

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 6, 2006

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: Bernadine Stake

STAFF PRESENT: Robert Myers, Planning Manager; Matt Wempe, Planner II; Paul Lindahl, Planner I; Tom Carrino, Economic Development Manager; Tony Weck, Community Development Services Secretary; Gale Jamison, Assistant City Engineer

OTHERS PRESENT: Catherine Connor, Kris Dressel, Rick Ford, Kitty Ford, Tom Jordan, Chris Manrique, Vicki Mayes, Joe Petry, Susan Taylor, Jeff Tock, Bill Sheridan, Matt Varble

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

The meeting was called to order at 7:35 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

Robert Myers, Planning Manager, requested that the Plan Commission move Plan Case 1991-T-06, which is currently the last item on the agenda, to be the third item on the agenda. He explained that the presentations for both this case and the first two cases on the agenda would be given by the same staff person. The Plan Commission agreed to the change.

3. APPROVAL OF MINUTES

Mr. Ward moved to approve the minutes from the June 22, 2006 Plan Commission meeting with the following correction: On page 15, change “incredible” to “credible” in the second paragraph, eighth line down and in the fourth paragraph, 4th line down. Mr. White seconded the motion. The minutes were approved as amended by unanimous hand vote.

4. WRITTEN COMMUNICATIONS

- Memo from Vicki Mayes of the Urbana Park District regarding the proposed development by Five Points Realty of the Gateway Shoppes.
- Copy of the article written by Lew Hopkins that was published in the July, 2006 Planning magazine.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2005-A-10 – Annexation Agreement between the City of Urbana, Gregory Reynolds, and Denise Reidy for an approximately 1.80-acre tract of property located at 1714 East Airport Road.

Plan Case No. 1903-M-04 – A request by Gregory Reynolds and Denise Reidy to rezone a 0.96-acre tract of property at 1714 East Airport Road from Champaign County AG-2, Agriculture Zoning District, to City R-2, Single-Family Residential Zoning District, upon annexation.

Matt Wempe, Planner II, presented these two cases together to the Plan Commission. He talked about the history of the proposed property. He also talked about the proposed rezoning of the property to R-2, Single-Family Residential Zoning District, about the accessory structure variance, and about the minor subdivision plat. He reviewed the La Salle National Bank criteria as they pertain to a comparison of the existing zoning with that proposed by the petitioner. He reviewed the variance criteria from Section V-2 of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

In Plan Cases 2005-A-10 and 1903-M-04, staff recommends approval of the proposed annexation agreement as presented in the written staff report.

Mr. White assumed that approval of the major variance for the accessory structure is one of the petitioners' conditions to allow them to be annexed. Mr. Wempe stated that it is not a matter of the petitioners allowing themselves to be annexed. They have to annex. The proposed case came from a zoning enforcement case. Annexing of the property is not hinging upon the approval of the major variance. Mr. White commented that if the major variance is not allowed, then the annexation would still happen. Mr. Wempe said that any changes would have to be approved by the property owners, but they would still have to go forward with the annexation in some capacity.

Mr. Grosser asked if there would be fire protection service available now. Mr. Wempe pointed out that the Urbana Fire Department serves areas up to the proposed property, so they would be able to service it as well.

Mr. Pollock pointed out that the property directly to the east of the proposed property is zoned City IN, Industrial Zoning District. However, it is vacant farmland. Did staff have any concerns about an R-2 Zoning District being located next to IN? Did staff feel that this designation needed to be adjusted? Mr. Wempe replied that the designation would need to be adjusted if it was ever to be developed. The 2005 Comprehensive Plan shows this area as being residential. They have not had any development prospects for the GKC property. The City would support a residential development instead of an industrial development. Mr. Pollock pointed out that an industrial development could happen by right.

Chair Pollock opened the floor up for public input. With there being none, Chair Pollock closed the public input portion of the hearing and opened the floor for discussion and action from the Plan Commission.

Mr. White moved that the Plan Commission forward Annexation Case No. 2005-A-10 and Plan Case No. 1903-M-04 to the Urbana City Council with a recommendation for approval. Mr. Ward seconded the motion.

Mr. White moved to include an amendment to the motion that the Plan Commission recommend to City Council to not allow the major variance for the accessory structure. Mr. Grosser seconded the motion for an amendment.

Mr. Pollock asked staff what the impact of the amendment would be on the annexation and rezoning cases. Mr. Wempe stated that the existing accessory structure would become legally nonconforming when annexed into the City of Urbana. If the accessory structure were ever destroyed, then the property owners could not rebuild it.

Chair Pollock called for a vote on the motion to amend. The motion to amend was passed by a vote of 5 to 2 in a hand vote.

Roll call on the main motion including the amendment was as follows:

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

The main motion was approved by unanimous voice vote. Mr. Wempe noted that these two cases would go before the City Council on July 17, 2006.

Plan Case 1991-T-06 – A request by the Zoning Administrator for a text amendment to amend Article IX of the Urbana Zoning Ordinance with regard to signs allowed without a permit.

Mr. Wempe gave the staff report for the proposed text amendment. Both the Plan Commission and the City Council felt additional research was needed on the section of the Zoning Ordinance that discusses signs allowed without a permit. He mentioned the pictures of signs in the back of the packet of information. He reviewed the proposed changes to the Zoning Ordinance.

Mr. Ward asked what a “home occupation sign” is. Mr. Wempe explained that a “home occupation sign” is for an approved home occupation, which allows certain types of businesses in the home.

Mr. Pollock understood one of the changes to cut in half the permitted square footage for home occupation signs. Why? Mr. Wempe answered by saying that it would be consistent with what is mentioned in the Zoning Ordinance under Home Occupation Regulations. They could either change Section IX-5. Signs Allowed Without a Permit or they could change Section V-13. However, the idea is to be consistent.

Chair Pollock opened the hearing up to gather public input. With no public input, he opened the hearing up for discussion from the Plan Commission.

Mr. Ward moved that the Plan Commission forward Plan Case 1991-T-06 to the City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance as presented in the written staff report. Mr. White seconded the motion.

Ms. Upah-Bant requested more information as to why staff was proposing to reduce the number of signs allowed. Mr. Wempe explained the omnibus change for Article IX. Comprehensive Sign Regulations had originally proposed standards for many of the signs that had not historically had standards. The signs were allowed without permits, and there were standards for signs that did not require permits. So, staff had proposed standards in the omnibus, but both the Plan Commission and the City Council felt that the standards would not encourage the type of signage that people wanted in neighborhoods, particularly for the multi-family residential signs.

City staff had originally proposed roughly 20 square feet for multi-family residential signs, which would have created almost no non-conformities. It would have allowed existing signs to continue, and it would have allowed more signs to be continued to be built to these standards. City staff researched and tried to take in the Plan Commission and City Council’s comments that they wanted to reduce signage allowances in the proposed text amendment.

For other signs in general, City staff researched to see what is out there now and see if our standards matched what is being built. Particularly in the case of subdivision signs, the City’s standards were very high. So, City staff reduced them. To require permits for certain types of signs (institutional and multi-family) to ensure that if the City is going to have standards, then we should require a permit as well to ensure that the standards are met.

Roll call on the motion was as follows:

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

The motion passed by unanimous voice vote. Mr. Wempe noted that Plan Case No. 1991-T-06 would go before City Council on July 17, 2006.

Plan Case No. 2006-A-07 – Annexation Agreement between the City of Urbana and Matthew Varble for an approximately 0.15-acre tract of property at 306 East Thompson Street.

Plan Case No. 2004-M-06 – A request by Matthew Varble to rezone an approximately 0.15-acre tract of property at 306 East Thompson Street from Champaign County R-2, Single-Family Zoning District, to City R-5, Medium High Density Multiple-Family Residential Zoning District, upon annexation.

Tom Carrino, Economic Development Manager, presented the staff report for these two cases. He gave a brief introduction and background on the proposed property. He talked about the annexation agreement noting that the agreement includes a rezoning of the proposed property from County R-2 to City R-5, Medium High Density Multiple Family Residential Zoning District. The agreement also includes a property maintenance code inspection provision, which requires that the systematic property maintenance code city-wide be conducted prior to annexation. Included in this provision is that all immediate health and life safety issues be addressed prior to annexation and all issues not related to immediate health and life safety threats must be addressed within 30 days of annexation.

Mr. Carrino reviewed the criteria for the proposed rezoning by discussing the La Salle National Bank criteria. He described the proposed site and surrounding properties noting their current zoning classification and land use. He talked about the concerns that the City has with annexing of the proposed property, which are the number of police calls to the proposed property in the past and based on the available data there is a strong possibility that the expenses related to annexing the proposed property could far outweigh the revenues related to bringing the proposed property into the City.

As a result, City staff would like to take some time to analyze whether or not the changes made to the property by the owner makes a difference in the number of police calls. Unfortunately, the owner has a tight timeline. He is currently trying to sell the proposed property, and he needs these two cases to move forward to City Council as soon as possible.

He summarized staff findings. He mentioned that the applicant and his representative were present to answer any questions.

Mr. Ward inquired as to how many rental units were on the proposed property. Mr. Carrino said that there were five rental units.

Mr. Ward stated that the rezoning request is for the proposed property to become R-5 upon annexation. There are five rental units on the property. For the materials that the Plan Commission has received, it appeared as though all the surrounding residential properties are all either single-family or duplex. So, the proposed property is out of sync with the neighborhood. Mr. Carrino responded by saying that the properties on the south side, which is the Cunningham Children's Home, are zoned R-5, and to the east of the proposed property, there are some R-4, Medium Density Multiple Family Residential Zoning District, properties. However, most of the surrounding properties are single- and two-family residential.

Mr. Grosser questioned whether City staff had looked into the number of police calls prior to 2005. Mr. Carrino stated that the Urbana Police Department pulled the call data for 2005 and 2006. The Chief of Police when reviewing the proposed annexation and rezoning remembered the address as having a history of calls, which is why he pulled the call data for 2005 and 2006. He stated that he does not have data for years prior to 2005.

Mr. Pollock asked if there were other problems historically in the neighborhood or is it the existing structure. Mr. Carrino commented that most of the police calls for 2005 and 2006 so far have been for certain specific tenants. He did not have call data for surrounding properties. Most of the calls for the proposed property are related to tenants in the building.

Chair Pollock opened the public hearing up to gather input from the public audience.

Jeff Tock, attorney for the petitioner, and Matt Varble, petitioner, approached the Plan Commission. Mr. Tock mentioned that Mr. Varble would provide background information and would address some of the issues raised by City staff. Mr. Tock would help to fill in some additional information based upon the land use and its relation to the Urbana 2005 Comprehensive Plan.

Mr. Varble stated that he handed out information prior to the meeting regarding the proposed property. The information clearly shows the improvements that he has made to the property. He mentioned that there is currently a sale agreement in place for \$198,000 for the proposed property. He purchased the property in 2004 for \$109,000. The tax revenue would substantially increase to the City of Urbana should the sale go through. However, in order for the sale to go through, the property zoning needs to be consistent with the use so the lender to give financing to the proposed buyer. He would continue to manage the proposed property and handle all of its affairs following a successful annexation and sale that takes place.

With respect to the police call issues, Mr. Varble commented that he has proactively addressed this as quickly and as efficiently as possible. Part of the issue is that the police do not contact a landlord when a call has been made to their property nor do the tenants voluntarily tell a landlord that the police were called out. He found this information out over time through a second hand resource. He, then, was able to either not renew leases or conduct evictions as a result of certain

tenants' behavior. He takes this seriously, because he has spent a lot of money on making improvements to the proposed property.

Mr. Varble commented that the proposed property would be considered affordable housing under the City of Urbana's criteria. There is not a lot of affordable housing in the area. The vacancy rate is 0%, and he has never had a problem with renting to qualified tenants. This is partly due to the rental rate and to the improvements he has made to the property.

There are some before and after photos available to look at included in the information that was handed out. He wanted to provide information that is not in the written staff report, so that is why he handed out the information.

Mr. Varble pointed out that the property itself was constructed as an apartment building. It was never a single-family house. It was built in approximately 1956 before any zoning laws came into effect. This is part of the reason why the zoning is R-2 as opposed to County R-4 or City R-5. He asked that the Plan Commission to facilitate the rezoning so that the sale of his property could go through. He could continue to manage the property, and everything would be consistent.

As far as the social concerns, he has done everything that a reasonable person would be expected to do to address these concerns. Part of the reason there are police call issues is that some of the neighbors call the police repeatedly over nuisance issues such as a large tree that he cut down, which fell into a neighbor's yard. One time he had gravel delivered to improve the mud situation in the front yard. The gravel keeps the mud from forming. The police were called because a neighbor was concerned that the gravel truck was too close to the property line and dust off the gravel was causing an asthma attack.

Mr. Tock stated that properties like the one proposed are not consistent with good planning. In this case, there is an apartment building that was built in the 1950's in the middle of what might have been a cornfield or maybe a single-family residential area. Over the last 50 years, other homes get built up around the proposed property, and it becomes a non-conforming use. A loan to purchase the proposed property is impossible to get, because if the building burns down, then the owner could not rebuild an apartment based upon the loan. It is a problem piece of property. Yet it is there, and it is not going away.

The proposed property should be properly zoned either in Champaign County or in the City of Urbana. It is contiguous to the City with a proper zoning of R-5, which is what the property owner (whether it be Mr. Varble or someone else) needs in order to be compliant with the zoning laws and with being able to continue to operate the property as a five-unit apartment building. In addition, it is providing affordable housing.

Mr. Tock read from the City's 2005 Comprehensive Plan. Under Trend #2, Housing (page 27), it talks about affordable housing and how *"rents have steadily increased in recent years making the availability of affordable housing scarce"* and how *"affordable rental housing is the principal housing problem for low-income residents in Champaign-Urbana area"*. Goal 15.0 states *"Encourage compact, contiguous and sustainable growth patterns."* Goal 15.4 states

“Annex unincorporated areas that have been previously developed at urban densities.” This is exactly what the Comprehensive Plan is talking about. There is the whole area from the proposed property out to Bradley Avenue that is not inside the City limits, but it is existing housing. Is this area not going to be annexed because the City says it is not profitable? Is everything going to be done on a balance sheet as to whether or not the City could make money with annexing properties?

If the City is going to try to provide some affordable housing, then the tax revenue that is produced from affordable housing properties may be at the lower end of the spectrum. It is not going to be something like at Stone Creek Subdivision.

The analysis of whether there are good tenants is not listed as being one of the La Salle National Bank criteria. The Plan Commission should look at this as an annexation standpoint and decide whether they want to annex the proposed property. Would it be a good choice to annex? Well, as a City, do we want to grow and incorporate affordable housing with all that it entails?

Mr. Tock reiterated that Mr. Varble had evicted the problem tenants. Where do the Plan Commission members think these problem tenants went? If the problem tenants wanted to reside in the Urbana area, then they moved to another apartment unit in the City of Urbana. In which case, the tenants have only moved from one location to another, but they are still residing in Urbana. Therefore, it is a management issue. Mr. Varble has done a good job of trying to move these sorts of management issues out of the proposed property. But they go some place else. It is an urban problem that exists, and that is why there is a police department in the City and a sheriff department in the County.

This is why he asked that the Plan Commission members make their decisions to rezone based upon annexing as to whether it meets the criteria of La Salle National Bank. City staff has said that it does in the written staff report. From a standpoint of whether the City wants to annex the proposed property, look at the 2005 Comprehensive Plan. It encourages the Plan Commission to grow the City and to annex affordable housing. Therefore, he asked the Plan Commission to recommend approval of the annexation agreement and rezoning cases to the Urbana City Council.

Mr. Ward felt that a beverage vending machine seemed to be a strange thing to have in front of the building if a person is trying to blend into the rest of a single-family neighborhood. He asked if it was still there. Mr. Varble explained that there was a church that was across from the proposed property, and their vending machine stopped working and was taken away. After talking to some of the congregation members, he decided to provide a vending machine for them to come by after church to buy some pop. It is not for a revenue producing function. If the Plan Commission felt that it should be taken away, then he could have it done the next day. Mr. Ward commented that he is not suggesting that, he just felt it is sort of strange.

Ms. Upah-Bant said that the information provided states that the proposed property has four apartment units, but the petitioner refers to having five units. Mr. Varble stated that there are five units, and it was incorrectly listed on the MLS form. The fifth unit is on the basement level.

Mr. Grosser inquired whether Mr. Varble had considered petitioning Champaign County to rezone the proposed property. Mr. Varble said yes. However, it seemed like it would take much longer. Mr. Tock added that there were also some concerns on the County level that they try to work with the City of Urbana when a property is contiguous to the City when there is a zoning situation. Any rezoning case that would have been brought in Champaign County could have been objected to by the City if the City did not approve. So, Champaign County felt that the proposed property should be annexed into the City.

Now if the Urbana City Council does not ultimately want to rezone and annex the proposed property, then the owner's next step would be to go back to Champaign County and say that Mr. Varble has made the approach to the City, but that the City does not want to annex and rezone the property. This does not mean that the City would not protest a zoning case in the County, but the County preferred that the owner make the effort to try to annex and get the proposed property zoned properly with the City first.

Mr. Grosser questioned whether the owner had any knowledge of the police call history of the proposed property prior to 2005. Mr. Varble mentioned that prior to his ownership of the property, the prior owner was not really engaged or very active with the property. It is his understanding that there were some issues that went unaddressed until he purchased the property and inherited some of the tenants, which have been evicted as a result of those issues. Of the few times that he had directly interacted with the Sheriff's Department, the police had mentioned that they had been called to the proposed site before his purchasing the property. The police had mentioned that they were much happier with the fact that he had purchased the property and was making improvements.

Mr. Carrino commented that city staff had talked with Mr. Tock, and he had mentioned that Champaign County staff was concerned that the City would offer opposition to a rezoning of the property. He spoke with the City's Chief Administrative Officer, Bruce Walden, and the Community Development Director, Elizabeth Tyler, and they both felt that there would be no reason at this time why the City would oppose the rezoning in the County.

Mr. Myers pointed out that there are many legally non-conforming uses out there and banks make loans on many or most of them over time. It is common for banks, as a requirement for a loan, to ask for issuance of a letter from the City stating that the property is a legally non-conforming use. Mr. Myers asked if the petitioner had thought about following this approach rather than annexation and rezoning. Mr. Varble said yes. He had obtained such a letter from Champaign County in February of 2006, but the letter was not viewed as being sufficiently worded by three different lenders for the buyer.

Mr. Varble went on to say that it is amazing that the proposed buyer is still interested in purchasing the property after waiting since January of 2006 when they executed a contract. He is afraid that if they have to go to Champaign County and request a rezoning of the proposed property, then the buyer might become no longer interested in purchasing the property. This would be problematic.

Mr. White asked if there were five bathrooms in the building. Were they put in the building originally? Mr. Varble said that there were five bathrooms in the building at the time that he purchased the building.

Mr. White inquired as to the total square feet inside the apartment building. Mr. Varble stated that there is about 3,000 square feet.

Mr. White asked if all five units have kitchens. Mr. Varble said that all of the units have kitchens.

Chris Manrique, of 308 Thompson Street, lives immediately adjacent to the proposed property. He thanked Mr. Carrino for providing him with some information regarding the proposed two cases. He went on to say that he had no objection to the annexation of 306 Thompson Street into the City of Urbana. However, he is concerned about the rezoning of the proposed property. The 300 Block of Thompson Street is very short and quiet. It ends in a dead end. There are only seven houses on the street other than the apartment building at 306 Thompson Street. This means that the apartment building accounts for almost half of all the vehicles parked on the street. Parking on the street has been a continuous problem for years.

The previous owner put down gravel immediately adjacent to the street in an attempt to provide parking for his tenants. Mr. Varble has put down gravel in the back of the building in an effort to get some of the parking off the street. Despite this, most of the tenants continue to park on the street. Vehicles are parked perpendicular to the roadway, and the vehicles generally project onto the road past the half-way point, which means others have to drive onto the lawn across the street to get down the street. It is not unusual to find vehicles parked as overflow on the portion of his lawn that is immediately adjacent to the proposed property. He believed that the apartment building is either at or over the limit of the number of vehicles that it could reasonably support. Therefore, he would like to see as part of the annexation agreement a limitation that the proposed property would not be allowed to have any more than the current five units.

Mr. Manrique commented that there were not any safety concerns with the proposed property prior to Mr. Varble purchasing the property.

Catherine Connor, owner of 304 East Thompson Street, stated that she has owned this property for 27 years. She has come to speak in opposition to the proposed annexation agreement with Mr. Varble for the property located at 306 East Thompson Street.

There are several reasons for her opposing the annexation and rezoning, but the main reason is because the proposed annexation agreement would rezone the proposed property to City R-5. She reminded the Plan Commission that the surrounding neighborhood is chiefly single-family dwellings with a few duplexes or two-flat dwellings. Although many of these residences are in the County and some are in the City, they form a cohesive neighborhood. Therefore, she would view the proposed rezoning as spot zoning in the middle of the low residential area.

She noticed in the written staff report under the Summary of Findings, #3 states that City staff did not find it to be inconsistent with the R-5 zoning around the proposed property. She

questioned this because the R-5 around the proposed property consisted of three things: Cunningham Children's Home, which is quite different than apartment building because the Home is for children; a church, and her property.

Her understanding is that the basement of the proposed property is not a legal residence. She had looked at the building years ago.

Ms. Connor talked about the problems that have come up. The Plan Commission has already heard about the police calls. The improvements to the proposed property that Mr. Varble has made have not necessarily been improvements to the neighbors. The gravel covering the entire lot creates a noisy base for vehicles to drive on when they enter the parking area. This has created complaints from her tenants for the first time in the 27 years that she has owned 304 East Thompson Street. Another improvement was an enclosure fence for the garbage cans, which visually hides the fact that there are no lids on the garbage cans. It does nothing to eliminate the smell or the spillage of garbage into her property. The beverage vending machine is a vision that makes the entire neighborhood like a much less desirable place than it did until recently.

She commented that the proposed apartment building as it exists has greatly lowered the value of her property and has even caused recently difficulties in renting. The inside of her duplexes are quite large and exceptionally nice. She has always rented to graduate students and young faculty members, and she has never had any problems until recently. Now, potential tenants first ask about the Coca-Cola machine and wonder if the proposed apartment building is a motel. Then, they ask if there are any problems with next door. Most all of the potential tenants say that they love the unit, but that they are concerned with the neighborhood. She mentioned that she has shown her unit over fifteen times and had several other appointments to show it, but people interested have driven by and later call to cancel the showing. She usually only has to show the duplex unit one or two times to rent it, but it is not surprising when they see a building surrounded with gravel, a Coca-Cola machine in front, and garbage spilled all over that people no longer view as before, which was as being quiet, peaceful and safe.

Under the proper ownership, the current building in its non-conforming use could be tolerated. However, an R-5 zoning would open it up to who knows what in the future. The uses allowed under an R-5 zoning would not be consistent with the neighborhood. Therefore, she urged the Plan Commission to vote against the proposed annexation agreement so long as it carries the stipulation that the property would be rezoned to R-5.

Mr. Hopkins asked if after just finding out that her property is zoned R-5, would Ms. Connor be interested in talking with City staff about rezoning it to an appropriate classification for a duplex. Ms. Connor stated that it would not bother her at all to have her property down zoned to R-3 or R-4. She stated that she owns other properties in the City and her first concern is the neighbors and the neighborhoods.

With no further comment from the people in the audience, Chair Pollock closed the public input portion of the hearing. He opened the hearing up for Plan Commission discussion and action.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2006-A-07 and Plan Case No. 2004-M-06 to the Urbana City Council with a recommendation for denial. Mr. White seconded the motion.

Mr. Hopkins stated that although he understands the logic of the annexation argument, which can be used in an annexation case, but could not be used in a zoning case, he thought the arguments about the zoning are really a sticky issue. The proposed property is not an R-5 parcel. The accident of 304 East Thompson Street being zoned R-5 should be resolved as well.

Mr. White stated that he is not concerned about the number of police calls, etc. What does concern him is the rezoning of the proposed property to R-5. When you drive by the proposed property, the existing apartment building seems clearly out of place. To rezone the proposed property to R-5 would be inappropriate.

Mr. Ward agreed as well. He was not taken with the police call issue. We are a community and do what we need to do for the public good. If it makes sense to annex a property, then it is the City's obligation to annex that property, regardless of the number of prior police calls.

He sees the proposed action that the petitioner has requested as being inconsistent with the character of the neighborhood. He could even see it as being a possible impetus for the degradation of the neighborhood in the future.

One question that the Plan Commission did not ask is how many residents lived in the five apartments. Clearly, the number of vehicles and traffic issue would indicate that there is either inadequate parking or inadequate management of parking.

There are too many issues that are poisonous to the neighborhood. Until those issues are resolved, he could not see supporting the proposed annexation agreement or the proposed rezoning. He mentioned that he agreed with Mr. Hopkins and Mr. White in that R-5 seems to be totally inconsistent with all the criteria whether it is future plan use or the character of the neighborhood or anything else. For all these reasons he would support the motion on the floor.

Ms. Upah-Bant stated that she has a real problem with leaving the proposed property in the County because they have problems with the rezoning classification. She would feel more comfortable with annexing it, zoning it appropriately and leaving the use as a non-conforming use. She found it mind blowing to not annex the property when a property owner is willing to annex his parcel. As a result, she could not support the motion.

Mr. Hopkins exclaimed that what the Plan Commission has before them is a proposed annexation agreement. The annexation agreement includes in it the requirement to zone the proposed property to R-5. He felt this is unacceptable as a long term strategy.

If the strategy was to annex the property in order to improve the situation by providing better services and to zone it consistently with the neighborhood, then the Plan Commission and City Council should do it. But that is not what is before them in the proposed two cases at this moment.

Mr. Pollock asked for clarification from City staff regarding whether or not the rezoning is part of the annexation agreement as well as a separate rezoning case. In other words, could the proposed property be annexed at some point? If it comes into the City under a straight annexation petition, would it not come under what it is currently zoned in the County? Mr. Myers stated that there is a direct conversion that would take place. The proposed property is currently zoned County R-2, so it would convert to R-2 upon annexation into the City of Urbana. An apartment building is not allowed by right in City R-2 zoning districts.

Mr. Pollock remarked that the annexation agreement and the rezoning are actually two separate cases. Mr. Carrino explained that an annexation agreement would not be required if rezoning was not being requested. In that case the City would only require a petition to annex. The property would be annexed into the City, and the direct conversion would be County R-2 to City R-2. Therefore, the annexation agreement and the rezoning are integral to each other.

Mr. Grosser agreed with Ms. Upah-Bant. He felt that City staff wanted to see what would happen in the future with the proposed property. Perhaps over time, the owner could come back and request annexation and rezoning. Where does this leave the proposed property in the future? Does the owner petition again for annexation with an R-3 zoning? Does the owner just never petition again? He believed that an R-3 zoning would make sense for the proposed property. Is that a change that the Plan Commission could suggest? Mr. Pollock stated that the Plan Commission is not going to recommend a rezoning to R-3, because it is not the case before them.

Mr. Grosser stated that annexation of the property would be fine. It is contiguous to the City.

Mr. Ward understood that the proposed annexation agreement and the proposed rezoning are inseparable. The Plan Commission either approves the annexation agreement with the rezoning to R-5 or they reject the annexation agreement with the rezoning to R-5. An annexation agreement with some other zoning designation is not possible given the fact that R-5 zoning is mentioned in the agreement. If the Plan Commission would attempt to change the zoning, then the agreement would no longer exist. This could come back to the Plan Commission in the future with other options.

Mr. Carrino mentioned that the property owner could file a petition for annexation, which would be heard by the Committee of the Whole and by City Council. Without the agreement, there would be a direct conversion from County R-2 to City R-2. However, there is still plenty of time for the property owner to do so prior to the closing date if he so chooses.

Mr. Pollock commented that this is a difficult case because there is an area that is zoned R-5, and the usage does not match the zoning. In this particular type of case, he mentioned that he tends to fall on the side of the residents that testify. He stated that although he is not totally comfortable with it, he plans to support the motion. He feels that it is the only alternative at this point.

A roll call vote on the motion was taken as follows:

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

The motion was passed by unanimous voice vote. Mr. Carrino mentioned that these two cases would be presented along with the Plan Commission's recommendation on July 17, 2006.

Plan Case 1998-M-06 – A request by The Atkins Group, LLC to rezone a part of the Stone Creek Commons office park development, generally located at the southeast corner of Windsor and Philo Roads, from R-4, Medium Density Multiple Family Residential Zoning District, to B-3, General Business District Zoning District.

Plan Case No. 2005-S-06 – A request by the Atkins Group, LLC for approval of a Preliminary and Final Plat of The Pines at Stone Creek Commons Subdivision generally located at the southeast corner of Windsor and Philo Roads in south Urbana.

Paul Lindahl, Planner I, gave the staff report for these two cases together. He introduced the requests for the rezoning and for the preliminary and final plats. He gave a brief background of the annexation and development agreement for the proposed site. He described the proposed site and the surrounding properties noting their land uses and zoning designations. He reviewed the La Salle National Bank criteria that pertained to the rezoning case for the proposed site. He read the options of the Plan Commission. He mentioned that there were representatives from the Atkins Group present to answer any questions.

Chair Pollock opened the public hearing up to take input from any interested parties in the audience.

Mark Dixon, Director of Real Estate for The Atkins Group, stated that he was pleased to be before the Plan Commission and that The Atkins Group appreciates the effort of City staff to be patient with them and to work with them through the years as the proposed project has evolved.

He mentioned that they have spent the last couple of years working with the residents of Myra Ridge Subdivision, Deerfield Trails Subdivision and Stone Creek Subdivision in discussing the proposed center. As seen in Exhibit K, this would be a neighborhood retail center that would be quite different than most others in the area. There will be a lot of open space and a lot of commons area. The focus would be in the north end, Phase I, where they have an artist making a sculpture for the project. There will be a board walk that runs through the proposed property. There will be ample parking for a mix of retail and restaurant uses.

One of the reasons they are before the Plan Commission is because as you reach towards the pond, they want to make connectivity for both pedestrians and bicyclists from the existing bike path on Windsor Road through the center and head back toward the pond. Around the pond,

there will be a walking trail. These design elements are very similar to what has already been built at Meadowbrook. He believes that the mix use development would bring a strong unity to southeast Urbana. It is within walking distances of most residences.

They planned to have lighting that would be sympathetic to the area. It would taper off at night, so that there would not be any glare into the residential neighborhoods. The design also honors the widening of Windsor Road eventually as planned by the City.

He stated that he was available to answer any questions from the Plan Commission.

Mr. Hopkins inquired as to how the rest of the parcel might develop. At the moment, there are two residential streets stubbing out at the property line. He assumed that they would connect to the undeveloped parcels in the future. Mr. Dixon explained that Boulder Drive would be a reverse J. Boulder Drive would extend to the south and curve around the pond, and then it would head back to Philo Road. The curvature of Boulder Drive would create the transition between the office park and the residential neighborhoods. The transition of the entire area would go from retail to office park to residential.

Mr. Hopkins questioned whether what is currently zoned R-4 would need to be rezoned as well. Mr. Dixon stated that the proposed use would be allowed by right. Mr. Lindahl added that the OP, Office Park Zoning Classification, is mentioned in the Table of Uses; however, there are not any properties in the City of Urbana that is currently zoned OP. As part of the annexation agreement, office park or business uses were specifically added to be allowed in the R-4 Zoning District in the balance of the lot.

Mr. Hopkins asked if there would be any connections to any of the three stubs that remain from the residential. Mr. Dixon said no.

With no further comments from the audience, Chair Pollock closed the public input portion of the hearing.

Mr. Myers noted that when you look at the Future Land Use Map in the Comprehensive Plan, the shaded areas on the south side of Windsor Road is diagrammatic. The City of Urbana was trying to show in the map that community business is envisioned at this corner, but at the time the plan was completed the exact boundaries of this use could not be determined. We have come to a point where there is more specificity about the plans for the proposed retail development, and now The Atkins Group is essentially applying to conform the existing commercial zoning here to the south boundary line of their new commercial development.

Mr. Ward moved that the Plan Commission forward Plan Case No. 1998-M-06 and Plan Case No. 2005-S-06 to the Urbana City Council with a recommendation for approval. Mr. Grosser seconded the motion.

Mr. Ward commented that he lives within walking distance of the proposed development, and he is delighted with the project. Therefore, he is pleased to support it.

Mr. Pollock stated that the proposed development appears to be a truly well conceived plan. The City has been waiting for a long time to have something on the proposed parcel that would be compatible with surrounding areas, and the proposed plan looks like we will have it.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Upham-Bant	-	Yes	Mr. Ward	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous voice vote.

Plan Case No. 2003-S-05 – A request by Five Points Realty, LLC for approval of a Preliminary and Final Plat of Gateway Subdivision located at the northwest corner of University and Cunningham Avenues.

Plan Case No. 2003-M-06 – A request by Five Points Realty, LLC for Gateway Shops at Five Points West to rezone part of 604 North Broadway Avenue from CRE, Conservation-Recreation-Education Zoning District, to B-3, General Business Zoning District.

Plan Case No. 2003-SU-06 – A request by Five Points Realty, LLC for a special use permit for Gateway Shops at Five Points West to allow a Shopping Center/ Planned Unit Development at 104 East University Avenue and 604 North Broadway Avenue in the B-3, General Business Zoning District.

Mr. Lindahl presented the request for a subdivision plat. He began by giving a brief background of the proposed site and discussed the land use and zoning of the site, access to the proposed subdivision, drainage on site and the utilities for the proposed site. He summarized staff findings and read the options of the Plan Commission. He stated that staff recommended approval of the preliminary and final plat of Gateway Subdivision as requested.

Mr. Myers continued with staff’s presentation for the special use permit that relates to the entire proposed development project. He reiterated the current and proposed land uses and zoning designations of the proposed site. He talked about the screening, parking, site amenities and signage for the proposed use. He discussed the requirements for a special use permit according to Section VII-4 of the Urbana Zoning Ordinance. He read the options of the Plan Commission regarding the special use permit request. He stated that staff recommended the following:

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 Urbana Plan Commission recommend approval of the Special Use Permit to the Urbana City Council with the following conditions for approval:

1. *The development shall be constructed in general conformance to the site plan layout submitted as part of the application. Any substantial change to the layout other than outlots shall require additional review and approval from the Urbana Plan Commission and Urbana City Council. The Zoning Administrator shall have the power to approve minor plan changes in order for the project to comply with City regulations including Building, Fire, and Site Development Codes.*
2. *The design and appearance of Retail Buildings A & B shall be in substantial conformance to the illustrations submitted as part of the application.*
3. *Site amenities to be installed by the developer, such as benches, light poles, pavers, trash receptacles, and planters, shall be in substantial conformity with the location, quality, and design of those submitted with the application. The Zoning Administrator shall have the power to approve changes which are essentially equivalent in quality.*
4. *The prospective layout of development for Outlots 1-4 is illustrative only and may be varied provided that their development meets the general standards of the Urbana Zoning Ordinance.*

Mr. Myers went on to present the rezoning request. He explained the purpose for the rezoning request, which is to rezone a 55-foot wide strip of land on the north side of the property to be consistent with the remainder of the property that Five Points Realty, LLC plans to redevelop into the Gateway Shops. Five Points Realty purchased this tract of land from the Urbana Park District. He stated that staff believes that the rezoning request meets the La Salle National Bank factors. In summary, City staff recommended the following:

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, City staff recommended that the Plan Commission forward Plan Case No. 2003-M-06 to the Urbana City Council with a recommendation for approval.

Mr. Hopkins remarked that the land exchange implied that the Urbana Park District now owns some property that is currently zoned B-3. He asked if this parcel would be rezoned to CRE. Mr. Lindahl replied not at this time. Mr. Myers added that it would make sense to rezone this parcel as well and that they would cooperate with the Urbana Park District to do so.

Mr. Pollock noted that there was a giant mountain of dirt covering both the parcel to be rezoned to B-3 and the property that the Urbana Park District still owns. Would that area be returned to a grassy area? Mr. Lindahl answered by saying that the grassy area covered with dirt will essentially be returned to grass including the area that had been traded from Five Point Realty, LLC. The asphalt on the land exchanged to the Park District would be removed.

Tom Jordan, representative of Foth & Van Dyke Daily Division, thanked City staff for working cooperatively with them as the proposed project developed.

He stated that the intent of the subdivision plat is to vacate the existing "spaghetti" network of utility easements that run across the proposed site and use a mechanism to vacate them upon the recording of the plat.

He mentioned that there would be a couple of access points that come down from Lot 100 and join Cunningham Avenue and University Avenue. He stated that they worked for approval of these access locations with the Illinois Department of Transportation (IDOT) and with the City of Urbana in making plans.

He talked about the traffic count for University and Cunningham Avenues. He pointed out that they are in an order of magnitude similar to what they are on Interstate 74. So, the developer is very sensitive to the continued function of this intersection as this project developed.

Mr. Pollock commented that the two access points on University and Cunningham Avenues would be right in and right out only. Would there be an entrance turn lane on either of these? Will drivers be able to pull off to the side before making that right turn or will they be turning right from those two lanes. Mr. Jordan stated that access to the south is already in a turn lane. The one on the north side is at the northern end of a turn lane. In conjunction with IDOT, they located the access points as strategically as they could.

Mr. Pollock wondered if Mr. Jordan felt there were any safety concerns with the number of vehicles turning right into the proposed development. Mr. Jordan said no. The main safety problem was addressed not within the confines of the right-of-way itself, but off the right-of-way. Their concern was to build a parking area with entrances that would not allow a driver to pull in, see a parking space and stop. This could back traffic up and cause an accident. So, what they did was extend the access driveway that joins University Avenue, and they extended an access lane all the way to the north-south isle off of Cunningham Avenue, so this could not occur. On Broadway Avenue, they have an access lane that wraps around the north side of Lot 101 and will funnel traffic all the way into the interior of the site, so that there would not be traffic backing up.

Chair Pollock asked if to get to that throat, then vehicles will be turning directly from one of the two lanes of travel. Mr. Jordan said that is correct.

Mr. Jordan felt that staff had adequately addressed the Goals and Objectives of the 2005 Comprehensive as they relate to the proposed development. He mentioned that it is Five Points Realty's intent to submit final construction plans to the Urbana Public Works, to the Urbana Park District, and to other agencies next week. It is their intent to select a contractor about July 24th. He pointed out that O'Brien Auto Park plans to abandon its use of the site by the end of July. Five Points Realty has a demolition contractor that will pull in on August 2nd and begin demolition of the existing buildings. The demolition process is expected to take four to six weeks. Concurrently with the demolition, the dirt pile will disappear because it will be used to build up the site.

The issue of drainage is important. The Urbana Code calls for treatment of a rainfall from a 50-year return frequency. The pipe that discharges straight north to the Saline Branch, in addition to

another pipe that will be constructed to discharge into the overflow pipe into Crystal Lake Park with a sediment trap, are designed to take the intensity of a 50-year event. So, a 50-year event will go to the adjacent waterway and stream bed. Across the Park District's property an additional 18-inch storm sewer line will be constructed. When the waterway in the Saline Branch drops down, then the Park District property will have an additional conduit. In theory and in calculation, the dewatering time for the Park District tract to the north will be at or less than what it is today.

Mr. Jordan mentioned that they planned to complete the site work in the fall of this year.

Mr. Grosser inquired if the regrading would bring the ground level up to the same level as University Avenue. Mr. Jordan answered by saying that the ground level of the entire proposed site would actually be slightly higher than the lowest spot in University Avenue.

Mr. Grosser asked what the outlots would look like until they are developed. Would they be covered in grass? Mr. Jordan replied that there is very strong interest in the outlots, so their plans call for temporary seeding and mulching, but it will not be permanent. It is his expectation that even the seeding will not have enough time to start growing before development is eminent on the outlots.

Chairman Pollock asked if anyone in the audience wished to speak on these applications.

Kitty Ford, of 201 Crystal Lake Drive, wondered why the land that is being given to the Urbana Park District is not being rezoned at this time. City staff and the petitioner were concerned about getting the proposed rezoning on the docket, because the proposed parcel has to be rezoned to B-3 in order for the petitioner to be able to build a shopping center on it. It is not absolutely necessary to rezone the portion of land that is zoned B-3 which now belongs to the Park District. The Park District's intent is to use it for overflow parking, and they can do so whether it is zoned CRE, Conservation-Recreation-Education, or B-3, General Business.

Ms. Ford expressed concern about Five Points wanting more land in the future. Since this specific portion of land is already zoned B-3, then no one would know if Five Points purchased the land back from the Urbana Park District. Mr. Myers assured her that City staff would work with the Park District to rezone this portion of land to CRE zoning designation.

Ms. Ford wanted to know when the pile of dirt would disappear. Chair Pollock stated that he would ask the petitioner.

Ms. Ford expressed her concern about the drainage. Chair Pollock explained that the petitioner planned to put an additional pipe down the middle of the Park District's property to the north of the proposed site to help with the drainage.

Ms. Ford understood that there would be a fence along the back side of the proposed development. Since she did not hear any mention of the fence in the previous discussions, she wondered if the fence is still part of the plans. Chair Pollock stated that from the materials of information that the Plan Commission has, there will be a row of trees. He did not see a fence on

any of the information. Mr. Lindahl noted that a six-foot fence is required by the Development Agreement.

Vicki Mayes, representative of the Urbana Park District, stated that the Park District is excited about having the Gateway Shops being built. They will be really pleased to have the dirt moved. It will be a wonderful development, and the Park District really supports it. They appreciate the work that the petitioner has done in addressing the Park District's issues. They would still like to review the final drainage plans to be sure of the impact. She assured everyone that the Park District is aware of the rezoning issue regarding the tract of land that they received from the petitioner. Eventually, they will take care of it. The Park District does not know what the overflow parking area will become in the future. They are in the process of doing a Site Master Plan for Crystal Lake Park.

Mr. Jordan re-approached the Plan Commission. Chair Pollock inquired as to how long it would take to regrade the dirt and make the pile disappear. Mr. Jordan stated that the work would be done in August and September of this year. The pile of dirt will be redistributed to build up the ground level of the proposed site during this time. They want to do this as soon as possible so that the utilities and parking lot could be built.

With no further comment, Chair Pollock closed the public input portion of the hearing. He opened the hearing up for Plan Commission discussion and action.

Mr. Myers requested that should the Plan Commission approve the special use permit request, then they include the recommended conditions provided in the staff report.

Chair Pollock expressed concern about the amount of traffic south bound on Cunningham Avenue and west bound on University Avenue. There will be a lot of cars slowing down and turning into the two entrances: one right before the Five Points intersection on Cunningham Avenue and one right after the intersection heading west bound on University Avenue. Has the City's engineers reviewed the plans for these access points? Have they approved the design that does not have any turn lanes for people turning right into these lots? Gale Jamison, Assistant City Engineer, answered by saying that the City's Engineering Division has reviewed the traffic impact analysis, and they believe with the throat lengths that the petitioner is allowing to get the cars away from the entrance and with the design of the right in – right out access point that there will not be an issue with vehicles being able to get out of the way. The Engineering Division does have some concerns about the added impact on Broadway Avenue and Park Street, but these are design details that they will work out with the petitioner as the proposed development progresses.

Chair Pollock wondered if there had been any discussion with deceleration lanes in along the two entrances. Mr. Jamison replied that IDOT did not require deceleration lanes as part of their discussion. It is IDOT's call, because both Cunningham Avenue and University Avenue are on state routes. The City Engineering Division does not have a problem if IDOT does not have a problem.

Mr. White stated the proposed development is great. He moved that the Plan Commission forward Plan Case No. 2003-S-05 and Plan Case No. 2003-M-06 to the Urbana City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Grosser stated that he is happy that the proposed corner will change into the proposed development. He thinks that the amenities included would be well utilized, such as the outdoor seating.

Roll call was as follows:

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

The motion was passed by unanimous vote.

Mr. White moved that the Plan Commission forward Plan Case No. 2003-SU-06 to the Urbana City Council with a recommendation for approval with the conditions recommended by staff in the written staff report. Mr. Grosser seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. Mr. Lindahl stated that these three cases would go before the City Council on July 17, 2006.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Wakeland Rezoning: The Wakeland family withdrew their application. They have stated that they would be partnering with the developer and come back with a plan.
- August 7th City Council Meeting has been cancelled. Therefore, City staff is expecting long agendas at the City Council on both July 17th and August 21st.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:24 p.m.

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission