

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** January 19, 2012

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building – City Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Carey Hawkins Ash, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins

**MEMBERS EXCUSED:** Marilyn Upah-Bant

**STAFF PRESENT:** Robert Myers, Planning Manager; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Scott Joellenbeck, Bruce Roth, Susan Taylor

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

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

**2. CHANGES TO THE AGENDA**

At the request from City staff, Plan Case No. 2165-T-11 will be opened and then forwarded to the next regularly scheduled meeting of the Plan Commission.

**3. APPROVAL OF MINUTES**

Mr. Fitch moved that the Plan Commission approve the minutes from the January 5, 2012 meeting as presented. Mr. Ash seconded the motion. The minutes were approved by unanimous voice vote.

**4. COMMUNICATIONS**

There were none.

**5. CONTINUED PUBLIC HEARINGS**

There were none.

## 6. OLD BUSINESS

There was none.

## 7. NEW PUBLIC HEARINGS

**Plan Case No. 2164-M-11: A request by the Zoning Administrator to rezone a parcel located at 208 West Griggs Street totaling approximately 0.57 acres from B-3, General Business District, to B-4, Central Business Zoning District.**

Robert Myers, Planning Manager, presented this case to the Plan Commission. He gave a brief introduction and background on the reason for the proposed rezoning. He described the subject site and surrounding properties noting the zoning, current land uses and future land use designations of each. He discussed the differences between the B-3 and the B-4 Zoning Districts and pointed out that the rezoning would help bring the subject site into conformity with the zoning regulations and the Comprehensive Plan Future Land Use Map. The existing building does not conform with the B-3 zoning requirements for front yard setbacks, rear yard setbacks, and off-street parking. He presented staff's recommendation and asked if there were any questions.

Ms. Stake asked if City staff felt there would be issues or problems with allowing there to be no setback requirements for the proposed lot. Mr. Myers explained that it is normal for properties in the downtown area to not have building setbacks from property lines. He mentioned a survey that was performed during the process of updating the City's Downtown Plan in which 500 people participated and the vast majority of the participants prefer a traditional main-street type of development in Downtown Urbana. People like the walkable core, the buildings set close to the sidewalks and fewer parking lots.

Ms. Stake wondered if there would be setback requirements for the Boneyard Creek from the existing building. Mr. Myers said yes; however, currently there are not any proposed building additions to the existing building.

Mr. Otto inquired as to whether the City has a contract in place to purchase the eastern portion of the proposed site. Mr. Myers replied that the City is committed to purchasing this portion of the property once it is subdivided. If necessary, the City would purchase it through eminent domain. However, the City is working cooperatively with the existing property owner. The City asked the owner of the building at 208 West Griggs Street if they would prefer to have the new property line leave a side yard, or whether they would prefer the property line to adjoin their building and have an easement on the adjoining City property to maintain their building wall. They indicated they would prefer the latter.

Mr. Myers continued by saying that the B-4 Zoning District would be better for the property owners and for the City. It would allow them to subdivide the property in the way in which both parties prefer to do so.

The Plan Commission and City staff talked about proposed improvements to the Boneyard Creek specifically with regards to the new creek banks and retaining wall. Mr. Myers pointed out that

the perpendicular walls of Boneyard Creek will be opened up and sloped back which will require more room. Generally speaking, public art will be incorporated within the City's Boneyard Creek improvements.

Mr. Fell expressed concern over the width of the maintenance easement. Should the property owner need to replace the existing building on the western portion of the property, they would need to have enough space in the maintenance easement to allow for construction equipment.

Mr. Otto asked for clarification. If the City does not rezone the lot, would the City be able to acquire the eastern portion of the lot or would it be impossible to subdivide? Mr. Myers answered that they could still subdivide under the current B-3 zoning which would require a five-foot side yard setback between the building and the side property line. On the other hand, the City incorporating that five-foot side yard into the improvements would improve the project, plus rezoning would reduce the existing zoning nonconformities for the building in terms of setbacks and bring the zoning into conformity with the Comprehensive Plan's Future Land Use designation of Central Business. So rezoning would work to the advantage of both the property owner and the City.

Chair Pollock asked about existing parking lot which would be lost to the new Boneyard Creek improvements. If they remove the parking to the east of the Boneyard Creek, are they planning to replace that parking elsewhere? Mr. Myers responded that he would ask about this and report back to the Commission with this question.

With no further questions for City staff, Chair Pollock opened the hearing up for public comment. There was none, so Chair Pollock closed the hearing and entertained Plan Commission discussion and/or motion(s).

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2164-M-11 to the City Council with a recommendation for approval. Mr. Otto seconded the motion.

Chair Pollock commented that the proposed improvements to the Boneyard in this segment look great and the approval of the proposed rezoning will solve many problems in terms of the layout of the lots.

Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Tompkins	-	Yes	Mr. Ash	-	Yes

The motion was approved by unanimous vote.

Chair Pollock announced that this case would go before the City Council on February 6, 2012.

**Plan Case No. 2165-T-11: A request by the Zoning Administrator to amend Section II-3 (Definitions) and Section V-11 (Residential Occupancy Limits) of the Urbana Zoning Ordinance concerning occupancy of hotels and motels.**

Chair Pollock opened this case and requested that the Plan Commission follow City Staff's recommendation to continue it to the next regular meeting. Mr. Myers added that the continuation is to ensure that all of the hotel and motel operators are informed about the public hearing. The Plan Commission continued the case as requested.

**Plan Case No. 2166-M-11: A request by A & R Corporate Park, LLC to rezone 1802 North Lincoln Avenue from IN, Industrial District, to B-3, General Business Zoning District.**

Robert Myers, Planning Manager, presented this case to the Plan Commission. He explained that the proposed rezoning request results from a Vineyard Church plan to operate a food pantry in the building. He discussed the zoning, land uses and Comprehensive Plan designations of this and surrounding properties. City staff has been working with the Vineyard Church to obtain necessary permits to operate the Hope Center food pantry. City staff believes the rezoning would meet the LaSalle National Bank criteria, and he presented staff's recommendation to forward a recommendation for approval to the Urbana City Council.

Mr. Fell expressed a concern that rezoning might trigger fire code upgrades to the existing building which would otherwise be unnecessary. He prepared the architectural plans for the fitness center reuse of the adjoining building (1804 North Lincoln Avenue). They encountered many problems with fire separation requirements and had to make costly and difficult retrofits to that building. Is the owner aware that rezoning might make these changes necessary? Mr. Myers responded that he recalls when 1802 and 1804 North Lincoln Avenue were subdivided as two lots and the one building separated into two. Under building and fire codes, change of use and the distances between buildings and property lines are the factors involved rather than zoning. Rezoning in and of itself will not require the building to comply with new fire code requirements. The Plan Commission may recall the subdivision plat approved for Tatman's Towing which divided one lot with two existing buildings into two lots. The owner in that case had to retrofit the buildings to meet building and fire codes because of the close distances to the new property line extended between the two buildings. Even if the zoning for 1802 North Lincoln Avenue remained the same, a change of use could occur within the same zoning classification, and which could trigger fire and building code modifications to the building. The building needs to comply with fire and building codes no matter what the zoning.

There were no further questions for City staff, so Chair Pollock opened the hearing up for public comment.

Scott Joellenbeck, Director of Finances and Human Resources for the Vineyard Church, approached the Plan Commission and offered to answer any questions. There were none.

Chair Pollock then closed the hearing and opened it to Plan Commission discussion and/or motion(s).

The Plan Commission discussed whether or not they should make a motion and vote or to continue the case to the next regular Plan Commission meeting to allow staff and the petitioner time to insure any building code implications of the rezoning. Chair Pollock pointed out that the petitioner was not asking for a delay, and in addition, the Plan Commission would only be making a recommendation to the City Council. City Council would be taking final action on the proposed rezoning request.

Mr. Otto moved that the Plan Commission forward Plan Case No. 2166-M-11 to the Urbana City Council with a recommendation for approval. Mr. Ash seconded the motion.

Mr. Myers stated that he would verify with the Building Safety Division staff to insure that simply rezoning the property would not require building improvements.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Tompkins	-	Yes
Mr. Ash	-	Yes	Mr. Fell	-	Yes

The motion was approved by unanimous vote. Mr. Myers noted that this recommendation would be forwarded to the City Council on February 6, 2012.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Mr. Myers reported on the following:

- The special use permit for the Urbana Lighthouse Church of the Nazarene was approved by City Council as recommended by the Plan Commission.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:18 p.m.

January 19, 2012

Respectfully submitted,

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Robert Myers, AICP, Secretary  
Urbana Plan Commission