan Commission, if they vote to grant the special use permit, include Condition #2 as part of the approval.

Mr. Pollock questioned if the petitioner would have to remove the temporary tower if one of the other two parts of the process did not get approved. Mr. Myers replied yes.

Mr. Kangas inquired if the petitioner wanted to construct a permanent tower in two years, what process would they have to go through to be able to do so. Mr. Myers explained that the petitioner did not specify on the application that the special use permit request was for a temporary antenna with tower. It states, "erection and maintenance of mast and antenna of approximately 35 feet for WRFU-LP, 104.5 FM radio station on roof of existing building". Therefore, if the City Council approves the special use permit, then the petitioner would not have to come back for approval of a permanent tower, as long as the permanent tower would be of the same height and looks the same as the temporary tower.

Mr. Pollock noted that Lincoln Square Mall was being redeveloped. Part of the redevelopment involves residential development. Will the tower or its appearance on top of the IMC Building have any impact on people who might want to buy or rent one of the residential units at Lincoln Square Mall? Mr. Myers replied by saying that it was a judgment call, and that was why we have a public board. In City staff's opinion, it would not be overly unreasonably injurious or detrimental to the district. Ms. Tyler added that the owner of Lincoln Square was concerned about the case. Staff provided the owner a copy of the memorandum. The owner also met with the petitioner. City staff has not heard an official objection. She understood the owner of Lincoln Square had initial concerns that may have been mitigated when he understood the dimensions and in particular the width of the proposal.

Mr. Pollock asked if the special use permit would limit the height. Ms. Tyler said yes.

Mike Lehman, Director of the IMC, stated that he precipitated this project with the radio station. The process has been ongoing since the year 2002. He mentioned that he was concerned as a historian, an Urbana citizen, and as one of the directors of this operation that the tower does conform and substantially be an appropriate fixture. Historic preservation is a cooperative venture. The building has to have a viable economic use to sustain it. Otherwise buildings fall out of repair or people do not want to take care of them.

Mr. Lehman believed that the Illinois State Historic Preservation Office will find the temporary tower to be exempt from their review until he applies for a permanent tower. He pointed out that the tower was designed in a way that it would be temporary, but it could also be permanent.

Since they bought the building, they have put a new roof on it. One of the first things they addressed was the preservation of the property. They are currently trying to get the building so it could be utilized as a community center, which was their vision for the building. The radio station would be just one part of this vision.

The FCC allows a certain amount of time to build once they issue a permit. It took him about three years to get to the point of being issued a construction permit. He noted that they have to be on the air by a year from this December or they will lose their license.

One other thing about historic compatibility is that the people in the community are very concerned about media, and yet the City of Urbana does not have a radio station of its own. This radio station will be people from the City of Urbana. The downtown location is crucial to them being able to serve the community. They should be able to serve all of Urbana and a substantial amount of the City of Champaign.

Another interesting fact is that the Post Office was originally set up to distribute news and information. He read from an article that talked about the Post Office. He would argue that the proposed antenna with tower would be compatible with all the issues of historical preservation.

The tower construction was designed to have a low visual signature, because they knew it would be an issue with people. The most visible part would be the two-half inch central section that holds things that look like TV antennas.

One of the reasons it has to be 35 feet high is for the protection of the people who work in the building. The dual bay antenna is designed to minimize any interference locally. There will be a special filter to prevent them from interfering with either of the two court houses and the Urbana Police and Fire Departments. This is one reason why they want to build a temporary tower. They want to be sure that they do not to cause a bunch of problems that they cannot afford to fix. He stated that the energy going out would basically be equal to a 100-watt light bulb.

Mr. Grosser commented that on Exhibit F-1, it appeared that if the antenna with tower would go over the north and south sides if it fell. Mr. Lehman pointed out that on the south side, the drawing shows another roof. On the north side, there is a planted garden on the ground and normally no one would be in this area. As far as safety goes, it should not be an issue even in the very worst case that something should fall down.

Mr. Pollock inquired about the entry way to the roof. Mr. Lehman explained that the entry way is through a closet inside the building, up a ladder, and there is a hatch. They would have control over this access. This is important because they are required to ensure that people would not be exposed to RFs.

Ms. Upah-Bant questioned what the petitioner planned to do if they found out that they do interfere with the federal court house or the sheriff's office. Could they operate the radio station with the tower constructed in another location? Mr. Lehman stated that they could operate the radio station from the IMC Building with the tower at another location; however, that would nearly double the cost of the initial setup, because that would still require an antenna for their rooftop, and it would

have to have line of sight in order to bounce a signal to the tower. They did check out other locations for the tower.

Mr. Lehman mentioned that they have received approval from the FCC, and he believed that the Illinois State Historic Preservation Office will say that this antenna would be exempt.

Mr. Pollock asked if they find that the radio station is interfering with other local broadcasts or operations, what do they do? Mr. Lehman said it would depend on how easy or difficult it would be to fix. A temporary tower would give them a chance to see if it will work.

Mr. Myers pointed out the three requirements that must be met for a special use permit, which are as follows:

1. That the proposed use is conducive to the public convenience at that location.
2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.
3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.

Ms. Stake moved that the Plan Commission forward the case to the Urbana City Council with a recommendation for approval along with the three revised conditions suggested by City staff. Mr. Grosser seconded the motion. Roll call was as follows:

Mr. Hopkins	-	Yes	Mr. Kangas	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Ward	-	Yes
Mr. White	-	Yes	Mr. Grosser	-	Yes

The motion was passed by unanimous vote. Ms. Tyler noted that this case would be heard by the City Council on November 7, 2005.

8. NEW BUSINESS

CCZBA-517-AT-05 – Request by Champaign County Zoning Administrator to amend sections of the County Zoning Ordinance to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision and subsequently recorded and that the lot meets all other dimensional and geometric standards established by this Ordinance.

Ms. Tyler presented the case to the Plan Commission. She mentioned that she had received an update by talking to Champaign County staff earlier in the day. She explained the purpose of the text amendment to the Champaign County Zoning Ordinance, which was to recognize plats that were

created during the twenty year time period between 1977 and 1997, where the County did allow access to lots by easement of access rather than frontage on a public street. The practice has been to require variances for construction on these lots. The Zoning Administrator of Champaign County would like to grandfather these lots essentially and not require the variances.

She stated that the City of Urbana reviews Champaign County text amendments to their Zoning Ordinance, because they could affect the City's Extra Territorial Jurisdiction (ETJ). We also look at the text amendments for consistency with the City's Comprehensive Plan and compatibility and consistency with the City's zoning regulations.

In this case, City staff was concerned because our Subdivision Ordinance does require that any new lot be adjacent to a public street. This is only waived in very rare circumstances, because it is an important principle of planning that we allow for lot access to public streets rather than allow for situations where neighbors sharing a drive can dispute over maintenance and access.

Ms. Tyler pointed out that all of the plats, which are attached to the County staff memorandum, are not anywhere close to the City's limits. She stated that the City's jurisdiction would not be affected by this amendment. Therefore, staff's recommendation was revised from that written in the staff report to be as follows:

Based on the findings summarized in the written staff report, and subject to additional information that may be provided by Champaign County, staff recommended that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment.

Mr. White inquired if Holcomb Woods qualified since it was never platted as a subdivision. Ms. Tyler stated that it was not platted under these circumstances, so the proposed text amendment would not change the status quo for Holcomb Woods.

Mr. White commented that he had a problem with this text amendment, because he felt that people should still need to get a variance. The text amendment would allow some things that eventually would become problematic. Mr. Pollock added that although the text amendment would not affect any properties within the City's ETJ, the ETJ changes. It will continue to move outwards. There may be things done two years, five years or ten years from now that are outside of the City's current ETJ that will become within the ETJ, and we may in fact inherit some things that we do not want as a result of this.

Ms. Tyler stated that she did not believe that the text amendment represented good planning or subdivision practice. However, it does represent a pocket in time. The County's current regulations would not allow any plats with these configurations. The text amendment is strictly for the plats created during the twenty years between 1977 and 1997. When rural residents on these plats want to do construction and because they do not have access to a public street, they need to obtain a variance. Mr. White asked what was wrong with the process. Ms. Tyler stated that the Champaign County Zoning Administrator felt that the process was burdensome. The Champaign County Zoning Administrator believed that it was unfair to the property owners who believed they had a duly platted legal lot. When it came time to build, the property owners found that they were not compliant.

Mr. Grosser stated that he agreed that this situation did not represent good planning, but he wanted to reserve the City’s right to protest for larger issues that directly impacted the City. Therefore, he moved that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest absent the condition listed in the written staff report. Mr. Ward seconded the motion. The roll call was as follows:

Mr. Kangas	-	No	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ward	-	Yes	Mr. White	-	No
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes

The motion was passed by a vote of 6 ayes to 2 nays. The case will go before the City Council on November 7, 2005.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler reported on the following:

- Church of the Living God Special Use Permit was approved by the City Council

11. STUDY SESSION

Discussion on big.small.all.champaign county Visioning Project

Mr. Wempe noted that the flyer that was included in the packet was an update listing the dates, times and places that the dialogue meetings would be held. He explained the process that would be followed at the community dialogue meetings to collect ideas from people who attend the meetings. After the ideas are collected, they are put into an “idea database”. The next step would be to hold a Community Assembly meeting, where a group of stake holders would classify the ideas into categories such as Education, Environment, etc. The community at large would then be able to vote on the priority of the ideas and help to create an action for getting an implemental vision and work plan out of the ideas. He encouraged everyone watching the Plan Commission meeting on television as well as those who attended the meeting to attend one or more of the dialogue meetings.

Ms. Upah-Bant inquired if the County would be taking a look at what the City’s Comprehensive Plan update entailed. Mr. Wempe replied that they had pushed the Urbana Comprehensive Plan onto the consultants, so they know what the City of Urbana had done. The way to look at this is that Champaign County is a region, not just Champaign, Urbana and Savoy. He pointed out that there were definitely ideas in the Urbana Comprehensive Plan that were larger than the City of Urbana.

Mr. Pollock asked if this was basically a Champaign County Comprehensive planning process. Mr. Wempe said that it was not a comprehensive plan. It was a visioning process that was not only the

County but also had social service agents, the business communities, and the minority communities. There had been a very concentrated effort to get everyone involved.

Mr. Pollock asked if Mr. Wempe knew how much the County would be spending on consultants and outside people to work on this. Ms. Tyler answered by saying that the whole budget for the visioning project was \$300,000. Mr. Pollock asked if any of the money would come from local funds or grant funds. Mr. Wempe replied by saying that there was a sponsor's council consisting of Urbana, Champaign, Busey Bank and other large supporters that have donated sums as high as \$10,000. There were fundraising efforts underway to attract smaller donations. He believed that the County was putting forth some money. He mentioned that all of the money to fund this project had been secured. Ms. Tyler added that the City of Urbana's contribution was \$30,000 over two fiscal years.

Ms. Upah-Bant noticed that the University of Illinois (U of I) was listed. Did that mean students or the U of I planning group? Mr. Wempe stated that it meant students, faculty, staff, and that April Getchius is on several of the boards. Ms. Tyler added that the Chairs of the Sponsor's Council were Barb Wysocki, Champaign County Board Chair, and Richard Herman, Chancellor of the U of I.

Mr. Myers asked for examples of what came out of the last County visioning process. Mr. Wempe noted that the expansion of Willard Airport, the creation of Illinois Terminal, and the County-wide Economic Development Corporation are examples of what has come out of past visioning projects. Ms. Stake commented that next time we want trains.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 10:21 p.m.

Respectfully submitted,

Elizabeth Tyler, City Planner
Urbana Plan Commission