

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 22, 2007

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, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: None

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Matt Wempe, Planner II; Paul Lindahl, Planner I; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary; Gale Jamison, Assistant City Engineer

OTHERS PRESENT: Tyler Fitch, Angie Fred, Debbie Insana, David Monk, Dennis Roberts, Charles Smyth, Christopher Stohr, Joel Vanessen, Dianna Visek

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

The meeting was called to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Ms. Stake moved that the Plan Commission approve the minutes as presented from the January 18, 2007 meeting. Ms. Burris seconded the motion. There was a correction on Page 10, Line 3 to change “applications” to “implications”. The minutes were approved by unanimous vote as amended.

4. COMMUNICATIONS

- Letter from Judy Checker regarding Plan Case No. 2034-SU-07
- Additional Staff Memorandum regarding Plan Case No. 2019-S-06
- Handout from Debbie Insana regarding Plan Case No. 2019-S-06
- Flowchart for the “Neighborhood Conservation District Designation Process”

Plan Commission 2006 Annual Report

A copy of the annual report was provided to Commissioners in their packets. Matt Wempe, Planner II, stated that he would answer any questions that the Plan Commission may have regarding the 2006 Annual Report. With no questions at this time, Chair Pollock moved on in the agenda.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2019-S-06: A request by Deborah and Michael Insana for a combined Preliminary and Final Plat of Brickhouses Subdivision located on the north side of Airport Road east of High Cross Road in the County’s AG-2, Agriculture Zoning District.

Paul Lindahl, Planner I, presented the staff report for this case to the Plan Commission. He introduced the case by describing the proposed subdivision. He gave background information about the zoning of the proposed site. He reviewed the land uses and zoning of surrounding properties. He discussed stormwater runoff and the proposed detention pond. He discussed the waivers requested by the petitioner, which are as follows: 1) to allow a street right-of-way of 50 feet rather than the required 60 feet; 2) to allow a street pavement width of 25 feet rather than the required 31 feet; 3) to waive construction of sidewalks; 4) to waive construction (and temporary capping) of sanitary sewer mains and laterals; and 5) to waive a Stormwater Detention Basin Operations and Maintenance Agreement. Mr. Lindahl reviewed staff’s analysis of the requested waivers. He read the options of the Plan Commission for this case and presented staff’s recommendation, which is as follows:

Staff recommends that the Plan Commission recommend approval of the combined Preliminary and Final Plat of Brickhouses Subdivision, with the following conditions:

1. *That a sidewalk will be provided on the east side of Brickhouses Road and around the cul-de-sac;*

2. *That the right-of-way width for Brickhouses Road be no less than sixty feet;*
3. *That the pavement width for Brickhouses Road be no less than twenty-eight feet;*
4. *That sanitary sewer mains and laterals be constructed and capped per the standards provided in the Subdivision and Land Development Code as well as Urbana Champaign Sanitary District standards; and*
5. *That a Stormwater Detention Basin Operations and Maintenance Agreement with appropriate easements be provided; and*
6. *That necessary improvements be made to the intersection of Airport Road and Brickhouses Road to facilitate safe access and egress, as specified by the Urbana Township Road District Commissioner.*

AND with the following waivers from the Subdivision and Land Development Code:

1. *A waiver from Section 21-36.A.1 and Table "A" of the Subdivision Code to allow a reduction of pavement width for Brickhouses Road to 28 feet; and*
2. *2. A waiver from Section 21-37.A.1 of the Subdivision Code to allow no sidewalk to be constructed on the west side of Brickhouses Road.*

Mr. Grosser recalled that in the petition for waiver of the required Stormwater Detention Basin Easement and Operation-Maintenance Agreement, the petitioner stated that the homeowner's association covenants would eventually cover maintenance of the detention basin. Mr. Lindahl replied that the City's Legal and Engineering staff have reviewed it. Both departments feel that the petitioner should stick with the City's standard agreement. The standard agreement basically says that the homeowner's association will be responsible for the perpetual maintenance, and that they will provide mechanisms for funding, inspections and insurance. It also states that in the event that the detention basin is not maintained or repaired, then the City would come in and do the service and charge the homeowner's Association. There is a disconnect between who would actually own the detention basin and who would be responsible for maintaining it in the changes that the petitioners propose to their homeowner's covenants for Brickhouses Subdivision.

Mr. Grosser stated that in a recent study session for the Urbana-Champaign Sanitary District (UCSD), the Plan Commission was shown a UCSD boundary map. How far out could sewer service conceivably reach? Gale Jamison, Assistant City Engineer, responded that the UCSD's Facilities Planning Boundary map is not necessarily the same as their service area. Their service area is tied to where existing sewers are located. The proposed site is within the Facilities Planning Area and could be served if existing sewers were extended.

Mr. Grosser asked, given the East Interceptor Plan, does anyone recall the City's expectations to bring sewer lines to the proposed site? Mr. Jamison explained that in the East Interceptor Study Session, the area to the north was not discussed because that was outside the scope of the East Interceptor Study. The area that was discussed was east of High Cross Road and south of Interstate 74. These sewers would not extend to the proposed site. There is currently a sewer line at Perkins Road and Airport Road, and there is a sewer line that goes north of Interstate 74

along Brownfield Road. These sewer lines would eventually be extended up along the Saline Drainage Branch at some point and would likely be one of the lines serving the proposed site.

Chair Pollock asked about the distance between the nearest sewer line and the proposed site? Mr. Lindahl believed it was about a mile. The sewer line along Brownfield Road and Airport Road is much closer to the proposed site.

Mr. White commented that the land where existing sewer lines are is much lower than the area where the proposed site is. UCSD would need to install a lift station somewhere if these lines were to serve the Insana property.

Mr. White also inquired if there would be fire hydrants in the proposed subdivision development. Mr. Lindahl responded that there would be two fire hydrants.

Mr. White questioned why the City would need a 60-foot right-of-way. Mr. Lindahl explained that the City requires 60-feet to allow for utility easements to be within the right-of-way rather than on the homeowner's property. The storm sewers, sanitary sewers, water main, telephone service, and electrical service could all be within the public right-of-way in the front of the property.

Ms. Stake asked if there would be homes built on both sides of Brickhouse Road. Mr. Lindahl said yes. Ms. Stake wondered why the petitioner decided to not install sidewalks. Mr. Lindahl responded that it may be because there would likely be little foot traffic in the area. Although it is an ideal situation to always provide sidewalks on both sides of the road everywhere, City staff felt that with only four lots on the west side of the proposed road, that staff would support a waiver to allow a sidewalk only on one side.

Chair Pollock opened the hearing up to take testimony from the public.

Debbie Insana, petitioner, provided a handout of information and maps to the Plan Commission. She explained how the idea for the proposed subdivision came about. She was hoping that the ecological preservation part of her plans for the subdivision and detention basin would make it reasonable to expect that not all of the urban specifications should be necessary for the proposed development.

She discussed the various steps they took in getting their property rezoned for a Rural Residential Overlay (RRO) with Champaign County's Planning and Zoning Department, developing a plan with input from their neighbors, the Drainage District Commissioners, the Somer and Urbana Township Commissioners, UCSD, the Department of Public Health, the Environmental Protection Agency (EPA), and the utility companies, reworking the drainage plan and having their soil tested. She talked about the proposed detention basin and how they would like for it to be a habitat pond.

She discussed the proposed subdivision development. They are planning to build the proposed subdivision, with the exceptions of the requested waivers, to the City's codes with the realization

that the proposed site might someday be annexed into the City of Urbana. She discussed the requested waivers.

She stated that all of the waivers relate to the fact that this is to be a “rural” subdivision. She mentioned that the proposed site lies just inside the Extraterritorial Jurisdictional (ETJ) Area, which is why they have to get plat approval by the City of Urbana. She explained that their requested street width of 25 feet will be eight feet wider than the main road leading to it. They have made provisions in the covenants for sidewalks for the future possibility that there is someplace to walk to some other sidewalk to connect to. They have an easement for sewer pipes should a sewer main ever get near the proposed site to connect to and should the future residents of the proposed subdivision wish to make the connection. Brickhouses Road Subdivision would be able to become a city subdivision easily when the time comes, but that time is not in the near future. For now, it will be a “rural” subdivision.

When talking with Mike Little, of the UCSD, she was told that the area north of the Saline Branch Drainage Ditch (where their property is located) is in a different watershed than the areas where service already exists. UCSD has planned for two interceptors with regional pumping stations in the district, but neither one of these would serve the proposed site. At the current time, there is no sewer service existing or planned for their watershed.

Exhibit D in the written City staff report, “Future Land Use”, shows the area as “Rural Residential”. It states “preserve natural amenities with limited conservation residential development”. Brickhouses Road Subdivision would be a limited conservation residential development. The 100-year floodplain, the presence of the University of Illinois (U of I) preserve on both sides, and the rural zoning leads her to believe that the subdivision would remain rural in Champaign County for many decades.

Ms. Insana quoted several excerpts from the Urbana Comprehensive Plan, which are listed in the handout she passed out earlier in the meeting. She reviewed some of the comments in the staff report that Mr. Lindahl had presented.

On Page 3, it says “*The Urbana-Champaign Sanitary District is opposed to the developer’s request for a sanitary sewer waiver*”. When she spoke with Mr. Little on January 3, 2007, she told him of her preference of septic systems over sanitary sewers. She said Mr. Little agreed that in the right soil conditions, which they have, that septic systems are a reasonable alternative. However, as a representative of the Sanitary District, it is in the best interest of the District to sign up as many customers as possible. It is the most cost-effective way to operate a sanitary district.

On Page 4, the staff report says “*Waivers are not intended to be used as a means of circumventing or evading the purposes of this chapter ...*”. She is not trying to circumvent them. She just simply thinks they are inappropriate for her development. It is a rural rather than a city development, and it should not be held to the same standards. The whole point of doing the proposed development is to be able to facilitate being able to do prairie grass plantings and maybe expand the natural area some. It seems counter-productive to place all of these City amenities in such an area.

Ms. Insana noted that out of the six waivers only two of them are real waivers. The other four are deferrals. The two that are waivers are the right-of-way and the width of the street. Brickhouse Road would only serve twelve houses. It would be a cul-de-sac and never have through traffic. The driveways will be about 50 feet long. Therefore, there will probably never be anyone parking on the street. Street parking would be prohibited in the homeowner's covenants as well. Traffic will not be an issue on the proposed street. She mentioned again that Brickhouse Road at 25 feet in width would still be wider than Airport Road, which is only 17 feet wide.

Concerning sidewalks, in the proposed development, there is no destination that could be reached by walking in the vicinity of Airport and High Cross Roads. Sidewalks along Airport Road are currently not required because it is a rural road with a ditch. At some time in the future when sidewalks along Airport Road are required, there is a clause in the covenant that requires homeowners to pay for putting them in. At the present time, improvements to Airport Road east of High Cross Road are not part of the High Cross/ Illinois Route 130 Corridor Plan. Unnecessary concrete is not earth friendly.

On page 6 of the written staff report, it says "*City experience has shown that septic systems will eventually fail*". Ms. Insana remarked that most of the soil in Champaign County is not suitable for septic systems but this site is. A lot of soil testing has been done in regard to this. They have received approval from the EPA and the Department of Public Health. Unlike most of Champaign County, their land is very suitable for septic system. In an area with appropriate soil conditions, septic systems are a viable permanent alternative. It is unlikely that there would ever be a sewer main to connect to for at least 50 years or more, or possibly never. Why install pipes which may never be used? They have made accommodations for sewer pipes and easements when the future homeowners decide to put them in. It is an unnecessary expense at this time, and it could prove to be a foolish waste of money. Decades in the future when sewer connection may be possible, the pipes could turn out to be obsolete, deteriorated or at the wrong height for a connection that has not yet even planned.

Ms. Insana discussed their plans for the stormwater detention basin. On Page 6, the second item states, "*Ensuring that all land owners in a subdivision are aware they were responsible for the costs of maintaining the basin that serves their property*". There will be homeowner association covenants requiring future homeowners to maintain the basin and the drainage of the subdivision. The basin will not be a typical detention basin. The reason for the standard maintenance and operation agreements for detention basins is because the basins are not constructed correctly and eventually collapse. She plans to follow recommendations from the EPA and from the Department of Natural Resources as to how to make the detention basin act as a natural pond.

On Page 6, number four says, "*Ensuring that if it becomes necessary for the City to repair the basin the City will be able to bill the property owners responsible for the failure to maintain the basin*". Since the property is located in Champaign County, Who would call the City of Urbana if there was a problem? Why should they provide a maintenance agreement with the City of Urbana, when the City is not responsible for the subdivision? Therefore, she requests that the

maintenance agreement be deferred until such time that Brickhouses Road Subdivision becomes a part of the City of Urbana.

Mr. Grosser inquired as to what would happen to the detention basin if they sell the property and move somewhere else. Ms. Insana responded by saying that the detention basin is on a separate lot. If they move, then they will sell the basin to the homeowner's association. Mr. Grosser asked what if the homeowner's association does not want to buy it. Ms. Insana said that they would be required to buy it through the covenants of the homeowner's association. She and her husband want to own it now so they can plant the type of plants needed and get the habitat established.

Mr. Ward questioned how the City's subdivision requirements would undermine the petitioner's plans. Ms. Insana stated that it would cost a lot of money. Mr. Ward pointed out that things do change rapidly. No one has the ability to say that things will never happen. He still does not see where what the City staff is suggesting in terms of conditions really undermines the essential purpose of what Ms. Insana wants to do. Ms. Insana explained that the extra concrete and sidewalks are a disconnect from the rural area and is not earth friendly. Mr. Ward commented that adding another three feet to the width of the street as suggested by City staff would not change the feel from being rural to urban. In terms of sidewalks, he assumed that the future homeowners might want to visit their neighbors from time to time. Ms. Insana replied that the homeowners would be able to walk on the empty concrete streets to visit each other. At the time in the future when there is someplace to leave the subdivision to walk to, then they will put the sidewalks in.

Mr. Ward stated that the City has a set of subdivision regulations that make sense. He is certainly willing to consider waivers if he finds compelling reasons for them. He simply has not heard anything that proves to be compelling.

Mr. White said he agreed with all of the waivers. He did not see where having sidewalks in a subdivision with this many lots is necessary. He did not feel that they needed to be concrete and that the wildlife there would appreciate not having concrete in the area. The stormwater detention area is where the water naturally flows anyway on the proposed site. Ms. Insana mentioned that they already have an unofficial stormwater detention area because it is the lowest spot in the vicinity. Mr. White exclaimed that this is the reason why the southwest corner was not farmed. He agreed that the UCSD would not want to expand into this area because the land is lower and UCSD would need to have a good size pump station to get the sewage out of the area.

Ms. Insana added that someone is going to have to want sewer connection to UCSD. The cemetery on the west side is not going to need sewer connection. The septic sewers for her subdivision would be designed to work fine, and they would have plenty of room for alternate septic fields. She did not see any reason to disturb the whole ecology of the area to put in a sewer main. However, if they were necessary, then she has made arrangements so they would be able to get the sewer pipes in without any trouble. Her contractor disagrees with the contention that it would be more expensive to put the sewer pipes in later. The only thing that would be more expensive would be the mature landscaping that might be in the way at that time. If the

mature landscaping is in the way when they get ready to install sewer pipes, then chances are roots would extend into the sewer pipes that the City wants her to install now.

Mr. Hopkins inquired about the stormwater agreement. He wondered if the petitioner had concerns about parts of the agreement or any agreement. Ms. Insana stated that she and her husband want to own the pond so that they can develop the natural area. It would not be owned by the homeowner's association because you cannot have a lot of people trampling around it and stomping plants they are growing. She only wants to change the part of the agreement to state that she and her husband, as the owners, would be able to grant easements instead of the homeowner's association. Mr. Hopkins wanted to clarify that because the petitioners want to control the detention basin now is not inherently contradictory to the commitment. She could agree to maintain the basin on behalf of the homeowners association. Ms. Insana agreed.

Mr. Hopkins wondered whether there is a design of the potential sewer connection that could be filed and committed to without actually constructing them. They could plan and commit ahead of time where to put in the septic sewers, where to allow for the sewer pipes connecting to UCSD pipes in the future, and where to allow landscaping so that it would not cause problems with installing sewage pipes in the future. This kind of commitment could be without constructing the sewer pipes by bonding or by other agreements that could be developed. Ms. Insana replied that it is in the covenants that the property owners would have to pay for the urban amenities when the City requires them to do so.

Mr. Hopkins stated that access is one of the concerns when talking about rural subdivision regulations as distinct from urban subdivision regulations. He did not believe that given the location of Brickhouse Road, it should not be a cul-de-sac because it is in the middle of a floodplain where it could be cut off and access blocked. Ms. Insana explained that the flooding that occurs in the area goes away after about two hours. Mr. Hopkins responded that most houses burn down in less time than two hours. Ms. Insana stated that the water backs up to about four inches, so fire trucks can get through even when the street would be flooded. The Fire Chief for Carroll Township Fire Department reviewed the plans for the proposed subdivision and approved them.

Ms. Stake expressed interest in the fact that the petitioners are trying to keep the subdivision more natural. She mentioned that they could construct sidewalks and streets that are permeable, so the water can go through. Ms. Insana did not believe that these types of streets would not meet the City's specifications. She just wants to keep it down to least amount of pavement that is necessary to serve the area.

David Monk, of 115 North Market Street in Champaign, stated that this plan pleases him yet disappoints him at the same time. This is one of the most interesting regions of Champaign County. It is historic. He could imagine a forest that much simulates Brownfield Woods. The soil is good. Many of the people who live in the area have done a lot to have wiggly-woggy new driveways and have their houses hidden in a nice way. The proposed subdivision is too rectilinear. It is a perfect site for them to provide something different and more natural. Chair Pollock responded that it is up to the property owners to decide how to design the subdivision.

Chair Pollock closed the public input portion of the hearing.

Robert Myers, Planning Manager, responded to a few of the comments made by Ms. Insana. He said that the idea of gardening sounds wonderful, and the petitioners would still be able to do gardening on the property regardless of whether the waivers are granted or not.

Regarding her comment about putting in sewer pipes being a foolish waste of money, who are we referring to as being foolish? If we put off installing the sewer pipes until some point in time in the future, then who would be paying for the installation? When property is subdivided, the development pattern is set in place for a long time. The developer will probably not be there for the entire time. Properties change ownership and then whose responsibility would it be to pay for sewer and sidewalk connections? He stated that would be more expensive to put in the improvements at a later time. Richardson Estates is a good example. It might have taken them some 40 years to decide to connect to the UCSD, but imagine if they would never have provided the sewer lines and capped them. What if some property owners cannot afford to install sewer lines when the time comes to making those improvements? The City obviously wants to avoid these situations.

Mr. Myers went on to talk about the maintenance agreement for the detention basin. Part of the reason the City asks for a homeowner's association maintenance agreement is because sometimes the homeowner's associations stop maintaining their detention basins or they become insolvent. Regarding homeowner's covenants, the City cannot enforce private covenants. Therefore, it may be in the covenants for the proposed subdivision that the property owners at the time of sidewalks and sewer pipes being install to pay for them, but the City has no way to enforce this.

In terms of the overall concept, he was curious about how installing and capping sewer lines would change the character of the subdivision and the surrounding areas. The current service area for the UCSD is about a half mile away to the west. Therefore, it is not inconceivable that within the coming years that the sewer would be extended to the proposed property.

Mr. Jamison added that the City's current standard for pavement width is 31 feet back-to-back. This allows parking on one side. With a 60-foot right-of-way, this provides 14 feet on either side to put a five-foot sidewalk and a curb and to allow eight and a half feet for utility easements. If the space between the sidewalk and the curb is too narrow, then you end up with a lot more expense trying to maintain utilities. Although the homeowner's covenants would not allow parking on the streets, the City has no way to enforce the covenants as Mr. Myers previously said. As a result, City staff would not recommend any narrower of a street width than 28 feet or a street right-of-way of less than 60-feet.

In looking at the sewer systems, there is a lift station north of the Saline Branch Drainage Ditch. Interceptors run along the Boneyard Creek, along the Saline Ditch, and along the low ground so they can capture anything that flows towards the lift station. He would not think that it would be inconceivable that at some point in the future the sewer service line would extend to the north and sewers would be made to the proposed area.

Another issue to be concerned about is that homeowner's associations sometimes disband and things change. He suggested that the Insanas join the homeowner's association, and if they want to maintain the detention pond under the hospices of the agreement maintenance with the City of Urbana, then they could until such time that they sold their property, etc. City staff feels that the maintenance agreement is necessary to protect the interest of the City in the long run.

Chair Pollock inquired as to whether 50 feet would be sufficient for the street right-of-way to accommodate for easements, etc. Mr. Jamison stated that there is a reason they have 60 feet as the standard in the City's subdivision code, and he would not recommend wavering from it.

Ms. Stake inquired if the petitioners would need to have both sewer lines to connect to the UCSD at some point in the future and septic systems. Mr. Jamison explained that the petitioner would need to have the septic tanks until such time as the sewer service is available to the area.

Ms. Insana re-approached the Plan Commission to talk about septic systems in the front yard. The Champaign County Public Health Department wrote in a letter that the petitioner should mark off the most suitable soil on each lot and protected from compaction prior to the location of each home. The grading for the street and the drainage is confined to the area between the street and the house site, so the back yards can be protected to keep the soil from being compacted for the septic systems. Therefore, they cannot put the septic tanks in the front yards to make the sanitary sewer connection easier because it is not the best place for the septic tanks.

Ms. Stake questioned whether Champaign County would vote on the proposed subdivision plat. Mr. Myers answered that the County has approved the zoning. Under the State statutory requirements, the City would review and vote on the subdivision plat because it falls within the mile-and-a-half jurisdiction.

Mr. White moved that the Plan Commission forward Plan Case No. 2019-S-06 to the City Council with a recommendation for approval. Mr. Grosser seconded the motion.

Chair Pollock said he interpreted the motion to not include any waivers or conditions recommended by City staff. Mr. White said that is correct.

Mr. White moved to amend the motion to include the wavier that the petitioner not be required to build sidewalks. He did not feel that sidewalks would be necessary in a subdivision of this size. Chair Pollock commented that the Plan Commission could not take something out of a motion that was not included in it. Mr. White withdrew his original motion. Mr. Grosser agreed as the seconder.

Mr. Ward next moved that the Plan Commission forward Plan Case No. 2019-S-06 to the City Council with a recommendation for approval including the six conditions and two waivers as recommended by City staff. Ms. Upah-Bant seconded the motion.

Mr. White moved to amend the main motion by removing Condition No. 1, which states "*That a sidewalk will be provided on the east side of Brickhouses Road and around the cul-de-sac*". Mr. Ward seconded the motion to amend for purposes of discussion.

Mr. Ward opposed removing Condition No. 1 because he did not see any good reason to make a variance in this case. The proposed area is rural at the moment, but who know what will happen in 10, 20 or 30 years. The City's zoning regulations and requirements are in place for a good reason.

Mr. White believes that with this many lots in a subdivision that ends in a cul-de-sac, more concrete is not necessary. It would be just as easy to walk on the streets.

Mr. Hopkins mentioned that he would be in favor of taking this condition out if the Plan Commission direct staff to work on a way to make a commitment that would be legally binding on the lot owners to provide for sidewalks at such future time as sidewalks becomes necessary. He questioned whether we could do an annexation agreement with the petitioner. An annexation agreement would allow them to do almost anything. An annexation agreement in this case would define in a contractual agreement with the developer how the installation of sidewalks would be paid for and under what conditions if and when the proposed subdivision was annexed.

Chair Pollock asked what about if the sidewalks were required and necessary before the proposed property would be annexed. Mr. Hopkins responded by saying that it would be the City's interest that we would be representing. It is not the City's concern, in terms of taxes on other people or our services, until the property would be annexed. This is what we are trying to protect.

Elizabeth Tyler, Director of Community Development Services Department, stated that the proposed case is a subdivision review and not an annexation agreement. The City staff never approached it as an annexation agreement. It would need to be a mutual decision to draw up an annexation agreement, and it did not seem proximate enough or appropriate to either party. City staff has seen situations where covenants of a subdivision require lot owners to install sidewalks at their expense. These are very hard, if not impossible to enforce because the City would have to go to court to force it to happen.

Ms. Stake felt that sidewalks should be installed in the proposed subdivision even with only a few houses. Children like to ride their bicycles or tricycles. Older people do not like to walk in the street, because they do not walk as fast as other people.

Mr. Ward favors sidewalks just because it is an accepted principle in urban planning. Sidewalks promote community, and anything we can do to promote community in any neighborhood is positive.

Chair Pollock loves the idea of what the petitioners are proposing for the subdivision. However, he did not see a really good reason to waive the subdivision code requirements.

Chair Pollock called for a hand vote on the amendment to remove the waiver regarding sidewalks. The motion to amend failed by a vote of 1-7.

Mr. White moved to amend the main motion by removing Condition No. 5, which states "*That a Stormwater Detention Basin Operations and Maintenance Agreement with appropriate easement be provided*". Ms. Stake seconded the motion to amend.

Mr. White commented that the water drains to the spot where they plan to provide a detention basin anyway. If they dig a pond there, then the water will stay in that spot. The only reason the road floods is because the surface water comes out and floods it.

Mr. Grosser expressed confusion over what happens if something does need to be done to the proposed detention pond to maintain or modify it. Who would pay for it if there is not an agreement in place? Mr. White explained that the water already drains to this spot. If the petitioners dig a pond, he does not know how the water would drain anywhere else, especially if they build all the concrete for the street and sidewalks, etc. He also feels that if the City wants to encourage development in the outer areas of the mile and a half jurisdiction, then they cannot apply all of the subdivision requirements. Otherwise, developers will not develop these areas.

Mr. Hopkins feels that there needs to be an agreement to maintain the detention pond, especially since the detention basin would be on a separate lot and the owners may not be there forever to take care of it. Any kind of pond requires maintenance.

Chair Pollock believes that it is not a question of what is in the agreement. There are probably ways to craft an agreement that would meet everyone's expectations and requirements, but there needs to be an agreement in place.

Mr. Jamison pointed out that a maintenance agreement would give the City the right to maintain the pond if the detention basin is in need of attention and the homeowner's association is either defunct or not willing to maintain it and to recoup the cost of maintenance by a special assessment to the lots that are a part of the subdivision.

Chair Pollock asked if this would only apply if the proposed property were in City limits. The City would not go in and repair something that is not in City limits, correct? Mr. Jamison said he did not know for sure. It depended upon whether the City could enforce our Subdivision Ordinance in the ETJ. He believed that we could by statute.

Chair Pollock said that the developer of the subdivision and the property owners could work out an agreement in which the homeowner's could be relieved of the responsibility of maintaining the detention basin. Mr. Jamison replied that the City needs some assurances that if the property is annexed into the City of Urbana that the maintenance of the detention basin would occur.

Ms. Upah-Bant asked if the issue isn't the cost of the indemnifying insurance. It is not the fact that an agreement is required. Ms. Insana is going to have to buy insurance. Mr. Jamison replied that the insurance that is required is basic liability insurance, which is required of anyone who owns a pond. The agreement requires the homeowners association to indemnify the City if we have to go in there to do work.

Chair Pollock called for a hand vote on the amendment to remove the requirement for a Stormwater Detention Basin Operations and Maintenance Agreement. The motion failed by a vote of 1-7.

Mr. Ward stated that he was very taken with the comments that Mr. Monk had made regarding the proposed subdivision and the way in which it is being approached. He did not feel that it would be appropriate for the Plan Commission to do anything about those comments at this particular time. The Plan Commission was presented with the proposed subdivision plat to review and vote on using the City’s current regulations and laws. He intended to support the motion based on this reason.

He encouraged others who are really concerned about the environment, of restoration of Big Grove, and of the historical background and aspect of our community to take Mr. Monk’s comments very seriously into consideration.

Roll call on the main motion was as follows:

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

The motion was passed by unanimous vote.

Plan Case No. 2034-SU-07: A request by Insite Incorporated (as an agent for T-Mobile Communications) for a Special Use Permit to install an antenna equipment enclosure for an existing telecommunications tower at 1110 West Main Street in the B-1, Neighborhood Business Zoning District.

Mr. Wempe gave the staff presentation to the Plan Commission regarding this case. He began with a brief introduction and background of the proposed site. He described the proposed site and the surrounding properties noting their land uses. He discussed the proposed antenna equipment enclosure. He reviewed the requirements for a Special Use Permit according to Section VII-6 of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented staff’s recommendation, which is 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 recommends that the Plan Commission recommend approval of the proposed special use permit in Plan Case No. 2034-SU-07 to the City Council, with the following conditions:

- 1. The proposed equipment enclosure shall conform to the attached site plan (see Exhibit H).*

2. *The proposed equipment enclosure shall obtain all necessary building permits from the City of Urbana Building Safety Division.*

Ms. Stake questioned whether City staff had any criteria to go by to assure that there will be no harm to the nearby residents. Mr. Wempe asked what she meant by harm. Does she mean radio frequency harm? Ms. Stake said yes, that is what she meant. Mr. Wempe replied that Federal law actually preempts municipalities from using health and safety considerations for radio frequency waves as a reason for approval or denial of telecommunication towers and equipment. Ms. Stake wondered how we would know if there will be no harm to nearby residents. Mr. Wempe responded by saying that FCC has said that mobile carriers do not produce enough radio frequency waves to be of a concern to where they would violate the maximum exposure limits. Ms. Stake asked if there is research to show this. Mr. Wempe said that it is based on Federal government research.

Ms. Stake inquired as to how close people live to the proposed site. Mr. Wempe referred her to the photos in Exhibit G. It shows how close the adjoining apartment building is to the existing tower.

Mr. Myers stated that from the photos it is clear there are an existing tower and satellite dishes right next door. The petitioner is proposing to place an antenna on the existing tower and to build a new equipment enclosure at the base of the tower.

Ms. Upah-Bant asked if the City could place another condition on the approval of the special use permit requiring the petitioner to meet FCC standards. Mr. Wempe said yes.

Mr. Grosser inquired as to why the petitioner wants a wood fence. Mr. Wempe replied that the fence is not required by City code, and the wood fence is something that the petitioner is proposing.

Chair Pollock opened the hearing up to hear public input. With no comments or questions from anyone in the audience, he closed the public input portion of the hearing and opened it up for the Plan Commission to discuss.

Ms. Stake commented that it is too ugly and that she did not want to allow it. Chair Pollock pointed out that everything in the photos in Exhibit G already exists.

Mr. White moved that the Plan Commission forward Plan Case No. 2034-SU-07 to the City Council with a recommendation for approval including the two conditions as recommended by City staff. Mr. Ward seconded the motion.

Chair Pollock stated that the University of Illinois (U of I) does not recognize the City's zoning districts. Will they recognize our requirement that they obtain a building permit? Mr. Wempe responded by saying that this is actually a private entity on U of I property, so it is subject to the City of Urbana's codes and building permit requirements.

Mr. Grosser noted that while he appreciates the wood fence as an attempt to screen, he did not know if it would have much affect. He wondered if they would prefer to have a chain-linked fence for visibility issues through the space as opposed to a wood fence. Chair Pollock pointed out that in this case you get both. There is already a chain-linked fence around the property’s perimeter. Mr. Wempe added that the proposed equipment enclosure would be fairly far back from the sidewalk.

Roll call was as follows:

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

The motion was passed by a vote of 7-1.

Plan Case 2023-T-06: A request by the Zoning Administrator to amend Article XII of the Zoning Ordinance to add Section XII-6, Neighborhood Conservation Districts, to establish the procedures for a designation of Neighborhood Conservation Districts.

Robert Myers, Planning Manager, began his presentation to the Plan Commission by giving background information on the policy basis for the proposed text amendment to establish Neighborhood Conservation Districts (NCDs). He reviewed the proposed designation process.

Mr. Hopkins was unclear about why a neighborhood that could qualify as a historic district and does not get approved as a historic district could never become a NCD. Mr. Myers explained that it is City staff intent that areas that could qualify to become historic districts would not use a NCD as a substitute.

Mr. White commented that he is under the impression that a historic preservation district is much more restrictive than a NCD. What happens if property owners prefer to become a NCD rather than a historic district? He does not understand why the Historic Preservation Commission will be reviewing NCDs at all. He believes that the homeowners should decide which they would like to petition for. Mr. Myers responded by saying that if a property or group of properties are truly historic and the owners want to save their properties as a historic neighborhood, then it should be under the historic preservation standards so that there is not a loss of historic character and diminished integrity. Mr. White felt that the property owners should have a say in whether they want to sink money into keeping their property historic or not.

Mr. Ward remarked that a property could end up not getting any protection at all under the language of the proposed text amendment. A neighborhood might qualify for historic preservation, but not pass as a district by the Historic Preservation Commission. It would not be able to qualify as a NCD and would be left with no historic protection. To him there are three levels of historic protection for a neighborhood, which are as follows: 1) doing nothing so that there is no protection at all; 2) protection by a NCD, which provides some protection but not as

much as historic preservation district; and 3) protection by historic preservation district. He believes that they should try to provide as much protection as possible. Therefore, he suggested that City staff review the process again.

Mr. Myers continued with his presentation. He talked about the implementation of a NCD (Steps 5 through 7). He noted that City staff would like to get input from the Plan Commission during this meeting but for them to delay making a recommendation to the City Council until the Historic Preservation Commission has an opportunity to provide input. Staff would then bring the text amendment back to the Plan Commission on March 22nd.

Mr. White understood that a historic district requires an initial petition of 25% of the property owners' approval. He wondered why a NCD would only require 10% of the property owners' approval. It seemed to him that 10% is a low number of people in a neighborhood. He believed that the percentage should be much higher. He also was not sure why City Council should be able to make an application for a NCD rezoning. Mr. Myers explained that the City Council can initiate any zoning action within the City. Mr. White wondered why it is mentioned in the proposed ordinance that City Council can apply. Mr. Myers replied that City staff wanted to make sure that this is clear.

Regarding the 10% versus the 25% in making the initial application, getting 25% of the property owners to actually be the applicants is different than getting people to buy into the concept latter on. Some people may not actually want to be an applicant. Mr. White expressed his concern for the property owners who do not want a NCD. Mr. Myers explained that in order to initiate the process 10% of the property owners would need to agree to be the applicants. At this point, there would not have been any hearings, so some property owners may not have all of the information that they really need to make a determination on whether it is a good idea or not. Next, we would have the public hearing to talk about the substance of application. Then a petition would need to be submitted with at least 60% of the property owners' approval.

Mr. Ward pointed out that Step 4 in the written staff report mentions open house meetings, yet he did not see them mentioned in the proposed ordinance. He feels that the idea of open input and maximum input is a good idea. Is there a legal definition of "open house"? Is there a requirement for notice? He wants to make sure that we have maximum input all the way through the process. Mr. Myers stated that City staff did not include open house in the proposed ordinance but realistically their would be heavy neighborhood involvement in preparing the district plan.

Mr. Ward reiterated that he wants to insure that we maximize the number of people to give input. Again, who would City staff notify? How would City staff notify them and how far in advance before the meeting? Where would the meeting be held? What is the meeting procedure? These are the questions that he is looking for answers for. He suggested that City staff include some of these answers in the proposed ordinance. Chair Pollock agreed. He felt that if it is important enough to mention in the flow chart, then it is important enough to mention in the proposed ordinance. Mr. Myers responded by saying that in terms of noticing for an open house, the City staff notices a public hearing. Throughout the proposed process, there would be lots of noticing, such as for the Historic Preservation Commission meeting, the Plan Commission meeting and for

the City Council. Mr. Ward remarked that he would not want to miss out on an open house for his neighborhood because he did not know about it because there was no formal notification. Lack of notification will undermine the legitimacy of the NCD program.

Ms. Stake expressed that she is pleased that the City is moving forward with a text amendment to establish NCDs. She had some questions. She referred to Page 15 of the proposed ordinance under Section E.2, which states, "*The Preservation Commission may amend, but not extend the boundaries of the proposed neighborhood conservation district*". She wondered why the Historic Preservation Commission could not extend the boundaries, because sometimes it may be a good idea. Mr. Myers replied that if the Historic Preservation Commission was able to extend the boundaries, then it would change what the applicants had applied for and would include areas not given public notice.

Ms. Stake inquired as to who is in charge of a Certificate of Appropriateness. Mr. Myers explained that the Historic Preservation Commission approves or denies a proposed Certificate of Appropriateness (COA). COAs come after a historic district or landmark has been approved for review of projects. The references to COAs in the Historic Preservation Ordinance are already adopted and staff just provided the entire Historic Preservation Ordinance in the packet for reference.

Mr. Grosser suggested the following changes. They were as follows:

- 1) On Page 15, under Section XII-6.C.2.a, it should read, "*Upon 10% or more property owners within the proposed district who apply for it; or*".
- 2) On Page 15, under Section XII-6.E.2, it should read, "*...The Preservation Commission may ~~amend~~ reduce, but not extend ...*".

Mr. Myers stated that it goes back to public notification purposes. If the Historic Preservation Commission expands the area, then the expanded area would not have been included in the notification process and it would not serve the public notice. However, if the Historic Preservation Commission shrinks the area, then at least the people in that area would have still been notified.

Mr. Grosser felt confused by the flow chart in that 60% of the property owners have to sign off on wanting a district plan that has not been prepared. According to the flow chart, the district plan is prepared after the property owner petition is submitted. He understood that City staff probably did not want to go through the work of generating a district plan without knowing whether the property owners even would support a plan, but as a property owner he would not be able to say that he wants a plan without knowing what is in it. This is a problem that he is not sure how to solve. Chair Pollock added that the lack of clarity could doom a proposal.

Mr. Grosser inquired if there is anything that precludes a NCD from later becoming a historic preservation district. Mr. Myers said no. Mr. Grosser agreed that property owners should be able to apply for a NCD if their properties are not approved by the Historic Preservation Commission as a historic district.

Mr. Hopkins commented that we need to be careful between the designation of the Historic Preservation Commission and the Plan Commission public hearing to be precise about what is going on. By describing this as a plan making process, we are confusing people, because what is actually being proposed is the development of a neighborhood specific regulatory ordinance. It is not actually a plan in the strict sense of the word. We would be developing an ordinance and would be imposing regulations, which would come before the Plan Commission as an amendment to the Zoning Ordinance. Mr. Myers responded by saying that design review documents are typically enacted through either resolutions or ordinances. Mr. Hopkins pointed out that the only precedent that the City of Urbana has for this kind of regulation is the MOR District. Each enacted district would be an amendment to the Zoning Ordinance. He feels that we are creating confusion by describing the process after the Historic Preservation Commission's determines an application is eligible through the Plan Commission conducting a public hearing as a planning process. It is not a planning process. It would be an ordinance drafting process. It has public hearing requirements, etc.

Ms. Upah-Bant brought up the issue of new construction, which is mentioned in Section XII-6.A.2. Is this the only section of the proposed NCD Ordinance that talks about new construction? Mr. Myers stated that at the time the district itself is being proposed, any design guidelines would determine whether people wanted to review new construction or not. It depends on how a district wants to handle new construction.

Ms. Tyler responded to Mr. Hopkins question about whether it is an ordinance or a plan. City staff envisions it as having elements of both. The MOR is a zoning district and was enabled in the Zoning Ordinance as a text amendment. However, the MOR Design Guidelines were accepted separate from the Zoning Ordinance and adopted by its own ordinance. So, she does not think that we want to encumber the Zoning Ordinance with several small neighborhood plans. The intent really is to do some planning in these districts to tailor them to each neighborhood and to address the concerns in each neighborhood, which is a planning exercise. To come out with ordinances that deal with things like design review or development review, we really do not know because each neighborhood would be different. It will be a text amendment to the Zoning Ordinance, but it will be something else as well.

Concerning outreach, she realized that there are some concerns about the open house meetings. City staff does have pretty rigorous notification requirements for public hearings. The problem is if we just do a public hearing, then we cannot have that informal interaction. She did not know how to make an informal public outreach formal. She agreed that we need to have both the formal public hearings and the informal meetings.

Chair Pollock commented that the idea is to provide property owners a chance to come together to form a neighborhood generated initiative. He did not feel that it needed to be mentioned in the proposed ordinance that it could or should be done or suggested that it be done by direction of the City Council.

Ms. Stake feels that the City Council should be able to give direction to do a NCD, because some people may not realize what they could do to preserve their neighborhood. When the City

Council sees that there are places that should be preserved, then it would be reasonable for them to initiate a NCD.

Mr. Myers mentioned that in certain instances, it is appropriate for the City Council to take leadership on rezoning cases, such as to implement the Comprehensive Plan.

With no further questions or comments for City staff, Chair Pollock opened the hearing up to take testimony from members of the audience.

Dianna Visek, of 608 West Pennsylvania Avenue, objected to the purpose and the process of NCDs as expressed in the proposed ordinance. She has mentioned several issues that she has with the document.

On Page 4 of the written staff report, one of the purposes stated is as follows, "*Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing*". Aesthetics is a very subjective thing. Many of the buildings built by some famous architects in the City of Urbana might not have ever been built if voted upon based on aesthetics. We would have had very mundane, bland, generic, conforming buildings. We would not have the character that we have today. Therefore, this purpose is in direct opposition of what the City of Urbana represents, which is a more individualistic orientation.

On Page 16 of the proposed ordinance, under Section XII-6.G.4, it states, "*Establishment of a review board (administrative or board review) and level of review required for changes of appearance to buildings within the Neighborhood Conservation District; and*". "Appearance" is a very broad word, which covers things like color. It could mean color of shingles, paint, or shutters. She personally has been subject to comments about the ghastly color of her shutters. People like to regulate other people's behavior, and they like to impose their aesthetic standards on others. She did not feel that the City of Urbana is the place for this.

On Page 16 under Section XII-6.G.3, the proposed ordinance talks about things that could be regulated such as façade/elevation features, roofline and pitch, building size and massing, openings, outdoor living space, materials, parking areas and landscaping. She mentioned that she is an avid gardener. She does not think others have the right to tell her what she could plant.

She is concerned about the process. City Council should not be able to suggest a NCD in a neighborhood. She feels that to initiate a NCD it should come from the neighborhood and more than 10% of the neighborhood should be required. The bit about 60% of the property owners must be in favor of the petition for a NCD. That leaves 40% of the property owners against it, and this could cause a great dissention in a neighborhood. The percentage should be much higher than 60%.

The proposed NCD text amendment is touching on areas of property rights and areas of aesthetics, which has nothing to do with functionality, public safety, or density. This is micro-zoning. These are ordinances that would affect as few as 25 lots. She feels this is a dangerous thing, and she would like the Plan Commission and City Council to think very hard about approving this.

Chris Stohr, President of the Historic East Urbana Neighborhood Association (HEUNA), expressed his appreciation for the ability to talk about the NCD text amendment. He commended Mr. Myers, Mr. Wempe and Rebecca Bicksler for the work that they have done in researching and preparing the proposed text amendment.

The goal of trying to preserve the character of Urbana's residential neighborhoods is a noble one. HEUNA has had particular problems in their neighborhood with the wear down-tear down and replace it with the cheapest possible multiple-family structure with parking in the front and no windows and doors facing the street. It runs down the adjacent property values and discourages neighbors from keeping up the appearance and maintaining their homes.

In looking at the proposed process for a NCD designation, he wondered if the application should be submitted by 10% of property owners or *resident* property owners. HEUNA has many absentee landlords in their neighborhood. This would make a big distinction about who would apply for designation of a NCD.

He expressed his concern about the preliminary determination and the role of the Historic Preservation Commission. As has been brought up previously, the role of the Historic Preservation Commission is one that requires a great deal of study and a lot of documentation before a historic preservation district is determined. He is concerned that if this same sort of process (lengthy study and documentation) might require the Commission to do a lot as they try to determine whether a neighborhood falls into the historic preservation category or the neighborhood conservation category.

He wondered if the 60% meant resident property owners. He noticed that only 25% of the property owners need to apply for a historic preservation district nomination, which has more constraints on what can be done with a property. He would like to see more discussion on this and see if it could not be brought more in line with what is done for the historic preservation districts. The process might even be molded more along that line.

Tyler Fitch, of 503 East California, noted that he lives in the Historic East Urbana Neighborhood. They do not want a NCD to be anything like a historic preservation district. They were thinking more of a MOR-type of scenario. On rebuilds, new structures, and maybe significant remodels, there would be some level of design review.

HEUNA has questions about why a NCD nomination would have to be reviewed by the Historic Preservation Commission. The way the proposed ordinance is written sounds too much like a historic preservation ordinance. It raises the kind of fears that makes people wonder if they are going to be told how to keep up or maintain their property.

HEUNA is really only worried about incompatible, large multi-family structures coming into the middle of a residential neighborhood. The neighborhood is mostly made up of single and two-family units. They want to stop the encroachment of multi-family structures. If the neighborhood was zoned right, then they would not need a NCD.

Mr. Fitch commented that there were some good points raised earlier in the discussion about the sequence of steps. HEUNA has questions about the 60% petition requirement. Finding 60% of the property owners at home over 60 days would be really difficult. A referendum process for special improvement districts might be an alternative.

Chair Pollock questioned whether HEUNA talked about the possibility of a rezoning plan for the neighborhood as a way to protect and prohibit what they are afraid of. Mr. Fitch stated that possible down-zoning and a zoning review is part of their neighborhood plan. They are in the process of doing a house-by-house inventory, so they know what the existing uses are. There is a lot of rental property in the neighborhood, which is not really a problem. It is a low crime area. Chair Pollock responded by saying that rezoning might be easier than creating a NCD.

Mr. Fitch stated that there is real confusion about what a NCD is. How is a NCD different from a historic preservation district? And what exactly is the problem that a NCD is trying to solve? Ms. Stake replied that one of the problems to solve is to preserve the residential areas. Apartments keep pushing from all directions, so that many of the residential areas are encroached upon. Mr. Fitch pointed without rezoning the area a NCD would still allow multi-family structures. There would only be more restrictions on landscaping, exterior features, etc.

Mr. Grosser appreciated comments from the public. He felt it would be useful if City staff would come up with a hypothetical situation where a NCD identifies and solves the problems of an area that could not be solved in other ways. Chair Pollock stated that he is not sure of what might be involved in putting something like this together. It seems to be a discussion that would be perfect for a neighborhood considering the development of a NCD. Mr. Grosser understood that one of the reasons for the development of the proposed NCD ordinance is for a neighborhood like the Historic East Urbana neighborhood. Yet, he thinks it is a reasonable point that some of the problems that people in the HEUNA neighborhood have could be solved and would be better solved through a zoning change. Mr. Myers noted that the City Council has directed staff to work on the possibility of rezoning some of the properties in the Historic East Urbana neighborhood to conform better with the predominant land uses.

Chair Pollock inquired as to whether people have expressed interest in creating a NCD anywhere outside the Historic East Urbana and West Urbana neighborhoods. Mr. Myers said that these are the two areas that have expressed interest in NCDs.

Mr. Grosser stated that he it would not have to be a plan or anything that extensive. He would just like to have a presentation of a few issues say in the West Urbana neighborhood that we think people are wanting to fix or change with a NCD, so that he has more of a sense over why a NCD is the best way to fix those problems. Mr. Myers gave examples of some of the issues such as apartments built on stilts and apartments with blank walls (no windows or openings) facing the street. Simply rezoning properties would not resolve these issues.

Mr. Ward agreed that a discussion of what problems a NCD would solve and what other options there might be would be helpful. He is beginning to think that the proposed NCD ordinance is a blunt instrument designed to do micro surgery, and it will not work. He is bogged by the 60% requirement. The thought of any group in the City of Urbana by a 60% vote could approve

anything seems impossible. He is worried that they might be creating an unworkable solution to some very real problems. He would like to see what the other options are. Although the proposed text amendment is before the Plan Commission because City Council directed it, he feels that the Plan Commission is obligated to explore other options to solve the problems.

Ms. Stake commented that NCDs are part of the Comprehensive Plan.

Chair Pollock inquired whether City staff had enough information to provide the overall need for a NCD and specific remedies that it would be designed to address. Mr. Myers replied yes.

Ms. Stake suggested that City staff get more information on how it has worked in other cities, so people would understand that it would not be telling people exactly what to do and that it is a concerted effort to preserve neighborhoods and make it like we want them to be.

Chair Pollock tabled Plan Case No. 2023-T-06 until the March 22, 2007 meeting.

8. NEW BUSINESS

CCZBA 576-AM-06 and 579-AM-07: A request by Bill Cope and Mary Kalantis to rezone 19 acres by adding the Rural Residential Overlay (RRO) zoning designation; and to rezone 10 acres from the AG-2, Agriculture Zoning District to County CR, Conservation-Recreation.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began by giving a brief introduction by explaining that proposed property currently has two zoning designations. The petitioner is requesting to rezone the west side of the property to County CR, Conservation-Recreation to match the zoning on the east side. He discussed the County's CR and AG-2 zoning districts. Since the lot has the Saline Branch Drainage Ditch running through it, it would be beneficial to have the entire lot zoned County CR. He also discussed the County's RRO, Rural Residential Overlay requirements. He referred to the City of Urbana's Comprehensive Plan Future Land Use map and discussed how the rezoning relates to the Plan. He reviewed the LaSalle National Bank rezoning criteria that pertained to the proposed rezoning case. He read the options of the Plan Commission and presented City staff's recommendation, which was as follows:

Based upon the findings in the written staff report, staff recommends that the Plan Commission forward to the City Council a recommendation to defeat a resolution of protest.

Ms. Stake moved that the Plan Commission forward these cases to the City Council with a recommendation to defeat resolutions of protest as recommended by City staff. Ms. Burris seconded the motion. A roll call vote was taken as follows:

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

The motion passed by unanimous vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 11:17 p.m.

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission