

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 24, 2007

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Tyler Fitch, Ben Grosser, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Jane Burris, Lew Hopkins, James Ward

STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: None

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

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved that the Plan Commission approve the minutes from the May 10, 2007 meeting as presented. Mr. Fitch seconded the motion. The motion to approve the minutes as presented was approved by unanimous voice vote.

4. COMMUNICATIONS

 Copy of the 2007 Capital Improvement Plan

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Annexation Case No. 2005-A-10: Annexation agreement for an approximately 1.80-acre tract of property at 1714 East Airport Road/ Gregory and Denise Reynolds

[see below]

Plan Case No. 1903-M-04: A request to rezone an approximately 1.80-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

[see below]

Plan Case No. 2039-M-07: A request to rezone an approximately 0.90-acre tract of property at 1714 East Airport Road from IN, Industrial Zoning District, to R-2, Single-Family Residential Zoning District

Chairman Pollock asked if the staff report for these three cases could be combined since they involve the same property. With no objections, Paul Lindahl, Planner I, presented all three cases to the Plan Commission. He began by talking about the proposed annexation agreement including the rezoning request for the portion of the property that is outside of the City limits. He stated that the Plan Commission and the City Council have already approved these two requests, but due to error with the legal description, staff is requesting the Plan Commission and the City Council re-hear and reconsider the requests again. He described the property noting the current and proposed zoning. He briefly talked about the major variance request for the accessory structure that is also part of the annexation agreement, which was recommended for approval to the City Council by the Zoning Board of Appeals. He summarized staff findings and read the options of the Plan Commission for the proposed annexation agreement and rezoning requests. He presented staff's recommendation, which is as follows:

Based on the analysis and findings 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 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. Lindahl continued his presentation by talking about the rezoning request for the portion of the subject property that is within the City limits. This case was reviewed by the Plan Commission in April 2007, and they recommended approval to the City Council. Again, staff is requesting the Plan Commission to rehear and reconsider the request due to the error in the legal description. None of the background information has changed. He summarized staff findings for the rezoning request and read the options of the Plan Commission for Plan Case No. 2039-M-07. He presented staff's recommendation, which is as follows:

Based on the analysis and findings 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 forward Plan Case No. 2039-M-07 to the Urbana City Council with a recommendation for approval.

Ms. Stake inquired about the variance request that is part of the annexation agreement. How far in excess of 1,000 feet would the variance be for? Mr. Lindahl replied that the accessory structure is about 3,500 square feet. He believed the variance for each half of the building structure would be about 75%. The petitioners would not be able to rebuild the structure any larger than what it currently is.

Ms. Stake asked what type of building is currently there. Mr. Lindahl answered by saying that it is a pole barn/garage. He pointed out that the petitioner has a number of trucks and other equipment that he stores in the building. He also has a workshop in the structure. The petitioner says that he does not use the structure for his business. It is for personal storage.

Mr. Grosser asked if the Zoning Board of Appeals approved the variance request even though the Plan Commission recommended denial. Mr. Lindahl explained that the Zoning Board of Appeals recommended approval to the City Council for a major variance for the half of the structure that is in the City limits. He believed that the Plan Commission previously recommended denial to the City Council for the major variance for the half of the structure that is outside City limits and is part of the annexation agreement, but he would need to check the minutes to ensure that their recommendation did not include the other half as well. He recalled that the Plan Commission's position was that the existing building exceeds the City's regulations, and it should not have been built this way.

Mr. Grosser questioned whether the Plan Commission has the ability to make recommendations on the variance requests. Mr. Lindahl said yes. When an annexation agreement includes a rezoning request, then City staff will present it to the Plan Commission. If it only includes a variance request and not a rezoning request, then it will go directly to the City Council to consider. The Plan Commission has the option in this case to recommend whether the major variance is granted or not, and the City Council will take their recommendation into consideration. Last year, when the City Council considered the Plan Commission's recommendation for the proposed annexation agreement, they decided that the major variance should be part of the annexation agreement.

Mr. Grosser inquired whether the major variance would only be for the current property owner or would it be for the property in perpetuity. Mr. Lindahl stated that the major variance would be for the property in perpetuity. It would apply to the pole barn/garage only, and the property owner would not be able to expand it.

Ms. Stake wondered what land uses and/or zoning surrounded the subject property. Mr. Lindahl mentioned that to the west, there is a detention swale and mini-warehouses. The pole barn/garage is much smaller than the warehouse buildings. To the immediate east, there is vacant property, which is currently being farmed. The City's Comprehensive Plan shows the

area to be residential even though it is currently zoned Industrial. He also pointed out that the subject property is large and is about 1.8 acres. The pole barn/garage would not be close to the property line.

Ms. Stake asked if the structure would be a hindrance to the future residential area. Mr. Lindahl did not see how it could be a hindrance. The structure is fairly far from the property line, and there is ample opportunity for the petitioner to plant trees or for a future developer to plant trees as a screen.

With no audience and no further questions for staff, Chair Pollock closed the public portion of the meeting and opened it up for Plan Commission discussion.

Mr. White moved that the Plan Commission forward all three cases to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Grosser stated that he has not changed his mind about the major variance. He does not feel it is appropriate. The structure is gigantic compared to the single-family home that is on the property. He moved to amend the motion on the floor to add a recommendation of denial for the major variance. Ms. Stake seconded the motion to amend.

Ms. Upah-Bant questioned if the property owner would have to tear down the existing structure if the amendment passed. Mr. Lindahl explained that the existing structure would become non-conforming. Without the major variance, if the barn burns down, then the property owner would not be able to rebuild the structure to the current size. They could rebuild based on the R-2 zoning. With the variance, the property owner would be able to rebuild the structure to its current size, but would not be able to expand it any larger.

Mr. Grosser explained his reason for the amendment. The City's Comprehensive Plan shows residential to the east and to the south of the subject property, and it is possible for residential to wrap around the subject property. He did not feel that the pole barn/garage type structure fits into the Comprehensive Plan.

Mr. White inquired as to whether the petitioner would withdraw from the annexation if their variance request is not passed. Mr. Lindahl said yes. The variance is one a condition for the petitioners.

Chair Pollock called for a hand vote on the motion to amend. It failed by a vote of 2 to 4. Roll call on the main motion was as followed:

Mr. Fitch	-	Yes	Mr. Grosser	-	No
Mr. Pollock	-	Yes	Ms. Stake	-	No
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion was passed by a roll call vote of 4 to 2. Mr. Myers noted that these three cases would go before City Council on June 4, 2007.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

Gravel/ Open Space Text Amendment was reviewed by the City Council. Councilmember Charlie Smyth suggested that City staff to revise the maps to ensure that they are correct. Mr. Myers mentioned that the maps are intended to show the patterns in the focus area where staff found the most apparent violations. There is one particular parking lot that people are concerned about that was not shown on the map. He pointed out that the parking changes would be city-wide though.

Crystal Lake Park Neighborhood Plan is going to be a plan for the neighborhoods around Carle Hospital and Crystal Lake Park. The proposed boundaries are from Lincoln Avenue to Broadway Avenue and from Country Club Road to the south side of University Avenue. City staff will be holding a public workshop on June 12th at the Anita Purves Nature Center from 7:15 pm to 9:15 pm to gather input, to put together a vision for the area, and to learn what people think are the most important issues for the area.

Neighborhood Conservation District Text Amendment is scheduled to be heard by the City Council on June 11, 2007 at a special meeting.

Planning Intern – Community Development Services Department is looking to hire a second intern that will be helping with the Crystal Lake Area Plan.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission