



2008

URBANA PLAN COMMISSION

Annual Report

*Prepared By:
Lisa Karcher, Planner II
February 2009*

OVERVIEW

In 2008, the Urbana Plan Commission met 17 times and considered 24 cases. This compares to 2007 when the Plan Commission met 17 times and considered 23 cases. The breakdown of the types of cases considered is as follows:

| | |
|--|---|
| Annexation Agreements | 1 |
| Champaign County Zoning Board of Appeals Cases | 1 |
| Comprehensive Plan Amendments | 3 |
| Special Use Permits | 5 |
| Subdivisions | 4 |
| Zoning Map Amendments | 7 |
| (one associated with an annexation agreement) | |
| Zoning Text Amendments | 3 |

City staff also held study sessions on the following topics:

- Menard, Inc. Development
- Boneyard Creek Master Plan
- Cunningham Avenue Beautification Final Report

Continuing members of the Plan Commission include Michael Pollock (Chairperson), Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Bernadine Stake, Marilyn Upah-Bant, and Don White. Plan Commission members who were reappointed this year were Jane Burris and Marilyn Upah-Bant. Plan Commissioner James Ward resigned in June, leaving one vacancy.

Staff support to the Plan Commission in 2008 was provided by City Planner/Community Development Services Director, Elizabeth Tyler; Planning Manager, Robert Myers; Planners – Jeff Engstrom, Lisa Karcher and Paul Lindahl; Community Development Associate, Rebecca Bird; Planning Interns - Anna Hochhalter and Kathleen Duffy; and Planning Secretary, Teri Andel.

This report lists the plan cases considered in 2008 by case type. Associated ordinances and resolutions, as adopted by the Urbana City Council, are attached. Signed copies of Plan Commission minutes are also attached.

2008 PLAN CASE SUMMARY

Annexation Agreements

1. **Annexation Case No. 2008-A-04: Annexation agreement between the City of Urbana and Mennenga Construction, Inc. for a 0.21-acre tract of property at 109 Country Club Road; and**

Plan Case No. 2091-M-08: A request to rezone a 0.21-acre tract of property at 109 Country Club Road from Champaign County R-1, Single Family Zoning District to City, R-3, Single and Two-Family Residential Zoning District upon annexation.

The Plan Commission recommended approval of the annexation agreement and related rezoning case on December 4, 2008. The City Council approved and authorized execution of the agreement on December 15, 2008 by adopting Ordinance No. 2008-12-146.

Champaign County Board of Appeals Cases

1. **CCZBA-596-AT-07: Review of a proposed amendment to the Champaign County Zoning Ordinance to add a standard Special Use Permit condition regarding lighting near residential uses and districts and to add “Township Highway Maintenance Garage” to the table of uses.**

The Plan Commission recommended defeating a resolution of protest on February 7, 2008. The City Council defeated the resolution of protest on February 18, 2008 by not adopting Resolution No. 2008-02-004R.

Comprehensive Plan Amendments

1. **Plan Case No. 2059-CP-08: A request by the Urbana Zoning Administrator to adopt the Urbana Bicycle Master Plan as an amendment to the 2005 Urbana Comprehensive Plan (as amended) including a Proposed Bicycle Network Map indicating future bicycle routes.**

The Plan Commission discussed the case on February 21, 2008, March 6, 2008 and March 20, 2008. The Commission recommended approval on March 20, 2008 with the specific changes underlined in the addendum entitled “Urbana Bicycle Master Plan comments” dated March 14, 2008. The City Council adopted the Bicycle Master Plan as an official amendment to the 2005 Comprehensive Plan on April 7, 2008 by adopting Ordinance No. 2008-04-024.

2. **Plan Case No. 2082-CP-08: A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams to amend the 2005 Urbana Comprehensive Plan's Future Land Use Map designation for 502, 504 and 508 East Elm Street from Central Business to Residential (Urban Pattern).**

The Plan Commission discussed the case on August 21, 2008 and September 4, 2008. The Commission recommended denial on September 4, 2008. The City Council approved the proposed Comprehensive Plan Map Amendment on September 15, 2008 by adopting Ordinance No. 2008-09-115.

3. **Plan Case No. 2088-CP-08: A request by the Zoning Administrator to adopt the Crystal Lake Neighborhood Plan as an element of the 2005 Urbana Comprehensive Plan.**

The Plan Commission discussed the case on October 9, 2008 and October 23, 2008. The Commission recommended approval subject to certain conditions on October 23, 2008. The City Council approved the Crystal Lake Neighborhood Plan, subject to revisions that differed from those recommended by the Plan Commission, on November 17, 2008 by adopting Ordinance No. 2008-11-129.

Special Use Permits

1. **Plan Case No. 2058-SU-08: A request by Insite Incorporated (as an agent for T-Mobile Communications) for a Special Use Permit to locate nine panel antennas on an existing telecommunications tower at 1106 West Main Street in the R-5, Medium High Density Multiple Family Residential Zoning District.**

The Plan Commission recommended approval on February 7, 2008. The City Council approved the Special Use Permit on February 18, 2008 by adopting Ordinance No. 2008-02-010.

2. **Plan Case No. 2065-SU-08: A request by Vermilion Development Corporation for a Special Use Permit to construct an accessory parking lot at 908 West Clark Street in the B-3U, General Business – University Zoning District.**

The Plan Commission recommended approval subject to certain conditions on April 24, 2008. The City Council approved the Special Use Permit with conditions on May 5, 2008 by adopting Ordinance No. 2008-05-034.

3. **Plan Case No. 2071-SU-08: Request by Ken Mooney for a Special Use Permit to establish a “Church or Temple” in addition to a single-family residence at 811 W. Michigan Avenue within the R-2 Zoning District.**

The Plan Commission recommended denial on June 5, 2008. The case was withdrawn at the request of the petitioner prior to consideration by the City Council.

- 4. Plan Case 2078-SU-08: A request by Trammell Crow Company to amend their existing Special Use Permit for a multi-family dwelling development at 1008, 1010 and 1012 West University Avenue to include a parking lot at 508 North Goodwin Avenue, in the B-3, General Business Zoning District.**

The Plan Commission recommended approval subject to certain conditions on July 24, 2008. The City Council approved the Special Use Permit with conditions August 4, 2008 by adopting Ordinance No. 2008-08-080. The adopted ordinance repealed Ordinance No. 2007-07-071, an ordinance approving the previous Special Use Permit.

- 5. Plan Case No. 2084-SU-08: A request by Faith Community Church for a Special Use Permit to allow for the construction of an accessory building on an existing church property located at 2105 North Willow Road in the R-1, Single-Family Residential District.**

The Plan Commission recommended approval subject to certain conditions on August 21, 2008. The City Council approved the Special Use Permit with conditions on September 2, 2008 by adopting Ordinance No. 2008-09-091.

Subdivisions

- 1. Plan Case No. 2061-S-08: Request by Khalid Hussain for a Preliminary Plat of Wisley Inn/Super 8 Motel First Subdivision located immediately southeast of the I-74/Lincoln Avenue interchange in the B-3, General Business Zoning District.**

The Plan Commission approved the preliminary plat on February 21, 2008. Because the final plat was consistent with the approved preliminary plat, the final plat was reviewed and approved by City Council. The City Council approved the final plat subject to certain conditions on June 2, 2008 by adopting Ordinance No. 2008-06-046. The final subdivision plat has not been recorded to date.

- 2. Plan Case No. 2085-S-08: A request by Brinshore Development, LLC for approval of a combination Preliminary and Final Plat for Crystal View Townhomes First Subdivision, located on North Broadway Avenue, North of the Saline Branch Drainage Ditch.**

The Plan Commission recommended approval of the combined preliminary and final plat along with the related subdivision waivers on August 21, 2008. The City Council approved the combined preliminary and final plat with related subdivision waivers on September 2, 2008 by adopting Ordinance No. 2008-09-096. The final subdivision plat has not been recorded to date.

- 3. Plan Case No. 2086-S-08: A request by Meijer Store Limited Partnership for approval of a Combination Preliminary and Final Plat of the Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision consisting of 30.946 acres located northeast of the intersection of Windsor Road and Philo Road in the City's B-3, General Business Zoning District.**

The Plan Commission recommended approval on September 4, 2008. The City Council approved the combined preliminary and final plat on September 15, 2008 by adopting Ordinance No. 2008-09-109. The final subdivision plat was recorded on January 13, 2009 via Document No. 2009R00858.

- 4. Plan Case No. 2087-S-08: A request by Urbana, LLC for approval of a Combination Preliminary and Final Plat of the Replat of Lots 2 and 3 of Lincoln & I-74 Resubdivision, encompassing 2.94 acres to be divided into two lots, located at the southwest corner of Lincoln Avenue and Killarney Street in the City's B-3, General Business Zoning District.**

The Plan Commission recommended approval on September 4, 2008. The City Council approved the combined preliminary and final plat September 15, 2008 by adopting Ordinance No. 2008-09-108. The final subdivision plat was recorded on November 4, 2008 via Document No. 2008R27853.

Zoning Map Amendments

- 1. Plan Case No. 2062-M-08: Annual Update of the Official Zoning Map**

The Plan Commission recommended approval on March 6, 2008. The City Council approved the annual update to the Official Zoning Map on March 24, 2008 by adopting Ordinance No. 2008-03-016.

- 2. Plan Case No. 2068-M-08: A request by Howard Wakeland to rezone properties located at 701, 705 and 707 North Lincoln Avenue; 903, 905 and 909 West Hill Street; and 906, 908 and 910 West Church Street from R-2, Single-Family Residential to B-3U, General Business-University Zoning District.**

The Plan Commission recommended denial on May 22, 2008. The case was withdrawn at the request of the petitioner prior to consideration by the City Council.

- 3. Plan Case No. 2070-M-08: A request by the St. Matthew Lutheran Church to rezone 2200 South Philo Road from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple Family Residential Zoning District.**

The Plan Commission recommended approval on May 22, 2008. The City Council approved the zoning map amendment on June 2, 2008 by adopting Ordinance No. 2008-06-047.

- 4. Plan Case No. 2075-M-08 – A request by Daniel Babai to rezone 804-½ East Main Street from B-3, General Business to B-2, Neighborhood Business – Arterial.**

The Plan Commission recommended approval on July 31, 2008. The City Council approved the zoning map amendment on August 4, 2008 by adopting Ordinance No. 2008-08-083.

- 5. Plan Case No. 2080-M-08: A request by the City of Urbana Zoning Administrator to rezone a number of properties in the Historic East Urbana Neighborhood.**

The Plan Commission discussed the case, which involved the rezoning of 162 properties, on August 21, 2008 and September 4, 2008. The Commission recommended approval on September 4, 2008. The City Council approved the zoning map amendments on September 15, 2008 by adopting Ordinance Nos. 2008-09-110, 2008-09-111, 2008-09-112, 2008-09-113, and 2008-09-114.

- 6. Plan Case No. 2083-M-08: A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams to rezone 502, 504 and 508 East Elm Street from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.**

The Plan Commission discussed the case on August 21, 2008 and September 4, 2008. The Commission recommended approval on September 4, 2008. The City Council approved the zoning map amendments on September 15, 2008 by adopting Ordinance No. 2008-09-116.

Zoning Text Amendments

- 1. Plan Case No. 2053-T-07: Request by the Zoning Administrator to amend Sections XII-4.A.1 and XII-5.A.1 of the Urbana Zoning Ordinance regarding nominations for local historic districts and landmarks.**

The Plan Commission recommended approval on February 21, 2008. The City Council approved the zoning text amendment on March 3, 2008 by adopting Ordinance No. 2008-03-012.

- 2. Plan Case No. 2063-T-07: Request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.**

The Plan Commission discussed the case on November 20, 2008 and December 4, 2008. The Commission recommended approval on December 4, 2008. City Council approved the omnibus text amendment on December 15, 2008 by adopting Ordinance No. 2008-12-147.

- 3. Plan Case No. 2072-T-08: Request by the Zoning Administrator to amend the Zoning Ordinance to add a new Section XIII-5 regarding Condominium Conversions.**

The Plan Commission recommended approval on June 5, 2008. The City Council approved the zoning text amendment on June 16, 2008 by adopting Ordinance No. 2008-06-055.

City Council Ordinances

(Without Attachments)

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ORDINANCE NO. 2008-02-010

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

(To Allow the Installation of Nine Panel Antennas on an Existing Telecommunications Tower in the R-5, Medium High Density Multiple-Family Residential, Zoning District - Plan Case No. 2058-SU-08 / Insite, Incorporated for T-Mobile Communications)

WHEREAS, Insite, Incorporated, as an agent for T-Mobile Communications, has petitioned the City for a Special Use Permit to locate nine panel antennas on an existing telecommunications tower at 1106 W. Main Street in the R-5, Medium High Density Multiple-Family Residential Zoning District; and

WHEREAS, Section XIII-1.R of the Urbana Zoning Ordinance requires a Special Use Permit for the placement of the antennas; and

WHEREAS, after due publication, the Urbana Plan Commission on February 7, 2008 held a public hearing concerning the petition and voted unanimously to forward the case to the Urbana City Council with a recommendation to approve the Special Use Permit application, with the condition that the installation of the antennas conform to the submitted site plan; and

WHEREAS, the approval of the Special Use Permit, with the condition set forth herein, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the location of a nine panel antenna on an existing telecommunications tower located at 1106 W. Main Street, in the R-5, Medium High Density Multiple-

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Family Residential Zoning District, the property more specifically described below, with the condition that the installation of the antennas conform to the submitted site plan.

LEGAL DESCRIPTION:

Lot 10 in Block 44 of Seminary Addition to Urbana, as per plat recorded in deed record "Y" at page 208, in the East half of the Southeast Quarter of Section 7, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois.

PERMANENT PARCEL NUMBER: 91-21-07-477-011

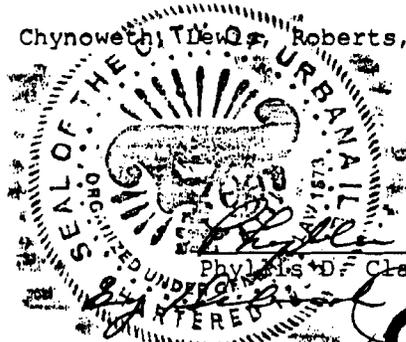
Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 18th day of February, 2008.

AYES: Barnes, Bowersox, Chynoweth, Dewar, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 22nd day of February, 2008.

2008.

Laurel Lunt Prussing, Mayor

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ORDINANCE NO. 2008-03-012

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS**

(Revisions to Article XII, Historic Preservation
Ordinance - Plan Case No. 2053-T-07)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 9798-112 on June 6, 1998 consisting of the addition of a Historic Preservation Ordinance; and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance to amend the text of Article XII, Historic Preservation Ordinance to revise the language regarding who is allowed to nominate historic districts and landmarks. The revision will allow Historic Preservation Commissioners to nominate historic districts and landmarks; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 2053-T-07; and

WHEREAS, after publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the proposed amendment on February 21, 2008; and

WHEREAS, the Urbana Plan Commission voted in a five to one vote to forward the proposed amendments set forth in Plan Case No. 2053-T-07 to the Urbana City Council with a recommendation for approval; and

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WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Section XII-4.A.1, *Historic Districts*, of the Zoning Ordinance is hereby amended as follows:

Section XII-4.A.1 Historic Districts

1. Nominations may be made by any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the same manner as all other nominators but shall not participate thereafter as a commission member on the matter.

Section 2. Section XII-5.A.1, *Historic Landmarks*, of the Zoning Ordinance is hereby amended as follows:

Section XII-5.A.1 Historic Landmarks

1. Nominations may be made by any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the same manner as all other nominators but shall not participate thereafter as a commission member on the matter.

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PASSED by the City Council this 3rd day of March,

2008 .

AYES: Barnes, Bowersox, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



[Signature]
City Clerk

APPROVED by the Mayor this 3rd day of March,

2008 .

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[Signature]
Laurel Lunt Prussing, Mayor

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ORDINANCE NO. 2008-03-016

AN ORDINANCE APPROVING AND CAUSING PUBLICATION
OF THE OFFICIAL ZONING MAP OF THE CITY OF URBANA, ILLINOIS

(Plan Case No. 2062-M-08)

WHEREAS, the Illinois Municipal Code requires the City Council of the City of Urbana, Illinois to annually publish a map showing the existing zoning classifications and revisions made during the preceding calendar year and the map so published shall be the Official Zoning Map for the City of Urbana; and

WHEREAS, the City Council of the City of Urbana last approved an Official Zoning Map on April 2, 2007 by Ordinance No. 2007-04-033; and

WHEREAS, the Urbana Zoning Administrator has submitted a request to approve the revised Official Zoning Map; and

WHEREAS, on March 6, 2008 the Urbana Plan Commission reviewed the proposed new Official Zoning Map and recommended approval of said map; and

WHEREAS, after due and proposed consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to approve the new Official Zoning Map.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The attached map entitled Official Zoning Map of Urbana, Illinois dated March 14, 2008 is hereby approved as the Official Zoning Map of the City of Urbana, Illinois pursuant to the Illinois Municipal Code and Section IV-3 of the Urbana Zoning Ordinance, which said map reflects the correct location of the official zoning districts in the City of Urbana as of March 14, 2008.

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Section 2. Updated versions of the Official Zoning Map may be printed in the interim between the approval of this Official Zoning Map and the approval of the Official Zoning Map next year.

Section 3. The City Clerk is hereby directed to publish a full-sized copy of the Official Zoning Map and to make copies available in her office for inspection and purchase by the public.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

PASSED by the City Council this 24th day of March,
2008.

AYES: Barnes, Bowersox, *Cheneth, Lewis, Roberts, Smyth, Stevenson*

NAYS:

ABSTAINS:



Robert M. Clark
City Clerk
Robert M. Clark
Deputy Clerk

APPROVED by the Mayor this 31st day of March,

2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

[Special Council Meeting]

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ORDINANCE NO. 2008-04-024

AN ORDINANCE AMENDING THE CITY OF URBANA COMPREHENSIVE PLAN 2005

(Bicycle Master Plan amendment - Plan Case No. 2059-CP-08)

WHEREAS, the Urbana City Council on April 11, 2005 in Ordinance No. 2005-03-050 adopted the 2005 City of Urbana Comprehensive Plan; and

WHEREAS, the 2005 Comprehensive Plan contains goals, objectives, policies, and other recommendations pertaining to land uses, housing, neighborhoods and public infrastructure in the community; and

WHEREAS, changes in various circumstances since the 2005 Comprehensive Plan was adopted have indicated a need to amend the Comprehensive Plan to address problems and issues facing Urbana; and

WHEREAS, after due publication and proper legal notification of a public hearing on February 21, 2008 which was recessed until and concluded upon March 20, 2008, the Urbana Plan Commission voted 4 ayes to 1 nay to recommend that the Urbana City Council adopt the Bicycle Master Plan as an official amendment to 2005 Urbana Comprehensive Plan; and

WHEREAS, the City Council finds that it is in the public interest to adopt an amendment to the 2005 Urbana Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The attached document entitled "Urbana Bicycle Master Plan", dated April 2008, and incorporated herein by reference is hereby adopted in whole as an amendment to the 2005 Comprehensive Plan of the City of Urbana, as amended.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities and thereafter file a certified copy in the Champaign County Recorder's Office in conformance with

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Chapter 65, Section 11-12-7 of the Illinois Compiled Statutes (65 ILCS 5/11-12-7).

Section 3. This Ordinance shall be in full force and effect upon the expiration of 10 days after the date of filing notice of the adoption of the comprehensive plan amendment with the Champaign County Recorder, in conformance with Chapter 65, Section 11-12-7 of the Illinois Compiled Statutes (65 ILCS 5/11-12-7).

PASSED by the City Council this 7th day of April, 2008.

AYES: Barnes, Bowers, ~~Clark~~, ~~Clark~~, ~~Clark~~, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Wyllis D. Clark
Wyllis D. Clark, City Clerk

Laurel Lunt Prussing
Laurel Lunt Prussing, Deputy Clerk

APPROVED by the Mayor this 11th day of April, 2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor
Danielle Chynoweth, Mayor Pro-tem

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

(To Allow the Construction of an Accessory Parking Lot in the B-3U, General Business-University, Zoning District Located at 908 W. Clark Street - Plan Case 2065-SU-08 / Vermilion Development, Inc.)

WHEREAS, Vermilion Development Corporation has petitioned the City for a Special Use Permit to construct an accessory parking lot at 908 W. Clark street in the B-3U, General Business - University Zoning District; and

WHEREAS, Section VIII-4.L of the Urbana Zoning Ordinance requires a Special Use Permit for the location of accessory parking lot on a separate zoning lot within 600 feet of the principal use if the parking is located within 600 feet of property zoned R-1, R-2 or R-3; and

WHEREAS, after due publication, the Urbana Plan Commission on April 24, 2008 held a public hearing concerning the petition and voted 7 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the Special Use Permit application, with four conditions as outlined in Section 1 below; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth herein, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the construction of an accessory parking lot at 908 W. Clark Street in the B-3U, General Business - University Zoning District with the following conditions:

a) The parking lot shall be constructed in general conformance to the site plan layout attached hereto as Exhibit A.

b) A landscape buffer shall be provided along the east and west property line to screen the proposed parking from adjacent properties. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.

c) The Special Use Permit shall expire if the subject property is not transferred to the petitioner or the proposed development at 901 W. University is not constructed.

d) The parking lot shall only serve as accessory parking for the development at 901 W. University Avenue.

LEGAL DESCRIPTION:

The East 66 feet of the West 132 feet of Lot 22 of Col. M. W. Busey's Heirs Addition to the Town (now City) of Urbana, as recorded in Deed Record Book 8, at page 444 in the Office of the Recorder of Deeds, Champaign County, Illinois.

PERMANENT PARCEL NUMBER: 91-21-07-484-005

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 5th day of May, 2008.

AYES: Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Seal of the City of Urbana, Illinois, with signatures of the City Clerk and City Clerk.

APPROVED by the Mayor this 16th day of May,

2008.

Signature of Laurel Lutz Prussing, Mayor

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ORDINANCE NO. 2008-06-046

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT

(Wisley Inn/Super 8 Motel First Subdivision - Plan Case No. 2069-S-08)

WHEREAS, Khalid Hussain has submitted a Final Plat of Wisley Inn/Super 8 Motel First Subdivision in general conformance with the pertinent ordinances of the City of Urbana, Illinois; and

WHEREAS, The Final Plat of Wisley Inn/Super 8 Motel First Subdivision is consistent with the approved Preliminary Plat of Wisley Inn/Super 8 Motel First Subdivision approved by the Urbana Plan Commission by a vote of 6 ayes and 0 nays on February 21, 2008; and

WHEREAS, The Final Plat of Wisley Inn/Super 8 Motel First Subdivision complies with the 2005 Urbana Comprehensive Plan; and

WHEREAS, the Final Plat of Wisley Inn/Super 8 Motel First Subdivision meets the requirements of the Urbana Subdivision and Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Final Plat of Wisley Inn/Super 8 Motel First Subdivision attached hereto as Exhibit A is hereby approved as platted with the condition that the drainage plan, engineering plans and specifications, required improvements, soil erosion plan and all other requirements of the subdivision and Land Development Code be approved by the City Engineer.

Section 2. This Ordinance is hereby passed by the affirmative vote of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

PASSED by the City Council this 2nd day of June, 2008.

AYES: Barnes, Bowersox, Chynoweth, Roberts, Smyth

NAYS:

ABSTAINS:

APPROVED by the Mayor this 15th day of June, 2008.

Phyllis D. Clark
City Clerk
Michael J. Prussing
Mayor
Seal of the City of Urbana, Illinois, Incorporated 1837, Chartered 1852

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ORDINANCE NO. 2008-06-047

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF URBANA, ILLINOIS**

(Rezoning of 2200 South Philo Road from R-3, Single- and
Two-Family Residential, to R-4, Medium Density Multiple-Family
Residential - Plan Case No. 2070-M-08)

WHEREAS, St. Matthew Lutheran Church has petitioned the City for a
Zoning Map Amendment to rezone 2200 South Philo Road from R-3, Single and
Two-Family Residential to R-4, Medium Density Multiple-Family; and

WHEREAS, after due publication, a public hearing was held by the Urbana
Plan Commission on May 22, 2008 concerning the petition filed in Plan Case
No. 2070-M-08; and

WHEREAS, the requested rezoning is consistent with the goals,
objectives, and generalized land use designations of the City of Urbana 2005
Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case
criteria; and

WHEREAS, the Urbana Plan Commission voted 4 ayes, 0 nays and 1
abstention to forward the case to the Urbana City Council with a
recommendation to approve the rezoning request of the property herein
described below from R-3, Single and Two-Family Residential to R-4, Medium
Density Multiple-Family; and

WHEREAS, the findings of the Plan Commission indicate that approval of
the rezoning request would promote the general health, safety, morals, and
general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith
and hereby amended to change the zoning classification of the following

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described area from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple-Family.

LEGAL DESCRIPTION:

Beginning at a point 1,335.45 feet North of the Southwest corner of the SE ¼ of Section 21, Township 19 North, Range 9 East of the 3rd Principal Meridian, said point being on the West line of the SE ¼ of said Section 21, thence East 430.00 feet, thence North and parallel with said West Quarter Section line, 655.80 feet, thence West 430.00 feet to the West line of said Southeast Quarter Section, thence South on the West line of the SE ¼ of Section 21, 655.80 feet to the place of beginning, being part of the SE ¼ of Section 21, Township 19 North, Range 9 East of the 3rd Principal Meridian, in Champaign County, Illinois.

Permanent Parcel No.: 93-21-21-400-002.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

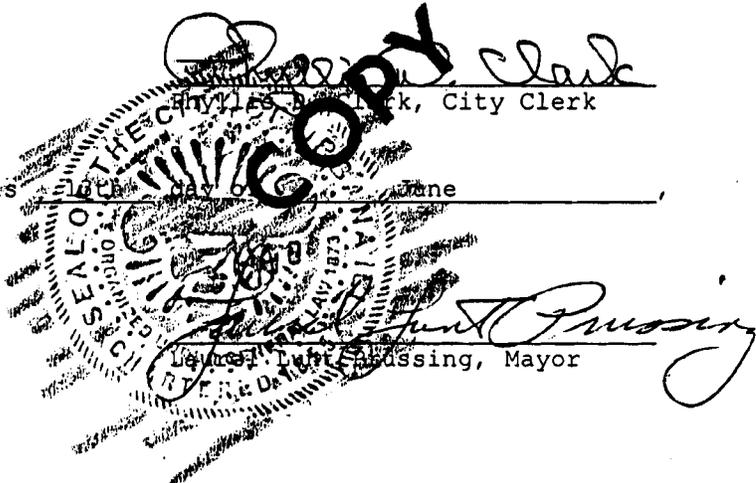
PASSED by the City Council this 2nd day of June, 2008.

AYES: Barnes, Bowersox, Chynoweth, Roberts, Smyth

NAYS:

ABSTAINS:

APPROVED by the Mayor this 16th day of June, 2008.



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ORDINANCE NO. 2008-06-055

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS**

(Addition of Section XIII-6 Concerning Condominium Conversions)

WHEREAS, the City of Urbana, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Urbana may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the Mayor and City Council find that the protection of the public health, safety, and welfare are served by regulating the practice of converting residential apartment dwellings into condominiums to ensure that all such structures are safe, sanitary, and fit for occupation and use; and

WHEREAS, the State of Illinois passed into law Public Act 94-386, amending the Condominium Property Act to allow a municipality to inspect an apartment building prior to conversion to condominium units and to require the conversion to comply with the current life safety, building and zoning codes of the municipality; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to add a new Section XIII-6 regarding Condominium Conversions; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 2072-T-08; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the proposed amendment on June 5, 2008; and

WHEREAS, the Urbana Plan Commission voted 7 ayes and 0 nays to forward the proposed amendment set forth in Plan Case No. 2072-T-08 to the Urbana City Council with a recommendation for approval/denial; and

WHEREAS, the Mayor and City Council find that the best interests of the City of Urbana are served by allowing for inspection of apartment buildings prior to conversion to condominium units and by requiring each building and unit prior to conversion to meet all current life safety, building and zoning code of the City; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Urbana Zoning Ordinance, Article XIII, "Special Development Provisions," is hereby amended by adding the following section thereto:

Section XIII-6

Condominium Conversions

A. Definitions.

Board of managers means the Board of Managers provided for and referred to in the Illinois Condominium Property Act, 765 ILCS 605 et seq.

Closing of a sales contract means the act of transferring ownership of a condominium unit to the purchaser from the developer.

Common elements means all portions of the property except the condominium units, including limited common elements, unless otherwise specified.

Condominium means a form of property established by the Illinois Condominium Property Act.

Condominium instrument means any document and authorized amendments thereto recorded pursuant to the provisions of the Illinois Condominium Property Act, including the declaration, bylaws, and plat.

Condominium project means the sale of or plan by a developer to sell or offer for sale residential condominium units in an existing building or any modification or reconstruction of an existing building.

Condominium unit means a separate three-dimensional area within a condominium building, identified as such in the declaration and on the condominium plat, including all improvements contained within such area except those excluded in the declaration.

Conversion means the offering for sale by a developer or his or her agent of a condominium unit that was rented by any person prior to the commencement of a condominium project.

Developer means any person who undertakes to develop a condominium unit or building by conversion, as further defined in the Illinois Condominium Property Act.

Director means the director of the Community Development Services Department or his or her designee.

Master association means an organization described and referred to in the Illinois Condominium Property Act.

Person means any individual, partnership, corporation, joint stock association or any city or state or any subdivision thereof, and includes any trustee, receiver, assignee, or personal representative thereof.

Plat means a plat or a plat of survey of all the units and common elements in a property submitted to provisions of the Illinois Condominium Property Act.

Unit Owners' Association means the association of all the condominium unit owners, acting pursuant to bylaws through its duly elected board of managers.

B. *Applicability.* This article shall apply to all condominium conversions in the city, where the units are intended or designed to be used principally for residential purposes, provided, however, that this article shall not apply to:

1. Condominium units which, prior to the effective date of this article, have been sold under a binding contract of sale to a purchaser for use as a residence; or

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2. Condominiums lawfully established prior to the effective date of this article.

C. Notice of intent required; contents.

1. A developer intending to submit a property to the provisions of the Illinois Condominium Property Act or offering an existing apartment for sale as a proposed condominium unit shall file with the director a written notice of intent to convert and shall certify by affidavit that all disclosures are true to the best of his or her knowledge and belief. Notice shall be provided at least thirty (30) calendar days prior to the closing of a sales contract on any condominium unit and shall include, at minimum, the following information about the condominium project, numbered and indexed in such a manner as the developer may select, so as to permit ready reference thereto:
 - a) The address of the condominium property, a legal description of the condominium units to be offered for sale, and the proportionate percentage of individual ownership of said units;
 - b) The names and telephone numbers of existing occupants and the current property owner if other than the developer;
 - c) Any leases on real or personal property applicable to the condominium;
 - d) The coverage and amounts of property insurance policies maintained on the condominium building;
 - e) The declaration of covenants, conditions and restrictions that would apply to owners of the units within the condominium project;
 - f) The condominium plat, as provided in section D below;
 - g) The articles of incorporation or charter of the condominium association, if any;
 - h) The by-laws and regulations of the condominium association;
 - i) A description of the common elements and a statement of the percentage ownership of the common elements applicable to the condominium units to be offered for sale;
 - j) A description of all existing and proposed facilities not included, or not to be included, as part of the common elements.

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- k) Any management contract, employment contract or any other contract affecting the use, maintenance, or access to all or any part of the condominium. Said disclosures under this subsection shall include:
- (1) The name of the management company, if any, and the services the agent will perform;
 - (2) The length of term of any management contract and the charges and circumstances, if any, under which the charges may be increased;
 - (3) The conditions, if any, under which the contract may be canceled or terminated; and
 - (4) A statement disclosing any relationship between the developer and the management company.
2. If the covenant or similar condominium instrument does not require the hiring of a professional management company to carry out maintenance and repairs, the developer shall explain how maintenance and repairs of the proposed conversion will be accomplished.
3. The developer shall timely provide such other information regarding the condition of the proposed development of the property as the director shall reasonably request.
4. No existing building, or part thereof, shall be submitted to the provisions of the condominium property act, nor shall an existing apartment unit be offered for sale or be sold as a proposed condominium unit or be occupied as a condominium unit, without the prior filing of a notice of intent pursuant to this section.
5. No person shall convert any apartment building into a condominium without complying with each of the requirements of this article, in addition to all other applicable laws and ordinances.

D. Condominium Plat.

1. A developer intending to submit a property to the provisions of the Illinois Condominium Property Act or offering an existing apartment for sale as a proposed condominium unit shall file with the director and the city engineer a condominium plat pertaining to the property. The condominium plat shall be prepared and submitted in accordance with the provisions of the Condominium Property Act (765 ILCS 605), the Plat Act (765 ILCS 205), and Chapter 21 of the Urbana City Code.
2. Upon approval, the plat shall be signed and attested by the director and the city engineer. The developer shall then record the plat with the Office of the Recorder of Deeds and shall submit a recorded copy to the City Clerk within

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seven (7) calendar days of receipt of the recorded documents from the Recorder.

3. No condominium plat or amended condominium plat shall be recorded or shall be effective unless first approved by the director and the city engineer.

E. Code inspection.

1. In the case of the conversion of an existing building into condominium units, the city shall have the right to inspect the existing building prior to the conversion. Each proposed condominium unit and building shall comply with the current life safety, building, and zoning codes of the city.
2. The developer shall correct at his or her expense any code violations and deficiencies detected during an inspection of projected condominium units and common elements and facilities to the satisfaction of the director. The developer shall complete all such corrections no fewer than fifteen (15) calendar days prior to the closing of a sales contract on any condominium unit to allow the director adequate time to reinspect the premises.
3. The fee for each inspection or reinspection shall be as set forth in the schedule of fees.
4. The developer shall bear the costs of the inspection and any required reinspection.
5. Whenever the director or Fire Department personnel, upon presentation of proper credentials and request for entry to inspect, is refused access to any building undergoing conversion to condominiums, the city is authorized to petition any judge for the issuance of a search warrant authorizing the inspection of such building or unit for the purpose of making such inspections as shall be necessary for the enforcement of the provisions of this article.

F. Maintenance of common elements.

1. Whenever a condominium is created that contains any common elements that will be conveyed to a unit owners' association, master association, or similar entity, the developer shall record among the county land records, prior to the conveyance of any unit in the condominium, a covenant or similar condominium instrument that shall provide for the following:
 - a) That the entity which owns the common elements shall be responsible for its maintenance;
 - b) That in the event the entity fails to maintain the common elements in accordance with applicable city ordinances, the city shall have the right to enter

upon the common elements for the purposes of bringing it into compliance with the ordinances;

- c) That in addition to any fine levied, the costs incurred by the city pursuant to subsection b) shall include, but shall not be limited to, the actual costs and expenses in time of city employees and the costs of material relating to the efforts of bringing the area into compliance, including overhead and administrative costs associated with such effort, or if the work is contracted out in whole or in part, the full costs of such contract;
- d) That a pro rata share of the costs incurred by the city pursuant to subsection b) above shall constitute a lien on each unit within the condominium; and
- e) That the covenant shall run with the real property within the condominium and shall be binding on all parties having any right, title, or interest in any unit therein.

- 2. Prior to recording said covenant or similar condominium instrument, the developer shall submit a copy to the director for review and approval to ensure proper provision for maintenance of common elements. After approval by the director, the developer shall record the instrument with the Office of the Recorder of Deeds and shall submit a recorded copy to the City Clerk within seven (7) calendar days of receipt of the recorded documents from the Recorder.

G. Easements and dedications.

- 1. The developer or board of managers shall grant or dedicate to the city, at no cost, those easements and right-of-ways the city indicates it reasonably needs to provide or to continue to provide or facilitate, utilities or other city services to the condominium project or other property. Such easements and rights-of-way shall not materially impact the use of the property.
- 2. The developer shall ensure that the condominium instruments include a provision requiring that the owners of the condominium property adequately maintain and repair any stormwater management facilities located on the property. The developer or board of managers shall grant the city an easement on the property so that in the event stormwater management on the property is not adequately maintained or repaired in the future, the city shall have the right, but not the obligation, to access the property for purposes of maintaining or repairing such stormwater management facilities, the cost of which may be assessed against the property owners or may be filed as a lien against the property.

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3. All grants of easement or dedication required from the developer pursuant to this subsection and any plats of easement or dedication shall be prepared at the developer's expense and shall be in a form approved by the director. After any instrument required by this section is recorded with the Officer of the Recorder of Deeds, the developer shall submit a recorded copy to the City Clerk within seven (7) calendar days of receipt of the recorded documents from the Recorder.

H. Penalty.

1. Any person who violates any provision of this article or who makes any false statement or affidavit pursuant to this article shall be guilty of an offense. Any person convicted of an offense under this article, in addition to other legal and equitable remedies available to the city, shall be punished by a fine of not less than one hundred dollars (\$100.00) for each day during or on which a violation occurs or continues.
2. The developer, the unit owner, and the unit owners' association or similar entity shall be liable for violations occurring in a unit, and each may be cited for any individual violation. The developer and the association or similar entity shall be liable for violations occurring in common elements, and each may be cited for any individual violation.
3. In addition to the imposition of a fine, the city may seek injunctive relief to prevent a violation of this article, including, but not limited to enjoining the occupancy or sale of any building or unit.

I. Effective date. This Ordinance shall be in full force and effect after its passage and approval and publication according to law.

Cross reference: Chapter 21, "Subdivisions and Other Land Developments."

State law references:

765 ILCS 605
765 ILCS 205

Section 2. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the

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effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

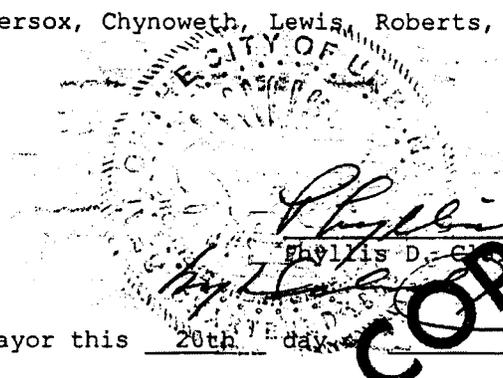
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 16th day of June, 2008.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk
Deputy Clerk

APPROVED by the Mayor this 20th day of June,

2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

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ORDINANCE NO. 2008-08-080

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2007-07-071
AND TO APPROVE A SPECIAL USE PERMIT**

**(To Allow the Construction of Multi-Family Dwellings at
1008, 1010 and 1012 West University Avenue to Include
a Parking Lot at 508 North Goodwin Avenue in the B-3,
General Business, Zoning District - Plan Case
No. 2078-SU-08 / Trammell Crow Company)**

WHEREAS, Trammel Crow Company was granted a Special Use Permit on July 9, 2007 by the Urbana City Council in Ordinance No. 2007-07-071 to allow the construction of multi-family dwellings at 1008, 1010 and 1012 W. University Avenue; and

WHEREAS, unforeseen circumstances have required Trammell Crow Company to redesign the project to include a surface parking lot at 508 N. Goodwin Avenue instead of providing underground parking as originally proposed; and

WHEREAS, Trammell Crow Company has petitioned the City of Urbana for a Special Use Permit to construct multi-family dwellings at 1008, 1010, and 1012 West University Avenue to include a parking lot at 508 North Goodwin Avenue in the B-3, General Business District; and

WHEREAS, the Urbana Zoning Ordinance, Table V-1, Table of Uses, permits Multi-Family Dwellings in B-3 zoning districts subject to a Special Use Permit; and

WHEREAS, the 2005 Comprehensive Plan designates the future land use of this property as "Community Business"; and

WHEREAS, after due publication, the Urbana Plan Commission on July 24, 2008 held a public hearing concerning the petition and voted 7 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the Special Use Permit application, subject to the conditions as specified in Section 1 herein; and

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WHEREAS, the approval of the Special Use Permit, with the conditions set forth herein, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public; and

WHEREAS, The application demonstrates that the development will be generally conducive to the public convenience at this location; that it will not be injurious to the public or district in which it is located; and that it will meet the applicable standards of the Urbana Zoning Ordinance and enhance the character of the zoning district in which it will be located; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to repeal Ordinance No. 2007-07-071 and to enact the text in lieu thereof as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Ordinance No. 2007-07-071 is hereby repealed upon the effective date of this Ordinance. The repeal of such Ordinance shall not abrogate or affect any act committed or done or any penalty or forfeiture incurred or any pending litigation or prosecution under such repealed ordinance.

Section 2. In place of said Ordinance herein repealed, a new Ordinance is hereby enacted and a Special Use Permit is hereby approved to allow the use of multi-family dwellings at 1008, 1010, and 1012 West University Avenue to include a parking lot at 508 North Goodwin Avenue in the B-3, General Business Zoning District with the following conditions upon approval:

1. The development shall be constructed in general conformance with the attached site plan labeled "Exhibit 1". The Zoning Administrator shall have the power to approve minor changes necessary for the project to comply with City regulations including building, fire, and site development codes.

2. The design and appearance of the development shall be of a high standard of quality in substantial conformance to the attached illustration labeled "Exhibit 2" submitted as part of the Special Use Permit application. This condition shall include a requirement for masonry construction such as brick, stone, tile and the like whether weight bearing or veneer.

LEGAL DESCRIPTION:

The East 135 feet of Lot 1, and all of Lots 9, 11 and 12, in John W. Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 1008 and 1010 West University Avenue, Urbana, Illinois.

Permanent Index Nos. 91-21-07-431-019, 91-21-07-431-021

AND

Lot 10 in John W. Stipes Subdivision in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 1012 West University Avenue, Urbana, Illinois.

Permanent Index No. 91-21-07-431-007

AND

Lot 1 except the east 135 feet, and also the south 48 feet of the west 134.62 feet thereof, in the City of Urbana, Illinois, as per plat shown in Plat Book "B" at page 12, situated in Champaign County, Illinois. More commonly known as 508 North Goodwin Avenue, Urbana, Illinois.

Permanent Index No. 91-21-07-431-023

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Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 4th day of August,
2008.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

APPROVED by the Mayor this 8th day of August,
2008.

Phyllis M. Gear
Phyllis M. Gear, City Clerk

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[Signature]
Mayor

SEAL OF THE CITY OF URBANA, ILLINOIS
INCORPORATED 1818
CHARTERED 1837

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ORDINANCE NO. 2008-08-083

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF URBANA, ILLINOIS**

**(Rezoning 804½ East Main Street from B-3, General Business, to B-2,
Neighborhood Business-Arterial / Plan Case No. 2075-M-08)**

WHEREAS, The Daniel Babai has petitioned the City for a Zoning Map Amendment to rezone the property at 804½ East Main Street from B-3, General Business to B-2, Neighborhood Business - Arterial; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on July 31, 2008 concerning the petition filed in Plan Case No. 2075-M-08; and

WHEREAS, the requested rezoning is consistent with the goals and objectives, and the generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 8 ayes 0 nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the properties herein described below from B-3, General Business to B-2, Neighborhood Business - Arterial; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following

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described area from B-3, General Business District to B-2, Neighborhood

Business - Arterial District.

LEGAL DESCRIPTION:

The East Sixteen Feet of Lot Seven of James Munhall's Addition to the City of Urbana, and the West Six Inches of Lot Six of James Munhall's Addition to the City of Urbana, all situated in the City of Urbana, Champaign County, Illinois.

Permanent Index No. 91-21-09-353-015

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

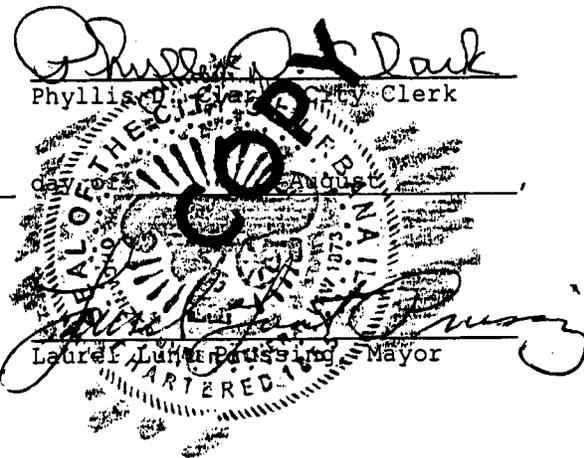
PASSED by the City Council this 4th day of August, 2008.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

APPROVED by the Mayor this 8th day of August, 2008.



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ORDINANCE NO. 2008-09-091

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

**(To Allow the Construction of an Accessory Building in the R-1,
Single-Family Residential Zoning District - Plan Case 2084-SU-08,
2105 North Willow Road / Faith Community Church)**

WHEREAS, Faith Community Church is located at 2111 North Willow Road, the church property consisting of three parcels totaling 8.78 acres is in the R-1, Single-Family Residential Zoning District; and

WHEREAS, the Urbana Zoning Ordinance Table of Uses (Table V-1) requires a Special Use Permit to allow for a church use in the R-1, Single-Family Residential Zoning District; and

WHEREAS, the church property was annexed into the City of Urbana in July of 2008, at which time the existing church facility was considered to be legally nonconforming under the Urbana Zoning Ordinance and therefore does not require a Special Use Permit; and

WHEREAS, Faith Community Church is proposing to construct an accessory building on that portion of their property specifically addressed as 2105 North Willow Road and has therefore submitted a petition under Plan Case 2084-SU-08 for a Special Use Permit to construct the accessory building; and

WHEREAS, after due publication, the Urbana Plan Commission on August 21, 2008 held a public hearing concerning the petition and voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the Special Use Permit application with three conditions; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth herein, is consistent with the requirements of Section VII-4 of the

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Urbana Zoning Ordinance, Special Use Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the impact of the proposed accessory building on the surrounding properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the construction of an accessory building at 2105 North Willow Road in the R-1, Single-Family Residential Zoning District with the following conditions:

1. The proposed development shall be constructed in general conformance to the revised site plan attached hereto as Exhibit 1.
2. Screening shall be provided along the southerly boundary of the proposed parking lot to screen the parking from adjacent residential properties. The screening shall be reviewed and approved by the Zoning Administrator and the City Arborist.
3. Additional parking shall be provided that is equal to the amount of parking that is eliminated by the construction of the proposed accessory building. The proposed addition to the parking area shall meet the requirements of the Urbana Zoning Ordinance and civil engineering construction drawings for the addition shall be submitted.

LEGAL DESCRIPTION:

Beginning at the Northeast corner of Lot 69 in Timber Hills Third Subdivision Champaign County, Illinois; thence South 89 degrees 56 minutes 38 seconds East, 355.87 feet; thence South 55 degrees 54 minutes 57 seconds East, 494.37 feet; thence South 89 degrees 23 minutes 00 seconds East, 30.00 feet to the East line of the Southeast Quarter of said Section 5; thence South 00 degrees 37 minutes 00 seconds West along the East line of said Section 5, 30.00 feet; thence South 80 degrees 37 minutes 30 seconds West, 287.63 feet to an iron pipe located on the Easterly line of Lot 74 in Timber Hills Third Subdivision, said point being

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60.00 feet North of the Southeast corner thereof; thence North 43 degrees 44 minutes 44 seconds West along the Easterly lines of Lots 73 and 74 in Timber Hills Third Subdivision, 232.95 feet; thence South 89 degrees 51 minutes 42 seconds West along the Northerly line of Lots 72 and 73 in Timber Hills Third Subdivision, 180.00 feet; thence North 42 degrees 20 minutes 13 seconds West along the Easterly lines of Lots 69, 70 and 71 in Timber Hills Third Subdivisions, 252.60 feet to the place of beginning, said tract containing 2.80 acres, more or less, all situated in Champaign County, Illinois. Said parcel more commonly known as 2105 North Willow Road.

PERMANENT PARCEL NUMBER: 91-21-05-427-017

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 2nd day of September, 2008.

AYES: Barnes, Bowersox, Gehring, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



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APPROVED by the Mayor this 12th day of September,
[Signature] City Clerk
[Signature] Deputy Clerk

2008.

[Signature]
Laurel Lunt Prussing, Mayor

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ORDINANCE NO. 2008-09-096

**AN ORDINANCE APPROVING COMBINED PRELIMINARY
AND FINAL SUBDIVISION PLATS**

(Crystal View Townhomes First Subdivision - Plan Case No. 2085-S-08)

WHEREAS, The Corporate Authorities of the City of Urbana are empowered by Illinois Municipal Code Article 11 Divisions 12 and 15 (65/ILCS 5/11-12 and 5/11-15) to approve subdivision plats; and

WHEREAS, Under Section 21-7 of the City's Subdivision and Land Development Code the City Council is empowered to grant waivers from the requirements of the code; and

WHEREAS, Brinshore Development, L.L.C. has submitted Combined Preliminary and Final Plats for Crystal View Townhomes First Subdivision in general conformance with the pertinent ordinances of the City of Urbana, Illinois; and

WHEREAS, in Plan Case 2085-S-08, the Urbana Plan Commission, on August 21, 2008, recommended approval (6-0) of the Combined Preliminary and Final Plats for Crystal View Townhomes First Subdivision along with waivers from Sections 21.36.A.1 and 21.37.A.1 of the Subdivision and Land Development Code; and

WHEREAS, in Plan Case 2085-S-08, the Urbana Plan Commission, on August 21, 2008, recommended approval (5-1) of the Combined Preliminary and Final Plats for Crystal View Townhomes First Subdivision along with waivers from Sections 21.36.C.4 of the Subdivision and Land Development Code; and

WHEREAS, The Combined Preliminary and Final Plats for Crystal View Townhomes First Subdivision meet the requirements of the Urbana Subdivision and Land Development Code with the exception of waivers stated herein; and

WHEREAS, The Combined Preliminary and Final Plats for Crystal View Townhomes First Subdivision are generally consistent with the City of Urbana's 2005 Comprehensive Plan, 2005-2009 Consolidated Plan, and 2004 Lakeside Terrace Redevelopment Plan; and

WHEREAS, the City Engineer has reviewed the requested waivers and has determined that those which are to be granted will not negatively affect the public benefit or general welfare; and

WHEREAS, The City Engineer has reviewed and approved the Combined Preliminary and Final Plats for Crystal View Townhomes First Subdivision with certain waivers and conditions as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Combined Preliminary and Final Plats for Crystal View Townhomes First Subdivision as referenced herein are hereby approved.

Section 2. The Combined Preliminary and Final Plats for Crystal View Townhomes First Subdivision comply with the requirements of the Urbana Subdivision and Land Development Code with the exception of the following waivers which are hereby granted:

1. Waiver of the pavement width requirements of Section 21-36.A.1 and Table "A" entitled "Minimum Street and Alley Design Standards" to allow Stebbins Drive and Division Avenue, local residential streets, to be constructed with pavement width of 28 feet, rather than the minimum required 31 feet.

2. Waiver of Section 21-37.A.1 to allow construction of no sidewalk on the south side of Stebbins Drive to the east of Division Avenue only, rather than on both sides of the street.

3. Waiver of Section 21-36.C.4 to allow a cul-de-sac with a 70-foot right-of-way diameter, rather than the required

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100 feet, and a 40-foot pavement diameter, rather than the required 80 feet.

Said waivers from strict compliance with the provisions of the Urbana Subdivision and Land Development Code are appropriate due to unusual and abnormal development conditions, and furthermore are justified by conditions of topography and other site specific reasons, by the waivers granted herein not harming nearby properties, and by not negatively impacting the public health, safety and welfare.

Section 3. This Ordinance is hereby passed by the affirmative vote of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

PASSED by the City Council this 2nd day of September, 2008.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 12th day of September, 2008.

2008.

Philip D. Clark
City Clerk
Laurel Lunt Prussing
Mayor

**AN ORDINANCE APPROVING COMBINED PRELIMINARY
AND FINAL SUBDIVISION PLATS**

**(Replat of Lots 2 and 3 of Lincoln Avenue and I-74
Resubdivision - Plan Case No. 2087-S-08)**

WHEREAS, The Corporate Authorities of the City of Urbana are empowered by Illinois Municipal Code Article 11 Divisions 12 and 15 (65/ILCS 5/11-12 and 5/11-15) to approve subdivision plats; and

WHEREAS, the current final plat for the Lincoln & I-74 Subdivision was administratively approved by the Urbana Department of Community Development Services in April of 2008; and

WHEREAS, Urbana, IL 0808 L.L.C. has submitted Combined Preliminary and Final Plats for Lots 2 and 3 of the Lincoln & I-74 Resubdivision in general conformance with the pertinent ordinances of the City of Urbana, Illinois; and

WHEREAS, in Plan Case 2087-S-08, the Urbana Plan Commission, on September 4, 2008, recommended approval of the Combined Preliminary and Final Plats for Lots 2 and 3 of the Lincoln & I-74 Resubdivision by a vote of 6 ayes to 0 nays; and

WHEREAS, The Combined Preliminary and Final Plats for Lots 2 and 3 of the Lincoln & I-74 Resubdivision meet the requirements of the Urbana Subdivision and Land Development Code; and

WHEREAS, The Combined Preliminary and Final Plats for Lots 2 and 3 of the Lincoln & I-74 Resubdivision are consistent with the City of Urbana's 2005 Comprehensive Plan; and

WHEREAS, The City Engineer has reviewed and approved the Combined Preliminary and Final Plats for Lots 2 and 3 of the Lincoln & I-74 Resubdivision.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Combined Preliminary and Final Plats for Lots 2 and 3 of the Lincoln & I-74 Resubdivision as referenced herein are hereby approved.

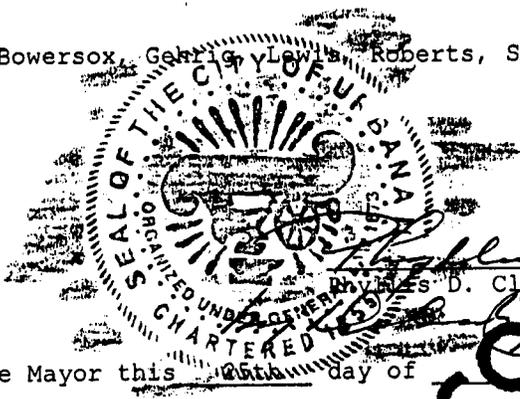
Section 2. This Ordinance is hereby passed by the affirmative vote of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

PASSED by the City Council this 15th day of September, 2008.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 15th day of September,

2008.

Phyllis D. Clark
Phyllis D. Clark, City Clerk
Deputy Clerk
Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2008-09-109

AN ORDINANCE APPROVING A PRELIMINARY AND FINAL SUBDIVISION PLAT

**(Second Replat of Lots 1 and 2 of Meijer Urbana
Subdivision - Plan Case No. 2086-S-08)**

WHEREAS, Meijer Stores Limited Partnership has submitted Preliminary and Final Subdivision Plats for the Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision in general conformance with the pertinent ordinances of the City of Urbana, Illinois; and

WHEREAS, the Preliminary and Final Plats for the Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision are consistent with the provisions of the Annexation Agreement between the City of Urbana, Clinton C. Atkins, the Meijer Realty Company, Edwin I. Douglas and Edwin I. Douglas as trustee for the Robert Douglas Trust, which was adopted by the City of Urbana on January 3, 1995 by Ordinance No. 9495-65; and

WHEREAS, the Preliminary and Final Plats for the Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision comply with the 2005 Urbana Comprehensive Plan; and

WHEREAS, the Preliminary and Final Plats for the Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision meet the requirements of the Urbana Subdivision and Land Development Code; and

WHEREAS, the City Engineer has reviewed and approved the Preliminary and Final Plats for the Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision; and

WHEREAS, the Urbana Plan Commission, in Plan Case 2086-S-08, recommended approval of both the Preliminary and Final Plats for the Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision by a vote of 6 ayes and 0 nays on September 4, 2008.

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NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Preliminary and Final Plats for the Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision, attached hereto as Exhibit 1 and Exhibit 2, are hereby approved as platted.

Section 2. This Ordinance is hereby passed by the affirmative vote of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

PASSED by the City Council this 15th day of September, 2008.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



[Handwritten signature]
City Clerk
[Handwritten signature]
City Clerk

APPROVED by the Mayor this 25th day of September, 2008.

[Handwritten signature]
Laurel Lunt Prussing, Mayor

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ORDINANCE NO. 2008-09-110

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF URBANA, ILLINOIS**

(Rezoning of 139 Properties in the Historic East Urbana Neighborhood from R-4, Medium Density Multiple-Family Residential, to R-3, Single- and Two-Family Residential - Plan Case No. 2080-M-08)

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Official Zoning Map of the City of Urbana by rezoning a number of properties in the Historic East Urbana Neighborhood; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 21, 2008 and September 4, 2008 concerning the petition filed in Plan Case No. 2080-M-08; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the properties herein described below from R-4, Medium Density Multiple-Family Residential to R-3, Single and Two-Family Residential; and

WHEREAS, the findings of the City Council indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification from R-4, Medium

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Density Multiple-Family Residential to R-3, Single and Two-Family Residential
for the following described properties and as illustrated in Exhibit 1.

LEGAL DESCRIPTION:

Lots 1 through 14 of Amos Stout's First Addition, as shown on a plat recorded October 11, 1962 as Document Number 686708 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 1301 E. Stout Drive (PIN# 92-21-16-178-001), 1302 E. Stout Drive (92-21-16-129-021), 1303 E. Stout Drive (92-21-16-178-002), 1305 E. Stout Drive (92-21-16-178-003), 1306 E. Stout Drive (92-21-16-129-016), 1307 E. Stout Drive (92-21-16-178-004), 1307 E. Green Street (92-21-16-129-017), 1401 E. Stout Drive (92-21-16-178-005), 1402 E. Stout Drive (92-21-16-129-018), 1403 E. Stout Drive (92-21-16-178-006), 1404 E. Stout Drive (92-21-16-129-019), 1405 E. Stout Drive (92-21-16-178-007), and 1406 E. Stout Drive (92-21-16-129-020).

AND

Lots 8 and 9 of Archie J. Hartle Third Subdivision of a part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Sixteen (16), Township Nineteen (19) North, Range Nine East of the Third Principal Meridian, as shown on a plat recorded June 9, 1955 as Document Number 546834, in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 212 S. Hartle Avenue (PIN# 92-21-16-129-025) and 214 S. Hartle Avenue (92-21-16-129-022).

AND

Lots 1 through 27 in Block 6 of Busey and Dunlap's Addition, as shown on a plat recorded April 17, 1905 in Plat Book "B" at page 201A in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 103 S. Glover Avenue (PIN # 92-21-16-127-018), 105 S. Glover Avenue (92-21-16-127-019), 109 S. Glover Avenue (92-21-16-127-020), 111 S. Glover Avenue (92-21-16-127-021), 113 S. Glover Avenue (92-21-16-127-022), 201 S. Glover Avenue (92-21-16-127-023), 203 S. Glover Avenue (92-21-16-127-024), 205 S. Glover Avenue (92-21-16-127-025), 207 S. Glover Avenue (92-21-16-127-026), 209 S. Glover Avenue (92-21-16-127-027), 1208 E. Green Street (92-21-16-127-028), 1201 E. Main Street (92-21-16-127-001), 1203 E. Main Street (92-21-16-127-003), 1205 E. Main Street (92-21-16-127-004), 1207 E. Main Street (92-21-16-127-005), 1209 E. Main Street (92-21-16-127-006), 104 S. Poplar Street (92-21-16-127-002), 106 S. Poplar Street (92-21-16-127-007), 108 S.

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Poplar Street (92-21-16-127-008), 110 S. Poplar Street (92-21-16-127-009), 112 S. Poplar Street (92-21-16-127-010), 114 S. Poplar Street (92-21-16-127-011), 202 S. Poplar Street (92-21-16-127-012), 204 S. Poplar Street (92-21-16-127-013), 206 S. Poplar Street (92-21-16-127-014), 208 S. Poplar Street (92-21-16-127-015), 210 S. Poplar Street (92-21-16-127-016) and 212 S. Poplar Street (92-21-16-127-017).

AND

Lots 2 through 27 in Block 1 of Busey and Dunlap's Subdivision of the East 336 feet of the West 600 feet of Lot 9 and the East 336 feet of the West 765 feet of the North 93 feet of Lot 7 in a Subdivision of the Estate of William T. Webber, deceased, as recorded April 5, 1902 in Plat Book "B", at page 93 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 102 S. Cottage Grove Avenue (PIN # 92-21-16-126-002), 104 S. Cottage Grove Avenue (92-21-16-126-003), 106 S. Cottage Grove Avenue (92-21-16-126-009), 108 S. Cottage Grove Avenue (92-21-16-126-010), 110 S. Cottage Grove Avenue (92-21-16-126-011), 202 S. Cottage Grove Avenue (92-21-16-126-012), 204 S. Cottage Grove Avenue (92-21-16-126-013), 206 S. Cottage Grove Avenue (92-21-16-126-014), 208 S. Cottage Grove Avenue (92-21-16-126-015), 210 S. Cottage Grove Avenue (92-21-16-126-016), 212 S. Cottage Grove Avenue (92-21-16-126-017), 214 S. Cottage Grove Avenue (92-21-16-126-018), 1104 E. Green Street (92-21-16-126-019), 1101 E. Main Street (92-21-16-126-001), 1103 E. Main Street (92-21-16-126-004), 1105 E. Main Street (92-21-16-126-005), 1107 E. Main Street (92-21-16-126-006), 1109 E. Main Street (92-21-16-126-007), 105 S. Poplar Street (92-21-16-126-020), 107 S. Poplar Street (92-21-16-126-021), 109 S. Poplar Street (92-21-16-126-022), 111 S. Poplar Street (92-21-16-126-023), 113 S. Poplar Street (92-21-16-126-024), 201 S. Poplar Street (92-21-16-126-025), 203 S. Poplar Street (92-21-16-126-026), 205 S. Poplar Street (92-21-16-126-027), 207 S. Poplar Street (92-21-16-126-028), 209 S. Poplar Street (92-21-16-126-029) and 211 S. Poplar Street (92-21-16-126-030).

AND

Lots 1, 2, 3 and Lots 5 through 8 in Block 1 and Lots 1 through 4 in Block 2 and the east 120 feet of Lot 16 in Block 2, all in Teddy G. Johnson's Addition, as shown on a plat recorded April 12, 1907 in Plat Book "C" at page 44 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 103 S. Cottage Grove Avenue (PIN# 92-21-16-104-028), 105 S. Cottage Grove Avenue (92-21-16-104-029), 107 S. Cottage Grove Avenue (92-21-16-104-030), 109 S. Cottage Grove Avenue (92-21-16-104-031), 201

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S. Cottage Grove Avenue (92-21-16-104-032), 203 S. Cottage Grove Avenue (92-21-16-104-033), 205 S. Cottage Grove Avenue (92-21-16-104-034), 207 S. Cottage Grove Avenue (92-21-16-104-035), 209 S. Cottage Grove Avenue (92-21-16-104-036), 1005 E. Main Street (92-21-16-104-008), 1007 E. Main Street (92-21-16-104-009) and 1009 E. Main Street (92-21-16-104-010).

AND

Lots 2, 5 and 6 of Grossbach Place Subdivision as shown on a plat recorded June 5, 1931 as Document Number 249002 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 909 E. Main Street (PIN# 92-21-16-104-005), 103 S. Grossbach Drive (92-21-16-104-022) and 105 S. Grossbach Drive (92-21-16-104-023).

AND

Lots 7 and 8 and Lot 1, except the west 38 feet 6 inches of the North 103 feet 6 inches of said Lot 1, all in William Harvey's 1st Addition to the City of Urbana, as shown on a plat recorded October 2, 1871 in Deed Record Book 26 at page 149 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 903 E. Main Street (PIN# 92-21-16-104-002), 905 E. Main Street (92-21-16-104-003), 104 S. Lynn Street (92-21-16-104-011), 106 S. Lynn Street (92-21-16-104-012), 108 S. Lynn Street (92-21-16-104-013), 110 S. Lynn Street (92-21-16-104-014), 112 S. Lynn Street (92-21-16-104-038) and 114 S. Lynn Street (92-21-16-104-017).

AND

Lots 2, 3, 4, 5, 6, 9, 10, 13, 14 and 17 of William Harvey's 1st Addition to the City of Urbana, as shown on a plat recorded October 2, 1871 in Deed Record Book 26 at page 149 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 103 S. Lynn Street (PIN# 92-21-16-103-012), 105 S. Lynn Street (92-21-16-103-015), 107 S. Lynn Street (92-21-16-103-016), 109 S. Lynn Street (92-21-16-103-017), 205 S. Lynn Street (92-21-16-103-021), 209 S. Lynn Street (92-21-16-103-022), 807 E. Main Street (92-21-16-103-005), 809 E. Main Street (92-21-16-103-006), 811 E. Main Street (92-21-16-103-011) and a part of 112 S. Webber Street (92-21-16-103-023).

AND

Lots 1 and 2 and the East 29 feet of Lot 3 of Martha E. Webber's Second Addition to Urbana, as per Plat recorded in Plat Book "A" at page 346, situated in

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Champaign County, Illinois. More commonly known as 802 E. Green Street (PIN# 92-21-16-103-008), 804 E. Green Street (92-21-16-103-009) and 806 E. Green Street (92-21-16-103-010).

AND

All that part of Lot "A" of the Assessor's Subdivision of the West 32 rods of the Northwest quarter of the Northwest quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, as per plat recorded in Book "A" at page 349c, described as follows:

Beginning at the point of intersection of the South line of East Main Street with the East line of Webber Street in the City of Urbana, which point is 367 feet East and 24.7 feet South of the Northwest corner of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian; running thence South 79 feet on the East line of Webber Street; thence East 66 feet; thence North 79 feet to the South line of Main Street; thence West on the South line of Main Street 66 feet to the place of beginning, in Champaign County, Illinois. More commonly known as 801 E. Main Street (PIN# 92-21-16-103-001).

AND

All that part of Lot "A" of the Assessor's Subdivision of the West 32 rods of the Northwest quarter of the Northwest quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, described as follows:

The South 60 feet of the following described tract of land to wit:

Commencing at the point of intersection of the South line of east Main Street with the East line of Webber Avenue of the City of Urbana, which said point is 367 feet East and 24.7 feet South of the Northwest corner of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, running thence South 139 feet along the East line of Webber Avenue, or to the North line of the proposed alley, thence East 66 feet, thence North 139 feet to the South line of Main Street, thence West 66 feet along the South line of Main Street to the point of beginning, situated in the City of Urbana, in Champaign County, Illinois. More commonly known as 106 S. Webber Street (PIN# 92-21-16-103-002).

AND

All that part of Lot "A" of the Assessor's Subdivision of the West 32 rods of the Northwest $\frac{1}{4}$ of

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the Northwest $\frac{1}{4}$ of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, described as follows:

Commencing at the point of intersection of the south line of East Main Street with the east line of Webber Street in the City of Urbana, which said point is 367 feet East and 24.7 feet South of the Northwest corner of said Section 16; thence, South, along the east line of Webber Street, 139 feet to the north line of a proposed alley; thence, East, along said north line, 66 feet to the Point of Beginning; thence, North 139 feet to the south line of Main Street; thence, East, along the south line of Main Street, 47 feet; thence, South 139 feet, thence West 47 feet to the Point of Beginning. More commonly known as 803 E. Main Street (PIN# 92-21-16-103-003).

AND

Beginning at the Northeast corner of Lot "A" of Assessors Subdivision of West 32 rods of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the West portion of Lot "C" of the Northwest $\frac{1}{4}$ of Section 16 and part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 17, all in Township 19 North, Range 9 east, of the Third Principal Meridian, thence West along the South line of Main Street, 48 feet; thence South 139 feet; thence East 48 feet to base line of Lot "A"; thence North 139 feet to the place of beginning, situated in the City of Urbana, Champaign County, Illinois. More commonly known as 805 E. Main Street (PIN# 92-21-16-103-004).

AND

Beginning at a point 367 feet East and 171 feet 7 inches South of the Northwest corner of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian (which point is in the East line of Webber Avenue); thence due East 161 feet to the West line of an alley in William Harvey's Addition to Urbana; thence South on West line of said Alley, 410.4 feet more or less to North line of alley in Martha E. Webber's 2nd Addition to Urbana; thence West on the North line of said alley, 161 feet to the East line of Webber Avenue; thence North on said East line of Webber Avenue, 410.4 feet more or less, to the point of beginning, situated in the City of Urbana, in Champaign County, Illinois. More commonly known as 112 S. Webber Street (PIN# 92-21-16-103-023).

AND

That portion of the north-south public alley adjacent to Lots 4, 5, 6, 9, 10 and 13 of William Harvey's 1st

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Addition to the City of Urbana, as shown on a plat recorded October 2, 1871 in Deed Record Book 26 at page 149 in the Office of the Recorder of Deeds, Champaign County, Illinois, vacated by City of Urbana Ordinance Numbers 5051-4 and 8485-7. More commonly known as a part of 112 S. Webber Street (PIN# 92-21-16-103-023).

AND

Lots 1 through 7 and Lots 9 through 14 of Webber Place, a subdivision of Lot "B" and part of Lot "A" of Assessor's Subdivision of the West 32 rods of the Northwest Quarter of the Northwest Quarter of Section 16, and part of the Northeast Quarter of the Northeast Quarter of Section 17, in Township 19 North, Range 9 East of the Third Principal Meridian, in the City of Urbana, as shown on a plat recorded in Plat Book "D" at page 263 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 608 E. Elm Street (PIN# 92-21-17-232-007), 700 E. Elm Street (92-21-16-101-014), 702 E. Elm Street (92-21-16-101-009), 704 E. Elm Street (92-21-16-101-010), 706 E. Elm Street (92-21-16-101-011 & 92-21-16-101-012), 605 E. Main Street (92-21-17-232-009), 607 E. Main Street (92-21-17-232-010), 703 E. Main Street (92-21-16-101-001), 705 E. Main Street (92-21-16-101-002), 707 E. Main Street (92-21-16-101-003), 709 E. Main Street (92-21-16-101-004), 103 S. Webber Street (92-21-16-101-005), and 105 S. Webber (92-21-16-101-006).

AND

Beginning at the Southeast corner of Lot 14 in Webber Place as shown by a Plat in Plat Book "D" page 263; thence, South on the West line of Webber Street 175.85 feet to the intersection with Elm Street; thence West with the North line of Elm Street 125 feet; thence North 175.85 feet; thence East 125 feet, to the place of beginning, being a part of the Northwest Quarter of the Northwest Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, as per plat recorded in Plat Book "A" at page 349C, Champaign County, Illinois. More commonly known as 107 S. Webber Street (PIN# 92-21-16-101-013).

AND

Lots 1 through 5 of Martha E. Webber's Third Addition to the City of Urbana, as per plat recorded in Plat Book "C" at Page 56 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 701 E. Elm Street (PIN# 92-21-16-102-001), 703 E. Elm Street (92-21-16-102-002), 705 E. Elm

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Street (92-21-16-102-003), 707 E. Elm Street (92-21-16-102-004) and 711 E. Elm Street (92-21-16-102-005).

AND

Lots 4 and 5 of Martha E. Webber's Second Addition to the City of Urbana, as per plat recorded in Book "A" at Page 346 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 704 E. Green Street (PIN# 92-21-16-102-007) and 706 E. Green Street (92-21-16-102-008).

AND

Lots 2 and 4 in Block 2 of George G. Webber's Third Addition to Town Lots to the City of Urbana, as per Plat recorded in Deed Record 26 at Page 44 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 204 S. Grove Street (PIN# 92-21-17-236-002) and 210 S. Grove Street (PIN# 92-21-17-236-004).

AND

COMMENCING AT AN IRON PIPE SURVEY MONUMENT FOUND SITUATED AT THE SOUTHWEST CORNER OF LOT 1 OF BLOCK 2 OF G. G. WEBBER'S 3RD ADDITION IN THE CITY OF URBANA, ILLINOIS; THENCE, NORTH 89°00'29" EAST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 123.87 FEET TO AN IRON PIPE SURVEY MONUMENT; THENCE, CONTINUING, NORTH 89°00'29" EAST, ALONG THE EASTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 13.84 FEET TO AN IRON PIPE SURVEY MONUMENT, SAID POINT BEING THE POINT OF BEGINNING; THENCE, CONTINUING NORTH 89°00'29" EAST ALONG SAID EASTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 15.99 FEET TO AN IRON PIPE SURVEY MONUMENT; THENCE, CONTINUING NORTH 89°00'29" EAST ALONG THE EASTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 26.31 FEET TO AN IRON PIPE SURVEY MONUMENT ON THE CENTERLINE OF THE ABANDONED NORFOLK AND WESTERN RAILROAD; THENCE, SOUTH 01°01'22" EAST, A DISTANCE OF 52.80 FEET TO AN IRON PIPE SURVEY MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE AFORESAID NORFOLK AND WESTERN RAILROAD; THENCE NORTH 39°42'15" WEST ALONG THE SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 67.67 FEET, TO THE POINT OF BEGINNING, CONTAINING 1116 SQUARE FEET, MORE OR LESS. More commonly known as a part of 204 S. Grove Street (PIN# 92-21-17-236-002).

AND

COMMENCING AT AN IRON PIPE SURVEY MONUMENT FOUND SITUATED AT THE SOUTHWEST CORNER OF LOT 1 OF BLOCK 2 OF G. G. WEBBER'S 3RD ADDITION IN THE CITY OF URBANA, ILLINOIS; THENCE, NORTH 89°00'29" EAST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 123.87 FEET

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TO AN IRON PIPE SURVEY MONUMENT, SAID POINT BEING THE POINT OF BEGINNING; THENCE, CONTINUING, NORTH 89°00'29" EAST, ALONG THE EASTERLY EXTENSION OF SAID SOUTH LINE, A DISTANCE OF 13.84 FEET TO AN IRON PIPE SURVEY MONUMENT ON THE WESTERLY RIGHT-OF-WAY OF THE ABANDONED NORFOLK AND WESTERN RAILROAD; THENCE, SOUTH 39°42'15" EAST ALONG THE SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 67.67 FEET TO AN IRON PIPE SURVEY MONUMENT; THENCE, SOUTH 01°01'22" EAST, A DISTANCE OF 13.21 FEET TO AN IRON PIPE SURVEY MONUMENT ON THE NORTH LINE OF THE PUBLIC ALLEY RUNNING EAST AND WEST THROUGH BLOCK 2 OF G. G. WEBBER'S 3RD ADDITION; THENCE, SOUTH 88°58'58" WEST ALONG SAID NORTH LINE, A DISTANCE OF 55.84 FEET TO AN IRON PIPE SURVEY MONUMENT SITUATED AT THE SOUTHEAST CORNER OF LOT 2 OF THE AFORESAID WEBBER'S ADDITION; THENCE NORTH 01°16'54" WEST ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 66.03 FEET, TO THE POINT OF BEGINNING, CONTAINING 2580 SQUARE FEET, MORE OR LESS. More commonly known as a part of 204 S. Grove Street (PIN# 92-21-17-236-002).

AND

Lot "C" of the Assessor's Subdivision of the West 32 rods of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10 and part of Lot 6 of the Northwest Quarter of Section 16, and part of the Northeast Quarter of the Northeast Quarter of Section 17, all in Township 19 North, Range 9 East of the Third Principal Meridian, as per plat recorded in Book "A" at Page 349 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 611 E. Elm Street (PIN# 91-21-17-237-001)

AND

Commencing at an iron pipe survey monument found situated at the Southwest corner of Lot 2 of Block 2 of G.G. Webber's Addition to the City of Urbana, Illinois, then North 88 degrees 58' 58" East along the South line of said Lot 2, a distance of 179.75 feet to a Place of Beginning; thence North 1 degree 01' 22" West a distance of 66.01 feet; thence South 89 degrees 00'29" West a distance of 26.31 feet; thence North 1 degree 16' 54" West a distance of 66.05 feet to an iron pipe survey monument located at the South line of Elm Street; thence North 89 degrees 01' 35" East along said South line a distance of 15.99 feet to a point where the East Right-of-Way line of the Abandoned Norfolk and Western R.R. abuts the Northwest corner of Outlot "C"; thence South 39 degrees 42' 17" East a distance of 120.46 feet to a point on the West line of Anderson Street; thence South 1 degree 18' 44" East along said West line of Anderson Street, a distance of 38.01 feet; thence South 88 degrees 58' 58" West a distance of 64.89

COPY

feet to the Place of Beginning, situated in the City of Urbana, Champaign County, Illinois. More commonly known as a part of 611 E. Elm Street (PIN# 91-21-17-237-001)

AND

Lot 1 and 2 in Block 1 of the George G. Webber's Fifth Addition to the City of Urbana, situated in Champaign County, Illinois. More commonly known as 606 E. Green Street (PIN# 92-21-17-236-006) and 608 E. Green Street (92-21-17-236-007).

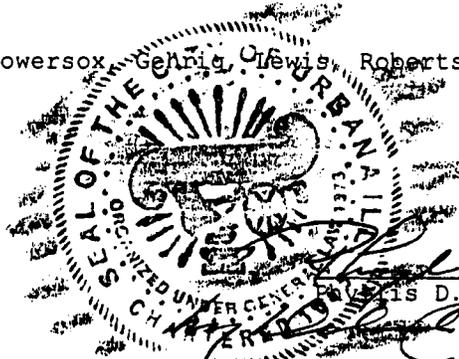
Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 15th day of September, 2008.

AYES: Barnes, Bowersox, Gehrig, ~~O'Leary~~, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phillip A. Clark
Phillip A. Clark, City Clerk
Deputy Clerk

APPROVED by the Mayor this 25th day of September,

2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2008-09-111

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF URBANA, ILLINOIS**

**(Rezoning of 3 Properties in the Historic East Urbana Neighborhood from R-5,
Medium High Density Multiple-Family Residential, to R-3, Single-
and Two-Family Residential - Plan Case No. 2080-M-08)**

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Official Zoning Map of the City of Urbana by rezoning a number of properties in the Historic East Urbana Neighborhood; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 21, 2008 and September 4, 2008 concerning the petition filed in Plan Case No. 2080-M-08; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the property herein described below from R-5, Medium High Density Multiple-Family Residential to R-3, Single and Two-Family Residential; and

WHEREAS, the findings of the City Council indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification from R-5, Medium High

COPY

Density Multiple-Family Residential to R-3, Single and Two-Family Residential for the following described properties and as illustrated in Exhibit 1.

LEGAL DESCRIPTION:

Lot 1 in Block 1 in George G. Webber's Third Addition to the City of Urbana, as per Plat recorded in Deed Record 26 at Page 44 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 102 S. Grove Street (PIN# 92-21-17-232-001) and 603 E. Main Street (92-21-17-232-002).

AND

Lots 4 and 5 in Block 1 in George G. Webber's Third Addition to the City of Urbana, Illinois, as per plat recorded in Deed Record 26 at Page 44 in the Office of the Recorder of Deeds, Champaign County, Illinois. Together with the south half of the vacated alley lying North and adjacent to Lot 4 in Block 1 in George G. Webber's Third Addition. More commonly known as 604 E. Elm Street (PIN# 92-21-17-232-008).

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 15th day of September, 2008.

AYES: Barnes, Bowers, Gentry, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



D. Clark
D. Clark, City Clerk
Deputy Clerk

APPROVED by the Mayor this 25th day of September, 2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2008-09-113

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF URBANA, ILLINOIS**

**(Rezoning of 7 Properties in the Historic East Urbana Neighborhood
from B-3, General Business, to R-3, Single- and Two-Family
Residential - Plan Case No. 2080-M-08)**

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Official Zoning Map of the City of Urbana by rezoning a number of properties in the Historic East Urbana Neighborhood; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 21, 2008 and September 4, 2008 concerning the petition filed in Plan Case No. 2080-M-08; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the property herein described below from B-3, General Business to R-3, Single and Two-Family Residential; and

WHEREAS, the findings of the City Council indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification from B-3, General

COPY

Business to R-3, Single and Two-Family Residential for the following described properties and as illustrated in Exhibit 1.

LEGAL DESCRIPTION:

Lots 16 and 17 in N. W. Davis' Second Addition, as per Plat recorded in Plat book "A" at Page 294 in the Office of the Recorder of Deeds, situated in Champaign County, Illinois. More commonly known as 902 E. Main Street (PIN# 91-21-09-355-011) and 904 E. Main Street (91-21-09-355-012).

AND

All of the South One Hundred Fifty-Four and Sixty-six Hundredths (154.66) feet of Lot Twenty-One (21), except the South One Hundred Forty-two and Sixty-six Hundredths (142.66) feet of the West Thirty (30) feet, and except the South One Hundred Twenty (120) feet of the East Twelve (12) feet, and except the East Fifty (50) feet of the West Two Hundred Thirty-one (231) feet thereof, in N.W. Davis' Second Addition to the City of Urbana, as set forth in Plat Book "A" at Page 292 filed August 15, 1895, in Champaign County, Illinois. More commonly known as 1002 E. Main Street (PIN# 91-21-09-355-015).

AND

All of the South 154.66 feet of Lot 21, except the West 181 feet thereof and except the South 120 feet of the East 12 feet of said Lot in N.W. Davis' Second Addition to the City of Urbana, in Champaign County, Illinois. Together with the west $\frac{1}{2}$ of the north/south public alley adjacent to the aforesaid parcel as vacated by ordinance recorded July 17, 1963 in Book 731 at Page 447 as Document 698777 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 1004 E. Main Street (PIN# 91-21-09-355-016).

AND

Beginning at a point 133.00 feet north of the Southwest corner of Lot 8 of Esquire Munhall's Addition (also known as James Munhall's Addition) to Urbana, Illinois, as per plat recorded in Deed Record 32 at Page 587, thence north 48.5 feet, thence east 63 feet, thence south 48.5 feet, thence west 63 feet to the place of beginning, situated in Champaign County, Illinois. More commonly known as 106 N. Webber Street (PIN# 91-21-09-353-006).

AND

COPY

Lots 25 and 26 of a Subdivision of part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, including Lots 2, 3, 4 and 5 of a former subdivision of the same ground in the City of Urbana, as per plat recorded in Plat Book "B" at page 144, situated in Champaign County, Illinois. Commonly known as 1106 E. Main Street (PIN# 91-21-09-377-016) and 1108 E. Main Street (91-21-09-377-017).

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 15th day of September, 2008.

AYES: Barnes, Bowersox, ~~Gentig~~, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



[Handwritten signature]
City Clerk
[Handwritten signature]
Deputy Clerk

APPROVED by the Mayor this 25th day of September,

2008.

[Handwritten signature]
Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2008-09-114

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF URBANA, ILLINOIS**

**(Rezoning of 10 Properties in the Historic East Urbana
Neighborhood from B-3, General Business, to B-2,
Neighborhood Business-Arterial - Plan Case 2080-M-08)**

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Official Zoning Map of the City of Urbana by rezoning a number of properties in the Historic East Urbana Neighborhood; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 21, 2008 and September 4, 2008 concerning the petition filed in Plan Case No. 2080-M-08; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the property herein described below from B-3, General Business to B-2, Neighborhood Business-Arterial; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification from B-3, General

COPY

Business to B-2, Neighborhood Business-Arterial for the following described properties and as illustrated in Exhibit 1.

LEGAL DESCRIPTION:

The West 27 feet of Lot 19 and the East 12 feet of the South 120 feet of Lot 21 in N.W. Davis' Second Addition, as per Plat recorded in Plat Book "A" at Page 294 in the Office of the Recorder of Deeds, Champaign County, Illinois. (Said parcel hereinafter referred to as Parcel 1) Together with a parcel commencing at the Northeast corner of Parcel 1; thence West 39 feet on the North line of Parcel 1; thence Northeasterly to the Southwest corner of Lot 15 in N.W. Davis' Second Addition; thence South 6 feet to the North line of the Middle of the vacated alley; thence East on the middle of the vacated alley to the East line of Parcel 1 extended North; thence South to the point of beginning. More commonly known as 1006 E. Main Street (PIN# 91-21-09-355-017).

AND

Lot 20 and the East 39 feet of Lot 19 in N.W. Davis' Second Addition to the City of Urbana, as per Plat recorded in Plat Book "A" at page 294 in the Office of the Recorder of Deeds, Champaign County, Illinois. Together with the south $\frac{1}{2}$ of the vacated alley lying north and adjacent to Lot 20 and the East 39 feet of Lot 19 of the N.W. Davis' Second Addition, as vacated by Ordinance recorded July 17, 1963 in Book 731 at Page 447 as Document 698777 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly known as 1008 E. Main Street (PIN# 91-21-09-355-018) and 103 N. Cottage Grove (91-21-09-355-019).

AND

Lots 2 and 3 of Nancy M. Munhall's Elm Tree Addition to the City of Urbana, as per Plat recorded in Plat Book "B" at Page 230 and 231 in the Office of the Recorder of Deeds, Champaign County, Illinois. More commonly referred to as 704 E. Main Street (PIN# 91-21-09-352-011) and 706 E. Main Street (91-21-09-352-012)

AND

Lots 6, 7 and the South 133 feet of Lot 8 of the James Munhall's Addition to the City of Urbana, all situated in Champaign County, Illinois. More commonly referred to as 802 E. Main Street (PIN# 91-21-09-353-013), 804 E. Main Street (91-21-09-353-014) and 806 E. Main Street (91-21-09-353-016) and 806 $\frac{1}{2}$ E. Main Street (91-21-09-353-017).

COPY

AND

Lot 27 of a Subdivision of Lots 2, 3, 4 and 5 of a part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, as per Plat recorded in Book "B" of Plats at page 144 in the Office of the Recorder of Deeds, Champaign, County, Illinois. More commonly known as 1104 E. Main Street (PIN# 91-21-09-377-015).

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 15th day of September, 2008.

AYES: Barnes, Bowersox, Gebright, ~~Yeddis~~, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Therrell D. Clark
City Clerk

Deputy Clerk
APPROVED by the Mayor this 25th day of September, 2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2008-09-115

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP
OF THE CITY OF URBANA, ILLINOIS**

**(Comprehensive Plan Map Amendment for 502, 504 and 508 East Elm Street from
"Central Business" to "Residential (Urban Pattern)" - Plan Case 2082-CP-08)**

WHEREAS, Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams have petitioned the City for a Comprehensive Plan Map Amendment to change the future land use designation for 502, 504 and 508 East Elm Street from Central Business to Residential (Urban Pattern); and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 21, 2008 and September 4, 2008 concerning the petition filed in Plan Case No. 2082-CP-08; and

WHEREAS, the Urbana Plan Commission voted 4 ayes and 2 nays to forward the case to the Urbana City Council with a recommendation to deny the request that the Comprehensive Plan designation for 502, 504 and 508 East Elm Street be changed from Central Business to Residential (Urban Pattern); and

WHEREAS, the Urbana City Council has determined it is in the best interest of the citizens of the City of Urbana to amend the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Comprehensive Plan Future Land Use Map of Urbana, Illinois, is herewith and hereby amended to change the land use designation of the following described properties from Central Business to Residential (Urban Pattern).

LEGAL DESCRIPTION:

Lot 2, the West 33 feet of Lot 3, and Lot 5 in Block 1 of James Thorpe's Subdivision of Blocks 1 and 2 of James Thorpe's Addition to the City of Urbana,

COPY

according to the plat of said Subdivision recorded August 25, 1897 in Book "A" of Plats at page 331, situated in Champaign County, Illinois. The properties are more commonly known as 502, 504 and 508 East Elm Street, Urbana, Illinois.

Parcel Nos.: 92-21-17-229-003, 92-21-17-229-004 and 92-21-17-229-007

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 15th day of September, 2008.

AYES: Barnes, Bowersox, Gehring, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 25th day of September, 2008.

2008.

Laurel Lunt Prussing
City Clerk
Laurel Lunt Prussing
Deputy Clerk
Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2008-09-116

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF URBANA, ILLINOIS**

**(Rezoning of 502, 504 and 508 East Elm Street from R-5, Medium High
Density Multiple-Family Residential, to R-3, Single- and
Two-Family Residential - Plan Case No. 2083-M-08)**

WHEREAS, Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Abrams have petitioned the City for a Zoning Map Amendment to rezone 502, 504 and 508 East Elm Street from to R-5, Medium High Density Multiple-Family Residential to R-3, Single and Two-Family Residential; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on August 21, 2008 and September 4, 2008 concerning the petition filed in Plan Case No. 2083-M-08; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 4 ayes and 2 nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request of the properties herein described below from R-5, Medium High Density Multiple-Family Residential to R-3, Single and Two-Family Residential; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

COPY

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described properties from R-5, Medium High Density Multiple Family Residential to R-3, Single and Two-Family Residential.

LEGAL DESCRIPTION:

Lot 2, the West 33 feet of Lot 3, and Lot 5 in Block 1 of James Thorpe's Subdivision of Blocks 1 and 2 of James Thorpe's Addition to the City of Urbana, according to the plat of said Subdivision recorded August 25, 1897 in Book "A" of Plats at page 331, situated in Champaign County, Illinois. The properties are more commonly known as 502, 504 and 508 East Elm Street, Urbana, Illinois.

Parcel Nos.: 92-21-17-229-003, 92-21-17-229-004 and 92-21-17-229-007

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 15th day of September, 2008.

AYES: Barnes, Bowersox, ~~Gerhard~~ Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 25th day of September,

2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2008-11-129

AN ORDINANCE AMENDING THE CITY OF URBANA COMPREHENSIVE PLAN 2005

(Crystal Lake Neighborhood Plan Amendment - Plan Case No. 2088-CP-08)

WHEREAS, the Urbana City Council on April 11, 2005 in Ordinance No. 2005-03-050 adopted the 2005 City of Urbana Comprehensive Plan; and

WHEREAS, the 2005 Comprehensive Plan contains goals, objectives, policies, future land use maps, and other recommendations pertaining to the entire City; and

WHEREAS, the 2005 Comprehensive Plan states that Neighborhood Plans may be adopted and considered an extension of the Comprehensive Plan in order to address specific issues that arise in a defined neighborhood; and

WHEREAS, changing conditions in the Crystal Lake Neighborhood warrant the creation of a plan specific to the area which will address concerns of the residents and area stakeholders, as well as provide a context for agency plans adopted within the area; and

WHEREAS, after due publication and proper legal notification of a public hearing on October 9, 2008, which was continued on October 23, 2008, the Urbana Plan Commission voted 3 ayes to 2 nay to recommended that the Urbana City Council adopt the Crystal Lake Neighborhood Plan as an official amendment to 2005 Urbana Comprehensive Plan; and

WHEREAS, the City Council finds that it is in the public interest to adopt an amendment to the 2005 Urbana Comprehensive Plan to provide a detailed plan to achieve these public policies.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The attached document entitled "Crystal Lake Neighborhood Plan", dated November 2008, and incorporated herein by reference is hereby

COPY

adopted in whole as an amendment to the 2005 Comprehensive Plan of the City of Urbana, as amended.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities and thereafter file a certified copy in the Champaign County Recorder's Office in conformance with Chapter 65, Section 11-12-7 of the Illinois Compiled Statutes (65 ILCS 5/11-12-7).

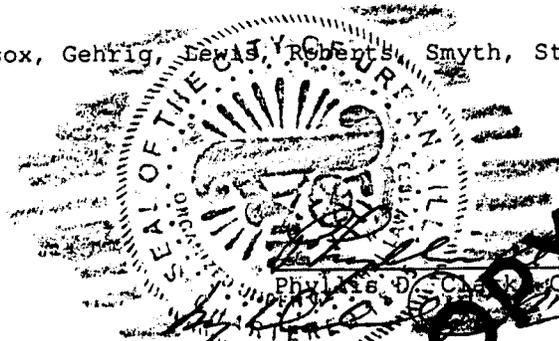
Section 3. This Ordinance shall be in full force and effect upon the expiration of 10 days after the date of filing notice of the adoption of the comprehensive plan amendment with the Champaign County Recorder, in conformance with Chapter 65, Section 11-12-7 of the Illinois Compiled Statutes (65 ILCS 5/11-12-7).

PASSED by the City Council this 17th day of November, 2008.

AYES: Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Deputy Clerk

APPROVED by the Mayor this 24th day of November,

2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

COPY

ORDINANCE NO. 2008-12-146

**AN ORDINANCE APPROVING AND AUTHORIZING
THE EXECUTION OF AN ANNEXATION AGREEMENT**

(109 Country Club Road / Mennenga Construction, Inc.)

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Mennenga Construction, Inc. has been submitted for the Urbana City Council's consideration, a copy of which is attached; and

WHEREAS, said agreement governs a tract totaling approximately 9,148 square feet located at 109 Country Club Road and said tract is legally described as follows:

Lot 1 in Hazel Thompson's Subdivision of Lots 1 and 2 of Block 5 of Parkview Subdivision of Lots 5, 6, 11, and 12 of a subdivision of the Northeast East $\frac{1}{4}$ of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian, as per plat recorded in Plat Book "G" at page 138, situated in Champaign County, Illinois. PIN No.: 30-21-08-202-007.

WHEREAS, the City Clerk of Urbana, Illinois, duly published notice on the 28th day of November, 2008 in the News-Gazette, a newspaper of general circulation in the City of Urbana, that a public hearing would be held before the Urbana City Council on the matter of the proposed Annexation Agreement on the 15th day of December, 2008; and

WHEREAS, the City of Urbana, Illinois also mailed notice of the public hearing to each of the Trustees of the Eastern Prairie Fire Protection District on the 3rd day of December, 2008; and

WHEREAS, on the 15th day of December, 2008, the Urbana City Council held a public hearing on the proposed Annexation Agreement; and

WHEREAS, prior to the aforesaid public hearing held by the Urbana City Council, after due and proper notice, a public hearing was held before the

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Urbana Plan Commission on the 4th day of December, 2008, to consider the proposed Annexation Agreement in Case No. 2091-M-08; and

WHEREAS, The Urbana City Council has determined that the proposed Annexation Agreement is in conformance with the goals and objectives of the City of Urbana's Official Comprehensive Plan; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed annexation agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Annexation Agreement between the City of Urbana, Illinois and Mennenga Construction, Inc., a copy of which is attached and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver, and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Annexation Agreement, for and on behalf of the City of Urbana, Illinois.

Section 3. The City Clerk is directed to record a certified copy of this Ordinance and the Annexation Agreement herein approved, as amended, with the Recorder of Deeds of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds of the members of the City Council of the City of Urbana, Illinois, then holding office, at a regular meeting of said Council.

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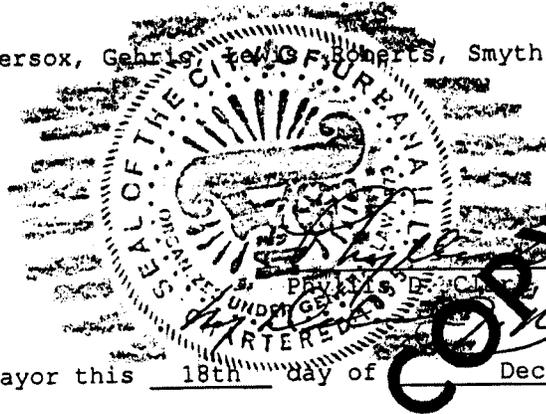
PASSED by the City Council this 15th day of December,

2008.

AYES: Barnes, Bowersox, Gehris, ~~W.C.F.~~ Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



[Signature]
City Clerk

[Signature]
Deputy Clerk

APPROVED by the Mayor this 18th day of December,

2008.

[Signature]
Laurel Lunt Prussing, Mayor

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS**

(Omnibus Zoning Ordinance Text Amendment - Plan Case No. 2063-T-08)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Ordinance has periodically been recodified and republished by the City of Urbana to incorporate the numerous amendments that have been made since Ordinance #9293-124 was adopted on June 21, 1993; and

WHEREAS, the Urbana Zoning Administrator proposes to enact an omnibus Zoning Ordinance amendment as part of the process of editing the Ordinance to recodify and republish it; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance, which includes numerous miscellaneous editorial changes as part of the recodification and republishing of the Zoning Ordinance; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #2063-T-08; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on November 20, 2008 which was continued to the December 4, 2008 meeting; and

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WHEREAS, the Urbana Plan Commission voted 8 ayes to 0 nays on December 4, 2008 to forward Plan Case #2063-T-08 to the Urbana City Council with a recommendation for approval of the proposed amendment; and

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. Section I-2, Relationship to State Zoning Act, is hereby amended as follows:

This Ordinance is enacted by the corporate authorities of the City of Urbana, Illinois, pursuant to its home rule powers as provided for in Article VII, Section 6, of the Constitution of the State of Illinois, 1970. It is recognized that some provisions of this Ordinance are presently inconsistent with the State Zoning Act (65 ILCS 5/11-13-1, et. seq.), and that future amendments to either the State Zoning Act or this Ordinance shall create inconsistencies between the State Zoning Act and this Ordinance; therefore, as a guide to interpretation in such instances, the following shall be applied: Where the provisions of this Ordinance, regardless of when enacted, provide differently from the State Zoning Act either when such Ordinance is enacted or because the State Zoning Act was amended after the subject Ordinance was enacted, or where such provisions cannot be reasonably interpreted to be consistent with the State Zoning Act, then the provisions of the Urbana Zoning Ordinance shall control and prevail.

Section 2. Section II-3, Definitions, is hereby amended to delete the following terms and their definitions:

Athletic Training Facility, Non-Residential

Athletic Training Facility, Residential

Building, Detached

Church or Temple

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Day Care Home

Day Care Facility

Flood Hazard Zone Permit

Home for the Aged

Institution of an Educational, Philanthropic, or Eleemosynary Nature

Massage Parlor

Shopping Center

Section 3. Section II-3, Definitions, is hereby amended to include the following terms and their definitions:

Adjoining: Bordering, touching, contiguous, or adjacent. Lots separated by a public right-of-way less than 28 feet wide, but not greater, shall be considered adjoining.

Athletic Training Facilities: A specialized facility provided for the training needs and related activities of athletes. This use may include classrooms and meeting space, as well as specialized sports facilities, such as ball courts, gymnasiums, weight rooms, play fields, and pools. Activities may include training sessions, practices, and competitive events. Unlike a health club or private indoor recreational development, these facilities are primarily for the pre-arranged use of specific teams and programs, rather than for general public walk-in use. However, limited public use is permitted for regular training and fitness classes and public outreach.

Building, Detached: A building having no walls or roofs in common with any other buildings, and separated by a minimum distance as specified in Section VI-5.B.

Church, Temple or Mosque: A building, together with its customary accessory buildings and uses, where people regularly assemble for religious worship, and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship and/or mission.

Day Care Home: Any facility, in a home, for the care of no more than a total of five children or dependent adults, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries," "nursery schools," or "private kindergartens," etc., which provide essential personal care, protection, supervision, or training of preschool or school age children or dependent adults. A day care home shall be considered a home occupation.

Day Care Facility: Any facility, other than a day care home, for the care of children or dependent adults, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries," "nursery schools," or "private kindergartens," etc., which provide essential personal care, protection, supervision, or training of preschool or school age

children or dependent adults. A day care facility shall not be considered a home occupation.

Institution of an Educational or Charitable Nature: A private or public organization that is organized and operated for the purpose of providing an educational or philanthropic service or carrying on a trade or business without profit and for charitable purposes.

Senior Housing: Any age-restricted development, which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semi-private rooms.

Massage Therapist: Any establishment where for pay, massage, alcohol rub, administration of fomentation's, electric or magnetic treatments or any other treatment or manipulation are practiced on the human body. This term shall not apply to adult massage parlors as defined and permitted as an adult entertainment use, nor shall it apply to a place where therapeutic massage or manipulation is conducted by a licensed physician, osteopath, chiropractor, registered or practical nurse operating under a physician's direction, registered speech pathologist, or physical and occupational therapists.

Shopping Center: A complex of three or more business and commercial establishments, planned, developed, and managed as a unit, sharing common parking facilities.

Shopping centers are divided into the following classifications according to building and lot size. In order to qualify for the larger classification, a development must meet both the minimum lot and building areas.

- a) *General Shopping Center.* A shopping center located on a minimum of four acres and having a combined building area of 50,000 square feet or more.
- b) *Convenience Shopping Center.* A shopping center located on a site of more than one acre, but less than four acres, and having between 12,000 and 50,000 square feet of combined building area.

Section 4. Section IV-1, Number and Designation of Districts, is

hereby amended as follows:

In order to carry out the purposes of this Ordinance, as specified in Section I-1, by classifying, regulating, and restricting the location of buildings erected or structurally altered for specific uses, by regulating the use of land and structures, by regulating and limiting the height and bulk of buildings and structures hereafter erected or structurally altered, by regulating and determining the area of yards and other open spaces about buildings, by regulating the intensity of the use of land or buildings, and by regulating off-street parking facilities for certain uses, the City of Urbana, Illinois, is hereby divided into 23 zoning districts, which are hereby established as follows:

- AG Agriculture
- B-1 Neighborhood Business

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B-2 Neighborhood Business - Arterial
B-3 General Business
B-3U General Business - University
B-4 Central Business
B-4E Central Business - Expansion
BYC Boneyard Creek District
CCD Campus Commercial District
CRE Conservation-Recreation-Education
IN Industrial
MIC Medical Institutional Campus
MOR Mixed Office Residential
OP Office Park
R-1 Single-Family Residential
R-2 Single-Family Residential
R-3 Single- and Two-Family Residential
R-4 Medium Density Multiple-Family Residential
R-5 Medium High Density Multiple-Family Residential
R-6 High Density Multiple-Family Residential
R-6B High Density Multiple-Family Residential-Restricted
Business
R-7 University Residential
BDR Business Development and Redevelopment District

Section 5. The final paragraph of Section IV-2.G, Purpose of

Districts, is hereby amended as follows:

Applicability: The MIC District established by this ordinance shall be a conversion zoning district with unique development standards and procedures applicable to development on the properties defined as the Medical Institutional Campus as depicted on the map above. When the City of Urbana issues a building permit to the owner of a property in this area for the development of said property for a medical related use, as that term is defined in Section V-10, the property's zoning shall convert to MIC and the development regulations of the MIC district shall apply. Until that time, the underlying zoning districts and regulations will remain in effect, will govern the permitted use or uses of such properties and will appear on the official City of Urbana Zoning. Upon the owner's receipt of such a building permit, the subject

property will automatically convert to the MIC zoning district. If the owner does not commence construction under the terms of said building permit within one year of its issuance, the MIC zoning will revert to the original zoning in effect as of the date of this Ordinance. Unless otherwise specified within these regulations all other standards and requirements of the Urbana Zoning Ordinance remain in effect. Uses in the Medical Institutional Campus District are for the purpose of definition considered nonresidential uses. Annual updates of the Official Zoning Map of the City of Urbana shall reflect the change in zoning. Additional regulations for the MIC District are located in Section V-10 of this Ordinance.

Section 6. Table IV-1, County to City Zoning Conversion, is hereby amended as follows:

| <i>Former Zoning District Champaign County</i> | <i>New Zoning District City of Urbana</i> |
|--|---|
| <i>C-R Conservation-Recreation</i> | <i>CRE Conservation-Recreation-Education</i> |
| <i>AG-1 Agriculture</i> | <i>AG Agriculture</i> |
| <i>AG-2 Agriculture</i> | <i>AG Agriculture</i> |
| <i>R-1 Single-Family Residence</i> | <i>R-1 Single-Family Residential</i> |
| <i>R-2 Single-Family Residence</i> | <i>R-2 Single-Family Residential</i> |
| <i>R-3 Two-Family Residence</i> | <i>R-3 Single- and Two-Family Residential</i> |
| <i>R-4 Multiple Family Residence</i> | <i>R-4 Medium Density Multiple Family Residential</i> |
| <i>R-5 Manufactured Home Park</i> | <i>AG Agriculture</i> |
| <i>B-1 Rural Trade Center</i> | <i>B-1 Neighborhood Business</i> |
| <i>B-2 Neighborhood Business</i> | <i>B-1 Neighborhood Business</i> |
| <i>B-3 Highway Business</i> | <i>B-3 General Business</i> |
| <i>B-4 General Business</i> | <i>B-3 General Business</i> |
| <i>B-5 Central Business</i> | <i>B-4 Central Business</i> |
| <i>I-1 Light Industry</i> | <i>IN Industrial</i> |
| <i>I-2 Heavy Industry</i> | <i>IN Industrial</i> |

Section 7. Section V-1, Uses Permitted by Right, Conditional Uses, and Special Uses, is hereby amended to include the following paragraph:

C. In the case of a lot which is not entirely in a single zoning district, the portion in each zoning district may be used only for uses and structures permitted by right in that district, or for uses and structures authorized by a conditional or special use permit. No structure shall be erected on the portion of the lot in one zoning district unless that portion and the structure on it complies with all development standards, including the minimum lot size, applicable to such portion of the lot.

Section 8. Paragraph V-2.D.7 is hereby amended as follows:

If such accessory structures or buildings are to be located on a lot containing a single- or two-family dwelling, the maximum permitted building area of the accessory building, regardless of the zoning district, shall be determined as follows:

- a) If the building area of the single- or two-family dwelling on the lot does not exceed 1500 square feet, the aggregate area of all accessory structures shall not exceed 750 square feet.
- b) If the building area of the single- or two-family dwelling on the lot is greater than 1500 square feet, the building area of the accessory building(s) shall not exceed 50% of the building area of that single- or two-family dwelling, or 1000 square feet, whichever is less.
- c) The gross floor area of a shed, as defined herein, shall not exceed 100 square feet.

Section 9. Paragraph V-5.C is hereby deleted.

Section 10. The first sentence of Section V-9, Regulations for Common-Lot-Line Dwelling Units, is hereby amended as follows:

Common-lot-line dwelling units, as defined in Article II and as permitted in Table V-1 of this Ordinance, shall be allowed in conformance with Section VI-3.F and the following restrictions:

Section 11. Paragraph V-10.B is hereby amended as follows:

The following uses are permitted by right in this Overlay Zoning District if constructed within the same structure as a health care-related business: professional office, institution of an educational or charitable nature; telegraph office; university or college; barber shop; beauty shop; fitness center; dry cleaning or laundry establishment; laundry and/or dry cleaning pick-up; self service laundry; mortuary; bank or savings and loan association; vocational, trade or business school; restaurant; café; photographic studio and equipment sales and service; fast-food restaurant; dairy store; confectionery store; stationery-gift shop-art supplies; florist; bookstore. The health care-related or professional medical office use

must be the principal use and exceed the following percentages of the structure's net floor area as outlined below or the property must be rezoned to MIC to allow any of these uses as a stand alone use per Section XI-7 of the Urbana Zoning Ordinance:

Section 12. The first paragraph of Section V-13, Regulation of Home

Occupation, is hereby amended as follows:

Any person seeking a Home Occupation shall submit an application to be reviewed by the Zoning Administrator. Upon approval by the Zoning Administrator, Home Occupations shall be permitted as follows:

Section 13. Table V-1, Table of Uses, is hereby amended shown in

Attachment A.

Section 14. Section VI-2, Height, is hereby amended as follows:

- A. Height limits for principal structures in any given district shall be set forth in Table VI-3.
- B. Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.
- C. Chimneys, towers, elevator bulkheads, monuments, stacks, tanks, spires, church steeples, antennae, and necessary mechanical devices appurtenant to the principal use, may be erected to a height in accordance with existing or hereafter adopted codes and ordinances of the City of Urbana, Illinois.
- D. In the AG, CRE, B-1, B-2, MOR, and OP Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building exceeds two stories or 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.EG.3 and Section VI-5.FH.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.
- E. Accessory buildings in the R-1, R-2, R-3, and R-4 Districts shall not exceed a height of 15 feet. Accessory buildings in the R-5, R-6, and R-7 Districts shall not exceed a height of 15 feet, or one-half the height of the principal building, whichever is greater.

Section 15. Paragraph VI-3.B is hereby deleted.

Section 16. The first sentence of Section VI-4.A is hereby amended as follows:

Floor Area shall be regulated as follows:

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Section 17. Section VI-5, Yards, is hereby amended as follows:

- A. *Definition.* See Article II for the definition of the various types of yards.
- B. Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, or mechanical equipment shall be erected in, occupy, or obstruct a required yard, except as follows (see Section VIII-4 for regulations regarding parking in required yards):
 1. Cornices, sills, belt courses, eaves, and other ornamental features to a distance of not more than two feet, six inches.
 2. Fire escapes to a distance of not more than five feet, or enclosed fire escapes and enclosed balconies leading from fire towers in required rear yards, when such projection is not more than ten feet and when the main structure was built prior to the November 6, 1950. The encroachment or projection shall not be permitted on new construction.
 3. Uncovered stairways and necessary landings, to a distance of not more than four feet, six inches, provided that each stair and landing shall not extend above the entrance floor of the building, except for the railing, not to exceed three feet in height, when the main structure was built prior to November 6, 1950. This encroachment or projection shall not be permitted on new construction.
 4. Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located, and provided further, that in no case shall a bay window or chimney project into a required yard more than one-third of said side yard.
 5. Terraces and open unenclosed porches, that is, porches which may have roofs and mesh screening but which are not glassed in or otherwise walled or enclosed above a height of two and one-half feet above the porch floor, to an encroachment of five feet into a minimum required yard outlined in Table VI-3, regardless of the average setback, but not within five feet of the lot line. Open guardrails, when required by the Building Code, shall not be construed as a violation of this requirement. In addition, ramps or other structures for handicapped accessibility may encroach into required yards.
 6. Porte-cocheres or canopies to a distance of no more than two feet, six inches.
 7. Driveways, walks, fences, walls, and underground structures, provided that any fences or other landscape improvements comply with "An Ordinance to Provide for a Visibility Triangle," as adopted by the Urbana City Council

on November 15, 1976, and as may be subsequently amended, and with all provisions of the Urbana City Code regarding fencing, and also provided that all parking and access thereto comply with Section VIII-4 of this Ordinance.

8. Concrete, asphaltic concrete, or other all-weather surfaces; however parking is allowed only in accordance with provisions of Article VIII of this Ordinance.
 9. Accessory structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, and can not extend nearer than 18 inches as measured from the closest part of the structure, including the roof, to the property line.
 10. Flagpoles, decorative lights, lattices, bird baths, bird houses, and other landscape features.
 11. Balcony which is open, as defined in Article II of this Ordinance, provided that they do not occupy in the aggregate more than one-third of the length of the building wall per floor on which they are located. In no case shall any private open balcony be located within five feet of the property line.
 12. See Section VIII-4 for allowable parking uses in required yards.
 13. Ground-mounted solar panels up to a height of six feet in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts are permitted in required side and rear yards, but shall not extend nearer than 18 inches as measured from the closest part of the structure to the property line.
- C. In the B-1, B-2, B-3, B-4, B-4E, OP or IN District, any yard which adjoins, abuts, or is situated across a dedicated right-of-way of 100 feet or less in width from the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 District shall be the same as that required in the latter District. In the B-4E District, this provision shall apply only to yards on lots that are directly adjoining and not to any yards on lots that are separated by a public right-of-way of any kind.
- D. *Multiple Frontage Lots*
1. Lots having frontage on two or more streets shall have a required front yard on each street frontage, as provided in Table VI-3 and in Section VI-5, except that neither the buildable width nor depth of the lot shall be reduced to less than 30 feet, except for common-lot-line dwelling units where the buildable width may be reduced to 20 feet as provided in Section V-9 of this Ordinance. On lots having frontage on two or more streets in the R-6 and R-6B Districts, the front yard on each street frontage shall not be less than the minimum required in relation to the height of the building, as provided in Table VI-3. (Ord. No. 9596-58, 11-20-95)

2. Except for common-lot-line dwelling units, which may have a buildable width of 20 feet as provided in Section V-9 of this Ordinance, the provision of required side yards shall not reduce the buildable width of a lot to less than 30 feet, except that a required relation to the height of the building, as provided in Table VI-3 and in Section VI-5, the buildable width of the lot may be reduced to less than 30 feet, as may be necessary in order to provide the yards as required in relation to the building height.
3. The rear line of the rectangular or generally rectangular lot with frontage on two intersecting streets shall be the line parallel or approximately parallel to the narrower of the two street frontages.
4. In addition to all requirements of this Ordinance, all provisions of "An Ordinance to Provide for a Visibility Triangle," as adopted by the Urbana City Council on November 15, 1976, and as may be subsequently amended, shall apply. In the case of any inconsistency between said Ordinance and this Ordinance, the more restrictive provision shall apply.

E. Front Yards

1. In the R-1, R-2, R-3, R-4, R-5, R-7, and MOR Districts, where lots comprising more than 40% of the frontage in a block are improved with buildings, not less than the average depth of the front yards of all lots in the block shall be maintained by all new buildings and by all alterations of existing buildings in the block, except that this provision shall not require a front yard of more than 60 feet, in the R-1 zone and 25 feet in the R-2, R-3, R-4, R-5, R-7, and MOR Districts nor less than the minimum required in the district in which they are located, nor shall it reduce the buildable dimension of the lot to less than 30 feet. For the purpose of computing such an average depth, vacant lots within such frontage shall be considered as having the minimum front yard required in that district.
2. No display of merchandise shall be placed in any required front yard except for vehicles at an automobile sales lot, when screened in compliance with Section VI-6.B.2.

F. Side Yards

1. For the purpose of side yard regulations, a duplex dwelling or a multiple-family dwelling shall be deemed one building occupying one lot.
2. Common-lot-line dwelling units shall conform to the side yard regulations as provided in Section V-9 of this Ordinance.
3. In the AG, CRE, Residential, B-1, B-2, OP, and MOR Districts, and for residential uses in the B-3 and B-4 Districts, each required side yard shall be increased by three feet for each ten feet or fraction thereof over 25 feet in building height, whichever is greater.

4. The side yard of a lot which immediately adjoins or is directly opposite property in another district which requires a greater side yard shall not be less than that required in the adjoining or opposite district. In the B-4E District, this provision shall apply only to yards on lots that are directly adjoining and not to any yards on lots that are separated by a public right-of-way of any kind.
5. When two or more principal structures are located on a single zoning lot in the MOR District, the buildings shall be separated by a minimum of 14 feet.

G. Rear Yards

1. In the AG, CRE, R, B-1, B-2, OP, and MOR Districts, and for residential uses in the B-3 and B-4 Districts, the required rear yard shall be increased by three feet for each ten feet or fraction thereof over 25 feet in height.
2. Unenclosed and uncovered off-street parking spaces are permitted in a required rear yard.
3. In the AG and CRE Districts, the required rear yard shall be reduced to 20% of the lot depth if the lot is less than 125 feet deep, provided that the rear yard shall be at least 15 feet deep.

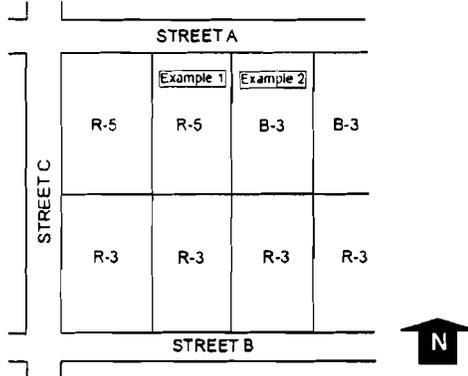
Section 18. Section VI-6, Screening, is hereby amended as follows:

A. Buffer and Landscape Yards

1. Applicability. This section shall be applicable when a building permit is required for new construction of a principal building or where the square footage of an addition to an existing building exceeds the existing square footage of the building on the zoning lot.
2. In order to minimize the impacts between uses of varying intensity, to create a more attractive community, and to provide a greener edge to our urban environment, the following requirements shall apply:
 - a) Buffer Yards
 - 1) If Table VI-3 requires greater minimum yards than this subsection, the greater yard shall apply and a landscaping buffer will be required per Table VI-2.
 - 2) Yards per Table VI-1 shall apply to the applicable side and/or rear yard of the subject property when the zoning designation of the subject property is different than the zoning designation of the property immediately adjacent. (See Following Example)

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EXAMPLE



Example 1: Rear yard required to have a minimum depth of ten feet because the rear yard is adjacent to property zoned R-3. All other yards required to meet setback requirements in Table VI-3.

Example 2: West side yard required to have a minimum depth of ten feet because adjacent to property zoned R-5 to the west. Rear yard required to have a minimum depth of ten feet because the rear yard is adjacent to property zoned R-3. All other yards required to meet setback requirements in Table VI-3.

TABLE VI-1. BUFFER YARDS

| | | SUBJECT PROPERTY | | | | | | | | | | | | | | | | |
|-------------------|------|---|-----|-----|------|-----|---|-----|-----|------|-----|--|----|----|--|--|--|--|
| | | R-4 | R-5 | R-6 | R-6B | R-7 | B-1 | B-2 | B-3 | B-3U | B-4 | B-4E | IN | OP | | | | |
| ADJACENT PROPERTY | R-1 | SIDE YARD: shall have a minimum depth of ten feet .* | | | | | SIDE YARD: as required by Table VI-3. | | | | | REAR YARD: shall have a minimum depth of ten feet . | | | | | | |
| | R-2 | REAR YARD: shall have a minimum depth of ten feet . | | | | | REAR YARD: shall have a minimum depth of ten feet . | | | | | | | | | | | |
| | R-3 | | | | | | | | | | | | | | | | | |
| | R-4 | See Table VI-3 for required setback. | | | | | SIDE YARD: shall have a minimum depth of ten feet .* | | | | | | | | | | | |
| | R-5 | | | | | | | | | | | | | | | | | |
| | R-6 | | | | | | | | | | | | | | | | | |
| | R-6B | | | | | | | | | | | | | | | | | |
| | R-7 | | | | | | | | | | | | | | | | | |
| | MOR | | | | | | REAR YARD: shall have a minimum depth of ten feet . | | | | | | | | | | | |

* In these instances, no access drive may encroach into the required side yard unless the Zoning Administrator determines that there is no feasible alternative to access parking on the site.

b) Landscaping Buffer

- 1) A landscaping buffer per Table VI-2 shall apply to the applicable side and/or rear yard of the subject property when the zoning designation of the subject property is different than the zoning designation of the property immediately adjacent.

TABLE VI-2. LANDSCAPING BUFFER

| | | SUBJECT PROPERTY | | | | | | | | | | | | | | | | | | |
|-------------------|------|---|-----|-----|------|-----|--|--|---|------|---|-------|----|----|--|---|--|--|--|--|
| | | R-4 | R-5 | R-6 | R-6B | R-7 | B-1 | B-2 | B-3 | B-3U | B-4 | B-4E* | IN | OP | | | | | | |
| ADJACENT PROPERTY | R-1 | SIDE YARD: shall provide a landscape buffer with a minimum depth of five feet . | | | | | | SIDE YARD: shall provide a solid six-foot high wood or masonry fence . | | | REAR YARD: shall provide a landscape buffer with a minimum depth of five feet . | | | | | | | | | |
| | R-2 | | | | | | | | | | | | | | | REAR YARD: shall provide a landscape buffer with a minimum depth of five feet . | | | | |
| | R-3 | | | | | | | | | | | | | | | | | | | |
| | R-4 | No screening required. | | | | | REAR YARD: shall provide a solid six-foot high wood or masonry fence . | | SIDE YARD: shall provide a landscape buffer with a minimum depth of five feet . | | | | | | | | | | | |
| | R-5 | | | | | | | | | | | | | | | REAR YARD: shall provide a landscape buffer with a minimum depth of five feet . | | | | |
| | R-6 | | | | | | | | | | | | | | | | | | | |
| | R-6B | | | | | | | | | | | | | | | | | | | |
| | R-7 | | | | | | | | | | | | | | | | | | | |
| | MOR | | | | | | | | | | | | | | | | | | | |

* See Section VI-6.A.2.b.2 for additional requirements for the B-4E zoning district.

- 2) The following additional landscaping requirements apply to the B4-E zoning district:
 - a) In the B-4E District, the required front yard, except for allowed access for access drives and sidewalks, shall be landscaped with a combination of grass or other suitable ground cover, flowers, shrubs, and trees or decorative pavement, walls, or fences in conformance with this Section and other provisions of this ordinance.
 - b) In the B-4E District, a decorative wall no more than two feet in height may be located within the required front yard setback. It shall consist of landscaping timbers, stone, brick or finished masonry materials. Said wall may be provided as a supplement to the landscaping required herein but shall not be considered as a substitution for the type or amount of landscaping required herein.

- 3) Shrubs and trees shall be provided in the amount of one tree and three shrubs for every 40 linear feet or fraction thereof along the applicable required landscaped buffer yard of the zoning lot.
- 4) The shade trees and shrubs required shall be among the species listed in Table VI-4 and Table VI-5, except where alternative species may be approved by the Zoning Administrator upon the recommendation of the City Arborist and in conformance with the Urbana Arboricultural Specifications Manual.
- 5) All shrub species, except boxwood, shall be spaced at least three feet apart, as measured from center to center at planting grade, and have a minimum initial planting height of 18 inches. The boxwood species shall be spaced at least 30 inches apart and have a minimum initial planting height of 15 inches.
- 6) A ground cover with living grass or other ground cover type plant material shall be required on a minimum of 75% of the square footage in the applicable required landscaped yard excluding the access drives that may be allowed. The remaining 25% of the applicable required yard area may be non-living landscaping materials including bark or wood chips, rock, stone, decorative pavement, landscaping timbers, or other similar material.
- 7) A retaining wall to support a raised planting area for landscaping shall be no more than four feet in height and the width of such a raised planting area shall be greater than its height.
- 8) All plant materials required by this Section shall be maintained as living vegetation and shall be promptly replaced within a reasonable period of time, based on seasonal conditions, following notice that such vegetation needs to be replaced. Such notice shall be provided in writing to the owner of the property by the Zoning Administrator upon the recommendation of the City Arborist.

B. Screening of Off-Street Parking and Loading Areas

- 1) All off-street parking lots shall be screened with an adequate screen fence or screen planting as required in Section VIII-3.F.
- 2) In the B-2, B-3, B-3U, CCD and IN Zoning Districts, parking or storage of vehicles for sale is permitted to encroach ten feet into the required 15 foot front yard setback if the encroachment conforms to the regulations set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8.
- 3) When off-street parking is provided in the B-4E District, the parking lot(s) shall be screened with an adequate screen fence or screen planting in conformance with the provisions of Section VIII-3.F.

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- 4) When parking is provided at ground level below any part of a principal structure in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Districts or the MOR District, said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing, landscaping, or other suitable screening around the perimeter of the structure in accordance with the provisions of Section VIII-3.F.
 - 5) Loading areas and non-refuse storage areas which adjoin a residential district or use, or which are separated by a public right-of-way from a residential district or use, shall be screened to meet the requirements for the screening of off-street parking areas, as specified in Section VIII-2.F.
- C. Trash containers and trash collection areas for all non-residential and multi-family uses shall be screened so that no portion of such container or area is visible from public rights-of-way or adjacent properties. Screening may consist of a wall, opaque fence, earthen berms, landscaping, or any combination thereof.
- D. Ground-mounted mechanical equipment for all non-residential uses shall be screened from view at ground level from public rights of way and adjacent residential districts. Screening may consist of a wall, opaque fence, earthen berms, landscaping, or any combination thereof.
- E. Outdoor Storage Screening.
1. The requirements of this section apply to outdoor storage areas (as defined in Article II) existing on any parcel in use as a construction yard, warehouse, automobile salvage yard, automobile-truck repair, towing service, electrical substation, or any other industrial use as listed in Table V-3. Outdoor storage in these areas shall be screened from view of all public rights-of-way and adjacent properties that are in residential use or are zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, or MOR.
 2. Areas subject to this section shall be effectively screened through any combination of fences, walls, berming, or landscaping, as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator and in conformance with the following standards:
 - a) The screen shall be at least six feet but not more than eight feet in height and shall provide a permanent, opaque, year-round visual barrier to ensure that outdoor storage areas are not visible from public rights-of-way or adjacent residential property as identified above. Additional height and/or security measures shall be approved if security provisions are warranted and subject to the review and approval of the Zoning Administrator.

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- b) Materials and colors of fences and walls shall be compatible with surrounding development and shall be durable and intended for outdoor usage.
 - c) Acceptable fencing materials include wood, masonry, pre-cast decorative concrete panel, aluminum and vinyl. Corrugated sheet metal and "Jersey" style concrete barriers shall be prohibited as fencing or screening materials. Alternative materials may be allowed upon review and approval by the Zoning Administrator.
 - d) Any wall or fence extending more than forty feet in length shall be landscaped on its exterior in accordance with the planting species, spacing, and care requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.
 - e) Masonry or concrete walls shall have a column or other design variation every twenty feet.
 - f) When the height of items to be stored is greater than eight feet, trees of a minimum three-inch caliper shall be planted in addition to the eight-foot high maximum screening required by this section. Plantings shall be in accordance with the species, spacing, and care requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.
 - g) If landscaping is to be used as the primary screen, it shall be no less than four feet in height at time of planting and upon maturity shall be maintained at a minimum of six feet. Planting species, spacing, and care shall be in accordance with the requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.
 - h) Fence construction is also subject to the requirements set forth in Chapter 7 of the City of Urbana Code of Ordinances.
 - i) Parking lot screening requirements are as set forth in Section VI-6.A-G and Section VIII-3.F.
3. All existing outdoor storage areas made non-conforming by the adoption of Section VI-6-E shall be brought into conformance with this section within twenty-four months from the effective date of the amending ordinance unless an extension is approved in writing by the Urbana Zoning Administrator, or unless a special use, conditional use, or other specific site plan approval has been previously granted by the City which incorporates an alternate screening treatment under which the property remains in compliance.
- F. Screening shall be well maintained and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair; walls and fences shall be maintained in an upright condition; deteriorated or damaged masonry and wood fences shall be replaced within a period of thirty days, or as

soon as weather permits; plant material shall be maintained in accordance with Section VI-6.A.2.b.8. If the screen is destroyed by any force majeure, the replacement period may be extended by the Zoning Administrator upon written application.

- G. Screening and landscaping, whether or not required by this Ordinance, shall not obstruct or interfere with the visibility triangle specified in Section VI-5.E.4.

Section 19. Table VI-1, Shade Tree Species, is hereby deleted.

Section 20. Table VI-2, Shrub Species, is hereby deleted.

Section 21. Table VI-3, Development Regulations by District, is hereby amended as follows:

TABLE VI-3. DEVELOPMENT REGULATIONS BY DISTRICT

| Zoning District | Minimum Lot Size (In square feet unless otherwise indicated) | Minimum or Average Lot Width (In feet) | Maximum Height of Principal Structure (In feet) | Maximum Floor Area Ratio | Minimum Open Space Ratio | Required Yards (In Feet) ¹ | | |
|------------------|---|---|--|--------------------------|--------------------------|--|----------------------|------|
| | | | | | | Front | Side | Rear |
| AG | 1 acre ² | 150 | 35 ³ | 0.25 | 0.55 | 25 | 15 | 25 |
| B-1 | 6,000 | 60 | 35 ³ | 0.30 | none | 15 | 7 | 10 |
| B-2 | 6,000 | 60 | 35 ³ | 1.50 ⁴ | 0.15 | 15 | 10 | 15 |
| B-3 | 6,000 | 60 | none ³ | 4.00 | none | 15 | 5 | 10 |
| B-3U | 6,000 | 60 | none | 4.00 | 0.10 | 15 | 5 | 5 |
| B-4 | 2,000 | 20 | none ³ | 9.00 | none | none | none | none |
| B-4E | 4,000 | 40 | none | 6.00 | none | 6 | 5 | 5 |
| CCD | 6,000 | 60 | none | 4.0 | 0.10 ⁵ | 6 | 5 | 5 |
| CRE | 1 acre | 150 | 35 ³ | 0.25 | 0.55 | 25 | 15 | 25 |
| IN | 10,000 | 90 | none | 1.00 | none | 25 | none | none |
| MIC ^b | 4,000 | 40 | none | 9.00 ⁷ | none | 6 | 5 | 5 |
| MOR | 6,000 | 60 | 35 ³ | 0.70 ⁸ | 0.30 ⁸ | 15 ^v | 7 (17) ¹⁰ | 10 |
| OP | 1 acre | 150 | 50 ³ | 0.5 | 0.55 | 25 | 15 | 25 |
| R-1 | 9000 ¹¹ | 80 | 35 | 0.30 ¹¹ | 0.50 ¹¹ | 25 ^v | 5 (15) ¹² | 10 |
| R-2 | 6,000 ¹³ | 60 ¹³ | 35 ¹⁷ | 0.40 | 0.40 | 15 ^v | 5 | 10 |
| R-3 | 6,000 ¹³ | 60 ¹³ | 35 ¹⁷ | 0.40 | 0.40 | 15 ^v | 5 | 10 |
| R-4 | 6,000 | 60 | 35 ¹⁷ | 0.50 ¹⁴ | 0.35 | 15 ^v | 5 | 10 |
| R-5 | 6,000 | 60 | 35 | 0.90 | 0.30 | 15 ^v | 5 | 5 |
| R-6 | 6,000 | 60 | See Note 15 | 1.40 | 0.25 | 15 | 5 | 10 |
| R-6B | 6,000 | 60 | See Note 15 | 1.50 ¹⁸ | none | 15 | 5 | 10 |
| R-7 | 6,000 | 60 | 35 | 0.50 | 0.35 | 15 ^v | 5 | 10 |

Footnotes

Note: In addition to the footnotes below, please refer to Article V for use regulations, Article VII for conditional and special use procedures, Article VIII for parking regulations, Article IX for sign regulations, Article XII for historic preservation regulations, and Article XIII for special development provisions.

1. See Section VI-5 and Section VIII-4 for further information about required yards.
2. The minimum lot size for cropping in the AG, Agriculture Zoning District is five acres.
3. In the AG, CRE, B-1, B-2, MOR, and OP Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.G.3 and Section VI-5.H.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.
4. See Section V-7.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the B-2 District.
5. The Open Space Ratio (OSR) in the CCD, Campus Commercial District shall be applied as follows:
 - a) The open space ratio requirement in the CCD, Campus Commercial District shall only be applied for the residential square footage of the development.
 - b) In the CCD, Campus Commercial District the first floor of residential development may be considered the ground level area for development for applying the open space ratio requirement.
 - c) There shall be no minimum requirement for permeable ground cover and no maximum requirement for paved recreation areas in the open space requirement for development in the CCD Zoning District (Ord. No. 2003-02-017, 02-17-03).
6. The following regulations shall apply during the review of a development proposal for a building permit in the MIC District, with exceptions as noted in Section V-10 of the Zoning Ordinance.
7. In the MIC District, the minimum floor area that shall be devoted to health care-related or professional medical office uses is outlined in Section V-10.B of this Ordinance.
8. See Section VI-3.E for additional regulations regarding FAR and OSR in the MOR District.
9. In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Sec. VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Sec. VI-5.D.1. (Ord. No. 9596-58, 11-20-95) (Ord. No. 9697-154) (Ord. No. 2001-03-018, 03-05-01)

10. In the MOR District, the sum of the two required side yards shall not be less than 17 feet.
11. In the R-1 District, any lot platted and of public record before November 6, 1950 and presently having a lot width of 65 feet or less and a lot area of less than 7,500 five hundred square feet may be developed in accordance with the development regulations for the maximum FAR and the minimum OSR of the R-3 District as specified above. (Ord. No. 8384-25, sec. 5; Ord. No. 8586-53, sec. 2, 1-20-86; Ord. No. 9091-16, 8-6-90; Ord. No. 9091-59, sec. 14, 11-19-90; Ord. No. 9091-60, sec. 11, 11-19-90; Ord. No. 9091-61, sec. 8, 11-19-90; Ord. No. 9091-62, sec. 8, 11-19-90; Ord. No. 9091-132, sec. 1, 5-20-91; Ord. No. 9091-133, 5-20-91)
12. In the R-1 District, the sum of the two required side yards shall not be less than 15 feet.
13. In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.
14. In the R-4 District, the maximum floor area ratio may be increased to 0.70, provided that there is a minimum of 2,000 square feet of lot area per dwelling unit.
15. In the R-6 and R-6B Districts, the maximum height is twice the distance from the street centerline to the face of the building.
16. See Section V-5.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the R-6B District.
17. Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.

Section 22. Table VI-4, Shade Tree Species, is hereby adopted as part of Article VI as follows:

TABLE VI-4. SHADE TREE SPECIES

| | |
|--|-------------------------|
| Amur Maple | Hackberry |
| Hedge Maple | Sugar Hackberry |
| State Street Miyabei Maple | Ginkgo |
| Pacific Sunset Maple | Goldenrain Tree |
| Paperbark Maple | Kentucky Coffee Tree |
| Black Maple | European Larch |
| Amur Corktree (only male clone varieties) | Japanese Tree Lilac |
| Apple Serviceberry | Silver Linden |
| Bald Cypress | American Sentry Linden |
| Cornelian Cherry Dogwood | Regal Prince (Long) Oak |
| Crabapple (only disease free / improved cultivars) | Swamp White Oak |
| Lacebark Elm | Sawtooth Oak |
| Triumph Elm | Bur Oak |
| Turkish Filbert | Limber Pine |

Section 23. Table VI-4, Shrub Species, is hereby adopted as part of Article VI as follows:

TABLE VI-5. SHRUB SPECIES

| |
|---|
| Chinese Juniper (recommend intermediate cultivars) |
| Savin Juniper |
| Swiss Mountain Pine |
| Eastern Arborvitae |
| Western Arborvitae |
| Brown's Anglo-Japanese Yew (recommend intermediate cultivars) |
| Japanese Barberry (requires well drained soil) |
| Mentor Barberry |
| Korean Boxwood "Wintergreen" |
| Spreading Cotoneaster |
| Compact Winged Euonymus |
| Fragrant Sumac |
| Compact European Cranberry Bush |

Section 24. Paragraph VII-3.B is hereby amended as follows:

Unless otherwise specifically stated by the Zoning Board of Appeals, a conditional use shall be valid until the conditional use is discontinued. Valid conditional use approval is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required). If a building permit or Certificate of Occupancy is not issued within one year or approval the conditional use permit shall no longer be valid.

Section 25. Paragraph VII-5.B is hereby amended as follows:

Unless otherwise specifically stated by the City Council, the special use approval shall be valid until the special use is discontinued. Valid special use approval in the form of an ordinance is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required). If a building permit or Certificate of Occupancy is not issued within one year of approval the special use permit shall no longer be valid.

Section 26. Section VIII-3, Design and Specifications of Off-Street

Parking, Subsection A, is hereby amended as follows:

A. Design and Construction Requirements

1. Adjacent residential uses shall be screened in accordance with Section VIII-3.F from direct rays of light from the illumination of any off-street parking areas.
2. All off-street parking lots, access drives, off-street loading areas, and parking spaces shall be paved with a hard surface, including oil-and-chip, concrete, asphalt, brick, permeable asphalt, permeable pavers or other suitable surface including new environmentally friendly technologies, as approved by the Zoning Administrator so that the environment created is dust free and conforms to the following criteria:
 - a) The pavement design shall be such that any material composing the pavement and the soil underneath is not displaced by traffic movement in a manner that generates pollution in the air due to flying particles and causes damage, injury, or nuisance to the people/vehicles which use the facility.
 - b) The design and construction of the pavement shall be such that the physical appearance, characteristics, performance, and rigidity of the surface that comes into direct contact with vehicles does not change with varying weather conditions. The form and texture of the surface shall be conducive to safe flow of traffic.
 - c) Notwithstanding normal wear and tear, the surface and appearance of the parking lot shall be maintained to perform as originally designed.
3. Driveways and access drives existing as of March 1, 1990 which are not improved with a surface specified above shall not be required to be paved unless a new structure intended to be occupied by a principal use is constructed or the driveway is reconstructed. Access drives resurfaced with additional gravel shall be contained with a curb or approved landscape edging treatment.
4. Where a garage is not provided in new construction of single- or two-family dwellings, a paved driveway and access drive shall be provided to accommodate a minimum of

two off-street parking spaces per dwelling unit which will not encroach on the public right-of-way. (See Section VIII-3.H for drainage requirements)

5. The 2001 Champaign-Urbana Urbanized Area Transportation Study (CUUATS) Access Management Guidelines shall be generally followed to determine the location and number of access drives.

Section 27. Table VIII-3, Widths for Access Drives, is hereby amended

as follows:

TABLE VIII-3. WIDTHS FOR ACCESS DRIVES

| | Minimum Width (in feet) | | Maximum Width (in feet) ¹ | |
|------------------------------------|-------------------------|---------|--|---------|
| | One-Way | Two-Way | One-Way | Two-Way |
| Single Family and Duplex Buildings | 9 | 9 | Primary drive - 35 feet; Secondary drive - 15 feet | |
| Three or More Dwelling Units | 12 | 20 | 24 feet or one-third of the minimum lot width for the zoning district, (as specified on Table VI-3) whichever is greater If a zoning lot has a linear street frontage greater than 150 feet, the maximum width shall be 50 feet | |
| Commercial or Industrial Uses | 12 | 22 | | |

Notes: 1) Per VIII-4.F.1, access drives serving single-family homes, duplexes and individual townhomes shall not exceed 45% of the total lot width.

Section 28. Paragraph VIII-3.F.3(f), is hereby amended as follows:

As required in Section VI-6.B.4, when parking is provided at ground level below any part of a principal structure in the Residential Districts, said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing, landscaping or other suitable screening around the perimeter of the structure in accordance with the provisions of this Section VIII-3.F.

Section 29. Section VIII-4, Location of Parking Facilities, Subsection

F, is hereby amended as follows:

F. Parking in a Required Yard is Prohibited Except as Follows:

1. Access drives clearly serving single-family dwelling units, individual townhouses or duplex dwelling units may contain required parking for licensed passenger vehicles in the required front or side yard except that such area devoted to parking and access thereto shall not exceed 45% of the

total lot width. Such spaces may be stacked. Accessory spaces provided pursuant to Section VIII.4.J shall not be located in a required front yard.

2. Accessory off-street parking may locate in the required side yard and rear yard, provided that the parking is located behind the rear face of the principal structure. In the case of a lot with no principal structure on which a principal use parking lot is to be located, parking may be located in the rear or side yard. (Ord. No. 9697-154, 6-16-97) (Ord. No. 1999-06-045, 06-11-99)
3. Off-street parking in a required rear yard is prohibited in the MOR District unless it is determined by the MOR Development Review Board that a combination of fencing and/or vegetation have been installed and maintained to meet the requirements of Section VIII-3.F and which can reasonably be expected to shield such parking from view from adjacent residential structures within five years of the date on which such parking is allowed.
4. In the B-2 and B3-U Zoning Districts, parking is permitted to locate in the required side yard setback (up to within 18 inches of the property line per Section VIII-4.G) if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and if the adjacent area is also used for parking.
5. In the B-3 Zoning District, parking may locate in the required side yard setback (up to within 18 inches of the property line per Section VIII-4.G) if the zoning district adjacent to the setback is designated B-1, B-2, B-3, B-3U, B-4, B-4E, IN, MIC or OP and if the adjacent area is also used for parking.
6. Parking in the B-2, B-3, B-3U, CCD, and IN Zoning District shall be permitted to encroach ten feet into the required 15 foot front yard but no closer than five feet from the property line if the requirements set forth in Section VI-6.B.2 are met.

Section 30. Section VIII-7, Bicycle Parking, is hereby amended as

follows:

- A. Provisions for the convenient and accessible parking of bicycles shall be made in accordance with Table VIII-6. In addition the following provisions shall also apply:
 1. Zoning Administrator Review
 - a) The Zoning Administrator shall determine whether proposed developments are subject to the bicycle parking requirements set forth in Table VIII-6, based upon demand generated by the use, the locations of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.

- b) For non-residential uses, bicycle parking spaces shall be required only for those developments requiring 10 or more automobile parking spaces per Table VIII-7.
- c) The Zoning Administrator shall have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.

2. Type and Location of Bicycle Parking Racks

- a) Provisions regarding type and location of bicycle parking racks shall apply to new development as well as to changes in use or intensity of use in existing development.
- b) Bicycle parking rack types shall be designed so as to accommodate standard bicycle models and lock types and shall be subject to the approval of the Zoning Administrator as part of the building permit review process. Examples of acceptable and unacceptable bicycle rack types are provided in Figure VIII-7.
- c) Bicycle parking areas shall not obstruct walkways or other pedestrian areas.
- d) Bicycle parking areas shall be allowed in the same location as automobile parking on a site.
- e) For non-residential uses, bicycle parking racks may be placed within the area of up to two automobile parking spaces on a site. These spaces may be credited toward the total number of off-street automobile parking spaces required by Section VIII-5 and Table VIII-7.
- f) Bicycle parking areas shall be placed on an approved dust-free surface, subject to the review and approval of the Zoning Administrator. Acceptable surfaces include, but are not limited to, concrete, asphalt, bricks, rock chips, recycled asphalt, and wood chips.
- g) For non-residential uses in the AG, B-1, B-2, B-3, B-3U, CRE, IN, and MIC zones, bicycle parking areas may encroach into the required front yard setback, but in no case shall be closer than five feet to the front property line.
- h) For non-residential uses in the B-4 zoning district, bicycle parking areas may be permitted in the right-of-way subject to City Engineer approval.
- i) For non-residential uses in the B-4E and Campus Commercial District (CCD) zones, bicycle parking areas may encroach into the required front yard.

- j) Bicycle parking areas are prohibited within the front yard setback in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Zoning Districts.
- k) Bicycle parking areas shall be permitted within the side and rear yard setbacks in all zoning districts.
- l) The amount of off-street automobile parking required by Section VIII-5 for non-residential uses may be reduced by up to two spaces when bicycle racks occupy the automobile parking spaces, and where the spaces occupied by the bicycle racks are located in a convenient and accessible manner.

Section 31. Table VIII-6, Bicycle Parking Requirements By Use, is hereby amended as follows:

TABLE VIII-6. BICYCLE PARKING REQUIREMENTS BY USE¹

| Use | Number of Spaces Required |
|--|---|
| Multi-family, Boarding or Rooming House, or Dormitory² | 1 for every 2 dwelling units |
| Public and Quasi Public Uses^{2,3} | |
| All schools | 4 for every classroom |
| All other uses | 10% of required automobile parking up to a maximum of 25 bicycle parking spaces |
| Commercial Uses^{2,3,4} | |
| All uses | 10% of required automobile parking up to a maximum of 25 bicycle parking spaces |
| Industrial, Transportation & Related Uses^{2,3} | |
| All uses | 4% of required automobile parking up to a maximum of 25 bicycle parking spaces |
| <p>1. The Zoning Administrator shall determine whether proposed developments are subject to these bicycle parking requirements based upon demand generated by the use, the location of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.</p> <p>2. The Zoning Administrator shall further have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.</p> <p>3. For non-residential uses, bicycle parking spaces shall be required only for developments with 10 or more automobile parking spaces required.</p> <p>4. Commercial uses include the following categories from Table VIII-7: Office and Related Uses, Service Business Uses, Retail Business Uses, and Commercial Recreational Uses.</p> | |

Section 32. Table VIII-7, Parking Requirements By Use, is hereby amended as shown in Attachment B.

Section 33. Figure VIII-7, Bicycle Parking Rack Types, is hereby added to Article VIII as shown in Attachment C.

Section 34. Section IX-2, Sign and OASS Definitions, Paragraph B, is hereby amended as follows:

Community Event Sign: A sign displayed for a special community event or activity conducted by or sponsored by or on behalf of a unit of local government, institution of an educational or charitable nature, a charitable organization, or a not-for-profit corporation. A special community event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, customers, or an audience throughout the community.

Section 35. Section IX-2, Sign and OASS Definitions, Paragraph R, is hereby amended as follows:

Private Traffic Directional and Instructional Signs: Any on premise sign designed to direct and instruct motorists to access and circulate onsite in an orderly and safe manner. Per Code of Federal Regulations Title 23, Part 655.603, internal traffic control signs shall conform to the Manual on Uniform Traffic Control Devices.

Section 36. Section IX-4, General Sign Permit Requirements, Paragraphs B and C, are hereby amended as follows:

- B. *Permit Requirements.* It shall be unlawful for any person to display, install, construct, erect, alter, reconstruct, or relocate any sign without first obtaining a valid permit, in writing, from the Zoning Administrator, and making payment of the fees required by this ordinance, unless such signs are permitted without a permit by Section IX-5.
- C. *Permit Exceptions.* The following operations shall not be considered as "installing, constructing, erecting, altering, reconstructing, relocating," or creating a sign and shall not require a permit, notwithstanding the requirements of Section IX-4.B:
 - 1. The changing of the advertising copy, face panel or panels on an outdoor advertising sign structure; on a painted, printed, or electronic sign; or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.
 - 2. Painting, repainting, cleaning and other normal maintenance and repair of a sign, sign structure, or outdoor advertising sign structure.

Section 37. Tables IX-1, IX-2, IX-4, IX-6, IX-7, IX-8 and IX-9 are hereby amended as shown in Attachment D.

Section 38. Section X-6, Termination of a Nonconforming Use of Land, is hereby amended as follows:

- A. Except as otherwise provided in Section XIII-2 and Section X-9, any nonconforming use of land, as herein defined, may be continued only for a period of five years from the effective date of this Ordinance, or from the date on which this Ordinance becomes effective with regard to such land, whichever date is later. Any lawful use of land which hereafter becomes nonconforming may be continued for a period of five years from the date upon which such use becomes nonconforming. The Zoning Board of Appeals may postpone the date of the required termination of a nonconforming use of land by a specified period of no more than five years. The term "use of land" includes both principal and accessory uses, and refers not only to the use of bare or unimproved land, but also to any use of land which involves a structure other than a building, or involves an accessory building or buildings but no main building.

Section 39. Section XI-10, Notification Requirements, Paragraph B, is hereby amended as follows:

- B. Any applicant for any public hearing under this Zoning Ordinance shall furnish the Secretary of the body conducting the hearing with a complete list of names and last known addresses of owners of properties subject to the petition. Documentation of ownership in the form of an owner's policy or title insurance, warranty deed evidencing ownership of title, trust agreement certified by trustee with evidence of all current ownership of beneficial interest, purchase contract, or records from the County Recorder of Deeds, shall also be submitted. Not less than ten days, but not more than 30 days before a public hearing, the Secretary shall give written notice by first class mail to the owners of the subject property as identified herein, concerning the place and time for the first hearing of the petition. Said notification letter shall state the name and address of the petitioner, the name and address of the owner of the property, the location of the property, and a brief statement of the nature of the requested action. Said letter shall be sent to the last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet in each direction of the property for which the application for action is requested. The measurement of all public roads, streets, alleys, and other public ways shall be excluded in determining the two hundred fifty foot requirement. If any part of a condominium property is located within 250 feet of the subject property, the name of each taxpayer of record of the condominium shall also be submitted to the Secretary. If after a bona fide effort to serve such written notice, there are returned notices, the notice requirements of this section shall be deemed satisfied.

Section 40. Section X-12, MOR Development Review Board, is hereby

amended as follows:

A. Creation and Purpose

1. Upon the effective date of this amendment, there is hereby created a MOR Development Review Board to administer the site plan review procedures in the MOR, Mixed-Office Residential Zoning District in conformance with the requirements of this Section.
2. The MOR Development Review Board is created for the purpose of reviewing and approving or disapproving all site plans for new structures and land uses in the MOR District that do not incorporate the adaptive re-use of an existing structure as specified in Section V-8.B.
3. The MOR Development Review Board has the following objectives for reviewing site plan proposals in the MOR, Mixed-Office Residential Zoning District:
 - a) Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area; and
 - b) Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines; and
 - c) Determine if proposed development plans meet the intent of the district as stated in Section IV-2.H.

B. Powers and Duties. The MOR Development Review Board shall have the following powers:

1. The MOR Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois.
2. To hold public hearings and to review applications for development within the MOR, Mixed-Office Residential Zoning District as specified in Section XI-12.A.2. The MOR Development Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in Section XI-12.G.
3. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

C. Membership

1. The MOR Development Review Board shall consist of seven members. A quorum of the MOR Development Review Board shall be constituted by four members. The members of the Board shall be appointed by the Mayor and approved by City Council. The membership to the Board shall consist of

multiple interests in order to offer a diverse perspective and expertise in reviewing proposals. These interests shall include:

- a) A member of the Urbana Plan Commission;
 - b) A member of the Urbana Historic Preservation Commission;
 - c) A licensed architect;
 - d) An owner-occupant_ of property in the MOR, Mixed-Office Residential Zoning District;
 - e) A resident living inside or within 250 feet of the MOR, Mixed-Office Residential Zoning; District;
 - f) A local developer;
 - g) An owner of a local small business with fewer than 40 employees.
2. MOR Development Review Board members shall serve without compensation and shall serve terms of three years. Members may be reappointed at the conclusion of their term.
 3. The Mayor shall declare vacant the seat of any MOR Development Review Board member who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. Officers.

1. There shall be a Chair and a Vice-Chair elected by the MOR Development Review Board, who shall each serve a term of one year and shall be eligible for re-election. Elections shall be held annually.
2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
3. Secretary. The Secretary of the MOR Development Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:
 - a) Take minutes of each MOR Development Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;

- b) Provide administrative and technical assistance to the MOR Development Review Board to assist it in making the decisions and findings as provided herein;
- c) Publish and distribute to the MOR Development Review Board copies of the minutes, reports and decisions of the MOR Development Review Board;
- d) Give notice as provided herein or by law for all public hearings conducted by the MOR Development Review Board;
- e) Advise the Mayor of vacancies on the MOR Development Review Board and expiring terms of MOR Development Review Board members;
- f) Prepare and submit to the Urbana Zoning Board of Appeals and City Council a complete record of the proceedings before the MOR Development Review Board on all appeals from decisions of the MOR Development Review Board and on any other matters requiring Zoning Board of Appeals or City Council consideration; and
- g) Have no vote.

E. Meetings.

- 1. The MOR Development Review Board shall hold at least one meeting per year. Meetings shall be called as needed.
- 2. All meetings shall conform to the requirements of the Open Meetings Act. All meetings of the MOR Development Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the MOR Development Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. Decisions.

- 1. Every Board member present must vote "aye" or "nay" unless that Board member abstains due to an announced conflict of interest.
- 2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.
- 3. Approval of a site plan shall require a simple majority vote and shall be calculated on the basis of those voting members present and not abstaining.

G. Application and Site Plan Submittal Requirements

- 1. A request for site plan approval by the MOR Development Review Board shall be made by the applicant in writing on forms provided by the City, shall be accompanied by the required plans, and shall be filed with the Secretary of

the Board. Each request shall be submitted with the required fee as provided in Section XI-8.

2. Site Plans must contain the following information:
 - a) Size and dimensions of the parcel to be developed drawn to scale;
 - b) Location and widths of adjacent rights-of-ways, sidewalks and street pavement;
 - c) Identification of neighboring property owners listed on the site plan;
 - d) Location of all existing structures on the parcel;
 - e) Location of adjacent parcels and structures;
 - f) Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;
 - g) Location and layout of any proposed access drives, parking area and walkways;
 - h) Elevation renderings of the proposed structure or addition indicating the proposed materials to be used in construction;
 - i) Elevations or perspectives of adjacent existing structures;
 - j) Floor plans indicating the interior layout of the proposed structure or addition;
 - k) Location of existing trees and shrubs and proposed landscaping;
 - l) Detail view drawings as necessary to show key design elements;
 - m) Relevant site details including lighting, dumpster locations, signage, and other features;
 - n) Site data, including lot area, building square footage, floor area ratio, open space ratio, height, number of parking spaces and number of apartment units (if multi-family).
 3. Site Plans shall be submitted at a graphic scale of no less than one inch per ten feet.
 4. The MOR Development Review Board may require additional information necessary to consider applications.
- H. MOR Development Review Board Review Procedures
1. Within 45 working days but no earlier than 15 working days after a completed application, site plan, fee, and

supporting documentation have been received, the MOR Development Review Board shall convene a meeting to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than ten days prior to said meeting.

2. After reviewing the proposed site plan according to the criteria in Section XI-12.I, the MOR Development Review Board shall vote on whether to approve the proposed site plan. If the proposed site plan conforms to the requirements of this Ordinance, the MOR Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the requirements of this Ordinance, the MOR Development Review Board shall disapprove the proposed site plan and make findings stating the inadequacies of the proposal. The applicant shall be notified in writing of the Board's decision within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board. Any site plan that is not approved by the Board shall, upon request of the applicant, cause the Secretary of the Board to appeal the request to the Zoning Board of Appeals in accordance with Section XI-3.
3. Site plan approval is required prior to the issuance of a related building permit or Certificate of Occupancy in the MOR District.
4. When a proposed use is permitted in the MOR District as a Conditional or Special Use according to Table V-1, site plan approval by the MOR Development Review Board is required in addition to the review procedures for conditional or special use permit requests as specified in Article VII. The MOR Development Review Board shall make a recommendation to the appropriate reviewing body. The physical development and continued use of the property shall be in strict conformance with the approved site plan.
5. Any order, requirement, decision or condition of approval made by the MOR Development Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C. Upon the filing of an appeal, the complete record of the MOR Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Zoning Board of Appeals shall have the final authority to approve or disapprove a proposed site plan.
6. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.
7. The procedure for amending a site plan already approved by the MOR Development Review Board or for a request to change

conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.

8. Approval of a site plan pursuant to Section XI-12 shall become null and void unless a building permit or Certificate of Occupancy is issued within one year after the date on which the Board approves the site plan. A one-year extension may be granted by the Zoning Administrator when a written request is submitted prior to the expiration of the one-year term.
 9. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.
- I. Site Plan Review Criteria. Site plans for new construction not incorporating the adaptive re-use of existing structures must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance. In addition, site plans (including, elevations, and floor plans) shall be reviewed and considered by the MOR Development Review Board according to the criteria listed below.
1. Compatibility with Surrounding Neighborhood. Proposals shall demonstrate consistency with the intent of the MOR, Mixed-Office Residential Zoning District as stated in Section IV-2.H. In reviewing proposals the MOR Development Review Board shall consider the effects of the proposed structure(s) and uses on adjacent properties and the surrounding neighborhood. The Board shall consider building location, orientation, setbacks, scale, bulk, massing, and architectural design.
 2. Parking and Access. Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Zoning Ordinance and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic conflicts, noise and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of handicapped persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.
 3. Screening and Landscaping. Proposals shall demonstrate the preservation of existing natural features where practical. The MOR Development Review Board shall consider the effects that the proposal may have on the vegetative characteristics of the area and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and screening requirements identified in the Urbana Zoning Ordinance. The MOR Development Review Board shall consider landscape and screening plans and their ability to effectively screen adjacent properties from possible negative influences that may be created by the

proposed use. Retention of street trees along the Green and Elm Street corridors shall be encouraged.

4. Site Details. Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The MOR Development Review Board shall determine if the site details are in conformance with the requirements of the Urbana Zoning Ordinance and if they are proposed in a manner that will not negatively impact adjacent properties and the character of the neighborhood.
 5. Design Guidelines. The MOR Development Review Board shall consider the architectural appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in Section XI-12.J.
- J. Design Guidelines Review. In reviewing development proposals in the M.O.R., Mixed-Office Residential Zoning District, the MOR Development Review Board shall determine conformance with all of the guidelines contained in the adopted M.O.R., Mixed-Office Residential Design Guidelines, including such factors as architectural appearance, massing, placement of structures, orientation, openings, outdoor living space, landscaping, parking areas, building materials, and architectural details, as well as the overall compatibility of the proposal with the residential character of the district. In addition to proposals demonstrating conformance with the adopted Design Guidelines for the district as specified in Section XI-12.J and compatibility with the residential character of the district, the following design items shall be required:
1. The main entrance of the building must be on the street side of the building. If the lot has more than one street frontage, then the main entrance shall be on the more major frontage.
 2. Facades with street frontage shall contain window openings and shall not be blank.
 3. Parking shall be located behind the principal structure and not in the façade zone.

The Design Guidelines shall be adopted under a separate ordinance and shall be housed in the City of Urbana Community Development Services Department. Any Proposed amendments to the "M.O.R., Mixed-Office Residential Zoning District Design Guidelines" shall be considered by the Urbana Plan Commission in the form of a public hearing. The Plan Commission shall forward a recommendation on any proposed amendments to the Urbana City Council for final action.

Section 41. Article XII is hereby renamed "Historic Preservation".

Section 42. Section XII-4, Paragraph D.1.a, is hereby amended as

follows:

The address of the property affected;

Section 43. Section XII-6, Subsection B, is hereby amended as follows:

B. Review Criteria for Certificate of Appropriateness

1. In making a determination whether to issue or deny a Certificate of Appropriateness, if the proposed activities cannot be considered "minor works" as identified in Table XII-1 and Table XII-2, the Preservation Commission shall consider, among other things, the effect of the proposed alteration, relocation, construction, removal or demolition upon the exterior architectural features and upon the historic value, characteristics and significance of the landmark or of the historic district.
2. The criteria to be used by the Preservation Commission in making its determination shall include, but not be limited to:
 - a) The maintenance of the significant original qualities or character of the buildings, structures, sites or objects including, if significant, its appurtenances. The removal or alteration of any historic or distinctive architectural features should be avoided whenever possible.
 - b) The compatibility of proposed new additions and new construction to the original architecture or the landmark or styles within the historic district shall be evaluated against the following general guidelines:
 - i) *Height:* The height of the proposed building or structure or additions or alterations should be compatible with surrounding buildings or structures.
 - ii) *Proportions of structure's front façade:* The proportion between the width and height of the proposed building or structure should be compatible with nearby buildings or structures.
 - iii) *Proportions of openings into the facility:* The proportions and relationships between doors and windows should be compatible with existing buildings and structures.
 - iv) *Relationship of building masses and spaces:* The relationship of a building or structure to the open space between it

and adjoining buildings or structures should be compatible.

- v) *Roof shapes:* The design of the roof should be compatible with that of adjoining buildings and structures.
 - vi) *Appurtenances:* Use of appurtenances should be sensitive to the individual building or structure, its occupants and their needs.
 - vii) *Scale of building or structure:* The scale of the building or structure should be compatible with that of surrounding buildings or structures.
 - viii) *Directional expression of front elevation:* Street façades should blend in with other buildings and structures with regard to directional expression when adjacent buildings or structures have a dominant horizontal or vertical expression.
- c) The Secretary of the Interior's "Standards for Historic Preservation Projects," as revised from time to time, as follows:
- i) Every reasonable effort shall be made to use a property for its originally intended purpose, or to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment.
 - ii) The distinguishing historic qualities or character of a building, structure, site or object and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - iii) All buildings, structures, sites and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - iv) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, site or object and its environment. These changes may have acquired significance in their own right,

and this significance shall be recognized and respected.

- v) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, site or object shall be treated with sensitivity.
- vi) Deteriorated architectural features shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings, structures, sites or objects.
- vii) The surface cleaning of buildings, structures, sites or objects shall be undertaken utilizing the gentlest means possible. Sandblasting and other cleaning methods that may damage the historic building materials shall not be undertaken.
- viii) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- ix) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- x) Wherever possible, new additions or alterations to buildings or structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would remain unimpaired.

Section 44. Section XII-6, Paragraph C.4, is hereby amended as

follows:

If the Preservation Commission determines that the work proposed in the application is consistent with the review criteria in Section Section XII-6.B with or without certain conditions, they may approve a Certificate of Appropriateness with or without conditions by means of a resolution to be passed by a majority vote of those Commissioners currently holding office. Copies of the resolution shall be sent to the owner(s) of record, the Building Safety Division, and the Urbana City Council.

Section 45. Section XII-6, Paragraph C.5, is hereby amended as follows:

If the Preservation Commission finds that the proposed work is not consistent with the review criteria listed in Section XII-6.B, it shall disapprove the application by resolution passed by a majority vote of those Commissioners currently holding office and shall so advise the applicant and the Building Safety Division in writing within 10 days following this decision, and in accordance to the following:

Section 46. Section XIII-4, Paragraph B.2, is hereby amended as

follows:

The provisions of this section are applicable to the area within the Boneyard Creek District, the boundaries of which are shown as an overlay district on the official zoning map of the City.

Section 47. Section VII-2, Conditional Use Procedures, is hereby

amended as follows:

Conditional Use Procedures

Except as otherwise provided herein, the Zoning Administrator shall not permit a conditional use until expressly authorized by the Zoning Board of Appeals and the following procedure is completed:

- A. A written application for a conditional use shall be submitted to the Secretary of the Zoning Board of Appeals by the owners of more than 50% of the ownership of the subject property involved. The application shall demonstrate:
 1. That the proposed use is conducive to the public convenience at that location;
 2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare; and
 3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential

character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-6 of this Ordinance.

- B. Each application for a conditional use shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.
- C. The public hearing shall be held by the Zoning Board of Appeals, in accordance with its established procedures and the requirements of the Urbana City Code. The public hearing shall meet notification requirements specified in Section XI-10 of this Ordinance.
- D. The Zoning Board of Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use based upon the criteria specified in Section VII-2.A.
- E. The Zoning Board of Appeals shall authorize or deny the requested conditional use, and may also impose such additional conditions as are deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:
 - 1. Regulation of the location, extent, and intensity of such uses;
 - 2. Requirement of the screening of such uses by means of fences, walls, or vegetation;
 - 3. Stipulation of required minimum lot sizes;
 - 4. Regulation of vehicular access and volume;
 - 5. Conformance to health, safety, and sanitation requirements, as necessary;
 - 6. Increases to the required yards; and
 - 7. Any other conditions deemed necessary to effect the purposes of this Ordinance (see Section VII-6).
- F. In the case of a valid written protest, the conditional use shall not be authorized except by a favorable vote of two-thirds of the members of the Zoning Board of Appeals. Procedures for protest against any proposed conditional use permit are specified in Section XI-11 of this Ordinance.

Section 48. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

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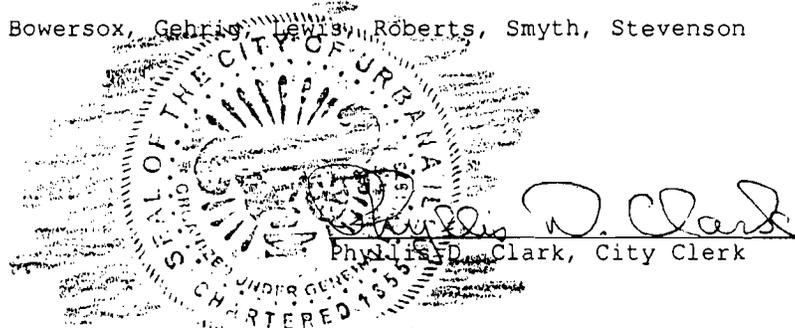
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 17th day of April, 2006.

PASSED by the City Council this 15th day of December,
2008.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 18th day of December,
2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

Plan Commission Minutes

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 10, 2008

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: Benjamin Grosser

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Lisa Karcher, Planner II; Teri Andel, Planning Secretary; Tom Carrino, Economic Development Manager; Gale Jamison, Assistant City Engineer

OTHERS PRESENT: Cynthia Hoyle, Thomas O'Neil, Mike Pennell, Susan Taylor

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. Ward moved to approve the minutes from the December 6, 2007 meeting as written. Ms. Stake seconded the motion. Chair Pollock called for a voice vote on the motion to approve the minutes as presented. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- ◆ Letter from Bill Volk, of Champaign-Urbana Mass Transit District, regarding the Menards development

- ◆ Menard's Store Site Plan (2 pages)
- ◆ Information regarding the statistics of Income, Homeownership, and the Effects on the School Districts in the City of Urbana versus the City of Champaign

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

Menards Development Study Session

Robert Myers, Planning Manager, initiated the Plan Commission study session. As this is a study session, it is not a formal submittal or an official public hearing. The purpose is to obtain feedback on an anticipated development in the Route 130 corridor by Menards, Inc. One item that makes this project so interesting is that the anticipated development, in addition to a Menard's store, includes over 300-acres of development with both commercial and a range of residential types. Mr. Myers began his presentation by discussing the following:

Mr. Myers talked about the review process of the anticipated development and the Plan Commission's role. City staff and the developers are presenting study sessions to both the Plan Commission and the City Council to obtain feedback. There will be formal submittals at a later date, first in the form of an annexation agreement and then following with subdivision applications. Because the annexation agreement will involve rezoning of property, it will come before the Plan Commission for review and recommendations to the City Council. City staff anticipates five or more subdivision plats that will include several hundred lots.

Chair Pollock questioned whether the plats would be submitted simultaneously or would they be submitted over a period of time. Mr. Myers replied that he understands the preliminary plats for the entire development would be wrapped in with the annexation agreement. Any necessary waivers from the Urbana Subdivision and Land Development Code and variances would be included in the annexation agreement as well.

Chair Pollock inquired if all of the acreage was outside of the City's limits. Mr. Myers said no. It is split about evenly between City and County jurisdiction.

This project will be reviewed in terms of the development policy context already established. City staff will be referring to the 2005 Comprehensive Plan and the High Cross Road/IL 130 Corridor Plan, which are development guides. City staff would also refer to the Urbana Zoning Ordinance and the Urbana Subdivision and Land Development Code, which are development controls.

Mr. Myers presented a general overview. The development will include 357 acres in 5 tracts. He referred to an aerial photo showing the Menard properties split into 5 tracts. He described the location of each tract as follows:

- ◆ Tract A is just south of the Wal-Mart store. This is prospectively a new Menard store will be constructed. Behind the Menard store, there would be a residential subdivision.
- ◆ Tract B is located to the west side of Tract A across Route 130.
- ◆ Tracts C-1 and C-2 are located to the south of Tract B across Washington Street. These tracts are currently in the City limits. Tract C-1, with the frontage on Route 130, would be anticipated for commercial development with a residential subdivision behind it on Tract C-2. On Tract C-2, there would be a transition of residential densities between the commercial and the existing Savannah Green Subdivision.
- ◆ Tract D, which is located south of Florida Avenue and Tract C-2, would be developed as single-family residential.

Menard, Inc. will annex the half of acreage that currently lies in the County. There will be commercial and residential development. The Menard's store is slated to open in the spring of 2010. There will be a range of residential development. Full build-out of the entire development is anticipated to take 10 plus years meaning that this project would be developed in phases. He noted that Menard's does plan to do the grading for all the tracts at one time in the beginning phase.

He introduced Tom O'Neil, of Menard's, Inc. to the Plan Commission. Mr. O'Neil stated that he does real estate acquisition development for Menard's. Mr. Myers pointed out that City staff has been working with Mr. O'Neil for a couple of years on this project.

Mr. O'Neil stated that one thing Menards is requesting is the preliminary plat approval as part of the annexation agreement for a period of 10 years with the understanding that as different lots and different components of the project develop, additional phases would be brought in for final platting as needed and as the lots are built out.

When it comes to a mass grading perspective, there is a lot of earth that needs to be moved on these properties. Menards wants to make sure that they do it economically, so it would be their intent to perform all of the grading activity in a lump sum manner to ensure that they are balancing the site. They do not want to have to haul dirt in or haul dirt out. They want to ensure that the proposed grades for all the tracts are met at one time.

Mr. Myers commented that adding the preliminary plats as part of the annexation agreement is significant because if Menards plans to do all of the grading at one time, then they really need to get the plats planned correctly. If they change the plats later, then the grading could change.

Ms. Stake inquired if Menard's property extended east to Cottonwood Road. Mr. Myers answered no. He referred to Exhibit 4, which is an aerial photo looking south of Route 150. He pointed out how far east the Menard's tract would extend, which would be about halfway to Cottonwood Road.

Mr. Myers went on to explain that Menard, Inc. purchased most of their property at a land auction in the fall of 2005. He noted that City staff was involved in assisting with the land auction in terms of providing information to interested buyers, because they wanted to make sure that whoever purchased the property would be aware of what the City's expectations are, what requirements the City has and what incentives could be possible for developing the property. He pointed out that Tract B-2 is a later acquisition from the School District.

He stated that City staff prepared and recommended design principles to aid in developing the properties. The design principles include pedestrian access. City staff, along with many residents of Urbana, feels that it is important and desirable for pedestrians and bicyclists to have dedicated access to major developments.

City staff has reviewed and found that the proposed project is in compliance with the Future Land Use designations shown in the 2005 Urbana Comprehensive Plan.

In terms of the proposed zoning, Tract A-2 (where the residential component of Tract A would be located) is planned to be developed around water features. The anticipated zoning would be R-4, Medium Density Multiple Family Residential Zoning District, or R-5, Medium-High Density Multiple Family Residential Zoning District, depending upon the market conditions.

Chair Pollock asked if there would be residential lots along Route 150 as shown on the Proposed Zoning Map. Mr. O'Neil responded that the eastern part of Tract A-2, located to the east of Wal-Mart, represents property owned by Wal-Mart. Menards, Inc. has been cooperating with Russ Waldschmidt, who is the underlying developer of the Wal-Mart property, to develop that parcel. As a result, this particular parcel will be preliminarily platted along with the Menard's property. They will finalize the ultimate conveyance of the parcel along Route 150 to the City of Urbana. The area immediately adjacent to Route 150, at least for now, is not being proposed to be residentially developed.

Chair Pollock inquired as to what the existing zoning is for this particular area now. Mr. Myers answered that the property is currently zoned B-3, General Business. Menard's proposes to rezone it as part of their larger development to R-4 or R-5.

Ms. Stake asked why they would not rezone it to AG, Agriculture Zoning District, if it is going to be a pond. Elizabeth Tyler, Director of Community Development Services Department, stated that this is one of the new additions to the annexation agreement that needs to be worked out. It is really not anticipated to be commercial, but it is zoned B-3. There are some restrictions on the conveyance of this parcel to the City of Urbana as a detention basin, but it does seem like there is potential for residential to ring the basin. If this is ever to occur, then they would need to rezone, because it would not fit with the B-3 zoning.

Chair Pollock pointed out that the 2005 Comprehensive Plan designates this tract of land as Regional Business. Ms. Stake commented that she would think the City would want to change the zoning then. Ms. Tyler replied that it is possible. This is one of the areas that the City and the developer have not yet pinned down.

Mr. Myers next pointed out that there is a narrow strip of land between Wal-Mart and the proposed Menards store (Tract A-1) known as the Waldschmidt Property. Menard's will propose to rezone both the Waldschmidt Property and Tract A-1 to B-3 Zoning District, and it would be developed for commercial.

Across Route 130, Tracts B-1, B-2 and C-1 would be proposed to rezone to B-3 as well. Menard's will propose to rezone Tract C-2 to three different zoning districts, including R-3 along the western edge of the property that borders the Savannah Green Subdivision, R-2 to the east of the R-3 and would have organized surround ponds, and R-4/R-5 bordering the southwest edge of Tract C-1.

Ms. Tyler noted that C-1 is shown for rezoning to business, because this will be an important future retail area for the City of Urbana. Future Land Use Maps #6 and #7 of the 2005 Comprehensive Plan shows circles or nodes at the Route 130 and Washington Street intersection and at the Route 130 and future Florida Avenue extended intersection. These are intended to show the locations of commercial development but not the exact boundaries. In every other respect, the development plans are precisely consistent with the residential/commercial zoning designation in the Comprehensive Plan.

Mr. Myers stated that Tract D is located south of Florida Avenue extended, and it adjoins Stone Creek Golf Course. Menard's, Inc. plans to propose a rezoning of the tract to R-2, Single Family Residential Zoning District. He mentioned that there is a creek that twists through Tract D, which means that Menard's will have to take this into consideration when developing the tract.

Another part of the 2005 Comprehensive Plan that will be used in reviewing the plats is the Mobility Map. This map provides the skeletal framework for the growth and development of the City of Urbana.

In terms of necessary infrastructure improvements, Mr. Myers stated that the biggest thing will be the widening and improving of Route 130 between University Avenue (Route 150) and Florida Avenue extended. Florida Avenue will be extended to Route 130. Washington Street will need to be widened. The development does not anticipate an interstate interchange. The

development can be served by existing sewer system and would not be contingent upon the East Side Sewer Interceptor Plan.

In terms of paying for Route 130 improvements, Mr. Myers stated that these are preliminary concepts, and they have not been reviewed or approved by the City Council. The cost to improve and widen Route 130 from University Avenue to Florida Avenue will be about \$8 million dollars. Menard's proposed share of the expense will be about \$4.5 million, and other parties' share will be about \$3.5 million. Menard, Inc. would design, build and pay for all the improvements up front. The City of Urbana would then reimburse Menard, Inc. up to \$3.5 million in sales taxes from new commercial development and recoup a proportional share from other properties when those are developed.

Chair Pollock inquired as to what the anticipated contribution would be from Champaign County and the State of Illinois for this project. Mr. Myers stated that he understood that the Illinois Department of Transportation (IDOT) does not have any funds budgeted for this project. It is no secret that the capital program for our district for roadway improvements is not very good. Basically, they State has said that road widening is necessitated by the development so the cost will have to be paid by the developer and other parties.

Tom Carrino, Economic Development Manager, stated that the City of Urbana, particularly the Mayor, have been very aggressive in working with the State of Illinois to have the State allocate funding for this project. City staff is calculating the \$3.5 million that falls under other parties' responsibilities as the State of Illinois' share and other neighboring property owners' share.

Ms. Stake wondered what the amount that the City of Urbana is anticipating to reimburse Menard, Inc. Mr. Carrino said it would be up to \$3.5 million over 10 years in sales tax rebates while the City actively and aggressively tries to secure the \$3.5 million from the other parties that owe that money.

Chair Pollock inquired about the extension of Florida Avenue to Route 130. Mr. Myers explained that this is a proportional share project between property owners and the City of Urbana. Gale Jamison, Assistant City Engineer, added that the Florida Avenue improvements are not part of the costs anticipated for improving and widening Route 130. City staff has designed the extension of Florida Avenue, and we will hand over the design plans to Menard, Inc. to incorporate into their construction timeline. City staff does not want the extension to be built and then have Menard's construction crews crossing the newly built road with scrappers, etc. Two-thirds of the funding will come from adjacent property owners and the rest will be paid by the City of Urbana.

Ms. Stake asked about the detention pond currently located to the east of the Wal-Mart store. Did she hear right in that it would be turned over to the City? Mr. Myers replied that the City of Urbana currently has an agreement with Wal-Mart to take control of the property where the detention pond. Mr. Jamison explained that this is part of the settlement of litigation by adjacent property owners and the Drainage District who had objections over the relocation of a drainage district tile through the Wal-Mart property, which had to be relocated in order to develop the property. Some adjacent property owners objected when the easements went through the court system. According to the agreement, Waldschmidt was to deed the property where the detention

pond is located over to the City of Urbana, because the adjacent property owners wanted someone to maintain it. He does not recall any specific requirements as to how or if development could occur around the pond.

Ms. Stake commented that this is another cost to the City of Urbana to maintain the detention pond. Mr. Jamison responded that this is an obligation that the City of Urbana already has. Ms. Tyler added that when you look at a photo of the site, you can see there are actually two detention basins. One runs north and south along the parcel that the Wal-Mart store is located on, and it was constructed per the City's regulations. The second detention basin was part of the outcome of the litigation, and it really helps pre-existing flooding conditions that were in that location plaguing those property owners. It helps to keep the water off their farms. It does seem to lend itself in the future to possibly to residential development around it.

She went on to explain that Menard's will take care of their own drainage situation. The proposed development would avoid the existing drainage tiles and working along with the Drainage District to avoid the same kind of concerns as was with the development of Wal-Mart.

City staff has talked with the Drainage District and the property owners, and things have definitely improved in the area. They still have concerns along Route 150. City staff has met with IDOT and are trying to address these concerns. They are pre-existing problems, and City staff wants to make sure that the new development does not make the flooding problems worse.

From the perspective of Menard's drainage infrastructure, Mr. Jamison stated that he has reviewed their drainage plan and their detention water plan. Menard, Inc. is far more conservative and would retain a lot more water for their water features than what is required by the City's ordinances. Therefore, the proposed development will improve the situation in terms of potential flooding.

Mr. Myers concluded his presentation by thanking the Plan Commission for helping with the anticipated Menard development by giving feedback during this study session.

Mr. O'Neil gave a presentation on behalf of the developer, Menard, Inc. Menard, Inc. is based in Eau Claire, Wisconsin. They are a family-held home improvement and building material supply retailer. They consider themselves third in their industry behind Lowe's and Home Depot. Menards has about 240 stores in 11 states.

They have had a successful history in the Champaign area, and they are currently looking to add a second store. As a result, early in 2005, he began working with City staff in terms of coming up with some potential alternatives for a complimentary location for their second store. Then, the land auction came up. Menards received a lot of information from City staff and because their comfort increased about what they would be allowed to build and because of their own desire to not only develop a second Menard's store, but to develop other mixed use areas, they purchased the land during the auction. An auction format is an unusual way for Menard's to purchase property, because they prefer to have all of their ducks in a row before purchasing land. They prefer to have approval of all their permits, etc. prior to the sale.

From a Menard's perspective and the development, they do not have to meet the demands of Wall Street because they are a private corporation. As a result, their ownership has taken a different direction than that of Lowe's or Wal-Mart in that in addition to their retail core business, Menards has an interest in real estate development. They feel that real estate can be part of their success. They can build a Menard's store in an area and also develop residential property around it so they can garner the development around their property as well as ensure some building materials sales by having different builders that they work with locally get material packages from them as part of their lot sales. It fosters development for the store, and it fosters development for the area. It also ensures some captive sales that Menard's knows they are going to get in and around their store. So, there is a lot of benefit to Menards to work on mixed use projects.

This project is unusual from their standpoint both with purchasing the land through an auction and also in the scope of the number of the parties involved and the scope of the number of the permits and approvals that are necessary. This is why it has taken Menards two years since purchasing the property to finally be able to come before the Plan Commission and the City Council to start talking about their plans. They have or are working with Wal-Mart, the owner of the Waldschmidt property, and the School District to acquire Tract B-2, and are talking with the Pennell Family to acquire some right-of-way. In addition they have worked with the Illinois Department of Transportation, Illinois-American Water Company, the Champaign-Urbana Sanitary District, etc. to get approval of various permits that are required to develop this large amount of land.

From a timing perspective, the real estate market goes up and down, so it is a difficult time to be planning and building a residential development. Therefore, Menards has not pinned down a time yet when the development would be started.

He reviewed the properties as follows:

1. Menard's has been working with the owner of the Waldschmidt property to develop the land and to ensure that there will be a public road connection to Tatman Drive. Tatman Drive is currently a dedicated public street. Menards wants to have the dedicated roadway and signalization access and to construct a frontage road that extends from Tatman Drive over to Washington Street. Menards has worked out some agreements with the owner of the Waldschmidt property in order to ensure this.
2. Menard's store would be located on the western half of Tract A with a residential component to be developed on the eastern half.
3. Tracts B-1 and B-2 are located across Route 130 to the west. Menard's acquired Tract B-2 from the Urbana School District separate from the land auction because they feel it makes sense for them to incorporate this land into their development. Both tracts would be developed as commercial. They do not currently have any plans to construct infrastructure in Tracts B-1 and B-2 because they do not know how it will best develop. They will either wait for someone to come along who has specific plans for it or as the remainder of the property develops, then they will come up with their own plans.

4. Tracts C-1 and C-2 are located across Washington Street to the south of Tracts B-1 and B-2. There will be both commercial and residential components to the development of these tracts.
5. Tract D, which is located further south, will be developed as residential.

Mr. O'Neil pointed out that when they do begin to develop, there are a few things that are likely to happen all at one time, such as:

1. All the site work from a grading standpoint would occur at one time because trucking dirt is expensive, and it would be difficult to convince IDOT that it would be a good idea to truck dirt across Route 130. So, the dirt from digging the detention basins on Tract A would be scraped and moved to the western half of Tract A to raise the Menards store pad up and the commercial component up. The detention basins on the eastern half would then become a water feature for the proposed residential development. All of this would essentially balance from a dirt perspective. There would be no net yardage of dirt that would either have to be hauled off or hauled on to the property.
2. The designs for Tracts C and D, as they have been currently put together, require some of the earth from Tract C to be hauled over to Tract D to raise the residential component on Tract D up. Because dirt is needed in Tract D, it does not make common sense to construct the extension of Florida Avenue until the dirt is moved across the right-of-way.
3. Once the dirt is transferred from Tract C to Tract D, then Florida Avenue can be extended.

Mr. Ward commented that there is a natural ridge located in the northeast corner of Tract C-2. How much of the ridge would be disturbed by the proposed development? Mr. O'Neil stated that Menard's plans to cut down most of the ridge in order to assure that there is a more gradual transition from a roadway perspective internal to the development. Mr. Ward remarked that we do not have very many hills in central Illinois, and people will miss it. Mr. O'Neil stated that Menards feels they would be making up for it with the amount of detention basins and water features that would be incorporated into the residential components of the development.

Mr. O'Neil continued:

4. Part of the first phase would include the improvements to Route 130 and the construction of a Menard's store on the west half of Tract A. Menard's has consulted with IDOT and the City of Urbana regarding the scope of the improvements to Route 130. They have an approved traffic study through IDOT. He mentioned it is a three-part process: A) traffic study, B) intersection design study and C) final engineering.
5. Both the frontage road on Tract A as well as the frontage road on Tract C, including the legs connecting to Route 130, would be constructed.

Chair Pollock inquired if the final layout of Route 130 would be four through lanes plus turn lanes on both sides. Mr. O'Neil replied that there would be four through lanes plus a median turn lane based on where the entrances to the various lots would be located. There would essentially be a five-lane cross section. After talking with the City of Urbana and using the Highway 130 Corridor Plan as a guide, they are planning to put in some boulevards, medians and landscaping to the extent possible.

Chair Pollock wondered if the business component of the proposed development is really successful, does Mr. O'Neil feel that a single-median turn lane would be sufficient to handle the traffic load. Mr. O'Neil responded by saying that the traffic study shows it would be able to handle the traffic load. He mentioned that there are some improvements that would be necessary to Route 150 as well. The improvements that have garnered IDOT's preliminary approval are not solely for the Menards development. It is for the full build out of all the tracts. Mr. Jamison added that IDOT is requiring Menard's and the City of Urbana to do all of the improvements to Route 130 to the south of Florida Avenue as if all of the properties were developed already. He pointed out that IDOT has thoroughly studied the traffic for the proposed area.

Ms. Stake wondered about bicycle paths and railroad access. Mr. O'Neil replied that he could explain what Menards has come up with for a multi-purpose use path.

Mr. O'Neil stated that the variable that determines what goes into the development as part of the initial phasing of the project is residential. How much of the residential roadway system should they construct on Day One? What type of product line will sell? These are questions that Menard's has not answered yet. So, they do not know if they will final plat just the western half of Tract A-2 or if they will include some of the infrastructure that relates to Tract D or C-2. Therefore, when it comes to what phase of the residential that they would begin developing on Day 1, they still need to determine this.

As part of the overall project, including both the commercial and the residential uses, Menards has worked with City staff in coming up with both a sidewalk plan and a bi-modal plan. City staff has secured some funding from the State of Illinois for a bi-modal (pedestrian and bicycle) path along Route 130. Menards has proposed a plan for a combination of sidewalks and a multi-use path in all of the tracts that would allow every residential lot to have front or back access to one. Menards is also trying to incorporate the multi-use path in and around the water features, so it has some aesthetic quality to it as well. Internal to the commercial components, there are sidewalks along the public streets. As part of the initial construction of the Menard's store, they plan to develop a boulevard median through their parking lot going from the right-of-way of the frontage road with a sidewalk back to the front of the store.

Ms. Stake believes that it would be better to separate pedestrian and bicycle paths for safety reasons. She wondered if there would be a way for Menard's to separate the two. Mr. O'Neil pointed out that Menard's way of separating the two is to split the path into two equal parts between the lineal feet of sidewalk and the lineal feet of the multi-use path. There is an alternative for pedestrians to stay to the sidewalk as opposed to utilizing the multi-use path. Mr. Jamison added that City staff is currently designing a bicycle path along the west side of Route 130, and they are looking at a variety of ways of doing it. The City has come up with a multi-use path on the south side along Florida Avenue extended to Route 130, and there will be a

pedestrian sidewalk on the north side. He noted that the Bike and Pedestrian Advisory Commission has already reviewed some of the designs and provided input.

Mr. White commented that the part of Tract A-2 that fronts on Route 150 should remain zoned B-3. Mr. O'Neil replied that this area was initially zoned as part of the Wal-Mart property. As part of the settlement on the drainage issues, Wal-Mart built the detention basin or pond. Regarding the northern 20 acres fronting on Route 150, Menard's does not care whether it remains zoned B-3 or not. The area in question will be deeded to the City of Urbana. As far as the viability of the area being developed for commercial uses, the railroad right-of-way, grading of the land, and access to the property would make it difficult to use this area for commercial purposes. As a result, Menard's is proposing to incorporate the land into the other A-2 area and develop it as residential. Ms. Tyler added that from the City's perspective, it would not benefit to be used as commercial unless someone develops the land further to the east as commercial, because it will be somewhat landlocked until then.

Mr. Fitch mentioned that he likes the multi-use paths, but it might not be a good substitute for a sidewalk when talking about elderly or disabled people. He referred to the letter from Bill Volk of MTD that was handed out prior to the meeting. He agreed that there are some areas being proposed where sidewalks do not fit. Mr. O'Neil stated that he would be happy to get more input about the sidewalks and multi-use paths. He explained that from an overall standpoint, Menard's has tried to substitute to a certain extent, sidewalks for the bi-modal path. When done in this light, it is economically viable. Mr. Fitch stated that he agrees, except when it comes to people who cannot jump out of the way of a bicyclist.

Mr. O'Neil said that he would be happy to answer any further questions.

Chair Pollock inquired about the use of the outlots on Tract A-1 facing Route 130. These outlots would be used for commercial and would face Route 130? Mr. O'Neil responded that they would be commercial lots with the final layout of the site plan dependent upon particular users. He did not know for sure if they would face the frontage road. Mr. O'Neil did not feel that businesses located on outlots usually face the frontage road. They usually face the main road. Because there is dual frontage, there is an opportunity for dual sided architecture.

Mr. Ward inquired about access to these lots. Chair Pollock stated that the access has to be from the frontage road. Mr. Jamison commented that most of the restaurants along North Prospect Avenue face the street but their access is from behind. He expected something similar to happen with this development. Mr. O'Neil added that the traffic situation will be better than North Prospect in Champaign because they are master planning it as one comprehensive project with City staff's and IDOT's input, and because they have a system of master plan roadways and an approved intersection design study.

Mr. Myers asked Mr. Jamison to speak about access controls and about standards for street lights along Route 130. Mr. Jamison stated that the City has full access control with lights, which means that left turns will only be allowed at the quarter mile points. At the eighth mile points, which are the intermediate access points, there will be right in and right out only. This has been dictated by IDOT and is consistent with the City of Urbana's access standards. Mr. Myers pointed out that this is really important to keep the traffic moving.

Mr. O'Neil talked about the Menard's store site plan, which was handed out. Menard's will have approximately 160,000 square feet of heated retail area. With the outdoor garden center and the drive-thru warehouse in the lumber yard area, all together they will have about 230,000 square feet of retail area. The store will be 330 feet in depth, and the front façade will be about 480 feet across. They use lower shelving in every store which they believe helps provide better customer service. Menard's tries to set themselves apart from their competitors in that their stores are bigger. They like to go outward with their product rather than stack it on risers up to the ceiling like Lowe's or Home Depot. As a result, they get a brighter store, better lit, wider aisles, more room for displays, model kitchens and model baths, etc., but it takes more square footage.

They also emphasize the outdoor lumberyard area. Customers can drive around to the lumber yard area to pick up their lumber rather than trying to navigate through the store with lumber on their cart.

The site plan lays out such that the entrance to their lumberyard would be on the north side of the store. The garden center would be located on the south side of the store. The parking lot would be west of the store facing the frontage road. The number of parking spaces will be tailored to meet the history of Menard's stores and their use rather than meeting the City's requirement. They have found that they will need about 450 to 475 parking spaces. They do not feel it is necessary to create a sea of unnecessary asphalt. This will be one of the Zoning Ordinance variance requests included in the annexation agreement.

Mr. Hopkins inquired if the City's parking requirement is based on the total square feet of a business. Ms. Tyler said yes. Mr. Hopkins pointed out that Menard's argument then should be that they planned to use more square footage per customer than Lowe's or Home Depot and do not need as many parking spaces. O'Neil commented that Menard's has a number of ways to justify the parking waiver request.

Mr. O'Neil pointed out the extent of the landscaping islands as well as that of the perpendicular island that contains a sidewalk to the front of the store. Some of the islands will have lights.

Ms. Stake inquired about trees. Mr. O'Neil replied that they have not yet prepared a landscape plan but there will certainly be landscape. They will have a landscape plan prepared before they submit their applications to the Plan Commission and the City Council.

Mr. Ward asked how much experience Mr. O'Neil and Menards has had with developing this many commercial lots all in one project. The proposed development would bring a lot of commercial development to the City of Urbana. Mr. O'Neil responded by saying that it would take some time. When it comes to the phasing of the project, the final platting as is being proposed at this time is different from the residential to the commercial. Right now Menard's plans to "final plat" the entire commercial areas of Tracts A and C right away. They plan to build the public frontage roads as part of the initial build-out of the project, because once the infrastructure and once the Menard's store is built adjacent to the Wal-Mart store, it will help to sell the property.

Realistically with this amount of potential square footage of retail, it could take 10 to 20 years to full develop. They have experience with this in Yorkville and a larger development in Columbus, Indiana.

Mr. Hopkins expressed several concerns. First, the plans show a lack of continuity of sub-collectors. For example, Tatman Court does not go through or provide any opportunity to through to Cottonwood Road. Pfeiffer Road is shown in the 2005 Comprehensive Plan to continue, but is not acknowledged in the proposed development. There is no continuity out of any of the residential portions. This lack of continuity is part of the thing that landlocks areas like that of the one behind Wal-Mart where the detention basin is located. Although we are looking at the entire development at one time, we are still looking at the parcels as if the world stops at the ends of these parcels.

Another issue is that the subdivision layouts appear problematic. He does not know if this is driven mostly by the City's drainage ordinance, but the shapes of the lots and the multi-use paths that go in odd patterns and do not take you anywhere except running around people's back yards. This worries him.

The third concern is that if we do not think about how the City can have something other commercial along Route 130, then we are putting ourselves in the position of imaging two miles of double-loaded commercial corridor from Route 150 to Windsor Road. By his calculation, North Prospect Avenue is a little less than a mile and a half. It does not make sense to him that the City wants this quantity of commercial properties, especially in this area.

Lastly, he did not see any explanation of the proposed zoning for Tracts B-1 and B-2. Mr. O'Neil stated that Menards is proposing a general business zoning for it, but because they do not have any immediate plans for any roadways through it, they planned to leave it at the existing grades and not plat any lots at present. Mr. Hopkins suggested that we might want to commit to the zoning along the frontage road sooner rather than later, because it will already be a little hard due to Tatman Court and the water tower to put that in there. Mr. O'Neil stated that the access points on the existing High Cross Road/ Route 130 as well as on Washington Street have been approved on Tract B as part of the intersection design study. It is the internal routing of Tract B that is undecided. It will depend on how it is developed.

Mr. Hopkins asked if there is a commitment to provide a connection from Washington Street north to Tatman Court as a frontage road. Mr. Jamison said that the City is committed to one connection off of Washington Street that matches up with the frontage road. Because it is not known how Tracts B-1 and B-2 are going to be developed, the internal routing of the road has not been designed. Mr. Hopkins questioned whether the connection from Washington Street would go north to Tatman Court or to the Menard's access. Mr. Jamison responded by saying that it may go to Tatman Court depending on how the tract is developed. Mr. Hopkins believes that the City could protect the right-of-way and the option to get a connection to Tatman Court now. Mr. Jamison pointed out that there is no routing to the south of Tatman Court in the existing Industrial Park. There is a way that it could still be connected, but they would need to work with the owner of the Industrial Park or the parcels in the park to get the connection. They have no discussed this with those owners, so right now City staff wants to know exactly where the access points will be, because they want to limit the access roads off of Washington Street

and Route 130. We will just have to deal with the connection to Tatman Drive as the remaining undeveloped parcels in the Industrial Park are developed.

Ms. Tyler stated that City staff is concerned about extension connectivity. Often there is some resistance, topographic or other, why they cannot connect roads, but it is a concern in the Comprehensive Plan. City staff knows that the extension to the east is an issue, and it is something that they need to work on more with Menard's.

As far as the extension with Pfeiffer Road, people who live on the north end of the street are concerned about through traffic. It is a neighborhood obstacle, and as plans for Tract C-1 develop, perhaps the City can address this issue.

City staff and Menard's tried to get a connection to Stone Creek Boulevard, but it is not something that they accomplished with the platting for Stone Creek Subdivision having already been approved without having anticipated a connection to this portion of the Menard's development project. In addition, there is a drainage basin that makes the connectivity difficult as well. City staff is doing their best to make street connections.

In terms of the amount of land use of commercial versus residential along Route 130, City staff, the Comprehensive Plan Steering Committee, the Plan Commission and City Council spent a lot of time discussing what would be the right mix even before Menard's purchased the properties. It is being emphasized more on the west side south of the proposed building site for Menard's, but there will have to be residential along Route 130. As you look at the Comprehensive Plan you can see that there will be a mix of commercial and residential along Route 130. There is a lot of commercial proposed as part of the Menard's plan, but she believes we will see that the development that occurs around it will be more and more residential. She feels that the City has a good start in being successful in having residential along Route 130 with the Water's Edge Subdivision.

Mr. O'Neil explained one of the limiting factors in the Pfeiffer Road connection. Normally, Menard's plans frontage roads at 250 to 300 feet off a public road for stacking purposes, but because of the nature of the development, the scope of it and the amount of commercial, Menard's needed to bring the entrance back further away from Route 130 in order to meet IDOT's concerns from a stacking perspective. Because it is anticipated that there will be a fairly significant intersection at Washington Street and the frontage road going through Tract C-1, the proximity to Pfeiffer Road and this intersection also is problematic from having another connection to Pfeiffer Road.

Concerning the paths, Menard's is trying to take advantage of the aesthetic features that they are proposing for the detention ponds. They want to have the paths have the aesthetic quality of being located along the top slope of the ponds. This is the basis of design and incorporation into the residential component of the multi-use paths.

Mr. Hopkins referred to the Proposed Sidewalk & Multi-Use Trail Improvement Plan (Exhibit 15) in the Plan Commission packet. The Plan shows a connection going east out of the parcel, but it goes into the back of the commercial. He does not understand the idea of this particular path is. Mr. Jamison explained that as Washington Street is constructed, they will include bike

lanes on the payment. This particular path will connect to the bike lanes. Mr. O'Neil added that the Plan shows the multi-use and sidewalk paths in Tract C-2, and Menards anticipates that these paths will connect to Washington Street and to Florida Avenue extended.

Mr. Hopkins did not feel that this will work unless bicyclists can figure how to weave through the neighborhoods and through the backs of lots. The paths need to have a kind of legibility in order to be useful. Chair Pollock stated that the multi-use paths appear to be specifically designed for the interior use of the subdivision. Mr. Hopkins added that he cannot even make sense out of how a bicyclist would get from one end of the subdivision to the other in Tract C-2. A kid on a bike would ride in the streets to get where he wants to go, because he/she won't be able to figure out which path leads where.

Mr. Jamison stated that the Bicycle and Pedestrian Advisory Committee has reviewed some of the Plan in conjunction with how it ties in with the plan that they are putting together. The City is going to develop bike lanes on Washington Street from Vine Street to Route 130. People with long commutes will use the paths on Washington Street and Florida Avenue. The intent of the multi-use paths in Tract C-2 is to provide movement within the development and not through the development even though there will be connectivity to the major streets.

Mr. Hopkins stated that there is no reason why people will walk on the path in the back of the lots. He feels that they will walk on the streets in front of the houses. The paths behind the lots accomplish nothing. They lead nowhere and serve no purpose, and they will be located in people's back yards. Mr. O'Neil responded that the proximity to the water feature is what will make the paths more desirable to use.

Ms. Tyler commented that Menard's came in with a recreational system with walkways around the lakes. It will be very recreational. People will not use these paths to get from Point A to Point B in a hurry. It will be people walking their dogs around the lake. Menards wanted to provide this for their residents, and City staff felt it to be a good idea. We also want to make sure that we have some of the attributes of a traditional sidewalk system as well in terms of connectivity. This is a hybrid plan and includes the recreational residential goals that Menard's came in with and some of the City staff goals of connectivity. We are requiring that there be a sidewalk either in the front or the rear of the lots. There may be some fine tuning that needs to happen, but they are trying to accomplish more than one thing. We are trying to provide a nice recreational amenity and to provide connectivity. Menard's and City staff are certainly open to any recommendations on how to improve this.

Chair Pollock noted that he is not as concerned because he sees that the multi-use paths within the development are designed for the people who live there. Bicyclists going across town will not be using these paths anyway.

Mr. Hopkins wondered who would own the multi-use paths in the back of the lots that loop around the drainage ditch. Mr. O'Neil explained that Menard, Inc. will own the paths to begin with. There will be an easement on each of the lots, so essentially a portion of each of the multi-use paths will be deeded to the individual property owners. It will be maintained by a homeowner's association within the residential subdivision.

Mr. Hopkins asked if the sidewalks in the front of the houses would still be deeded to the City. Mr. Jamison replied yes. They would be public right-of-way.

Mr. Hopkins believes that this is a major problem. There will be people with no sidewalks and multi-use paths in their back yards. The homeowner's association has to pay dues to maintain it. He feels that we are getting too messy with requiring or expecting multi-use paths to serve these kinds of purposes and having them maintained by the homeowner's association. Chair Pollock commented that it is a way to walk around a big lake that is in the middle of a neighborhood, and if the paths are not available, then how are the residents to enjoy it. It is clearly not on public property, so someone has to pay for it. Mr. Hopkins replied that if you put one loop around a big pond, then that is fine, but there are a number of multi-use paths going in straight lines behind the lots.

Mr. Jamison mentioned that the City has been requiring a maintenance agreement for detention ponds. It requires the homeowner's association to perform certain maintenance responsibilities and gives the City the mechanism for taking care of them if the homeowner's association decides that they will not for whatever reason. It is stated in the maintenance agreements that the City will be able to setup special assessment districts to make sure the maintenance occurs. City staff thought they would include the maintenance of the multi-use paths in the agreement.

Ms. Upah-Bant inquired as to when the Menard's development is fully built out, how many new residential units will there be? How many new commercial business units will there be as well? Mr. O'Neil replied that there will be about 425 potential residential units in Tracts A-2, C-2 and D. There will be a mix of residential types.

It is tricky to come up with a number for the amount of business units that there will be because it depends on the size of the businesses that go in. In Tract C-1, Menards is looking at potentially having four larger-scale retail types of uses that are looking to open a second store and nine smaller-scale types of businesses such as restaurants, financial institutions, etc.

Menards has tried to incorporate some water features into the commercial developmental areas as well both from an aesthetic standpoint as well as to provide more than just a straight line nature to the road.

Ms. Stake wondered what the other variances and subdivision waivers would be. Mr. O'Neil stated that he could not recall all of them. One of them has to do with parking at the Menard's store. All of the variances/subdivision waivers would come before the Plan Commission and the City Council as part of the annexation agreement.

Mr. White referred to the information he handed out prior to the meeting. He expressed a major concern he has with the residential development associated with the Menard's development, which is about the amount of R-2, R-3 and R-4 zoning being proposed. As you can see on the handouts, Urbana has the lower homeowner rates than the City of Champaign, Champaign County and the State of Illinois. He talked about how this affects the public school system in the City of Urbana. We are spending more tax money per student. Our instructional cost per pupil is much higher than that in the City of Champaign. Much of this is due to the higher level of low-income families that need extra help.

He is concerned about the amount of R-3 and R-4 residential being proposed for the Menard development. He suggested having more R-1 zoned areas in the development to help provide a better tax base for the school district.

Mr. O'Neil stated that Menards does not look at it as being zoned for apartments. They look at the density level of the housing. This is why the zoning districts were selected as they have been. For Tract C-2, there are 240 proposed lots, and maybe 10 or 12 of them on the back side of the commercial that are in a true multi-family zoned district. The lots in Tract D are proposed to be zoned R-2 because of the size of the lots, and Menard's is proposing 83 single-family lots on this tract. For Tract A-2, Menard's is trying to take advantage of the water features to come up with something akin to Beringer Commons. From a residential standpoint, Menard's is trying to accomplish a number of different product offerings. There is a market for multiple different types of lots and residential structures, and they are trying to satisfy numerous market conditions and needs.

Mr. White stated that he is concerned that many of the properties will end up becoming rental properties. Chair Pollock remarked that he did not see this happening with this development.

Ms. Tyler believes that the Menard's development project would be beneficial to the Urbana School District. City staff can provide projections. The Urbana School District still has capacity for new residential. Based on our residential growth rate for single family new lots, this is four to five years of build out.

In earlier planning stages, City staff showed representatives of Menard, Inc. models of subdivisions that were successful and that they could follow. Beringer Commons was a model for the townhomes. Stone Creek Subdivision was a model for Tract D. Savannah Green was a model for Tract C-2 only with larger lots and a higher product. City staff does not anticipate multi-family as a component. There are many other multi-family neighborhoods in other areas of the City, but this is not an element of Menard's developmental project.

She mentioned that they would do financial projections to make sure that the Urbana School District could handle the anticipated number of children that would live in the proposed residential units. Mr. White commented that he would like to believe this is true, but he still remembers being burned by Sunnycrest II, and he is still not sure about the impact of the Savannah Green Subdivision.

Mr. Ward stated that traditionally if you are trying to increase the ratio of Equalized Assess Value (EAV) per pupil and if you play with the mix within the residential sector, then the payoff will be very small. The real payoff comes from increasing EAV per pupil is the ratio between commercial and industrial on one hand and residential on the other. If the commercial portion of the proposed Menard's development grows at a similar rate to the residential portion and it is on the tax rolls, then it will alleviate the problem much more than shifting the zoning of the residential units. Mr. White explained that he is more concerned about the number of children who need special services, which drives up the rate of how many instructional dollars spent per pupil. The City of Urbana already has a very high number of these children compared to the City of Champaign and other surrounding communities. He believes this is costing the City.

People are moving out of town. Mr. Ward replied that in some cases, it is leading people to move to the City of Urbana because of the higher level of services provided. He agreed with Mr. White in that the Title 1 Chapter 1 services are very highly correlated with income level. Many of the other special services are not necessarily so, and they are no respect of social class or educational level of parent or anything else. He would be more concerned if he was trying to change that aspect of the school district. All of the apartment complexes in the City are far more of a factor than this kind of residential housing. Mr. Ward feels that Mr. White has a very valid concern, and he is concerned about it himself. However, he is less concerned about the impact that the proposed project will have on the school district, and he is with some of the other things that are going on in the community.

Chair Pollock stated that there has been a lot of discussion and questions about the details about each tract, but he does not want to lose sight of the fact that he has had a number of people tell him that they want to buy in Urbana some of the things that the proposed commercial development would provide. The City would receive not only the property tax, but the sales tax as well, which is something that we have been lacking sorely for many years. He is really pleased to see the proposed development sitting before him. Mr. White agreed and stated that he is glad to see Menard's develop here as well.

Chair Pollock noted that another thing that is interesting and one does not know how this will end up in 10-20 years, but the fact that all of these tracts are being designed road wise and traffic wise as a much bigger area from the very beginning, he is hoping will make this a project that flows and functions much better than some of the others.

Chair Pollock inquired as to what is the process from here. Mr. O'Neil said that they would be giving a similar presentation to the City Council. Then, Menard's representatives will sit down with City staff and review the comments made by both the Plan Commission and the City Council. Menard's will then submit applications for an annexation agreement including rezoning requests, necessary variance and subdivision waiver requests, along with all of the preliminary plat applications.

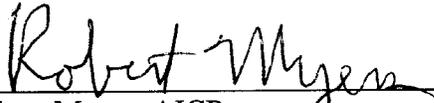
Mr. Myers noted that Cynthia Hoyle, Champaign-Urbana Mass Transit District, during the meeting brought in a letter from Bill Volk, a draft copy of which they were provided before the meeting. Ms. Hoyle mentioned before leaving that it would be tremendously helpful for the frontage roads to be public roadways. On North Prospect, the frontage roads are private, and it is more difficult for MTD to provide bus service there. Chair Pollock asked what difference would it make who owns the road. Mr. Hopkins answered by saying that a private owner could refuse to allow MTD to go there. Mr. O'Neil pointed out that the two frontage roads proposed in the development plans would be publicly dedicated.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:40 p.m.

January 10, 2008

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert Myers". The signature is written in black ink and is positioned above a horizontal line.

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 7, 2008

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: Lew Hopkins

STAFF PRESENT: Robert Myers, Planning Manager; Lisa Karcher, Planner II; Jeff Engstrom, Planner I; Teri Anel, Planning Secretary

OTHERS PRESENT: Megan Barcus, Marianne Downey, Mitsu Fujik, David Fullerton, Mike Howley, Eunkoo Noh, Michael Parkinson, Michelle Thornley

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.

NOTE: Robert Myers, Planning Manager, introduced Lisa Karcher, Planner II, to the Plan Commission. He stated that she previously worked as a planner in Findlay, Ohio, and he briefly talked about her previous work experience.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes from the January 10, 2008 meeting. Ms. Stake seconded the motion. Chair Pollock called for a voice vote on the motion to approve the minutes as presented. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- ◆ Champaign County staff report on Case No. CCZBA 596-AT-07
- ◆ Updated Champaign County staff report on Case No. CCZBA 596-AT-07
- ◆ Kerr Avenue Project Phase I Final Report

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2058-SU-08: A request by Insite Incorporated (as an agent for T-Mobile Communications) for a Special Use Permit to locate nine panel antennas on an existing telecommunications tower at 1106 West Main Street in the R-5, Medium High Density Multiple Family Residential Zoning District.

Ms. Karcher presented this case to the Plan Commission. She began her presentation by giving a brief history of the subject site. The Plan Commission had previously approved a Special Use Permit request by Insite Incorporated to locate nine panel antennas on an existing telecommunications tower. Construction of the Burnham Building in Champaign will block signal transmissions of WILL from their studio on West Main Street to their transmitter located near Monticello. To resolve this issue, the University of Illinois built a second, taller telecommunications tower located on the lot immediately east of 1110 West Main Street. The University of Illinois asked T-Mobile to locate their antennas on the new tower, which requires T-Mobile to seek approval of a second Special Use Permit.

Ms. Karcher described the proposed site noting the land uses and zoning designations of the subject site as well as for the surrounding properties. She reviewed the requirements for a Special Use Permit according to Section VII-4 of the Urbana Zoning Ordinance. She 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. 2058-SU-08 to the City Council, with the condition that the installation of the antennas conform to the submitted site plan.

Mr. Ward wondered if the apartment building where the second tower is located was demolished when the University of Illinois built the second tower. Ms. Karcher replied yes, which explains why the tower site is zoned R-5, Medium High Density Multiple Family Residential Zoning District.

Ms. Stake asked if WILL is located next door to the proposed site. Ms. Karcher said yes. WILL is located immediately to the west of the proposed site of the antennae. The tower was constructed for the transmission of WILL's signal.

Ms. Stake questioned if there would be any problems with more antennas attached. Mike Howley, representative of T-Mobile, approached the Plan Commission to answer Ms. Stake's question. This proposal is no different than their previous request for a Special Use Permit, which was approved by the City Council about a year ago. The only difference is that it would be located next door on the second tower instead of the original tower.

Mr. Grosser inquired as to whether the University of Illinois is planning to tear down the original tower. Mr. Howley stated that he did not know for sure.

Mr. Fitch asked if the nine antennas would be the same size as the existing ones on the original tower. Mr. Howley explained that T-Mobile does not have any antennas on the old tower. The antennas that are on the old tower are for other carriers. T-Mobile's antennas would be about the same size though.

Ms. Stake wondered what would be in the University of Illinois's district. Mr. Myers stated that around the fringes of the University of Illinois, the City and the University encounter questions about what the protocol is development by the University. Over the years, the University of Illinois and the City of Urbana have come to agree on which development standards and permits the University will comply with, but when University staff changes, people seem to forget what the agreement was. So, the City of Urbana is looking at creating a University Zoning District that would be similar to an intergovernmental agreement for what City development standards the University has agreed to follow. The City of Urbana is not trying to dictate what types of uses can be in the middle of the campus, but development occurs along the edges of campus, the City and the University should agree on what City development standards University projects will follow.

Ms. Stake asked if the agreement would include things such as lighting and parking. Mr. Myers stated that the agreement could very well include those issues.

With no further questions from the Plan Commission for staff or the petitioner, Chair Pollock opened the hearing up to take testimony from members of the audience. With no comments or questions from members of the audience, Chair Pollock closed the public input portion of the hearing and opened the case up for Plan Commission discussion.

Mr. White moved that the Plan Commission forward Plan Case No. 2058-SU-08 to the City Council with the recommendation for approval including the condition that the installation of the antennas conforms to the submitted Site Plan. Ms. Upah-Bant seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. Mr. Myers noted that this case would go before the City Council on February 18, 2008.

Plan Case No. 2059-CP-08: A request by the Urbana Zoning Administrator to adopt the Urbana Bicycle Master Plan as an amendment to the 2005 Urbana Comprehensive Plan (as amended) including a Proposed Bicycle Network Map indicating future bicycle routes.

Chair Pollock opened this case and recommended that the Plan Commission forward the case to their next meeting scheduled for February 21, 2008. The Plan Commission members agreed.

Mr. Myers stated that the Urbana Bicycle Master Plan has been in the works for some months with a lot of public input and with the help of the Urbana Bicycle and Pedestrian Commission. The Plan looks great but needs a little more work before presentation to the Plan Commission.

8. NEW BUSINESS

CCZBA 596-AT-07: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance to add a standard Special Use Permit condition regarding lighting near residential uses and districts and to add “Township Highway Maintenance Garage” to the table of uses.

Jeff Engstrom, Planner I, presented the case to the Plan Commission. A corrected copy of the County’s report was distributed as the version provided in the packet lacked several pages. The second handout is a new memo from Champaign County explaining some changes to the proposed amendment.

Mr. Engstrom talked about the first proposed change to the Champaign County Zoning Ordinance, which is as follows:

Amend Section 6.1.2.B, Standard Conditions for Special Use Permits to include the following provisions:

- a) All exterior light fixtures shall be “full-cutoff” type fixtures and shall be located to minimize glare. Full-cutoff means that the light fixture emits no light above the horizontal plane.*
- b) No lamp shall be greater than 250 watts and the County Board may require lower wattage.*
- c) Locations and numbers of fixtures shall be indicated on site plans.*
- d) The County Board may require conditions regarding the hours of operation for outdoor recreational uses and other large lighting installations.*
- e) The County Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of full-cutoff for all outdoor lighting fixtures.*

Chair Pollock inquired as to whether the City’s ordinance has similar regulations. Mr. Engstrom explained that he would discuss this shortly.

Mr. Engstrom explained the second proposed change to the Champaign County Zoning Ordinance, which is as follows:

Amend Section 5.2, Table of Authorized Uses to include "Township Highway Maintenance Garage" as follows:

- a) *Allowed by right in County B-1, B-4, B-5, I-1 and I-2 Zoning Districts.*
- b) *Allowed by right in County AG-1, AG-2, B-2, and B-3 Zoning Districts if the use is not located within 150 feet of an existing dwelling, and is not located within the 1.5 mile ETJ of any city with a comprehensive plan, and complies with other standard conditions that may apply to all Special Use Permits. Otherwise it shall be allowed only with a Special Use Permit in County AG-1, AG-2, B-2 and B-3 districts.*
- c) *Allowed with a Special Use Permit in the County CR and all Residential zoning districts.*

Mr. Grosser asked if the Extra-Territorial Jurisdictional (ETJ) condition still be in affect. Mr. Engstrom said yes. The ETJ condition would still apply.

Mr. Engstrom discussed the schedule for the text amendment to be presented to the different bodies. He reviewed how the proposed changes would relate to the 2005 City of Urbana Comprehensive Plan goals. He explained that the City's Zoning Ordinance currently does not regulate lighting to the same level as the proposed amendment would. The City has more discretion and less standardized language. The Zoning Ordinance does specify some minimum lighting levels for certain districts. City staff realizes that this is a shortfall in the City's Zoning Ordinance, and City staff is currently working on a text amendment to address this and to make uniform lighting standards for all developments. The text amendment should be presented to the Plan Commission sometime in the spring.

Mr. Engstrom read the options of the Plan Commission and presented staff's recommendation, which is as follows:

Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment based upon the findings presented in the written staff report.

Ms. Stake referred to No. 2 of the Summary of Staff Findings, which reads as such, "*The proposed zoning ordinance text amendment is generally consistent with the City of Urbana's 2005 Comprehensive Plan's goals and objections.*" She inquired how the proposed text amendment is inconsistent with the City's comprehensive plan. Mr. Engstrom stated that this is standard language. The proposed text amendment is consistent with the 2005 Comprehensive Plan's goals and objections.

Mr. White remarked that he is pleased to see the City reviewing the lighting standards. It has been an issue for a long time.

Chair Pollock agreed. He commented that whenever a development is proposed near residential areas, then lighting is generally an issue.

Mr. Ward stated that he just came back from Tucson, Arizona. Tucson has been very diligent in controlling light pollution. It is so noticeable. You can actually see stars while standing in the middle of the city. Therefore, he also encourages City staff to review and propose changes to the existing lighting standards in the City’s Zoning Ordinance.

With no further questions, Chair Pollock opened the hearing up to take input from the audience. No one from the audience spoke, so Chair Pollock closed the public input portion of the hearing and opened the hearing up for Plan Commission discussion.

Mr. Ward moved that the Plan Commission forward Case No. CCZBA 596-AT-07 to the City Council with a recommendation to defeat a resolution of protest. Ms. Stake seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. Mr. Myers stated that this case would be forwarded to City Council on February 18, 2008.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Engstrom gave an update on the Kerr Avenue Project Phase I Final Report. This is the Kerr Avenue model sustainable community project. With the completion of this report, it brings Phase I of the project to an end. This project stemmed from a City Council goal to create a national model neighborhood that is affordable and consumes 10% of standard energy consumption.

The first phase began in 2006, and the goal was to issue a Request for Proposal (RFP) for the design concepts to see what kind of development would be possible for the Kerr Avenue site. After reviewing the designs, the City selected FARR Associates to complete the design. They came down along with some experts for a two-day charette in May of 2007. During the design charette, FARR Associates came up with a couple of designs, which the City really liked.

Both designs feature a single road through the site. Both include a variety of housing types. They both a narrow right-of-way and minimized storm water runoff with permeable paving,

bioswells and natural detention areas. Both designs have about 46 to 48 dwelling units, which are considered high density for 3.2 acres. And both feature shared recreation space and community gardens.

The differences between the two plans are that Plan B has a slightly longer road because it runs down the east side and connects through to Crystal View Townhome site. Although Plan B appears to be a little more costly, it would require less grading work. Overall, both developments would cost about the same. Plan B is the site plan that has been endorsed by the City Council when City staff gave a presentation to them early this week.

Chapter IV of the report provides architectural studies. This reviews the types of housing that might be suitable for the project's development. The designs are preliminary.

Chapter V provides energy analysis using a computer model of how energy could be saved using different housing types and other factors. The computer model concluded that homes can conserve up to 27% of standard energy consumption using these designs. Using the Eco-Passivhaus, the straw-bale house, depending on how efficient the appliances are, which direction the house faces and whether it is a duplex or not, FARR Associates believes that 35% to 50% energy savings are possible. They even say that they can get up to 75% if they use more energy efficient techniques such as solar hot water heaters and district geo-thermal heating.

The end of the report is final recommendations. Many of these are going directly into the RFP for Phase II. Phase II will be the actual final design, construction of the homes and selling them. One of the things that they need to look at is the financial involvement. The City will probably need to invest a little more to ensure that the homes are affordable and have a high level of energy efficiency. Another recommendation was to require the LEED-ND certification standard, and FARR Associates feels that this project might possibly qualify for Gold certification which is the highest level.

One of the most important recommendations is to embrace diverse construction methods. The idea is to make the whole neighborhood a showcase to show how the different technologies look and perform.

So, these are the recommendations that are going into the RFP for Phase II, which City staff is currently working on. It should be ready by the end of February. Hopefully, by this summer, they will have a developer on board.

Chair Pollock inquired as to where along the way will the City decide whether they want to go with Plan A or Plan B. Mr. Engstrom replied that the City Council has endorsed Plan B. City staff looks at it like a menu, where we can take some things from Plan A and add it to Plan B or vice-versa.

Ms. Upah-Bant asked if the plans will ever come before the Plan Commission. Mr. Engstrom said yes. It's anticipated the project will come through the Plan Commission for review as a Planned Unit Development.

Chair Pollock asked if there were multiple property owners. Mr. Engstrom replied that the property is all owned by the City of Urbana.

Chair Pollock inquired as to whether there are any local subsidies that would help pay for the project. Mr. Engstrom explained that it is a Grants Management project. Grants Management funded the first study using Federal funds, and they are looking to allocate some funds in their next Annual Action Plan to possibly help with infrastructure.

Mr. Grosser asked for clarification in that the developer would invest their funds to construct the homes and would get the land for free. Mr. Engstrom responded yes. The City would give the developer the land if they can build energy efficient homes that meet the affordability requirements, and depending on how efficient the units are, the City may give an additional subsidy.

Chair Pollock questioned if City staff is looking for a developer to do the entire project or are they planning to parcel it out. Mr. Engstrom stated that this is something that they are still working on. The model with having a showcase would require several different builders, but City staff was thinking that they could have a master developer to develop the site and contract out.

Ms. Stake wondered how much the land is worth. Mr. Engstrom responded by saying that the City acquired the land for at least \$100,000.

Ms. Stake asked if it is possible to do anything with older homes to have solar hot water. Mr. Engstrom said yes. It's possible for homeowners to do so, but there are not any incentives offered at this moment.

Mr. Grosser inquired as to the definition of "affordable". Mr. Engstrom replied that for this project, since the land was acquired with HOME funds, the affordability would have to be 80% of the area median family income, which equals about \$50,000 for a family of four.

Chair Pollock asked if Mr. Engstrom had any idea of when the Planned Unit Development would come back before the Plan Commission. Mr. Engstrom said that they will hopefully select a developer this summer. He is not sure how long it will take after that.

Mr. Fitch pointed out that on Page 15, there is some sample pricing information ranging from \$115,000 up to \$157,000. Mr. Engstrom noted that these are the ranges that would be considered affordable and considered to have descent demand in the area. So, \$157,000 would be the upper range of affordable.

Next, Mr. Myers reported on the following topics:

Upcoming Cases:

- ◆ Hazard Mitigation Plan Amendment will be coming before the Committee of the Whole at their February 11th meeting. The City currently has a Hazard Mitigation Plan that was adopted in 2005, and it is an element of the Comprehensive Plan. Although it is up-to-date and is an excellent resource, Champaign County has

received a grant from the State of Illinois to write a Hazard Mitigation Plan, and other jurisdictions in Champaign County will be participating as well. So, this is an opportunity for the City of Urbana to be part of that, and there are several benefits for doing so, not only in terms of coordination and making sure that Urbana's interests are taken into account, but it would also help qualify local jurisdictions for Federal disaster monies. Since we will need to update Urbana's Hazard Mitigation Plan in 2010 anyway, it seems like a good opportunity to participate.

- ◆ Chatham Annexation Agreement Resolution would support changing the Illinois Municipal Code concerning annexation agreements. In 2005, the Illinois Supreme Court decided upon a case regarding an annexation agreement having to do with the Village of Chatham. Prior to this case, if a City had an annexation agreement and the property was not annexed, the property fell under the County's jurisdiction. Once annexed, the property would then fall under the City's jurisdiction. This is no longer the case. Due to this Illinois Supreme Court case, once a municipality signs an annexation agreement, then the development jurisdiction for that property falls under the City. As far as the City of Urbana, we may have annexation agreements with about 20 properties outside of the City that are contiguous or almost contiguous. There are some cities that have annexation agreements with properties that may be one to three miles away. He gave some examples of why the resolution would be beneficial. One of these benefits is that it would limit how far out a city can enter an annexation agreement with a property owner. This would help limit the exposure the City of Urbana has to other municipalities, including ones miles away, approving development on the City's borders using an annexation agreement. The proposed resolution will be reviewed by the Committee of the Whole at their meeting on February 11.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:28 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 21, 2008
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, James Ward

MEMBERS EXCUSED: Jane Burris, Lew Hopkins, Don White

STAFF PRESENT: Robert Myers, Planning Manager; Lisa Karcher, Planner II; Rebecca Bird, Community Development Associate; Teri Andel, Planning Secretary

OTHERS PRESENT: Megan Barcus, Brandon Bowersox, Jim Gonzalez, Daniel Hayes, Cynthia Hoyle, Susan Jones, Rick Langlois, Carol Lichtensteiger, Roger Meyer, Rita Morocoima-Black, Andrew Ogorzaly, Beverly and Tom Rauchfuss, Mike Rizzifrello, Michelle Thornley, Don Wauthier

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

The meeting was called to order at 7:31 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

Robert Myers, Planning Manager, asked if Items 7 and 8 could be moved to the beginning of the agenda. Chair Pollock suggested that the Plan Commission move just Item 8 to be the first case heard, following with Items 5 and 7. Mr. Myers commented that would be fine. The Plan Commission agreed.

3. APPROVAL OF MINUTES

Mr. Ward moved to approve the minutes from the February 7, 2008 meeting. Ms. Upah-Bant seconded the motion. Ms. Stake commented that the minutes were great as usual. The other Plan Commission members agreed. Chair Pollock called for a voice vote on the motion to approve the minutes as presented. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- ◆ Invitation to the Cunningham Avenue Beautification Plan Charette
- ◆ “Inside Historic Urbana” Press Release
- ◆ “Sustainability: What You Can Do” Public Forum Information Handout
- ◆ Rain Garden Class Information Handout
- ◆ Urbana’s 175th Birthday Commemorative Calendar Flyer
- ◆ Urbana Bicycle Master Plan (paper copy of reference at the meeting)
- ◆ Figure 8.1: Recommended Bicycle Network (paper copy for reference at the meeting)

5. NEW BUSINESS

Plan Case No. 2061-S-08: Request by Khalid Hussain for a Preliminary Plat of Wisley Inn/Super 8 Motel First Subdivision located immediately southeast of the I-74/Lincoln Avenue interchange in the B-3, General Business Zoning District.

Lisa Karcher, Planner II, presented this case to the Plan Commission. She began by giving a brief description of the proposed site. Referring to Exhibit A, which is an aerial of the site, she indicated the existing land use and zoning of the proposed site as well as that of its surrounding neighboring properties. She talked about how the proposed development would relate to the 2005 Comprehensive Plan. She discussed several improvements that need to be made to complete the subdivision, which include access, drainage, sanitary sewer, water and sidewalks on the proposed site. She read the options of the Plan Commission and presented staff’s recommendation, which was as follows:

Staff recommends that the Plan Commission approve the Preliminary Plat of the Wisley Inn/Super 8 Motel First Subdivision as submitted.

Mr. Ward inquired as to whether Kenyon Road would require some reconstruction with the construction of the proposed hotel. If so, who would bear the cost of the improvement? Ms. Karcher said that she spoke with Bill Gray, Public Works Director, about this specific issue. Her understanding is that the applicant will need to build a street connection from the cul-de-sac to Kenyon Road as part of the project. Since it will be a portion of a public road, the City would be responsible for its maintenance. According to Mr. Gray, at this time there is not any proposal to specifically upgrade Kenyon Road. The road will just be maintained as it is. The applicant does understand this.

Mr. Fitch understood that no waivers are being requested. As he read through the memo from Berns, Clancy & Associates, he noted that they referenced possibly needing a variance for the parking lot. They talk about that the Urbana Zoning Ordinance offers either a 17-foot or an 18.5-foot drive, but the petitioner may need an 18-foot wide parking lot aisle. Is this contradiction in the Zoning Ordinance that needs to be addressed prior to the petitioner coming forward? Ms. Karcher replied that there is an allowance depending on the aisle widths that a developer chooses and depending on the different sizes of parking spaces. The petitioner is saying up front that they are not going to be able to meet the City’s requirements. They may need to request a variance at the time when they submit their Site Plan.

Roger Meyer, Engineer with Berns, Clancy and Associates, explained that the Zoning Ordinance lists two aisle widths based upon the parking lot space width. The table lists an 8.5 and a 9-foot parking space. Associated with the 8.5-foot parking space is an 18.5-foot aisle width. Associated with the 9-foot parking space is the narrower aisle width. The petitioner has an 8-3/4" foot parking space, so they are halfway between the two aisles width options allowed in the table in the Zoning Ordinance. Therefore, they may need to request a waiver.

Mr. Grosser stated that when looking at the aerial, you can see a north-south path between the Urbana Garden and the Lincoln Commerce Center. Is this a city street? Ms. Karcher answered that this is a private drive. Mr. Meyer added that it is a parking access to the Lincoln Commerce Center. Mr. Grosser commented that if it would be extended just a few more feet, it could be a logical access for the proposed property. However, since they do not own it, then it does not matter.

Mr. Grosser inquired about the cul-de-sac. He wondered why there is no plan to remove the cul-de-sac bump out. Ms. Karcher replied that she had not spoken with Public Works about this. Mr. Grosser mentioned that the situation is similar to the cul-de-sac on Saline Court where the property owner is going to extend the road and remove the bump out part of the cul-de-sac at the request of the City. Chair Pollock commented that at the very least it would be a good idea to align it if the City is not going to request it be taken out. Ms. Karcher stated that the Plan Commission could make this a recommendation as part of their motion. This is just a Preliminary Plat request, and this issue could be addressed in the Final Plat of the subdivision.

Ms. Stake wondered if the petitioner is going to expect a variance for the parking issue. If so, shouldn't they be asking for the waiver now rather than later? Mr. Meyer responded that asking for waivers are part of the site development. Ms. Karcher explained that it would be a variance from the Zoning Ordinance. Therefore, it would be handled by the Zoning Board of Appeals.

Ms. Stake commented that if there is some kind of problem, then it should all be looked at the same time. Chair Pollock replied that City staff would follow the rules as written. Ms. Karcher stated that the petitioner submitted a Preliminary Plat request. Potentially, they can submit a Preliminary Plat without an end user. However, for the sake of the proposed subdivision, the petitioner is helping us in showing us what the end user would be.

With no further input from the audience, Chair Pollock opened the hearing for Plan Commission discussion and/or motions.

Mr. Grosser moved that the Plan Commission approve the Preliminary Plat for the Wisley Inn/Super 8 Motel First Subdivision as submitted with one recommendation to City staff to explore whether the cul-de-sac bump where Killarney Street will meet Kenyon Road as to whether it should be striped or modified for when the Final Plat comes before them. Mr. Ward seconded the motion. Roll call was as follows:

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|---------------|---|-----|-------------|---|-----|
| Mr. Fitch | - | Yes | Mr. Grosser | - | Yes |
| Mr. Pollock | - | Yes | Ms. Stake | - | Yes |
| Ms. Upah-Bant | - | Yes | Mr. Ward | - | Yes |

The motion was approved by unanimous vote.

6. OLD PUBLIC HEARINGS

Plan Case No. 2059-CP-08: A request by the Urbana Zoning Administrator to adopt the Urbana Bicycle Master Plan as an amendment to the 2005 Urbana Comprehensive Plan (as amended) including a Proposed Bicycle Network Map indicating future bicycle routes.

Robert Myers, Planning Manager, introduced the case to the Plan Commission. He spoke about how the proposed Urbana Bicycle Master Plan relates to specific Goals and Objectives of the City's 2005 Comprehensive Plan. He then spoke about the Comprehensive Plan Implementation Strategies relating to the proposed Urbana Bicycle Master Plan. He showed Appendix C of the 2005 Comprehensive Plan, which is the Greenways and Trails Map. Although the Greenways and Trails map was adopted in 2005, the network proposed in the Urbana Bicycle Master Plan is much more extensive. The proposed plan proposes a city-wide network of bicycle facilities. Another striking difference from what the City's current bikeway policy is that a variety of facility types is proposed, including on-road bike lanes, sidepaths, and off-road paths. Once people looked at bicycling principally as recreation, but we now look at bicycling as a form of transportation, and in response the City is looking to provide a network of bicycle facilities throughout our community.

Mr. Myers felt that the proposed plan is innovative or groundbreaking for Urbana in:

1. Creating an integrated bicycle network throughout the City.
2. Proposing many on-road facilities.
3. Basing its proposed network on a comprehensive roadway inventory of existing conditions.
4. Using "before" and "after" photographs extensively for visualization.
5. Designing the network based primarily on community and public input, which was then tested by transportation planning and engineering standards.

He introduced Rita Black and Gabe Lewis from the Champaign County Regional Planning Commission and Jennifer Selby of the City of Urbana Public Works Department. Ms. Black and Mr. Lewis approached the Plan Commission to give their presentation on the case.

Ms. Black discussed the following about the proposed Urbana Bicycle Master Plan:

- ◆ Timeline
- ◆ Background
 - ◆ Council Common Goal: Get Urbana Bicycling
 - ◆ Implementation Strategy
 - ◆ Resources Used
 - ◆ Champaign County Greenways and Trails Plan, 2004
 - ◆ Urbanized Area Long Range Transportation Plan (LRTP), 2004
 - ◆ City of Urbana Comprehensive Plan, 2005
- ◆ Study Area
 - ◆ Recreation
 - ◆ Alternative Transportation
 - ◆ Transportation Necessity

- ◆ Map
- ◆ Goals
 - ◆ Goal 1: Increase bicycle mode share in Urbana for all trip purposes by 50% in the next five years.
 - ◆ Goal 2: Achieve a Bicycle Friendly Community award through the League of American Bicyclists.
 - ◆ Goal 3: Substantially expand the bicycle network
- ◆ Objectives
 - ◆ Create and maintain a bicycle network that is continuous, connected, and easily accessible for all users, and includes on-road and off-road facilities.
 - ◆ Provide a bicycle network that is safe and attractive for all users
 - ◆ Provide supporting facilities to make bicycle transportation more convenient
 - ◆ Educate residents about alternative modes of transportation and bicycle facilities
 - ◆ Secure funding and implement bicycle improvements
- ◆ Existing Conditions
 - ◆ Inventory of Existing Facilities
 - ◆ Research Existing Documents
 - ◆ Create Existing Conditions Database
 - ◆ Determine Bicycle Level of Service (BLOS)
- ◆ Roadway Selection Guidelines
- ◆ Bikeway Types
 - ◆ Bikeway
 - ◆ Target Bicyclists
 - ◆ Mixture of on-road bikeways and off-road trails
 - ◆ On-Road Bikeways
 - ◆ Bike Lane
 - ◆ Bike Route
 - ◆ Shared Bike/Parking Lane
 - ◆ Share the Road Signage
 - ◆ Shared Lane Marking (“Sharrow”)
 - ◆ Off-Road Bikeway
 - ◆ Shared-Use Path (Trail)
 - ◆ Sidepath
 - ◆ Rail-to-Trail
- ◆ Future Conditions
 - ◆ Proposed Bicycle Network
 - ◆ Determine Bicycle Level of Service (BLOS)

Mr. Lewis discussed the following about the proposed Urbana Bicycle Master Plan:

- ◆ Recommended Bicycle Network
 - ◆ Corridor Recommendations
 - ◆ Washington Street
 - ◆ Main Street
 - ◆ Broadway Avenue
 - ◆ Kinch Street

- ◆ Bicycle Parking Recommendations
 - ◆ Recommended Bicycle Racks
- ◆ Drainage Grates Recommendations
 - ◆ Bicycle Safe Grates
- ◆ Bike Activated Stoplights Recommendations
- ◆ Implementation Plan
 - ◆ Implementation Plan Matrix 0 – 5 Years
 - ◆ Bicycle Network Improvements 0 – 5 Years Map
 - ◆ Implementation Plan Matrix 6 – 10 Years
 - ◆ Bicycle Network Improvements 6 – 10 Years Map
 - ◆ Implementation Plan Matrix 10+ Years
 - ◆ Bicycle Network Improvements 10+ Years Map

Ms. Black continued by discussing the following:

- ◆ Education
 - ◆ Recommendations for Bicyclists
 - ◆ Recommendations for Motorists
- ◆ Encouragement
- ◆ Enforcement
- ◆ Implementation Funding
- ◆ Bicycle Coordinator
- ◆ Next Steps
- ◆ Bike Plan Website

Chair Pollock asked if the stretch of Broadway Avenue between Lincoln Square and the Urbana High School is wide enough to have both bike lanes and parking. Mr. Lewis replied that the street is wide enough to allow parking on one side. It just falls short of allowing parking on both sides plus bike lanes.

Chair Pollock inquired if there were instances in which there might be bike lanes next to each other going in opposite directions. Ms. Black said no.

Ms. Stake noticed that the proposed plan mentions bicycles and motor vehicles together sharing the roadways, but it did not mention pedestrians. Ms. Black stated that there are examples like Race Street where they plan to have pedestrians and bicyclists on the same path. Ms. Stake expressed her concern about this. Sometimes you have to have enough space so that the pedestrians are safe. Ms. Black responded that they have taken this into consideration. There are places where it is impossible to provide bicycle facilities on the street, but there is enough width on one side of the roadway to widen the sidewalk to make it wide enough for both pedestrians and bicyclists. Most of the time there is enough room for bicyclists to share the street with the motorists, but when there is not enough room, they had to come up with other alternatives with what we have to work with.

Ms. Upah-Bant wondered how the proposed plan would accommodate residents on North Lincoln Avenue to get to campus. Ms. Black explained that the Plan is proposing a sidepath from the student residences on Lincoln Avenue north of Bradley Avenue to go along Bradley

Avenue to Goodwin Avenue, where there is an existing bike facility to Springfield Avenue. They just received money to improve Goodwin Avenue between Springfield Avenue and Gregory Street to provide bike lanes along the whole segment. They chose Goodwin Avenue because it has lower traffic volumes. Also, since there is no truck traffic, it is a safer for bicyclists to use. Mr. Lewis added that on page 8-29 of the proposed Urbana Bicycle Master Plan, it is outlined in the text about the Lincoln Avenue Corridor.

Ms. Stake expressed concern about Carle Park. She explained that all of the other parks in the City area just plain green, but Carle Park is designated as part of the Hickman Tree Walk. It is misleading to have a bicycle facility shown on the proposed route map. There is a group of people who have been working together for about the last eight months on what to do with Carle Park. She thought they were to decide whether or not a bicycle facility is located there. Because it's premature to show bike paths in Carle Park, the group would like to have the bicycle facility shown in the proposed plan removed. Mr. Lewis replied that the map shows Carle Park as an existing bicycle facility. Ms. Black noted that they received this information from the Urbana Park District. Ms. Stake remarked that it is not an existing bicycle facility. It is a tree walk, not a bicycle path, and it should be deleted from the proposed plan.

Mr. Grosser expressed his appreciation for the great work that everyone has done to create the proposed Urbana Bicycle Master Plan. He acknowledged that there were a lot of people who worked on it. He believes that it will provide a lot of uses for many of the over-wide streets there are in the City of Urbana. It will also slow down traffic in places where people just exceed the speed limits.

Mr. Grosser inquired if there was a section in the proposed plan where there are specific recommendations for future development. Every time a new street is conceptualized is there a guideline for the developers or for Public Works as to how the street/bike paths should connect to the bike network. Ms. Black explained that the idea is for any new development, if they are going to provide bike paths, to connect to the proposed paths in the Plan. Mr. Myers added that the City can link development of bike paths through the Subdivision and Land Development Ordinance by referencing the map that is in the proposed plan and by requiring developments that generate traffic demand to include bicycle facilities when they provide transportation facilities. Mr. Grosser commented that this would give the City leeway when Special Use Permit requests come before them. Mr. Myers pointed out that the Urbana Subdivision and Land Development Ordinance already has very specific standards about streets regarding width, thickness of the pavement, etc. The proposed Bicycle Master Plan could tie into that regulatory document.

Mr. Grosser questioned whether having marked bike lanes on the streets would make the Fire Department want to have the streets be even that much wider. In other words, the Fire Department always wants streets to be a certain width, so they can drive the fire trucks down them. Are they willing to drive on bike lanes if there is an emergency? Ms. Black said that she presumed that the Fire Department is willing to drive on bike lanes. Mr. Grosser explained that he is concerned about oversized streets. He feels some people like streets to be a lot wider than they need to be. Mr. Myers responded by saying there is not anything in the proposed plan that encourages narrowing of streets in such a way that they would not be safe for any type of vehicles that should be travelling on the street, including fire trucks.

Mr. Grosser stated that he likes to ride his motorcycle, but he sometimes has difficulty getting the signal activation to recognize his presence at a stoplight because of the motorcycle being lighter weight than a car or truck. He noticed there is a recommendation in the proposed plan for there to be signal activation sensors put in the road for bicyclists. The Plan also mentions motorcycles. Will the sensors also detect motorcycles? Will the sensors go all the way across the road or would they just be put in the bike lane? Ms. Black explained that the bike lanes end at the intersections because of the turning lanes. There will be signs placed at the intersections where bicyclists will need to place their bikes to be recognized by the sensors that are on the pavement.

Mr. Grosser asked how this would work for motorcyclists. Ms. Black said it would be the same way. It would be the same space that the bicyclists would use.

Mr. Grosser noticed that the proposed plan suggests reducing Race Street between Illinois Street and Main Street to two lanes from the existing four lanes. He wondered what the results were in the traffic study and how does it compare to any other places in the City that would be two lanes only without any turn lane. Mr. Lewis replied that the traffic count at Main Street is 5,385 vehicles in a 24 hour period. It increases to 6,555 at Green Street and to 7,725 at Illinois Street. It, then, decreases to 6,755 south of Illinois Street. Ms. Black commented that these are high for a City, but you have to keep in mind that this area is considered downtown Urbana. We do not want people speeding in the downtown areas.

Ms. Black explained that the traffic counts are over 24 hours, and they are not just concentrated at one time. Ten percent is concentrated during the peak hours. This will happen even with the four lane section. The four lane section is a small segment, and it is not significant. She believes that if we reduce the number of lanes and install bike lanes, it will encourage more people to switch over from driving their vehicles to riding their bicycles. This will also reduce the traffic counts.

Mr. Grosser asked if there are other streets with that many traffic counts in the City of Urbana that are two lanes without a turn lane. Ms. Black stated that we would keep the turn lanes. Mr. Grosser asked if there would be right turn lanes as well. Ms. Black said no, there would only be left turn lanes. Mr. Lewis added that they are planning to keep the right turn lanes at the intersection of Main Street and Vine Street.

Ms. Stake questioned if the bike path would be part of the sidewalk. Ms. Black said no. It would be a shared use path. It will need to be at least 8 feet wide. Ms. Stake asked if motorcycles would be allowed to use it. Ms. Black said no. Chair Pollock added that it is illegal for motorcycles to use shared use paths and sidewalks.

Ms. Upah-Bant wondered if any other City that has extensive bicycle network systems requires helmets to be worn. Is it part of the proposed education program? Chair Pollock stated that every state gets to make their own laws about this issue. There was an Illinois Supreme Court case in the 1970's that had to do with motorcycles, in which the helmet law was declared unconstitutional. He suspects based on this that we can't make adults wear bicycle helmets if they choose not to.

Mr. Fitch exclaimed that the proposed plan is excellent. He was looking at the cost to construct the bicycle network and make the necessary changes to existing roadways. It seems that the entire project will cost over \$15,000,000 and will take beyond ten years. The City's portion will probably require a tax increase. He asked if they have talked to the Urbana Park District since their tax referendum failed about the amount they would be expected to contribute to the proposed plan. Ms. Black stated that they have not spoken to the Urbana Park District since prior to the tax referendum being denied. However, the Park District has participated throughout the entire process.

Chair Pollock commented that if the City is going to make a financial commitment to this, then it will no doubt have to be built into the Capital Improvement Plan (CIP), which is a ten-year horizon. Has there been any discussion at either staff or council level about the willingness to dedicate those funds out ten years to some of the proposals that we are looking at? Mr. Myers stated that for major improvements that the City would be doing would need to be in the Capital Improvements Plan. It is possible that there may be able to be an on-going conversion that would not be considered capital improvements such as stripping. It is also possible that of the \$5.4 million that is the City's projected portion over 10+ years, some of it might actually be able to be the responsibility of major developments that would border on arterial roadways.

In terms of the bigger connector streets and arterials, Chair Pollock inquired as to whether the City currently has a requirement for developers to install bike paths when they construct the road, such as with the extension of Florida Avenue. Mr. Myers stated that we should reference the proposed Bicycle Master Plan in the Urbana Subdivision and Land Development Ordinance to ensure implementation in new developments. Chair Pollock stated that he is not sure how this would address future arterial streets that are not part of the map. How would the City keep the bicycle network if the City continues to expand without requiring the developers to build them in the new developments? Someone mentioned the requirement to connect. The flip side of this is the requirement to build.

Rick Langlois, of 1412 Mayfair Road in Champaign, stated that he is the Chairman of the Champaign County Bike Steering Committee. They have been involved in creating the proposed Urbana Bicycle Master Plan. The idea for the proposed plan came out of the big.small.all Plan that the Champaign County did. It was recognized that the citizens of Champaign County, the City of Champaign, and the City of Urbana want bicycle facilities. On behalf of the Champaign County Bike Steering Committee, they do like the proposed plan quite a lot.

Champaign County Regional Planning Commission and everyone involved has taken 30 years worth of experience from other cities around the country and have done their research and created a great plan. They looked at a variety of services and how to implement the plan. As a result, the proposed plan will make a huge difference in making Urbana a city that is for people.

He mentioned that the City of Champaign recently passed a similar plan. The City of Champaign and the City of Urbana along with the Champaign County Regional Planning Commission have been working together to make sure that the two plans connect.

He feels that the proposed plan will make money for the City. It will make the City really attractive and livable. It will attract people who want to be here and bicycling.

They are currently working to launch an education campaign to make sure that people understand the rules of the road. He pointed out that the Illinois Vehicle Code says that bicycles are vehicles, and bicyclists can go anywhere except on restricted access highways. The proposed plan makes it easier for the B Level riders to want to park the car and ride their bicycles.

Cynthia Hoyle, of 2207 South Cottage Grove, mentioned that when she and her husband were looking to relocate in 2000, they wanted to reduce their auto dependency. The two places they came down to were the City of Urbana and Toronto. Since moving here, they have been able to dramatically decrease their auto use. The City of Urbana has been a community that provides for mobility choices already, and she is very excited about the proposed plan and about the opportunity for our community to be certified as a bicycle friendly community.

She thinks an answer to part of the question and concern about revenues is that there will be more revenues forthcoming from the federal government for facilities for walking and biking. One reason is because the construction of roads is becoming more and more expensive. The highway system is essentially complete and our fuel taxes are not going up, so the federal government is looking for ways to reduce expenditures on roadway building. There are not too many things that are less expensive than bicycling. The other reason is the emphasis on health. The Center for Disease Control has said that obesity is an epidemic in this country. They have really focused all of their research on our built environment. They feel that our built environment is a major contributor to the problem of obesity, so they working hard on getting communities to be built to allow for and encourage active transportation. We also have the issue of global warming, and the fact that the City of Urbana wants to be a sustainable City. All three of these things converge on providing people with options for active transportation.

She recommended that the City of Urbana adopt a Complete Streets Policy. It would help to address the question of new development that our new collector and arterial streets will be complete streets. It would also address the issue of not only does the City of Urbana require sidewalks for pedestrians, but for new developments we could require infrastructure for bicycling.

She mentioned that she is she is a Transportation Planning Consultant with the Mass Transit District (MTD). They did a survey when creating the miPlan, and they received over 7,000 responses. One of the major reasons people gave for not bicycling is because they do not feel safe. She feels this addresses the concerns of the less experienced cyclists. If there is not a lane or a sign, then they do not feel comfortable or that they have been invited and they do not feel that the roadway is shared with them. They indicated that having facilities for bicycling would help them feel more comfortable with using that mode of transportation.

Susan Jones, the representative for this district to the League of Illinois Bicyclists. When she first started in this position, Champaign and Urbana were most famous for Gary Zeiko's pictures of the hazards of the campus bikepath. This has been an exemplary series of what not to let happen with your bikepaths. Now, Champaign and Urbana are famous for having the most people coming and the most educated and actively involved and sane people working to make real solutions happen.

She suggested that instead of referring to bicycling as recreational or as alternative mode of transportation, we could make it more mainstream to be okay to use a bicycle. Many people

look at her as a dynamite intrepid commuter. In fact, she would not be doing this anywhere, but in a place like this where the motorists are reasonable and the roads are already ready for bike paths.

Many people have worked together in creating this plan including bicyclists and people who have done the research. Therefore, she thinks it is an excellent integration of the specific things that bicyclists need and the knowledge and the experience of other places in the state and in the country.

She remarked that bicyclists will fight tooth and nail to keep multi use paths from looking too much like bike paths. Bicyclists would rather ride on the streets. They do not like to have to dodge kids and their strollers on the multi use paths. It hurts bicyclists when they fall down too.

Tom Rauchfuss, of Iowa Street near Carle Park, stated that the part that interests him about the planning processes is its integration with other planning processes that are currently being planned or discussed, such as Ms. Stake mentioned that her group is talking about Carle Park. The proposed plan discusses the eventual integration with the Rails-to-Trails process. He feels these interfaces are particularly important.

The one that interests him is that the Urbana School District is set on changing the high school into a commuter school, whereby they remove a lot of housing and essentially encourage the students to drive cars more. For the reasons Ms. Hoyle mentioned, he thinks it is the wrong move to encourage more driving to the center of town. He wondered if the proposed plan could not somehow inform the Urbana High School's plan for manifest destiny for their cars, because the biggest enemy of bicyclists is avoiding automobiles. It is a lethal encounter. So, when we have more traffic from students driving cars to school, it runs counter to what the bicycle path is all about.

With no further comments or questions from the public, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion. He suggested that they talk more about the procedure.

He mentioned that the case is slated to go to the City Council in March. He asked if the other Plan Commission members were comfortable with voting on and making a recommendation to the City Council during this meeting.

Ms. Stake wondered if Mr. Myers would speak about the issue with Carle Park to get it changed. Mr. Myers explained that the Plan Commission's comments are part of the public process as well as the comments expressed by the public. City staff will take all the comments into consideration and make any necessary changes.

He pointed out that should the Plan Commission recommend approval of the proposed plan during this meeting, the public process is still taking place, so there may be minor adjustments made to the proposed plan afterward. Chair Pollock inquired as to what public process is still on-going. Mr. Myers explained that there is a 30-day public comment period for the proposed plan. This ends on March 17, 2008, and the City Council could conceivably take action on the proposed plan for approval. The Committee of the Whole will likely review this case on March 10, 2008.

Chair Pollock commented that if there is continuing public comment on the proposed plan, and the Plan Commission is responsible for making a recommendation to the City Council, should they not be aware of any future comments made prior to making a recommendation. Mr. Myers replied that the Plan Commission could continue the case to the March 6th Plan Commission meeting, which is a lot closer to the end of the public comment period. The other factor is that if there would be any major change once the Plan Commission makes a recommendation to the City Council, then the case would need to be brought back before the Plan Commission to review that change. Chair Pollock inquired as to who would decide what is a major change. Mr. Myers answered by saying that Libby Tyler, Community Development Director/Zoning Administrator, would make the decision in consultation with other City staff. He feels that minor tweaks could be incorporated without bringing the case back to the Plan Commission.

Chair Pollock questioned what the nature of the 30-day open comment period is. Are those comments coming into the staff at the Champaign County Regional Planning Commission? Are those comments coming into the City's staff in the Community Development Services Department? Ms. Black responded that for the ad that was placed in the News-Gazette regarding the public comment period, the comments would come back to the Champaign County Regional Planning Commission. So far, they have not received any comments. The comment period began on February 15, 2008. Usually when a document, such as the proposed plan, has gone through a public involvement process, we do not get comments at the end of the process. During the public comment period for the Illinois Route 130 Plan, they did not receive any comments, because it was heavily produced by the public. Chair Pollock agreed that there was clearly an incredible amount of public involvement in producing this plan, so it might very well be that there are no public comments submitted during the 30-day open comment period. However, he suggested leaving the case open until the March 6th meeting. At that meeting, we will invite Ms. Black and Mr. Lewis back to speak again. If there is no further public comment, then perhaps, the Plan Commission might feel more comfortable making a recommendation to the City Council. If there are some comments, then the Plan Commission could discuss this issue again and decide at that point what the proper procedure would be.

Mr. Grosser likes the suggestion. It puts the Plan Commission in a difficult position of approving a plan that may change, and the delineation between what the Plan Commission recommends approval for and what might change probably would not be well communicated to the City Council. So, the City Council could not be clear on what the Plan Commission is necessarily recommending if there are any changes. This would give staff time to research how the traffic counts compare to other places in the City. Mr. Lewis stated that he can answer that now. On Main Street at Lierman Avenue, the traffic count is 7980. At Cottage Grove and Main Street, the traffic count is 10,320. Both places only have two lanes and the traffic count is higher than Race Street.

Ms. Stake agreed with Mr. Pollock's suggestion as well.

Mr. Ward commented that he agrees also. He is even uncomfortable with considering the case at the March 6th meeting, because it would still put them in the position of recommending approval on a plan that could still change. They have heard a lot of positive testimony during this meeting, and he would hate to see some of the good features could be removed for some reason. He does not suspect that this would happen, and he trusts the staff, but it still could happen. So,

the Plan Commission is still placing themselves in a position of telling the City Council that they approve something that they do not even know what it is. He supports the plan very strongly. He feels it is a wonderful idea. He has heard some great suggestions of how we could even extend this further, but he is hesitant to recommend approval until it is final.

Ms. Upah-Bant expressed her curiosity as to why the Plan Commission is reviewing the case before the final public comments were in. Is there some urgency to have the City Council approve this by March 21st? Mr. Myers replied that there is not an urgency. They just wanted to follow the timeline that was set up.

Mr. Myers pointed out that there were changes made to Pages 8-11 and 8-48 in the proposed plan. The hard copies of the proposed plan reflect those changes, but the changes are not on the CD that was mailed out in the packet of information. There are some slight technical changes that the Steering Committee is recommending based on their most recent meeting. One change has to do with bicycle parking.

Chair Pollock stated that this is a really good illustration of why he does not want to rush through this before they are prepared to make a recommendation to the City Council. Therefore, he recommended continuing the case to the March 6th Plan Commission meeting. At that point, the Plan Commission can decide what to do in terms of time tables. The Plan Commission agreed.

7. NEW PUBLIC HEARINGS

Plan Case No. 2053-T-07: Request by the Zoning Administrator to amend Section XII-4.A.1 and XII-5.A.1 of the Urbana Zoning Ordinance regarding nominations for local historic districts and landmarks.

Rebecca Bird, Community Development Associate, presented this case to the Plan Commission. She stated the purpose of the proposed text amendment, which is to allow Historic Preservation Commissioners to nominate properties for local historic district and landmark designation. She spoke about the proposed changes to the Urbana Zoning Ordinance and about the Historic Preservation Commission. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance, as presented.

Ms. Stake moved that the Plan Commission forward this case to the City Council with a recommendation for approval. Mr. Fitch seconded the motion, following which discussion on the motion took place.

Mr. Grosser felt that the proposed text amendment makes a lot of sense, and he is glad to see it happening. He also agrees with the stipulation that nominators should have to abstain from voting on these types of cases. For example, if one of the Historic Preservation Commissioners had nominated the recent Elm Street historic landmarks, it would have made even more turmoil in the city and amongst the stakeholders involved in the argument. It would have clearly been a

conflict of interest. Therefore, he wanted to state that he supports the motion, but specifically with the “conflict of interest” language that is being proposed.

Mr. Ward stated that he also supports the motion. He noted that often in public policy what counts is not a legal conflict of interest, but the appearance of a conflict of interest. He would hope the Historic Preservation Commission would be sensitive, if the proposed text amendment is adopted by the City Council, that even having a member of the Commission make the presentation to nominate a historic landmark or historic district could present a conflict of interest.

Ms. Upah-Bant recalls talking about this specific issue when the City first approved the Historic Preservation Ordinance. She appreciates Ms. Bird pointing out that the Historic Preservation Commissioners are some of Urbana’s most capable residents in terms of historic preservation, but they are also people who are really interested in historic preservation. She believes this prejudices the case completely. She did not feel that there could be a possibility where a Historic Preservation Commissioner could present a nomination without it being prejudicial. As a result, she cannot support the proposed text amendment. She did not support it originally, and nothing has changed.

Chair Pollock commented that a balance needs to be struck. If you refuse to allow any Historic Preservation Commissioners to have any input into the types of properties that should be considered historic landmarks and historic districts, then we not only reduce the number of cases that come before the Historic Preservation Commission, we also may also reduce the number of members who are willing to serve on the Commission.

He mentioned that he has a very broad definition of “conflict of interest.” He believes that an appearance of a conflict of interest is a conflict of interest. He would never support the proposed text amendment without the language regarding the conflict of interest being included. It is essential to make clear that it is not appropriate for a Commissioner to nominate a property and still expect to be able to vote on the nomination.

Roll call was as follows:

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

The motion passed by a vote of 5-1. Ms. Bird noted that this case would be forwarded to the Urbana City Council on March 3, 2008.

8. OLD BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following topics:

- ◆ Robert Myers introduced Rebecca Bird as the Planning Division's Community Development Associate. She is a recent graduate from the University of Illinois with a Masters degree in Planning. She previously worked as an intern in the Planning Division before her promotion.
- ◆ T-Mobile Special Use Permit request was approved by the City Council.
- ◆ CCZBA-596-AT-07 was presented to the City Council, and they defeated a resolution of protest for the text amendment regarding lighting near residential uses and districts and regarding adding "Township Highway Maintenance Garage" to the table of uses.
- ◆ Champaign County's Hazard Mitigation Plan Amendment – The City Council approved the City's participation in amending Champaign County's Hazard Mitigation Plan.
- ◆ Chatham Annexation Agreement Resolution was approved by the City Council. This is in support of state laws that will limit the impact of the Chatham Court case on Champaign County municipalities.

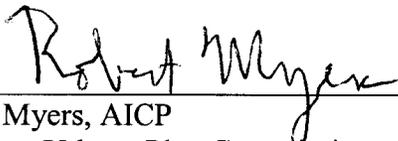
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:52 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: March 6, 2008

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Michael Pollock, Bernadine Stake, James Ward

MEMBERS EXCUSED: Lew Hopkins, Marilyn Upah-Bant, Don White

STAFF PRESENT: Lisa Karcher, Planner II; Paul Lindahl, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Jamaal Diggins, Brandon Frisbie, Bobby Higgins, Tom McCafferty, Dennis Roberts, Laura Smith, Susan Taylor

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. Grosser moved to approve the minutes from the February 21, 2008 meeting. Ms. Stake seconded the motion.

City staff received an email from Cynthia Hoyle suggesting one correction to the minutes. On Page 10, Paragraph 3, Line 4, it should read as such, "The highway system is essentially complete and our fuel taxes are not going up, so the federal..." The Plan Commission members agreed to the correction. Chair Pollock called for a voice vote on the motion to approve the minutes as amended. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- ◆ 2007 Plan Commission Annual Report
- ◆ Email from Brandon Bowersox Regarding Plan Case No. 2059-CP-08

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2059-CP-08: A request by the Urbana Zoning Administrator to adopt the Urbana Bicycle Master Plan as an amendment to the 2005 Urbana Comprehensive Plan (as amended) including a Proposed Bicycle Network Map indicating future bicycle routes.

Chair Pollock announced that this case has been continued to the March 20, 2008 Plan Commission meeting. He asked for an update on the case.

Paul Lindahl, Planner II, explained that he understood that the Plan Commission had expressed during their previous meeting that since the Public Comment period for the proposed Urbana Bicycle Master Plan would not expire until March 17, 2008, that they did not feel comfortable making a recommendation to the City Council until after all the public comments had been received. Therefore, City staff felt it would be best to continue the case to the March 20, 2008 meeting.

Ms. Stake handed out copies of an email from Council member Brandon Bowersox regarding the proposed plan. She read a second correspondence from Beverly Rauchfuss in opposition to the Mathews Avenue/UIUC dedicated bike path, because it is dangerous.

Chair Pollock mentioned that these two correspondences will be part of the record, and the case is continued to the March 20th Plan Commission meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Plan Case No. 2062-M-08: Annual Update of the Official Zoning Map

Paul Lindahl, Planner II, presented this case to the Plan Commission. He gave a brief presentation on the changes made to the Official Zoning Map. He read the options of the Plan Commission and presented staff's recommendation, which is as follows:

Staff recommends that the Urbana Plan Commission recommend approval to the Urbana City Council of the Official 2008 Zoning Map.

With no questions for City staff from the Plan Commission, Chair Pollock opened the hearing up to the public to give comments or express concerns. With no input from the audience, Chair Pollock closed the public input portion of the hearing, and he opened the hearing up for Plan Commission discussion and motions.

Mr. Ward moved that the Plan Commission forward the case to the City Council with a recommendation for approval. Ms. Stake seconded the motion. Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|-------------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Grosser | - | Yes | Mr. Pollock | - | Yes |
| Ms. Stake | - | Yes | Mr. Ward | - | Yes |

The motion was approved by unanimous vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Lisa Karcher, Planner II, reported on the following topics:

- ◆ Text Amendment regarding Historic District and Landmark Nominations was approved by the City Council on Monday, March 3, 2008.
- ◆ The Urbana Bicycle Master Plan will be presented to the City Council on Monday, March 10, 2008 as a study session item.

2007 Plan Commission Annual Report

Mr. Grosser and Mr. Fitch requested copies of the report in CD format.

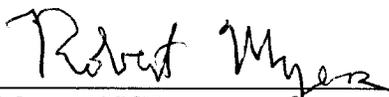
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:39 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: March 20, 2008
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Tyler Fitch, Ben Grosser, Lew Hopkins, Bernadine Stake, James Ward

MEMBERS EXCUSED: Jane Burris, Michael Pollock, Marilyn Upah-Bant, Don White

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary; Jennifer Selby, Civil Engineer

OTHERS PRESENT: Rita Black, Bjorg Holte, Susan Taylor, Ruth Wyman

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.

In the absence of Michael Pollock, Chairperson for the Plan Commission, Mr. Grosser moved that Mr. Ward serve as Acting Chairperson. Ms. Stake seconded the motion. The Plan Commission agreed by unanimous voice vote.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes from the March 6, 2008 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- ◆ Urbana Bicycle Plan Implementation Matrix
- ◆ Updated Staff Report for Plan Case No. 2059-CP-08 dated February 21, 2008

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2059-CP-08: A request by the Urbana Zoning Administrator to adopt the Urbana Bicycle Master Plan as an amendment to the 2005 Urbana Comprehensive Plan (as amended) including a Proposed Bicycle Network Map indicating future bicycle routes.

Robert Myers, Planning Manager, presented an update to the City staff report to the Plan Commission. He said that the written staff report, which he handed out prior to the start of the meeting, reiterated what was provided verbally at the previous Plan Commission meeting and highlighted some of the important aspects of the proposed plan.

Public input has been an integral part of the process in creating the proposed plan including creating a Steering Committee, holding a public workshop in May 2007, and holding a follow-up public workshop in December 2007. It also included having a League of Illinois Bicyclist representative on the consultant's team, reviewing the proposed plan with the City of Urbana's Bicyclist and Pedestrian Advisory Committee, conducting an online bike route survey, coordinating with the City of Champaign and the University of Illinois concerning connecting to bicycle routes in their respective jurisdictions, and consulting with other parties such as the Illinois Department of Transportation (IDOT) and members of the League of Illinois Bicyclists.

He noted some of the most salient parts of the plan to review are Figure 8.1: Recommended Bicycle Network and Figures 9.1, 9.2, and 9.3, which show the Bicycle Network Improvements over time.

He stated that the Comprehensive Plan clearly expresses an overall desire that bicycling be a viable form of transportation in the City of Urbana; however, it does not really offer any details on how it can or should be achieved. The proposed Urbana Bicycle Master Plan provides clear and specific means to achieve a future bikeway system.

The Bicycle Network Recommendations were based on the following:

- ◆ Inventory of existing bicycle facilities and roadway characteristics;
- ◆ Existing policies and plans for proposed bikeways;
- ◆ Public input from bicyclists and others on the most desirable routes;
- ◆ Input from public agencies, boards and commissions, including the Urbana Bicyclist and Pedestrian Advisory Committee;
- ◆ Connecting activity centers, major destinations, and neighborhoods;
- ◆ Bicycle Level of Service ratings of A, B, or C for "casual adult cyclists";
- ◆ Spacing of bikeways from 0.5 to 1.0 miles apart;
- ◆ Transportation standards and guidelines which incorporates safety standards.

He referred to Table 9.3: Implementation Matrix by Timeframe on Page 9-16 of the proposed plan. The table divides development of the bicycle network into 0-5 years, 6-10 years and 10+ years. He stated that a lot of the proposed improvements are just repainting of the existing streets. He handed out copies of the "Urbana Bicycle Plan Implementation Matrix", which Jennifer Selby, Civil Engineer for the City of Urbana's Public Works Department created.

In terms of costs, he noted that the two most expensive improvements shown in Table 9.3 are building a sidepath along Route 45/Cunningham Avenue from the Village of Rantoul to the future Olympian Drive (\$4.2 million) and the adding of a sidepath along High Cross Road from Curtis Road to the Village of Philo (\$1.7 million). These are not only in the 10+ year time frame but also outside the City and its future planning area.

In terms of funding, the City of Urbana has been quite successful in the last two years for acquiring grants for bikeways. The City received a \$900,000 grant for Goodwin Avenue and a \$500,000 grant for High Cross Road.

Mr. Myers, then, asked Ms. Selby to talk more about the funding for the proposed improvements.

Ms. Selby approached the Plan Commission to talk more about the handout. She pointed out that \$2,355,904 of the proposed improvements have already been identified in the Capital Improvement Fund (CIP) as part of funded projected.

She noted that the table in the handout is different than the tables in the proposed plan. The handout rearranges the table to show only the City of Urbana and the University of Illinois' projects. Page 2 shows that only \$265,001 of bikeway projects in the next five years haven't been earmarked for funding as part of the Capital Improvements Plan.

She said that City staff is going to apply for a grant for the Main Street project, which will run from Cedar to Scottswood. The grant would be for approximately \$1.5 million. Main Street already has funding set aside, so if the City receives the \$1.5 million grant, then it will be used towards the \$265,001. She pointed out that the majority of the \$265,001 improvements are for bike routes (share the road).

The total funding needed to implement the 6-10 year plan is \$228,560, of which \$2,812 has already been funded. This brings the total cost of the improvements that still need to be funded for the 0-10 year plan to \$493,560. City staff will be applying for grants to cover this amount.

Ms. Selby mentioned that the improvements listed in the 10+ year plan include roads that are not currently in the City of Urbana limits or roads that do not currently even exist yet. Therefore, she does not want the Plan Commission to focus on the 10+ year plan, because it appears to be rather costly and gives the impression that we still need to come up with \$6,036,249. When, in fact, no one knows when the roads will be built or brought into the City, and these improvements are things that would normally be associated with development projects anyway. For example, when building Olympian Drive, the sidewalks or shared use paths would be incorporated, just as drainage, etc. would be.

Mr. Fitch said that he is the Plan Commissioner who raised the question about funding at their previous meeting. He stated that the handout was very helpful. He is glad to see that a lot of the funding has already been identified.

He clarified that at the previous meeting, he meant to say that in general, it is clear that someone is going to have to raise their taxes. He did not mean to imply that it would be the City of

Urbana. Clearly, the Urbana Park District's portions of the proposed plan are contingent on them having the necessary resources.

Mr. Myers noted that these numbers will change as the years go by. The matrix is intended to give an order of relative costs. It is not intended to state specifically to the dollar how much the projects would cost. Ms. Selby added that the treatments listed as lanes, the amount shows the cost of the paint. So while they resurface say Philo Road from Pennsylvania to Colorado Avenue, the \$4,500 listed is just the cost of the paint. When we resurface a project, we have to paint it anyway. Therefore, the amount of cost would be less, because there would be some element of stripping anyway.

Mr. Grosser felt that the handout is very helpful and should be helpful to the City Council as well. He noticed an error on the final table. It shows it as being for the 6-10 year plan, but Ms. Selby had referred to it as being the 10+ year plan. Ms. Selby clarified that it should say 10+ year plan.

Mr. Grosser wondered if the City was planning to redo Race Street between Meadowbrook and Curtis Road. Rita Black, of Champaign County Regional Planning, answered that it is just a collection street. It is part of the Greenways and Trails Plan.

Mr. Grosser asked if all of the sidepaths in the 10+ year plan, which are the bulk of the costs, are on streets that are already built and not going to be changed in anyway. Ms. Selby reviewed each improvement listed under the 10+ year plan noting whether or not each would require road improvements and the reason why each is on the 10+ year plan. Mr. Grosser stated that he just wanted to get a sense of how much money the City is hoping would come along for roads that are not going to get improved to build sidepaths next to them. It appears there are only two. Ms. Selby pointed out that the more bike paths the City gets in place, the better our chance is of getting grants to make the connections.

Mr. Fitch wondered if there would be a sidepath along University Avenue. Ms. Selby replied that it would be the rail trail.

Mr. Grosser expressed a concern about the issue with the trail going or not going through the Urbana High School and Middle School campuses. In looking at the plan, it appears that there will be a big hole in the middle of the bike network without this connection. How do we fix this issue?

Mr. Myers responded that they had looked at extending it through the High School and Middle School campuses, but after further inquiry with the school district, it is not workable. It is not just a policy question, but also a physical barrier, because the Urbana School District has plans to build across where the bike path would go. So instead of a through path, bikeways will be leading to and from a major traffic generator – the school.

Mr. Grosser wondered if City staff had considered removing parking on Race Street in this stretch. Ms. Selby explained that even with the removal of parking, the street would not be wide enough for bike lanes. They also use Race Street to stack buses. She did not know what the Urbana School District had planned.

Mr. Grosser recalled talking about developers being held responsible to provide bike path connections and facilities in future developments at the previous Plan Commission meeting. Elizabeth Tyler wrote in a memo responding to the concerns and questions of the Plan Commission that a simple amendment to the Urbana Subdivision and Land Development Code could enforce this idea. He asked if the simple amendment would ensure connectivity. Mr. Myers answered that the first step is to adopt the proposed plan as an element of the 2005 Comprehensive Plan. In the Subdivision and Land Development Code there currently are various places where it requires developments to comply with the Urbana Comprehensive Plan, including any successive amendments. The other thing is that the proposed plan has some segments that new development would have to contribute towards. Finally, most development along the fringes of the City of Urbana is done through annexation agreements. Annexation agreements spell out which parties are responsible for certain improvements. This would include bikeways.

Mr. Grosser inquired as to whether there is language in the Subdivision and Land Development Code that states that future developed streets should connect to existing streets. Mr. Myers said yes. He mentioned that City staff could also add an additional section or line in the Subdivision Regulations to strengthen the language further, and that could take place following approval of the Bike Plan. We also have Appendix D, the Mobility Map, in the Comprehensive Plan that is a skeletal framework for how the City of Urbana will grow. It is a blueprint for the major arterial and collector streets.

Mr. Grosser questioned whether the Traffic Commission has reviewed the proposed bike plan at all? Ms. Selby answered by saying that Joe Smith, Senior Civil Engineer, serves on the Traffic Commission, and has not looked at it. Council member, Dennis Roberts, serves on the Traffic Commission, and she assumes he has reviewed it as the rest of the Council members have. They sent a copy to Mike Bily, Chief of Police, who is the other member of the Traffic Commission. In addition, they sent a copy to the Fire Department, who responded and said that they do not have any problems with the proposed plan.

Mr. Grosser asked who in the City staff deals with traffic flow. Ms. Selby replied that would be Mr. Smith. She does not believe that he has read the entire plan. She stated that the Traffic Commission is scheduled to meet on Tuesday, March 25, 2008, and City staff plans to discuss the removal of parking on Main Street, so they can begin applying for the grant to cover those improvements.

She mentioned that when there is a road diet, the Public Works Department has software that they can use to tell them whether the street will fail or not. She noted that they plan to do this with each of these projects listed in the matrix tables.

Ms. Stake commented that one thing that was discussed is requiring complete streets for all new developments. Mr. Myers responded that we need to approach complete streets smartly in terms of what is realistic about what roadways could accommodate complete streets. We are looking at a network where the facilities are spaced a half mile to a mile apart. So, if we have a blanket requirement that every new street become a complete street, bikeway segments might be provided outside the proposed network. The other thing is that we need to have complete streets installed where it is realistic to do so, where there is enough width for the bikeways and for pedestrian paths or whatever those additional facilities may be. Acting Chairperson Ward added

that complete streets goes far beyond simply bicycles. Therefore, it would not be appropriate for a bicycle ordinance to go beyond the scope of the plan. It needs to be a more comprehensive approach to planning.

Ms. Stake commented that maybe it should not be part of the proposed plan. Maybe it should be in the Comprehensive Plan.

Mr. Fitch said that he bikes through the Urbana High School and Middle School campuses all of the time. He understands that Vine Street is too busy, especially in the morning and when school lets out in the afternoon. The Washington Street/Vine Street four-way stop is very busy as well, and it is a problematic intersection. Although it is beyond the scope of the proposed plan to talk about whether the stop signs will be sufficient, he feels it should be on someone's radar screen to at least monitor the intersection. Acting Chairperson Ward commented that he feels that the Plan Commission has identified this particular area of the City as one that needs some consideration in terms of connectivity of bike paths. He understood the school also being concerned about school safety with a thoroughfare running through their campus, especially if they change it to a closed-campus. He is willing to defer to the Urbana School District's interest at this particular point.

With no further questions for City staff, Acting Chairperson Ward opened the public hearing up to gather input from the audience.

Bjorg Holte, of 1001 North High Cross Road, asked who the Zoning Administrator is. Mr. Myers replied that the City of Urbana's Zoning Administrator is Elizabeth Tyler. Ms. Tyler is also the Director of Community Development Services Department.

Ms. Holte read the paragraph from the Urbana Bicycle Master Plan Comments on Page 3, which states as follows:

Comment: Regarding High Cross Road north of I-74, [we] agree that it is important to preserve the natural setting of the roadway, which was expressed in the Urbana Comprehensive Plan 2005 and the High Cross Road Corridor Study after significant public input. In the Urbana Bike Plan there is a statement about adding bike lanes on the bridge if it is rebuilt. That statement could cause confusion that we recommend rebuilding the bridge or even widening the roadway or opening up High Cross Road to more cars north of I-74. I suggest to avoid this confusion we add a statement such as "Please refer to the Urbana Comprehensive Plan 2005 or the High Cross Road Corridor Study for information about retaining the rural, natural setting of High Cross Road north of I-74". [The Plan Commissioner] also had the suggestion of considering a side-path on that stretch in the future.

She also read the following paragraph from the same page:

The following text will be added to Section 8.1.26 (page 8-21) of the Bicycle Master Plan:

At the first public workshop for the Bike Master Plan process, attendees were broken up into groups geographically. There were two groups that represented Northeast Urbana – an area defined as North of I-74 east of Cunningham, PLUS Beringer Commons & Edgewood (east of University Ave. spur to I-74 and north of University Ave.). Both groups identified the I-74 overpass as an obstacle to safe bicycling on High Cross Road (See A1-2). Group 2b marked “Safe passage over interstate” on their group map (See A1-4). Group 2b also prioritized the overpass of High Cross Road over I-74 as their second prioritized issue (See A1-5). The recommendation to provide a safe crossing of High Cross Road over I-74 upon any future bridge reconstruction project is consistent with the public comment received. It is also consistent with the IL 130/High Cross Road Corridor Plan.

She commented that she participated in the IL 130/High Cross Road Corridor Plan Study. She understood that north of Route 150, High Cross Road is to stay as is and not to be developed or widened. So, she did not feel that the last paragraph that she read is what the public attending the study workshops had in mind. She feels that the first paragraph more expresses their goal. Therefore, she suggested that the Plan Commission delete the last paragraph and to add the first paragraph read.

Acting Chairperson Ward remarked that the proposed comments are a proposal for an addition to the Urbana Bicycle Master Plan. The Master Plan already is fairly clear on what happens north of Interstate 74 on High Cross Road. The proposed comments do not change anything. They are merely an addendum.

Ms. Holte referred to Page 8-21 of the proposed Urbana Bicycle Master Plan. Under 8.1.26 High Cross Road (IL 130), the third bullet point states, “*Over Interstate 74: Provide a safe crossing of I-74 upon any future bridge reconstruction project. Coordinate with IDOT.*” She did not know whether this appeared in either the 2005 Comprehensive Plan or the IL 130/High Cross Road Corridor Plan. So, does this mean that the City is planning to change these two documents regarding this issue? Acting Chairperson Ward said no. There are no plans to change the bridge at this point. If at some point in the future, there is a plan to change the bridge, then it should be made safe for bicyclists.

Ms. Holte wondered if the change would be made part of the Comprehensive Plan. Acting Chairperson Ward said no. No one is suggesting that change now. At this point, there are no plans to change the bridge. If some future group a year from now, 10 years from now, or 20 years from now decides to change the bridge, the City is only recommending that the new bridge be made bicycle safe.

With no further comments, Acting Chairperson Ward closed the public input portion of the hearing. He, then, opened the hearing up for any questions, discussions, and/or motions by the Plan Commission on this particular case.

Ms. Stake agreed with Ms. Holte in that the High Cross problem has been with us for a long time. People worked very hard when the City developed the 2005 Comprehensive Plan to make sure that the area on north High Cross Road would be protected.

She referred to Section 21-3 Scope on Page 2 of the Urbana Bicycle Master Plan Comments handout. It states as follows:

Section 21-3 Scope.

- (C) *The requirements, standards and specifications of this chapter do not relieve the developer of compliance with any other applicable requirements which regulate land development, including but not limited to:*
- (1) *The Urbana Official Comprehensive Plan, 1982, as may be amended;*

She suggested changing “1982” to “2005”, since we recently updated the Comprehensive Plan. Mr. Myers explained that this is the actual wording in the Subdivision and Land Development Code. City staff is currently working on updating the Subdivision and Land Development Code to incorporate changes and updated references such as this.

Acting Chairperson Ward inquired if according to the statute, the 2005 Comprehensive Plan is an amendment to the 1982 Comprehensive Plan. Ms. Stake expressed that she did not understand how the Official Comprehensive Plan could be 1982. Mr. Myers explained that this was the date of the Comprehensive Plan in place at the time when the Subdivision and Land Development Code Ordinance was last adopted. Ms. Stake wondered about the 2005 Comprehensive Plan. Mr. Myers pointed out that Section 21-3 Scope does say “*as may be amended*”. This refers to later changes in the Comprehensive Plan, so it would take into consideration the 2005 Comprehensive Plan.

Ms. Stake expressed her concern about the wording in the last paragraph that Ms. Holte had read earlier. The bridge reconstruction should not be the project. It should talk about putting in a sidepath. The wording makes it look like they are planning to expand the bridge to more lanes. More lanes mean more traffic, and then, with more traffic come more problems with trying to preserve the natural setting of High Cross Road. Ms. Black clarified that they are not proposing bike lanes at all on this particular segment of the roadway. They are proposing that bicyclists and motor vehicles share the road. They are also not proposing any additional bicycle facility in the area. The idea of improving the bridge, if ever, is to widen it to meet the current standards. Right now, each lane measures 10 to 11 feet in width. The regular width of a lane should be 11 feet to be safe for any traffic to cross over the bridge.

Ms. Black noted that they do not want to add a sidepath, because it would only be problematic for the bicycle traffic to merge back onto the shared roadway. If they provide a sidepath over the bridge, then they would need to provide a sidepath the entire length of IL Route 130/High Cross Road segment to the north. They do not want this. Ms. Stake asked why not. Ms. Black explained the reason is because there is no right-of-way available to provide for a sidepath. There are houses located near the roadway that would not allow them to use the right-of-way for sidepaths.

Ms. Stake commented that if they wanted to widen the road, then they would find a way to do it. Why should it be different for sidepaths? Bicycles are just as important as cars. So, a sidepath in this nice historic area would be a good idea. Acting Chairperson Ward clarified that Ms.

Black was trying to say that there is not sufficient right-of-way. Ms. Black added that it might be a good idea, but it would be really expensive to get the right-of-way to provide for a sidepath. In order to keep the area low volume of traffic, they do not want to widen the road. Low volume of traffic hopefully means it will be easier and safer for bicycles and vehicles to share the road. Acting Chairperson Ward remarked that obtaining the right-of-ways would also involve infringe upon property owners' property.

Ms. Black said that this is why it is not viable to have sidepaths over the bridge. It would be really difficult for bicyclists to reconnect to the shared roadway, and it would be confusing to drivers as well. So, they are proposing that, if ever the bridge is reconstructed, that they consider widening the lanes a little and leave it as a shared path. Mr. Myers stated that a shared road means putting up signs saying that bicycles and motor vehicles share the same lanes.

Mr. Fitch said that they could strike the language. Or is the purpose to indicate that they only plan to share the road until or unless some unforeseen reconstruction of the bridge happens? Acting Chairperson Ward mentioned that if you read this carefully, the Comments handout is a reporting of what took place at one of the study workshops. It is not a policy statement. Ms. Stake argued that it will be if it is approved. Mr. Ward does not feel that there is a policy statement in the paragraph. The purpose of the paragraph being included in the proposed Bicycle Master Plan he assumed would be to show the people that attended the study workshop that their comments were heard. He has no problem with taking the paragraph out, because he feels it does nothing either positively or negatively. Mr. Fitch agreed.

Mr. Hopkins pointed out that on Page 8-21 of the proposed Urbana Bicycle Master Plan, where the paragraph would be inserted, there is a policy statement. It states as such, "*Provide a safe crossing of I-74 upon any future bridge reconstruction project. Coordinate with IDOT*". He understands Ms. Stake's and Ms. Holte's concern, but bridges do not last forever. Bridges get reconstructed even to be exactly what they were before. Therefore, it does seem to him to be appropriate to have it included in the proposed plan to have it as a reminder that this area is a high demand bicycle point and a bottleneck. When we rebuild the bridge, we should redesign it to be consistent with the type of bicycle path being used, which at the moment is a shared path.

He feels that the Plan Commission is arguing more about what the policy statement is rather than the last paragraph being added. He feels that the policy statement should be kept in, and he would be happy putting the additional paragraph in as well, because it is explanatory and does give feedback to the public participants that they are being listened to. It also might help explain why the policy statement is included in the plan, since we do not have similar statements for every single road and bridge reconstruction in the City. Mr. Fitch agreed and feels that the statement should be left alone.

Mr. Ward pointed out that at the moment, there has been no motion made to approve the proposed plan. Therefore, there is nothing to amend. If there was a motion and someone wanted to propose an amendment, then this might be the way to expedite this particular issue. Mr. Hopkins asked if the current status of what they would vote on if someone made a motion to recommend this case to the City Council would include the underline paragraphs in the Comments handout. Acting Chairperson Ward said yes.

Mr. Grosser moved that the Plan Commission forward Plan Case No. 2059-CP-08 to the City Council with a recommendation of approval with the specific changes underlined in the addendum titled "Urbana Bicycle Master Plan Comments" and dated March 14, 2008. Mr. Fitch seconded the motion.

Mr. Grosser spoke about his motion. He strongly agrees with Mr. Hopkins. He feels that the statement listed on Page 8-21 in the proposed plan about the bridge is simply saying that when the bridge is reconstructed, we should make sure that it is safe and consistent with the shared path that leads to and away from the bridge.

Ms. Stake moved to amend the motion to add the March 1, 2008 comment to the proposed plan and remove the suggested underlined text in the last paragraph on Page 3 of the handout. With no second, the motion to amend died.

Ms. Stake moved to amend the motion to add the March 1, 2008 comment to the proposed plan. With no second, the motion to amend died.

Mr. Grosser feels that the City Traffic Engineer should be asked to review the proposed plan and give approval. Mr. Ward asked if it was on the agenda to discuss the proposed plan at the next Traffic Commission meeting. Ms. Selby said no. They were planning on discussing the removal of parking on Main Street to allow room for bike paths.

Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|-------------|---|-----|
| Mr. Fitch | - | Yes | Mr. Grosser | - | Yes |
| Mr. Hopkins | - | Yes | Ms. Stake | - | No |
| Mr. Ward | - | Yes | | | |

The motion was approved by a vote of 4 ayes to 1 nay.

Mr. Myers noted that this case will go before the City Council on April 7, 2008. City Council has already had a detailed briefing on the proposed plan already at a previous Committee of the Whole meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers, Planning Manager, reported on the following topics:

- ◆ Major Variance request by the Vermilion Development, Inc. to allow a setback encroachment will go before the City Council on March 24, 2008. They are proposing a three-story commercial building with retail on the first and offices on the second and third floors at the southwest corner of Lincoln and University Avenues.
- ◆ Major Variance request by the Atkins Group to allow an LED sign at The Pines will go before the City Council on March 24, 2008. They are proposing one shopping center sign with a message board that changes every ten seconds in lieu of having other signs for each store/tenant.
- ◆ 2008 Official Zoning Map Annual Review will go before the City Council on March 24, 2008.
- ◆ A budget amendment for the University Avenue Corridor Study will go before the City Council on March 24, 2008. This is a corridor project between Cunningham Avenue and Downtown Champaign along University Avenue. It concerns both what should happen within the right-of-way and also development potential/opportunities for selected areas within the corridor.
- ◆ A Historic Preservation Landmark Application for the Historic Lincoln Hotel has been submitted and will be reviewed by the Historic Preservation Commission on April 2, 2008.
- ◆ Menards will be submitting a formal submission of plans and an annexation agreement for review and approval.

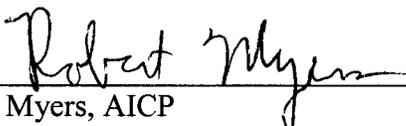
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:54 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: April 24, 2008

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: Tyler Fitch, Bernadine Stake

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

OTHERS PRESENT: Chris Dillion, Darlene Doloynes-Ferris

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. Grosser moved to approve the minutes from the March 20, 2008 meeting as presented. Mr. Ward 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. 2065-SU-08: A request by Vermilion Development Corporation for a Special Use Permit to construct an accessory parking lot at 908 West Clark Street in the B-3U, General Business – University Zoning District.

Robert Myers, Planning Manager, presented this case to the Urbana Plan Commission. He began with a brief introduction and background of the proposed site and of the purpose for the proposed Special Use Permit. He referred to Exhibit E, which is the site plan. The site plan shows the distance between the main property at 901 West University Avenue and 908 West Clark Street, where the petitioner is asking for a Special Use Permit to allow an accessory parking lot with 26 parking spaces. He mentioned the setback variances requested by the petitioner and approved by the Zoning Board of Appeals along University and Lincoln Avenues. He described the proposed site at 908 West Clark Street and the surrounding properties noting their zoning and current land uses.

He pointed out that since accessory parking has to be within 600 feet of the main development, then it doesn't make sense for this accessory parking to be located north or east as people would have to cross University or Lincoln Avenues to get to the building. Realistically, this parking would have to be located at the southwest quadrant of University and Lincoln Avenues. In drawing a 600-foot arc southwest of 901 West University Avenue, this accessory parking lot only has a few places where it could be located because it would be cost prohibitive to purchase an apartment building or business only to tear it down for surface parking. 908 West Clark Street is, therefore, one of the few locations where this accessory parking lot could be located.

Mr. Myers reviewed the requirements for a Special Use Permit according to Section VII-4 of the Urbana Zoning Ordinance and the additional requirements for accessory parking lot Special Use Permits. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Plan Commission recommend approval of the proposed Special Use Permit in Plan Case NO. 2065-SU-08 to the City Council, with the following conditions:

- 1. The parking lot shall be constructed in general conformance to the site plan layout submitted as part of the application and labeled as Exhibit E in the written staff report.*
- 2. A landscape buffer shall be provided along the east and west property line to screen the proposed parking from adjacent properties. The landscape buffer shall be reviewed and approved by the Zoning Administrator and the City Arborist.*

3. *The Special Use Permit shall expire if the subject property is not transferred to the petitioner or the proposed development at 901 West University Avenue is not constructed.*
4. *The parking lot shall only serve as accessory parking for the development at 901 West University Avenue.*

Ms. Upah-Bant asked the square footage of the retail/office building and how many parking spaces would be required. Mr. Myers answered that the building will be three-stories, and the City estimates that 135 parking spaces would be required based on square footages and proposed uses. The petitioner plans to provide some of the required parking on the property to the south of the development, 26 parking spaces at 908 West Clark Street, and the remaining off-site parking spaces will be provided at a parking lot owned by the University of Illinois. He said that the University of Illinois is going to be one of the building's users so they will have some control about where their own employees can park.

Ms. Upah-Bant stated that parking is at a premium in this part of campus. She wondered if the petitioner would be renting parking spaces to other people not affiliated with the use of the building. Mr. Myers said no.

With no further questions to the City staff by the Plan Commission, Chair Pollock opened the hearing up to take public comment.

Chris Dillion, Vermilion Development Corporation, LLC, stated that it is important to look at this in context. The building will primarily be an office building – Class A office on par with what you might find at the Research Park – but should also have some retail and/or restaurant space. The 135 required parking spaces is not a definitive number because they do not know exactly how much retail or restaurant there will be in the building.

They are also looking at the development as being an institutional presence on this corner. It is really meant to be a gateway to the campus and to the community. The University of Illinois is going to use office space in the building for their Continuing Education Department. The other office tenant will be Carle Development Foundation which is the foundation arm of the hospital. Carle is also considering taking additional space as well.

There will be some level of retail or restaurant on the first floor. Their best estimates are around 3,000 square feet. This is really what drives the number of required parking spaces to where they are currently projecting 135 spaces.

Mr. Dillion pointed out that there will be 49 parking spaces provided on-site at the two properties located at 902 and 904 West Clark Street. They are also utilizing 60 spaces with the University of Illinois that will be specifically designated for their employees. The proposed accessory lot will be used primarily as an employee lot associated with the Carle employees and any additional employees that the University may have or that the retail uses may have. These parking spaces will essentially be used during the daytime. This is why they do not feel it would be necessary to light the parking lot at night. The spaces will be available by permit to employees at the future development.

Mr. Hopkins asked if the University of Illinois is leasing the property to the petitioner. Mr. Dillion responded that Vermilion is purchasing the land from the University of Illinois Foundation. From his understanding, the University purchased the land about ten years ago to avoid McDonalds purchasing the corner and turning it into a fast food restaurant. This corner, even back then, was seen as a very prominent corner in the community. The University made a promise to the City of Urbana to return the corner back to the private sector in the future. He said that the University of Illinois will be leasing approximately 16,000 square feet in the future developed building.

Mr. Hopkins wondered what the nature of the lease is to the University of Illinois for the 16,000 square feet. What is the time span? Mr. Dillion explained that the time frame on the lease, due to state statutes, is only for two consecutive five year lease terms with two five year options for extension after the initial ten years. The parking agreement with the University of Illinois has almost the same time frame. It actually has a 25 year time frame associated with it. So, if the University was to remove their office from the building, then there is still an agreement in place to provide parking for whatever future use may come in.

Mr. Grosser questioned if the petitioner would want the required amount of parking space. Mr. Dillion explained that they are going to have a hard time marketing the retail space in the proposed building. He pointed out that the future building was envisioned as a mixed use building by both the University and the City. So, Vermilion Development would like to fulfill this. It is important to the character of University Avenue.

Mr. Grosser presumed that they have taken into account that many of their customers would be within walking distance of the future development and would not be driving vehicles. Mr. Dillion said yes. He stated that his background is in retail, and from his experience, ten per thousand restaurant parking spaces may be the minimum requirement, but some of the uses they are considering typically require more parking than this. So, if they show that their building can be easily reached by walking and biking, then they are creating an argument that they have enough parking to meet the needs of their tenants.

Chair Pollock wondered about the nature of the parking lot to the south of the future development. Will this parking area be dedicated to the office tenants? Mr. Dillion explained that the parking will be dedicated to the building itself. They are envisioning that the employees will park either in the University parking spaces or in the proposed accessory parking lot.

Chair Pollock asked how many of the parking spaces would be available on any of the lots for retail use. Mr. Dillion replied that about 30 parking spaces on the south lot would be available for the retail use.

Chair Pollock wanted to know if the retail does not work out, is there an option to have more office space on the first floor. Mr. Dillion said yes. This is one of the attractive features of building a mixed-use building of this nature.

Mr. Hopkins commented that the site plan made it a little hard to understand sidewalk widths. From what he can tell, the sidewalk around the front of the building maintains the current configuration but widens the sidewalk. Mr. Dillion explained that the existing sidewalk is

outside of the property lines in the right-of-way. Essentially the building will be set back from where the sidewalk currently exists. They anticipate that in the process of constructing the building they will be replacing the existing sidewalk with a new sidewalk. The width of the sidewalk will be subject to City code.

With no further comment or input, Chair Pollock closed the public input portion of the meeting and opened it up for Plan Commission discussion and motions.

Mr. Grosser moved that the Plan Commission forward Plan Case No. 2065-SU-08 to the City Council with a recommendation for approval along with conditions 1 through 4 as recommended by City staff in the written staff report. Mr. White seconded the motion.

Mr. Hopkins stated that although he will vote in favor of the proposed Special Use Permit request, he feels that there is an aspect of the parking which should be noted in the record. He understood that the University of Illinois is moving their employees from the Century 21 Tower to this location. They are expecting to use 60 parking spaces for those employees, but not add 60 parking spaces generally to the University of Illinois' parking inventory or particularly to this area. In this sense, the future building will not be providing the addition of the code required number of new parking spaces. You think of parking spaces as a multiplier of building square feet. So, if a building of a given size is constructed, then you add the multiplier number of parking spaces. In this case, we are not doing that. We are accounting for the rights of people using this building to have parking. He is okay with this, but he wants them to be up front about what they are doing. He believes it may amount to a variance on the City's parking requirement.

Chair Pollock commented that this is a tricky formula. There is no addition to the general area parking inventory up to the number that would be needed in order to meet the code, but because the University of Illinois is shifting certain other spaces in this area to use for this building doesn't necessarily mean that it is a violation of the requirements that this developer has to provide for. Mr. Hopkins responded by saying that he did not feel that it causes a problem. He just wants to make clear that this is what he feels is happening. Mr. Pollock stated that it is clear that the University is going to dedicate part of their parking inventory to this building in this area. They are shifting people around, but in doing so it does not mean that the development is not adhering to requirements of the City's code.

Mr. Ward felt that there was a missing piece of information that they do not have that would answer this question. If the University has just enough parking spaces to meet minimal requirements, then Mr. Hopkins is right. However, if the University has created excess capacity of parking and is simply using part of that excess to meet this then it is different. So, he did not feel that they could arrive at a hard and fast conclusion about whether technically this amounts to a variance because they do not know if an excess capacity of University parking now exists. Mr. Hopkins responded that this is simply the reason why he wants it in the record.

Mr. Grosser felt it is an interesting point. From his understanding, the University is not required to provide parking for most of the buildings that they construct. For example, the University was not required to provide any parking spaces for the Beckman Institute. Yet they did build a humongous parking garage across the street of which he presumes that some of the spaces they

are providing for the Vermilion development are coming from. A floor of the parking garage appears to be empty.

Mr. Myers pointed out that the University appears to have excess parking nearby at 901 West University Avenue. There's a large University surface parking lot less than two blocks to the west, which appears to be half full. Then, across Goodwin Avenue, there is a University parking garage which appears to have many excess spaces.

With no further debate or discussion, Chair Pollock called for roll call on the motion. It 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. Myers pointed out that this case would go before the City Council on May 5th.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers, Planning Manager, reported on the following topics:

- ◆ Urbana Bicycle Master Plan was approved by the Urbana City Council.

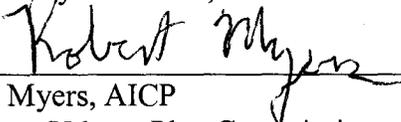
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,



 Robert Myers, AICP
 Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 8, 2008

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: Jane Burris

STAFF PRESENT: Robert Myers, Planning Manager; Gale Jamison, Assistant City Engineer; Tony Weck, Community Development Secretary

OTHERS PRESENT: There were 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. Ward moved to approve the minutes from the April 24, 2008 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- ◆ North Cunningham Neighborhood Business Meeting Invitation

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

Presentation on the Draft Boneyard Creek Master Plan

Robert Myers, Planning Manager, opened the study session up by stating the purpose and intent of updating the Boneyard Creek Master Plan. The proposed plan is a way to rethink the role of Boneyard Creek in the community and to use it as an organizing principle for development, and for pedestrian connections within the City. The City of Urbana hired Wenk and Associates and HNTB in 2006 as consultants to aid the City in creating the plan.

Chair Pollock inquired if the Plan Commission would be requested from this presentation to take any action. What will be the process as the proposed draft plan moves through the stages of getting approved?

Mr. Myers answered that City staff is not asking the Plan Commission to endorse or approve the proposed draft plan. Staff plans to present the proposed plan to the City Council for adoption by resolution. It would not be a formal element of the City's Comprehensive Plan. But, because the current Boneyard Creek Plan, which was written in 1978, is referred to in several places in the Zoning Ordinance, City staff felt that it would only be fitting that the Plan Commission be aware of the proposed new plan which may come into play sometimes in terms of zoning.

Ms. Stake wondered if the proposed plan would change any zoning. Mr. Myers said no.

Mr. Myers turned the presentation over to Gale Jamison, Assistant City Engineer. Mr. Jamison stated that with a significant amount of planning effort done over the last few years, with updating the Downtown Plan and the Comprehensive Plan and with the advent of a lot of development in the downtown area, City staff felt it was time to update the Boneyard Creek

Master Plan. There have been many things change in the area since it was originally adopted in 1978.

He spoke about the planning process, which was to initially define the project scope and the parameters, define the technical design criteria for any improvements along the Boneyard Creek, identify the preferences for uses along the Creek, identify properties for preservation acquisition or redevelopment, and to identify key focus areas. It was a three step process, which included the following: 1) a visioning plan, which included an analysis and a lot of public input, 2) developing alternatives and refining the plan, and 3) to generating the plan. Creating the plan involved coming up with concepts through segments of the Boneyard Creek and its corridor. It developed into two phases, which are as such: 1) Near Term (0-5 Years) and 2) Long Term (5-25 Years).

He discussed the following:

- ◆ Project Area
- ◆ Framework Plan – Outcome of the Community Workshops – Goals
- ◆ Phase 1 Master Plan – Segments
- ◆ Segment 1

Chair Pollock asked if the City staff had looked at water capacity, so that the Boneyard Creek would hold as much water as it holds now. Mr. Jamison replied that HNTB worked to not increase any flood levels.

Chair Pollock wondered if anyone had looked into the maintenance costs of this project. Mr. Jamison said that they have some preliminary maintenance numbers but that they are still studying the costs estimates.

He continued his presentation by discussing the following:

- ◆ Segment 2
- ◆ Segment 3

Mr. Ward wondered that since they are creating quite a bit of pedestrian area below street grade level, did they consider public safety issues as well? Mr. Jamison responded that the street itself will have appropriate guard rails along the street. There will be lighting along the pathways. It will be fairly open.

He stated that this is just a concept, so they are a long ways from the design details. Their next step will be conceptual design, where they would address the public safety issue.

- ◆ Segment 4
- ◆ Segment 5
- ◆ Implementation and Next Steps

Chair Pollock wondered if the Boneyard Creek extends through one or both of the Downtown TIF (Tax Increment Financing) Districts. Mr. Jamison said that the Creek extends through both of them.

Chair Pollock asked what the sunset on those TIF Districts was. Would they be in place long enough to fund some of the proposed improvements, because this will require some long term development? Mr. Myers answered that to his recollection, TIF District No. 1 expires about 2013. TIF District No. 2 expires after 2020. Mr. Jamison noted that the City has funds in the annual Capital Improvement Plan and in the TIF Districts for some of these projects.

Chair Pollock stated that he was just wondering that if the TIF Districts expire, then how would the City publicly fund this project. Mr. Jamison replied that this is part of the deliberations and prioritization once they do the development plans and get more fine tuned cost estimates.

Ms. Stake commented that she is pleased to hear that the City is thinking about what we can do with the Boneyard Creek. Mr. Jamison mentioned that the Plan has some really good ideas, and he encouraged Commissioners to read the full Plan. There are a lot of details not in the Plan which would have to be negotiated with property owners over the next few years.

Mr. Hopkins asked what is imagined for the Lincoln Avenue to Main Street segment of Boneyard Creek. Mr. Jamison stated that this area is outside the study's scope. There are some parts of the proposed plan that could be extrapolated into that stretch. There are different constraints along there. There are some encroachments over the channel, which makes things difficult. All of it is private property across the channel. Some of the same concepts that are in the proposed plan could be carried back towards the stretch from Lincoln Avenue to Main Street, but they did not study this area in detail.

Mr. Hopkins recalled that there are large areas of the stretch that are covered, correct? Mr. Jamison said yes. There is an area near the Phillips Recreation Center that is covered, and there is an area just east of Lincoln Avenue that is covered by a parking deck. The stretch by Piccadilly is covered for about 200 feet as well. However, the majority of it is not covered except for the streets.

Mr. Hopkins wondered if the proposals in the plan relied or not on anything happening to the rest of the Boneyard Creek. Mr. Jamison replied that to get to the upstream end of what they are planning, one could use the streets. The Urbana Bicycle Master Plan has some on-street bike lanes that would connect to the plans for the Boneyard Creek. Chair Pollock added that if one wants to get an idea of what this could look like, then they could look at the University of Illinois Campus, where they have sculpted the area between Wright Street and Lincoln Avenue. Mr. Hopkins stated that he was thinking about the continuation of that into Urbana.

Mr. Jamison pointed out that the difficulty is that they are not likely to be able to do much with the channel as far as taking back the sheet piling walls through most of that stretch, because they are dealing with residential backyards and apartment buildings that are built right up to the easement. Many of the residents during the public hearings have expressed their need for privacy. They do not necessarily want people walking up and down in their backyards, which is

understandable. So, there are a lot of different issues in that stretch than there were in the stretch through downtown Urbana, where it is a little more open and there is more access to it.

Mr. Hopkins questioned if the two major excavations are also flood designed areas. Mr. Jamison answered by saying that they will provide additional conveyance and storage in that area. They are not designed to take any particular advantage in that stretch of the Boneyard. If you take a look at the recent flooding we had, it is all impacted by the water from the Saline Drainage Ditch, when it is up. If the Boneyard is the cause of the flooding, then it means there are restrictions downstream that are the impact, so we can provide more and store water, which in affect lower the levels, but that is not part of the detail concept of the Boneyard Creek Master Plan. There is not much to be gained in terms of flooding, but the Boneyard Creek Plan will help. It was not designed for flood control. The Plan was designed to improve the area and to provide gathering places and amenities along the Boneyard Creek.

Mr. Myers asked Mr. Jamison to briefly speak about what is going on with flood control of the Boneyard Creek in Champaign. Mr. Jamison explained that the City of Champaign made a large excavation by Second Street as a detention area for the Boneyard and the west channel of the Boneyard Creek. This protection did not provide the total level of protection for downstream that they wanted, so as a condition for approval the City of Urbana asked that there be a restrictor at Wright Street, which basically restricted the flow at Lincoln Avenue to what it was before. This way Urbana won't get any increased impact of the development of campus and of the City of Champaign. The University of Illinois developed detention just to the south of Grange Library for their impact. Now, The City of Champaign is adding detention along Second Street, south of University Avenue, so they are getting closer and closer to providing the protection that they would like to provide to everyone downstream.

Mr. Jamison noted that the City of Urbana has contracted with the United States Geological Survey to remap the Boneyard Creek for a flood perspective. The City has submitted the data to the Federal Emergency Management Agency. Basically, the effect they saw with the remapping is not necessarily a lowering of the flood level, but changing the flood limits, because they have more accurate survey data now than when they did the original mapping.

Ms. Upah-Bant remembered the last time the Boneyard Creek Master Plan was created. She recalled that it was mostly citizen driven, and there were grand ideas about the river walk. What kind of development would ideally be sought out to build or redevelop near the proposed paths? Mr. Jamison thought that it might be a mixed use type of development, where there might be commercial or restaurants that would overlook the channel once it is improved and more visually appealing.

Ms. Upah-Bant questioned if these businesses would have to maintain the setback requirements, correct? Mr. Jamison said yes. They would have to build within the constraints of the City's maintenance easement. We could allow them to use the easement much like we do with sidewalk cafes now.

Mr. Myers commented that the consultants early on provided three different scenarios. One was basically to work within the existing corridor. The second scenario was to be a little more visionary and provide development nodes along the corridor which include more than just along

the banks themselves. The third scenario was the most ambitious of the three. It had envisioned redeveloping the entire corridor far back from the banks themselves. The input received from property owners, residents, and stakeholders was to pursue the middle course. Instead of creating a vision that might be considered unrealistic in the future, it is more grounded.

One important aspect of the Plan is that it is a vision for revitalization but not a really detailed plan. It does not pretend to provide all the answers about exactly how it will all work in the end. For instance, detailed engineering studies would still be needed. This provides the framework for what we would like to achieve. The exact location of pedestrian paths, for instance, will depend on what already exists there, impediments, and possible opportunities.

Ms. Stake said that at one time there was an idea that the City would have a train go from Urbana to Champaign. Mr. Jamison pointed out that there was a lot of public input, and they met with every property owner along the Boneyard stretch to get their input as well. City staff has tried to incorporate this input into the proposed Plan.

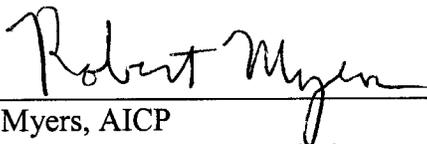
Mr. Grosser wondered to what degree City staff and the consultants feel that we need new redevelopment projects to make some of these ideas happen. Does the City want to wait until a property owner can do a project? Mr. Jamison stated that they feel they should get started on one of the segments fairly quickly. Segment 3 is the least development driven. The City has been looking at Segment 1 and how it could be redeveloped. If some of the property owners along Segment 1 came in with plans to redevelop along there, then they would begin with Segment 1. They feel that if they start making improvements along some of the segments, then it might stimulate redevelopment along the other segments.

With no further questions or comments at this time, Mr. Jamison stated that the Commission members could email or call him if any questions, concerns or suggestions for improvements come up in the future about this project.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: June 5, 2008

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward

MEMBERS EXCUSED: Lew Hopkins, Don White

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Matthew Ando, Sarah Barbour, Todd and Mandy Bennett, Elizabeth Cronan, Evelyn Denzia, Keith Erickson, Paul and Margaret Friesen, Frank and Barbara Gladney, Kate Hunter, Ruth Kaplan, Tom Kilton, Hyunjoo Kim, Sigmund Ku, Sarah McEvoy, Dennis and Kay Miller, Stephen Moll, Ken Mooney, Ty and Deb Newell, Sarah Projansky, Kent Ono, Huseyin Sehitoglu, Susan Taylor, Lisa Treul, Alex and Prema Zachariah, Joan Zagorski

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

The meeting was called to order at 7:33 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

There were no minutes presented. The minutes from the May 22, 2008 Plan Commission meeting will be on the next meeting agenda.

4. COMMUNICATIONS

Written Communications regarding Plan Case No. 2071-SU-08:

- # Email from Jim Dalling, of 706 West Michigan Avenue
- # Letter from Frank and Barbara Gladney, of 709 West Michigan Avenue (*Handed out at the meeting*)
- # Letter from Kate Hunter, of 510 West Oregon Street (*Handed out at the meeting*)
- # Letter and Presentation from Sarah McEvoy and Huseyin Sehitoglu, of 805 West Michigan Avenue (*Copy of presentation handed out at the meeting*)
- # Letter from Peggy Miller, of 806 West Pennsylvania Avenue
- # Addendum to the Special Use Permit Request submitted by Ken Mooney, Petitioner (*Handed out at the meeting*)
- # Letter from Phillip and Sonia Newmark, of 706 West Iowa Street
- # Email from Esther Patt, of 706 West Coler Avenue
- # Email from Michael Plewa, of 708 West Iowa Street
- # Presentation from Sarah Projansky and Kent Ono, of 803 West Michigan Avenue (*Handed out at the meeting*)
- # Letters from David and Phyllis Schwenk, of 812 West Pennsylvania Avenue
- # Email from Shirley Stillinger, of 1003 South Busey Avenue
- # Letter from Lisa Treul, of 714 West Iowa Street (*Handed out at the meeting*)
- # Letter from Sandra Smith Volk, of 803 West Delaware Avenue
- # Email from Al Weiss, of 705 South Cedar Street
- # Photos taken by Robert Myers, City of Urbana Planning Manager

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2072-T-08: Request by the Zoning Administrator to amend the Zoning Ordinance to add a new Section XIII-5 regarding Condominium Conversions.

Elizabeth Tyler, Director of Community Development Services Department, presented this case to the Plan Commission. She introduced Curt Borman, Assistant City Attorney, to the Plan Commission. She explained that the proposed text amendment will fill a gap in our local legislation. It will govern condominiums, specifically where we have condominium conversions of existing buildings or apartments. She stated that the request for this amendment came from the Mayor's Neighborhood Safety Task Force and other staff groups that are looking at controlling problem properties within the City of Urbana.

The Ordinance would address a trend where City staff has seen an increasing number of conversions of existing apartment units to condominium units. Currently the City does not receive any notice typically of these conversions; therefore City staff has no way of verifying that proper provisions are made for public services and for building safety. She summarized the proposed text amendment by briefly talking about the following: A) Definitions; B) Applicability; C) Notice of Intent; D) Condominium Plat; E) Code Inspection; F) Maintenance of Common Elements; G) Easements and Dedications; and H) Penalty.

Ms. Tyler reviewed the staff findings, read the options of the Plan Commission, and presented the staff recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission recommend approval of the proposed Zoning Ordinance text amendment.

She noted that City staff notified affected parties of the proposed change with this public hearing notice. The City's Housing Inspector did a presentation to the Central Illinois Apartment Association. City staff also sent copies of the ordinance to the Chamber of Commerce, the Realtors Association, the Township Assessor, local developers and engineers who participate in these kinds of activities as well as our local utility companies, and the County Recorder of Deeds.

Mr. Borman added that the bulk of the required notification is simply written documentation in terms of what aspects of projects that a project will take.

Mr. Grosser realized that a "Notice of Intent" must be submitted at least 30 days before a closing, and the requirement that all inspections must be completed no fewer than 30 days before a closing. He thought that the "Notice of Intent" should come earlier. Ms. Tyler feels that these are reasonable requirements. If there is additional work necessary, then City staff may ask for the closing to be delayed in order to be able to get the inspections done within that time period.

Chair Pollock inquired as to how City staff figured out who would be affected by the proposed text amendment. Ms. Tyler answered that City staff relies upon the associations that have members that are realtors. City staff directly contacted local engineers and surveyors who would be preparing the necessary materials. City staff feels that they outreached well. The proposed text amendment was also included in the Apartment Association's newsletter.

Chair Pollock questioned how many condominium conversions have taken place that are considered to be potential problems. Ms. Tyler stated that City staff was aware of Fairlawn Village, Water's Edge and Capstone Condominiums. Two other apartment buildings that City staff found out belatedly that there were conversion efforts underway. These two are the ones that City staff is concerned about. One is located on North Broadway, and the other is located on Colorado Avenue.

With no further questions for City staff by the Plan Commission, Chair Pollock opened up the public input portion of the hearing. With no one from the audience wishing to address the Plan Commission, he closed the public input portion of the hearing and opened it up for Plan Commission discussion and motion(s).

Mr. Ward moved that the Plan Commission forward Plan Case No. 2072-T-08 to the City Council with a recommendation for approval as presented. Ms. Stake seconded the motion. Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|---------------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Grosser | - | Yes | Mr. Pollock | - | Yes |
| Ms. Stake | - | Yes | Ms. Upah-Bant | - | Yes |
| Mr. Ward | - | Yes | | | |

The motion was approved by unanimous vote. Mr. Myers stated that this case will go before the City Council on June 16, 2008.

Plan Case No. 2071-SU-08: Request by Ken Mooney for a Special Use Permit to establish a “Church or Temple” in addition to a single-family residence at 811 West Michigan Avenue within the R-2 Zoning District.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He stated the purpose for the proposed special use permit request. He clarified that “church or temple” is the term used in the Zoning Ordinance; however, the petitioner is requesting two uses on the same property – a single-family residence and a smaller scale use of religious gatherings and ministry office. He gave background information on the type of religious gatherings there would be and the maximum number of guests that would be allowed.

Referring to Exhibit A, Location and Existing Land Use Map, and Exhibit B, Existing Zoning Map, he described the current land uses and zoning of the proposed site and of the surrounding properties. Referring to Exhibit C, Future Land Use Map, he explained how the 2005 Comprehensive Plan relates to the proposed special use permit request. To give the Plan Commission a sense of the character of the neighborhood, he then showed photos of the property, streetscape, and neighboring properties, including the Twin City Bible Church.

Mr. Myers pointed out that the petitioner is proposing additional parking spaces for evenings and weekends at McKinley Health Center, which is located across Lincoln Avenue down the street to the north. He noted that the McKinley Health Center parking would be unavailable during weekdays, and so the petitioner would need to make other parking arrangements for their weekday morning gatherings.

He reviewed the requirements for a special use permit according to Section VII-6 of the Urbana Zoning Ordinance. He stated that staff finds that the proposed use does not conform to the applicable regulations and standards of the R-2 Zoning District in terms of cars having to back out onto the street. The proposed use would preserve the essential character of the district.

Chair Pollock wondered if a special use permit would permit the construction of a parking lot onsite. Mr. Myers replied that it could. It would need to be indicated in a site plan, and the site plan would need to be reviewed by City staff and meet all of the development codes though.

Mr. Myers pointed out that since the request is for a special use permit, the Plan Commission is charged with making a recommendation for the Urbana City Council.

Mr. Grosser inquired as to how City staff came to the finding that the proposed use is generally consistent with the future land use for the subject property identified in the 2005 Comprehensive Plan as stated on Page 6 of the written staff report under "Summary of Findings" number 5. When he looks at the Comprehensive Plan, he feels that it is more particular about this area than anywhere else in the City due to the inset for the Lincoln-Busey corridor. It clearly specifies single-family residential for the proposed property.

Mr. Myers answered that the Future Land Use Map is a policy guide and does not trump existing zoning. The property is zoned R-2, and the Zoning Ordinance allows churches in R-2 districts by special use permit. Special uses are about how the use is designed and are they going to be a good neighbor with the neighborhood. If we said that the Comprehensive Plan excludes what's now allowed by zoning then new churches could never be located in residential zoning districts unless the Comprehensive Plan showed Institutional as the future land use for the site.

Ms. Upah-Bant noticed that the Addendum to the Special Use Permit submitted the petitioner shows the residents have four vehicles. Is this a single family living here? Mr. Myers responded that there is a family with two other additional unrelated people living in the house.

Chair Pollock wondered how the property would be taxed with allowing two primary principle uses – a church that is tax exempt and a single-family residence that is not exempt. Mr. Myers was not sure how the Tax Assessor would classify the property, but his understanding is that the property owners would not be seeking any kind of exemption for a religious or institutional use. The property owner intends for the property to stay on the tax roll as a single-family residence.

Chair Pollock asked if a single-family use could widen their driveway with a building permit without having to ask for a special use permit. Mr. Myers said yes. A single-family residence could widen their driveway up to a certain maximum width without getting approval of a special use permit.

With no further questions for City staff by the Plan Commission, Chair Pollock opened up the hearing for public input.

Ken Mooney, petitioner and local agent for the property owner of 811 West Michigan Avenue, said he apologized for their extensive learning curve. It has taken them a little bit of learning on how to fit into the neighborhood. He believes they will now be able to do so.

They intend for the property to remain a residence and to only have the appearance of being a residence. This helps provide an environment where the students feel comfortable to come to. They have no desire for it to become an institutional use. They do not plan to pave the backyard.

They have hired a lawn care company to maintain the lawn. There will be no signage or advertisement of any kind, even though for a brief period of time they had something on the internet. It has been removed.

They have worked with their neighbor at 805 West Michigan Avenue to erect a fence between the properties to protect the young children. They also have installed a side gate in the fence along Lincoln Avenue so any pedestrians can enter off of Lincoln Avenue and not impact the quiet, residential atmosphere of the neighborhood.

He said that they found off-site parking at the McKinley Health Center for evenings and weekends. It seems the main concern is the parking availability for the morning gatherings. There would only be up to eight people who attend the morning gatherings. They can car pool or ride public transportation or walk to the proposed location.

Todd Bennett, resident of 811 West Michigan Avenue, lives in the home with his family and two small children. He noted that they moved into the house at the end of January 2008. He summarized the addendum that was handed out prior to the meeting. He mentioned that he spoke with Tom Skaggs, University of Illinois Parking Services, about parking at the McKinley Health Center. Mr. Skaggs said they did not need a written contract/agreement because he did not think any other organization using the McKinley Health Center parking lot has a written agreement.

He addressed the concern about weekday morning parking. The addendum contains drawings of how they plan to widen the driveway access and driveway to 16 feet. They intend to mirror image their neighbor's driveway by asphaltting their gravel driveway. They also plan to shift the curb and driveway apron to lead straight into the proposed asphalt driveway. They have four cars for the residents' use. The second drawing shows a 6-car layout. As you can see the cars would be able to get out of the driveway without any shuffling of the other vehicles. This would only be for the weekday morning meetings. If there are any additional vehicles, then they would find off-site parking either using the metered parking along Pennsylvania Avenue or along Dorner Drive. They could possibly rent a parking space in the University F23 Parking Lot for one of the residents little used cars. The other option is to park one of the residents' cars on the street. Mr. Mooney added that public transportation will reduce the need for parking.

Mr. Ward questioned how much room would be between the proposed asphalt drive and the newly erected fence. Mr. Mooney said there would be 18 to 24 inches. Mr. Ward asked if that would be enough room to open and close car doors. Mr. Mooney said it would be doable. The asphalt drive would be 16 feet wide and the additional 18 to 24 inches from the asphalt to the fence, it would basically be two 9 foot parking spaces, which is comparable to most parking lots.

Mr. Ward does not understand their desire to limit the number of people attending the meetings. Most religious organizations encourage growth, yet they are limiting the number of guests. It seems to him that if the organization is successful then the potential of invited guests might increase well beyond the numbers mentioned in the written staff report. They did not address this possibility in their proposal. Why are there limits?

Mr. Mooney answered that the limits are valid as long as the special use permit is in place. When they first started this organization the meetings were a little bit larger than they wanted them to be. So they tried to encourage smaller groups to meet which some the students did not agree with. Now with the restrictions of the City, they are forced to hold smaller groups which an ideal number of people to meet at one time are 12 to 15 people. They would increase their numbers by increasing their locations.

Ms. Upah-Bant inquired as to how wide the driveway is at 805 West Michigan Avenue. Mr. Mooney stated that it is shy of being 15 feet wide.

Mr. Myers clarified that he had just been reviewing his information on the minimum driveway width. The City Engineer has indicated that 18 feet is adequate for two lanes of parallel parking.

Mr. Mooney responded that there would be 18 feet of driveway width once they widen the driveway as planned. Sixteen feet they are proposing to asphalt, and they plan to leave a 2-foot portion in gravel, because the car would not drive on the area anyway. The 2 feet of gravel area would be used to open the car door and for the driver to exit the vehicle. If need be, they could pave the entire driveway all the way to the fence.

Chair Pollock asked Mr. Bennett if he and his family are renting the home. Mr. Bennett said yes. Chair Pollock inquired as to whether the Bennetts were sub-leasing to additional people or are they renting from the owners. Mr. Bennett explained that there were two other people who lived in the home with his family and himself during the school year. They currently only have one additional person living with them over the summer.

Chair Pollock questioned if the owner of the property is a local resident. Mr. Bennett answered that the property owner lives in California. Mr. Mooney is the local agent for the property owner.

Ms. Stake inquired about the ministry office use in the home. Mr. Mooney replied that there is an office in the home but that 90% of the office use is for personal use of the residents of the house. His office is not located there. Mr. Bennett added that there is a computer, a printer, and a scanner/fax machine in the office. They also have a cabinet to hold office supplies. Most of his own personal office use is done on his computer in his bedroom. One of the other tenants uses the office for the majority of her personal use.

Ms. Stake wondered who does the organization for these meetings and where do they do it. Mr. Mooney said that most of the organization is done by the students out of their dorms or apartments. We have other meetings on campus. Ms. Stake asked who "we" are. Mr. Mooney stated that "we" is the organization "Christians on Campus". Ms. Stake wanted to know where the "Christians on Campus" office is located. Mr. Mooney explained that there is no office. It is a registered student organization. There really is no need for them to have an office. Ms. Stake commented that they must send out notices somehow. Mr. Mooney responded that the students send out notices via e-mail from their dorms or apartments. There may be some small amount of office work done at the house.

Mr. Grosser stated that the written staff reports list 15 hours per week of ministry office use in the house for the organization. Is this accurate? Mr. Mooney said that is a little high. Mr. Bennett explained that 15 hours is the amount that they are requesting just to set a number. They do not come close to using the office at the house for that purpose. The majority of the use of the office is for personal use of the residents.

Mr. Grosser asked if they had employees. Mr. Mooney replied that there are paid Christian workers but that he would not call them employees of the organization. They are paid by some church groups. They would use the office in the house only for a small amount, well under the 15 hours.

Ms. Burris expressed confusion. It sounds more like they are having small groups, but yet they are trying to accommodate permanent parking for a much larger group. She stated that she has 20 people over to her house from time to time, but she would not expect to have to get a special use permit in order to have her visitors come and go. She can understand the confusion of the neighborhood not knowing what is going on at the proposed house with people coming and going. She is confused about why they would need a special use permit.

Ms. Tyler explained that the organization, Christians on Campus, operated from this location last semester. The City received some complaints and calls of concern so staff investigated. It was a difficult determination to piece out what the uses are. City staff's interpretation is that in order for the Christians on Campus organization to continue those uses, they would need a special use permit because one of the primary uses is closest to being a "Church or Temple" use. This way the City can pin down the hours of operation, the parking, etc. Also the special use permit request is to allow two principle uses in the same structure. People are allowed to have visitors at their homes, but not on a regular basis, not advertised and not with an official affiliation. These are the tests that they worked through with the Legal Department to come to this determination.

Mr. Fitch wondered if there would ever be a situation where the residents would have more than four cars. Mr. Bennett said no. He does not have to worry about his children driving for a long time, because his oldest child is 5 years old. Mr. Mooney pointed out that they would continue to work within the constraints of the special use permit.

Mr. Ward remarked that he shared some of Ms. Burris' confusion. Is Christians on Campus a local organization or part of a national organization? Mr. Mooney stated that it is a registered student organization at the University of Illinois. Mr. Ward asked if there were any other units anywhere else or is it indigenous to the University. Mr. Mooney said it is totally at the University of Illinois.

Mr. Ward questioned if there is an address listed on the registration as a student organization. Mr. Mooney answered by saying that they use an e-mail address.

Ms. Stake inquired if the property owner, who lives in California, is part of the group or does he just decide who is going to live in the house? Mr. Mooney explained that the property owner is a personal friend of his. The owner's son was very well taken care of by a Christian organization

on a campus when he was in college. The owner wanted to purchase a house to help other students so they would also be well taken care of while they are at college.

Ms. Stake asked if the owner ever visits. Mr. Mooney replied that the owner has been here before. It is his responsibility to make sure that the house is kept in good shape.

Sarah McEvoy and Huseyin Sehitoglu, of 805 West Michigan Avenue, approached the Plan Commission and gave a presentation with illustrations in opposition of the proposed special use permit request. Ms. McEvoy referred to the document that was handed out prior to the start of the meeting titled "Presentation by Sarah McEvoy and Huseyin Sehitoglu." Page 2 shows all of the properties within 250 feet of 811 West Michigan Avenue. The properties in blue are single-family owner-occupied homes that oppose the proposed special use permit request. Seventy percent of the owner-occupied homes signed a letter of protest. She mentioned that it was difficult to get signatures from larger institutions, sorority, the Farm House, and the University of Illinois because they are either governed by a Board of Directors or governing body that perhaps meets quarterly, so she could not get the nine required signatures to have an official protest. They did gather 51 signatures representing 43 households who are in opposition.

She talked about the safety concern of vehicles backing out of the driveway at 811 West Michigan Avenue. They feel it is injurious and detrimental to the public welfare. The corner of Michigan and Lincoln Avenues is already used as a drop off point for members of the Twin City Bible Church, creating major traffic flow and management problems.

She showed pictures of several vehicles parked in the driveway at 811 West Michigan. She feels that widening the driveway would necessitate widening the apron. Even though Mr. Mooney and Mr. Bennett have obtained parking at the McKinley Health Center, it is human nature to park as close as you can to where you are going.

The photos show that all the cars in the driveway make it look like a parking lot, and she stated that typically there are cars parked double up and down the driveway during the morning and at night. Although the Bennetts did not occupy the home until January of this year, the Christians on Campus organization was holding meetings at the home during the fall semester.

She commented that even though the petitioners want to keep their meetings to invitation only, she feels that by granting the special use permit, the City would be opening up a door to a lot of uncertainty. Once given a special use permit, habits and people change. The Twin City Bible Church has promised numerous times that they would not expand, but they continue to do so.

She showed a photo of her own driveway next door noting that towards the garage it is 10 feet wide and expands to 13 feet wide in the middle and then expands to 15.5 feet closer to the sidewalk and apron. Running a new asphalt driveway 18 feet wide would not be congruent to their driveway. This would give an institutional appearance. It also appears that the expansion of the driveway at 811 West Michigan Avenue would encroach upon a mature tree in the front yard.

Another photo shows vehicles backed up dropping people off at the Twin City Bible Church on a Sunday after school was over. She feels that coming from a major arterial [Lincoln Ave.] to a minor street cannot handle this kind of congestion. It is not safe. She noted that the Christians on Campus Sunday luncheon, of course, happens when there are several services being held at the Twin City Bible Church. Traffic really becomes unmanageable at that point.

Ms. McEvoy stated that West Urbana was selected by the American Planning Association as one of 10 Great Neighborhoods in America in 2007. This standing would not be maintained if the family atmosphere in the neighborhood disappears. Her family feels that the driveway at 811 West Michigan Avenue will end up looking like a parking lot, which lends an institutional appearance to the property, and which does not conform to preserving the essential character of the district.

She showed a copy of the advertisement that Christians on Campus had posted on the internet. It advertised Friday Night Dinner and Fellowship at 811 West Michigan Street. It contradicts the "by invitation only" concept that Mr. Mooney and Mr. Bennett talked about earlier. When talking with Mr. Mooney, she commented about the number of vehicles and people at 811 West Michigan Avenue. She asked what the organization planned to do if they were successful, and Mr. Mooney told her that they would move some of the people to other sites. This is one of her concerns because she has never encountered a church that did not want to grow.

She feels that once the driveway at 811 West Michigan Avenue is widened then it would be difficult to sell the home ever again as single-family. No one wants to buy a house with a parking lot in front or in back if they are a single-family. Increasing the intensity of use at 811 West Michigan with the dual purpose including a fellowship house and office would not be preserving the use as previously existed, and would most definitely be an encroachment of higher density into this area. This would be inconsistent with the 2005 Comprehensive Plan.

Ms. McEvoy stated that they feel the granting of the special use permit would lower the property values of the few remaining owner-occupied homes on West Michigan Avenue. Two residential homes have already been converted for office use by the Twin City Bible Church, and they have recently acquired a third property. In that case, the church pastor said that they would be submitting a special use permit application to use the third single-family home as an office. This has created an imbalance, and there is a danger of losing the flavor of what was once known as an owner-occupied family neighborhood.

The final requirement that a special use permit must meet is that the proposed use is conducive to the public convenience at that location. While a fellowship house would be conducive to the members of the Christians on Campus organization, it is not conducive to the public convenience of the neighborhood.

She talked about what little she actually knows about the Christians on Campus organization. When inquiring about who her neighbors were going to be, several people helping unload a moving truck handed her business cards saying "Recovery Bible – Living Stream Ministries". She suggested that Mr. Mooney and/or Mr. Bennett might address the association between Living Stream Ministries and the Christians on Campus organization to give people a better

understanding of who will be visiting or living at 811 West Michigan Avenue. The neighbors are confused about what the organization is about. Lastly, she commented that they hoped that the petitioner would select a more safely located property that is technically compatible with the intended use as a fellowship house.

Mr. Sehitoglu noted that when he purchased 805 West Michigan Avenue, there were families living on both sides of his home. They have invested in their property and kept it well maintained.

They are concerned about the proposed use at 811 West Michigan Avenue. Residential driveways are not designed to accommodate 10-12 vehicles. This kind of traffic affects the safety of the neighborhood. Once a special use permit is allowed it is possible for things to change. Although the Bennetts live in the house they are renters and could move. They have out-of-state license plates so no one knows how long they will live on the property.

He wanted to point out that on the diagram shown by Mr. Bennett for a possible parking solution in the driveway they indicated two guest cars. Pastor Mooney comes to the property every morning and works at this location. He stays there most of the day. In addition he has assistants. So there are already two to three vehicles associated with the church personnel parked in the driveway before any students arrive to visit the fellowship home.

Parking is a very difficult problem in this neighborhood. There are no parking spaces available on the street for visitors. The issue of parking, in conjunction with the residential flavor of the neighborhood changing, concerns his family very much. So they ask the Plan Commission to follow the City staff's recommendation to deny the request for a special use permit.

Chair Pollock asked Mr. Myers to reiterate staff's recommendation. Mr. Myers responded that staff recommends that the Plan Commission forward the case to the Urbana City Council with a recommendation for denial because the proposed church use will introduce additional traffic and parking in a way which will be unreasonably detrimental to the single-family residential district in which it will be located.

Lisa Treul, 714 West Iowa Street, stated that the neighborhood has a covenant with the City of Urbana, and it is called the "Comprehensive Plan". It clearly states how we want to preserve the West Urbana Lincoln-Busey corridor. She stated that she attended the open house that the fellowship/church held. They are lovely people and are doing wonderful things. There is no argument there. The argument is whether or not this is a good use at the proposed location and is it consistent with the Comprehensive Plan. She does not believe it is.

She is a co-coordinator for the West Urbana Neighborhood Association (WUNA). Last month, they held a WUNA at large meeting which they hold once a year. The church members attended and presented their application. Overwhelmingly the 50-odd neighbors attending the meeting said "no." This cannot go on. It does not accommodate the public and it violates the Comprehensive Plan. So she encouraged the Plan Commission to oppose the request for a special use permit.

Ruth Kaplan, 811 West Michigan Avenue, spoke in favor of the special use permit request. She mentioned that she is a junior at the University of Illinois, and she has been a member of the Christians on Campus organization since her freshman year. Christians on Campus has been in existence since 2000. The organization is growing, which of course, is one of their goals. However, their largest meeting is the Sunday morning meeting which is held at the Illini Union. Many religious groups hold their meetings at the Illini Union. If they were to grow to the size where the Illini Union could not accommodate the organization then she is certain that the Michigan house could not accommodate them either. The only meeting at 811 West Michigan Avenue where there are a lot of members attending is the Friday night meeting which is actually a smaller group meeting. Some of her friends host smaller Christian group meetings in their dorm rooms. The difference with Christians on Campus is that the members like to visit with families. Christians on Campus is an organization unto itself. They have no technical affiliation with anyone else. But like other Christians they communicate with other Christians. Any Christian is welcome to attend their meetings. Having the house at 811 West Michigan Avenue is new to the organization as well. Even some of the students in the organization felt that they were over using it at the beginning of the semester, which is one of the reasons why the use has decreased. It is not just because of the City staff.

Sarah Projansky and Kent Ono, 803 West Michigan Avenue, stated they were opposed to the special use permit request. Ms. Projansky stated that she has a specific argument that she wanted to make, which is that the City of Urbana needs to step back and take a look at the 800 block of West Michigan Avenue as a whole and think about the block in the context of the neighborhood. To support this argument, she made a visual presentation on a 45-year history of the block, a copy of which was handed out prior to the the meeting.

Her charts show that for forty years there were very few changes on their block. In the last three years, there have been major changes which is why she is advocating that the City slow down and take a look at the block. Twin City Bible Church was built in 1964. Sometime between 1964 and 1990, the Twin City Bible Church purchased 806 West Michigan Avenue, and they began using it as an office space, but it maintained the look of a single-family home. In 1990/1991, the Downtown to Campus Plan rezoning occurred. The Twin City Bible Church and the rooming house were both rezoned to R-7, University Residential Zoning District. The properties at 804, 806 and 808 were all rezoned to R-2, Single-Family Residential. This rezoning increased the protection of existing family residential emphasis for the block and the neighborhood. She explained the City's justification for the rezoning of these properties.

In 1992, the Twin City Bible Church expanded their structure at 810 West Michigan Street. This was the first change to the structure of the block in 28 years. In 2004, they moved to 803 West Michigan Avenue. They were not aware of the major changes that were coming in less than a year. They saw historical character in their home as well as the other seven homes on the block. Families with children lived in the three homes on the south side of the block and the block had the appearance and feel of an entirely residential neighborhood. So, in 2005 the Twin City Bible Church demolished the single-family homes at 806 and 808 West Michigan Avenue and expanded significantly including an additional driveway and making the parking lot bigger. The appearance of the block began to change, but there was no additional high use organizations located on the block, whereas the proposed special use permit is for a high use organization.

Recently Twin City Bible Church purchased 804 West Michigan, and there is talk that they plan to submit an application for a special use permit to use it as an office. The rooming house at 1301 South Busey Avenue is now occupied by ten young men, and there are only five single-family residences left, in one of which the petitioner is proposing ministry offices and renter occupied uses.

In their petition, the applicant stated that there would be meetings held six days a week. As Mr. Mooney testified earlier, the house was primarily purchased by the owners to assist students. Thus, it is clear that the primary purpose of the property is the ministry and offices. If they pave and widen the driveway, then it will look like a parking lot in the front yard. She acknowledged that the petitioner has worked hard to solve the parking created by the proposed use. The parking actually concerns her less than the vehicular traffic. This has not been solved. There have been a number of near misses that the residents in the area have had with their cars, that she has had with her 2-1/2 year old son on his tricycle, and that her next door neighbor has had with their 3 year old twins on their tricycles with the increased traffic flow. We are talking about morning, afternoon and night time meetings. So, the increase in the traffic flow threatens the neighborhood feel.

The McKinley parking solution is a good solution, except that the members of the organization would then need to cross Lincoln Avenue. It is extremely dangerous. Many of the members of the Twin City Bible Church park on Michigan Avenue, because they do not want to cross Lincoln Avenue.

In conclusion, Ms. Projansky stated that given two of the ten lots on the 800 Block of West Michigan Avenue are already zoned R-7. We have very recently lost two of the historic homes on the block to the addition of the Twin City Bible Church. Given all this and the fact that more time is needed to understand the vehicle flow and the safety issues, she argued that it is time for the City to step in and prevent any further erosion of the neighborhood quality and the balanced use. She respectfully requests that the Plan Commission recommend against the proposed special use permit request.

Mr. Ono commented that as you drive down Lincoln Avenue going south institutions line both sides of the street for part of the way until you get to Michigan Avenue, and then there is a mix of institutions and single-family residences. It makes sense that there is a residential feel as you go down Lincoln Avenue to Michigan Avenue because of the Illini Grove, which is a beautiful, park-like forested arbor preserve.

When David and Judy Chang chose to purchase 811 West Michigan Avenue directly across from the Illini Grove and in a residential neighborhood, they took a very big risk. They gambled. They made a bet, and perhaps took for granted that the City of Urbana would allow them to convert a single-family residence on a residentially zoned section of one of the premier streets in the historic state street area in Urbana into an office space, ministry, and living quarters for workers doing institutional church related activities. Given the seriousness of that risk, it is surprising to him that not a single person from the organization talked to him, his partner or any of the neighbors up and down the block prior to or after the house was purchased to find out

what people might think of them turning the single-family home into a church and the front yard into a busy driveway parking lot. From the outset, they purchased the single-family dwelling knowing that the use of the house was in conflict with the feel of the residential neighborhood. Nevertheless, they assumed they could use the property for non-residential purposes. He submitted that the Changs' decision to purchase the home – a home where they had no intention of ever living themselves – for the purpose of using it as a church was a mistake. It is a mistake because such an institution neither fits within the City's plan for the street or neighborhood, nor is it compatible with the view of the residents who live here. There are more obviously appropriate buildings one could purchase for such activities; sites already zoned for high-intensity use.

He remarked that no one from the organization came around and introduced themselves until Mr. Bennett visited the neighbors trying to explain the purpose of their special use permit request. He had never met Mr. Mooney or even saw him until today. The kind of economic transaction that took place in the purchase of 811 West Michigan Avenue, the administrative act to try to get a special use permit, and with no face-to-face discussion either before purchasing the house or before and after the institutional activities began are precisely the unneighborly experience that happens as a result of creeping, unfeeling institutional encroachment and transactions without humanness into residential neighborhoods in Urbana.

They received no information about the institutional goals of the church. Thus, they have lots of questions. What is Christians on Campus? It is a student organization, but it has a site off campus in which they do their ministry. How is it connected to the Living Stream Ministry? How is it related to the University of Illinois precisely? Can the University have a student organization that functions in this way? Why did the Changs front so much money to buy a house for several people to live there and participate in institutional activities while they themselves never plan to move there? What is the ultimate goal of the proposed church?

We cannot support what is clearly institutional encroachment into their residential neighborhood. He hoped the Plan Commission would not support it as well.

Matthew Ando, of 712 West Michigan Avenue, stated that it is not a question of a church-like activity belonging at some R-2 location. There is a mutual concern about having multiple such activities in such a small concentrated area. It is a request for a certain amount of balance. 811 West Michigan Avenue is the last single-family residence as one goes north along Lincoln Avenue. It is important to take into consideration that the 2005 Comprehensive Plan states that single-family uses in the Lincoln-Busey corridor should be preserved. He mentioned that he shares an 18-foot wide driveway with his neighbors. He can testify that it is impossible to park two cars next to each other and still be able to exit the vehicles in an 18-foot wide driveway.

Frank and Barbara Gladney, 709 West Michigan Avenue, spoke in opposition of the proposed special use permit. Ms. Gladney requested that the Plan Commission recommend denial of the request for a special use permit. She stated that the proposed use would add to the traffic congestion at the corner of Michigan and Lincoln Avenues and further exhausterbate the parking problems. Granting this proposed permit would further erode the residential, livable quality of the neighborhood. There are already traffic problems at the corner of Michigan and Lincoln

Avenues. The Twin City Bible Church is located across the street from the proposed location. Drop offs and pick ups often can cause traffic snags. Consider the effect of another church at that corner. One church on Michigan Avenue may be all that the neighborhood can adapt to. The neighborhood already has a parking crunch. Church members park bumper to bumper along Michigan and Busey Avenues often making it difficult for residents and their company to find a space to park. There have been several times when they have even had their driveway blocked.

Hyunjoo Kim, 383 Paddock Drive in Savoy, spoke in favor of the special use permit request. He said that when he came to the University of Illinois, he attended the Christians on Campus meetings. Since then he has held Friday night meetings at his place for the last seven or eight years. He has never had a problem with his neighbors. When his family purchased a new home at the beginning of this year they decided not to have Friday meetings anymore at their home. If there is a problem with too many people meeting at 811 West Michigan Avenue, then he would certainly be willing to hold Friday night meetings at his new home so there would be less traffic on Michigan Avenue. He expressed his confusion with why the neighbors are upset. He would have 25 to 30 people at this old place. Now they need a special use permit in order to hold meetings. If there are any changes that need to be made, then the organization is willing to make those changes so they can continue to have their fellowship meetings.

Sigmund Ku, 508 East Clark Street, spoke in favor of the proposed special use permit request. He mentioned that he is a fourth year student at the University of Illinois. It has been fantastic for the students to have the house at 811 West Michigan Avenue to meet. All of the members want to keep the property as a single-family house, because it is the environment that they want to meet in, especially for incoming freshmen that join the organization. Having a family welcome you into their home really eases a new student's nerves when going into a large college environment. He feels that there has been some miscommunication about how often it is used by the students. The members of the organization do not just come and go, they call first to see what meeting time is available. They respect the Bennetts, and they do not just barge into their house and hang out. The Bennetts really enjoy having students come over to their house. Christians on Campus is not responsible for the Twin City Bible Church and what they have done over the past few years. The members of the organization do not plan and have no intention of repeating what the Twin City Bible Church has done by expanding. They enjoy the residential feel and want to keep it as such. It is like a home away from home for the students. They would like to work with the neighborhood to keep everything at peace and to keep the flavor of the neighborhood.

Kate Hunter, 510 West Oregon Street, expressed her concern about the neighborhood. She stated that she has lived in the neighborhood since 1973. She has seen many changes, and some of them have been very good, but she believes that the neighborhood has reached a tipping point about ten years ago. There is encroachment that is possible from all directions. She feels that the City needs to be very careful in considering requests in which someone is asking for yet another exemption to what has been long discussed for this particular area. She mentioned that she bicycles back and forth on Busey Avenue all the time. The traffic, especially on Sundays, is unbelievable. So let's not do any more damage.

Paul and Margaret Frieson, 1705 Melrose Village Circle, Apartment 832, came before the Plan Commission to speak in favor of the proposed special use permit request. Mr. Frieson pointed out that they just recently moved to the City of Urbana. They knew Todd and Mandy Bennett prior to joining the fellowship. They enjoy going over to the Bennett's home to study and read the bible. They find it strange and frustrating to feel it is illegal to go over to their friends' house. He remarked that we live in a nation of law. We make laws to keep us from people's human nature. He thinks that the solution that Mr. Mooney and the Bennetts have proposed meets the requirements. They want to set limits so everyone would be clear what their intent is. He feels there is a lot of confusion about what is really going on at the home. He expressed his confusion as to why a family would be required to get a special use permit to hold bible studies in their home. This is why we have laws, and it is why the Bennetts and Mr. Mooney is applying for a special use permit. He feels it is reasonable to allow two guest cars park in the driveway. He agrees that it is not reasonable to have ten cars parked in the driveway everyday. He feels this is why the neighborhood is against the proposed use. Most people in opposition have talked about things that have happened in the past as the petitioners were learning to get along with the neighborhood. He did not feel this was relevant because the petitioners are not asking permission for the past, instead they are asking for a special use permit for the future. They are asking for specific guidelines which if they violate they would be subject to the law.

Since the petitioners were forced to stop holding bible study sessions in their home, he and his wife have started hosting the bible studies in their home. As previously mentioned they are not a typical institution in that they do not meet a big building. They would rather meet in people's homes. They expand their membership by adding more homes to meet at. He and his wife are happy to provide one of these homes. They love having the students over to their house. He believes that they offer an excellent benefit to the community because it reduces the number of kids out drinking. Mr. Frieson believes that it is the duty of the local government to protect the interest of the minority group in this situation.

Ms. Frieson echoed what her husband said. They are new in the community, and it has been really nice to have a friend in the community. She has been afraid to even go over to the Bennett's home to visit because she feels like they will be watched or written up. The past is the past and they are trying to move forward. They are trying to set guidelines for the members to follow. She mentioned that they held an open house which was opened to the neighborhood to attend and address their concerns. There were only two people from the community that attended the open house. It is strange to her that all these concerns are coming out now instead of in a civil place at the Bennett's home.

Ty and Deb Newell, 704 West Michigan Avenue, approached the Plan Commission to speak in opposition. Mr. Newell pointed out that it is not the Bennett's home. They are tenants. It is not Mr. Mooney's home. He is supposedly representing someone who owns the home, but do we know that he officially has that representation? Do we know that legally he is responsible for providing and asking for the special use permit? When you look up the address provided in the Tax Assessor records for the owner, you find out the address is for an attorney's office. The discussion about the learning curve, being naïve and the ambiguity of what is going on, he did not understand where an attorney purchases the home and there is a lack of knowledge of zoning rules. He is surprised that it did not come up when the owner purchased the house to check into

the zoning to ensure that the proposed use would be allowed. He urged the Plan Commission to deny the request for a special use permit. He stated that he and his wife have lived in their house since 1981. There are annual block parties going from the 600 to the 800 block of Michigan Avenue each year. This is their neighborhood. Their earnings go into maintaining their home. He mentioned that he is a preacher's kid. His father would have been without a job if he didn't increase the size of his flock. This is the mission of a church. Meetings occur all day long, every day. It is not realistic for them to think that they are going to limit the size of their meetings. Out of 40,000 students at the University of Illinois, and they only plan to allow about four new freshmen in to meet the upper classmen. If they want to be successful, then they need a place that follows the law and is within the zoning ordinance. There is no reason for this particular house to be changed in this manner.

Ms. Newell stated that she wants to maintain the neighborhood in which her four children grew up in. She does not have a problem with what the Christians on Campus do. She just has problem with the fellowship wanting to use the proposed site as a regular meeting place.

Stephen Moll, 608 East Clark Street, Champaign, mentioned that he recently graduated from the University of Illinois. He was a member of the Christians on Campus during his four years of attending the University. From his understanding, the staff's recommendation to deny the proposal is due to parking. If the petitioner wanted to widen the driveway, then they could simply take out a building permit with the City without having to obtain a special use permit hearing. He apologized for the number of cars that were previously parked in the driveway. There were e-mails sent out to the students in the organization to not park there anymore. The students took the e-mail very seriously and began parking at the McKinley Health Center. Regarding the confusion about the whole idea of growing, the previous speaker talked about growth being an essential element of a church. Christians on Campus is not a church. It is a student organization. They are registered with the University of Illinois. He knows that there is frustration with the Twin City Bible Church and how they continue to expand. However, there needs to be a clear distinction made that the proposed site is a house, and they plan to keep it as a house. They are not going to tear the house down and build another church on the corner. The students like the environment that is provided in meeting in residential homes with families at dinner. Again, the reason for staff's recommendation for denial is due to the parking. He feels that there are many options that the Bennetts and Mr. Mooney have presented to alleviate the parking problems.

Keith Erickson, 607 West Indiana Avenue, stated that the neighborhood is not against anyone. They are only in favor of maintaining a single-family environment that is conducive to bringing up children and to have a friendly neighborhood environment. He feels that some of the statements made tonight are negative to what people feel. This is simply a land use issue, and the neighborhood would be reacting in the same fashion if it were an attorney's office, a medical office, an insurance office or an auto body shop. It has nothing to do specifically with the current petitioners. It is more the long-term goal that is being purported to the Plan Commission at this hearing. Therefore, he requested that the Plan Commission deny this request.

Chairman Pollock gave the petitioners an opportunity to respond to any of the testimony and to make any closing statements.

Mr. Mooney reiterated that they intend to keep it as a single-family home. The Christians on Campus organization grows by adding families who can host students. They do not grow by increasing the size of the meetings. For their larger meetings, they have used the YMCA and the Illini Union. They make use of other facilities, and the house at 811 West Michigan Avenue is by no means their only meeting place. They are looking for an amount of usage of the home that is consistent and fits within the neighborhood. They are willing to work with the neighborhood to find that amount of usage. They do not want to impact the way the neighborhood looks or the overall residential feel to the neighborhood. The students are comfortable there. Because it is close to campus, it gets a little more use than some of the other meeting places. They are willing to work to find a solution, so that the students can be cared for and hold bible studies sessions at the same time they add to the community. He mentioned that they did not have any meetings at this location during the first semester because they did not take possession of the house until mid December. So, there is some confusion and/or inaccuracy there. The driveway width is not 18 feet between two walls. There is a wall on one side, but it is wide open on the other side. So, they could park two cars side-by-side. However, the plan they are proposing is to use the one side for exiting the driveway. If necessary, they do not need to meet at this location in the morning. The traffic congestion in the morning seems to be the primary issue mentioned in the written staff report. Their primary concern is that they fit within the residential aspect. If the City and the residential neighborhood feel that a couple of extra cars coming into the neighborhood early in the morning is going to create too much traffic, then the Christians on Campus organization can move the morning meetings elsewhere. Many of the issues are with the Twin City Bible Church. There is nothing they can do about that. Their Sunday morning meeting is held at the Illini Union, so it would not conflict with the church services held at the Twin City Bible Church on that day. They would have lunch meetings start at 1:00 p.m. on Sundays, but the students can park at the McKinley Health Center. He believes that they can work within the requirements of the community and to a regulated degree. He strongly recommended that the organization and the City work together with the community to help take care of some students who are away from home and want to study the bible.

Mr. Bennett echoed that throughout the time since he moved in at 811 West Michigan Avenue, they were made aware of the neighborhood's concerns, specifically with the neighbors next door. There has been an air of civility, even during the public hearing. They want to be part of the neighborhood which is why they are going through this process to establish what guidelines would be appropriate that fit in and meet the concerns and needs of the City, of the neighborhood, and of the Christians on Campus organization.

With no further comments or questions from the public, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing for Plan Commission discussion and motion(s).

Ms. Upah-Bant asked what would happen if a bunch of students parked in the driveway. Is there any legal sanction? Can the City regulate the number of cars parked at a residential neighborhood?

Mr. Myers recommended that if the City Council would choose to approve the proposed special use permit request then they do so with a site plan. The petitioner has presented a site plan, and if the Plan Commission feels that it should be the plan, then they should recommend approval of it. Through the site plan process, the City can basically regulate the number of cars. It would be difficult to regulate which ones are for residents and which ones are for visitors. The "R" and the "G" indicated on the site plan for "resident" and "guest" parking indicates the petitioner's intent on how they would manage cars within the driveway. The City would not enforce which spaces are for residents and guests. If there were additional cars parking there, then the City would follow up with the property owners and find out the nature of the ongoing gatherings and office use. The City could generally hold the use to the site plan. However, the City cannot strictly say that there could never be any additional guests, because households occasionally have larger personal gatherings.

Mr. Fitch wondered how often a person can use their home for religious fellowship before it becomes problematic and they need to seek a special use permit. People have a right to practice their religion in their homes up to some point.

Chair Pollock reworded the question to be what was the criterion that the staff used to determine that this was a violation of the Zoning Ordinance.

Mr. Myers answered that part of this case is based on the nature of what was taking place at the time that was reported by the neighbors. Another part is based on what City staff found when they investigated. There were gatherings held at 811 West Michigan Avenue on an on-going basis. These gatherings were being advertised via the internet and through flyers. It is one thing to have an occasional meeting or gathering in your home, but it is a different thing to have regularly scheduled and advertised meetings or gatherings five days a week, in addition to having an office in the home for staff. When City staff initially investigated, they recommended to the petitioners that they apply for a special use permit. Since that time, he believes that the petitioners' original plan has been modified somewhat in terms of the number of hours and the nature of the office use. It sounds like they are trying to make it more compatible with the neighborhood's desire to keep the residential atmosphere in the neighborhood.

Mr. Fitch commented that he gathered this from the testimony also. Now he is thinking that if it is true that the use has been scaled back somewhat, then is a church designation or special use permit an overkill. Ms. Tyler replied that City staff, pending this public hearing and this resolution, did ask the petitioners to cease all non-residential related activities.

Mr. Ward stated that the case states quite clearly that it is a dual use. It would seem to him that if there is a change then the proper procedure would be for the petitioner to withdraw the petition before the Plan Commission and to come back at a later date with whatever is necessary, if in deed the facts have changed. What the Plan Commission has before them is a petition to allow two principal uses, a single-family residence and regular religious gatherings and related ministry office, on one lot.

Mr. Grosser remarked that any time there is a room full of people addressing the Plan Commission, it is helpful, and he appreciated everyone attending the meeting. He then

addressed several issues that he felt was happening during the public hearing. The first issue is that some people feel that this particular activity of holding religious gatherings is the problem. The use itself is not important, but what is important is how often the meetings are held and what goes along with it such as the office use.

The second concern is that the issue of parking is important. He feels that the parking plan submitted by the petitioners is not reasonable. Mr. Ando had addressed the same question he had which was about the driveway being 18 feet wide for parallel parking. With a fence on one side they would not be able to open their doors in that width of space. This means that the people will park further over into the yard and it will look more like a parking lot. The issue that also makes this particular use incompatible with the single-family neighborhood is the activity level. When you have a single-family home, there is an expectation of the level of activity that is going to be happening in the house as far as the coming and going, etc. What has been proposed are meetings with up to 20 people three times a week, meetings with up to 8 people every weekday, and an office use that is on-going. This is not what one would see in a single-family neighborhood, and it is not the kind of activity level one would expect to have. He feels this is incompatible with the neighborhood district. Regarding Mr. Fitch's question about when it becomes a church use. He feels that because it is an organized religious group, it falls in the church category. It no longer gives off a single-family feel.

Mr. Grosser moved that the Plan Commission forward Plan Case No. 2071-SU-08 to the City Council with a recommendation for denial because the proposed church use would introduce additional traffic and parking and an increased activity level that will be unreasonably detrimental to the single-family residential district in which it would be located. Ms. Stake seconded the motion.

Mr. Grosser noted that his motion is close to the staff recommendation, but it included a second clause, which is the added increased activity level. The staff recommendation was simply to deny because of the traffic and parking situation. In his motion he is trying to make an argument that the activity level is not conducive to the neighborhood. The Comprehensive Plan is really clear about this particular area. While the Comprehensive Plan is not zoning, the purpose of a special use permit process in looking at this case in an R-2 Zoning District is to look at the whole picture and see what is the picture of the neighborhood. Is a second church a reasonable use on this block? The Comprehensive Plan states, "*Lincoln/Busey Corridor. Preserve these uses as they now exist while precluding further encroachment of higher density buildings into this unique residential area*". This house is one of the houses on the Lincoln/Busey Corridor that has been a subject of a lot of discussion and efforts by the City to maintain the atmosphere. Furthermore, one of the neighbors gave testimony on the history of the block. He felt this testimony is relevant to the case, because there is already a large church across the street which has taken up several single-family homes on the block to the point where the percentage of uses is about half and half. Granting the proposed special use permit would tip that balance further.

So in conclusion he wanted to add these two points for the Plan Commission's consideration on the motion.

Ms. Stake read a letter in opposition submitted by Sandy Volk. She agreed with Ms. Volk's comments. She stated that she has been working for the preservation of most all neighborhoods in the City of Urbana for 39 years. It has been difficult because there are always groups like the Twin City Bible Church who promise to keep the residential homes as they are even though they were using them as offices. Now they have torn those homes down. So, there is no balance now in the neighborhood. Many promises have not been kept. The City needs to stop and think and just say "no". We cannot go any further with these types of uses and developments or else we will not have the residential neighborhood anymore. We have some really nice neighborhoods that we want to keep.

Ms. Upah-Bant agreed with Mr. Grosser that the increase in activity level really bothers her. She mentioned that she lives in the area. When she bought her home she knew she was 100 yards away from Farm House so if there is too much traffic at Farm House then she has no one to blame except for herself because she knew it was there when she purchased her home. However, she does not believe that anyone would have expected a second church to be built on the 800 block of Michigan Avenue. She finds that the proposed use does not conform to the standards of the district, and it is not generally consistent with the future land use for the property. According to the LaSalle National Bank criteria, it would be unfair to the other property owners in the area. She reiterated that it is not the use itself that they are opposed to. Any kind of business that generates the kind of traffic that this institution seems to generate would be incompatible with the residential neighborhood.

Mr. Ward thanked everyone for the civility and rational discussion. His major concern is the congestion, the traffic and the public safety issue. Anything that increases the existing problem with parking and amount of traffic is problematic. He does not believe that the proposed special use permit is conducive to the public convenience as per the Comprehensive Plan because it will alter the nature of the neighborhood. The parking issue is also a concern to him as well. He reiterated that it is not the nature of the activity. It is the increase of the activity level. He just feels that it is the wrong proposal in the wrong place in the wrong environment in the wrong neighborhood at the wrong time. So he intended to support the motion.

Ms. Burris stated that although she supports the cause and benefits that Christians on Campus provides for students being away from home she does not feel that they are considering that the influx of traffic into this neighborhood generated for this use has disturbed the single-family feel of the neighbors. In effect what they are trying to provide for the students, they are actually robbing the neighbors of. The activity is novel and they should keep on doing what they are doing. It is just that 811 West Michigan Avenue is not the place to have the leadership located.

Mr. Fitch agreed with Mr. Grosser's motion. This is not a freedom of religion issue. The Friesons can go over to the Bennetts house and study the bible with their friends. This is about running a second church in a single-family residential neighborhood and the increase in the level of activity in the neighborhood along with the other activities mentioned by Mr. Myers, such as advertising, etc.

Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|---------------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Grosser | - | Yes | Mr. Pollock | - | Yes |
| Ms. Stake | - | Yes | Ms. Upah-Bant | - | Yes |
| Mr. Ward | - | Yes | | | |

The motion was passed by unanimous vote. Mr. Myers stated that this case would go before the City Council on June 16, 2008.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

Howard Wakeland Rezoning for 701, 705 and 707 North Lincoln Avenue; 903, 905 and 909 West Hill Street; and 906, 908 and 910 West Church Street will be heard by the Urbana City Council on July 7, 2008.

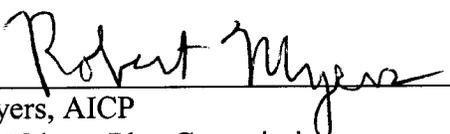
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:37 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 24, 2008

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: Jane Burris

STAFF PRESENT: Robert Myers, Planning Manager; Lisa Karcher, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Tim Pellegrini; Susan Taylor; Robert Walsh

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. Grosser moved to approve the minutes of the May 22, 2008 and June 5, 2008 meetings as presented. Mr. Fitch seconded the motion. Both sets of 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. 2078-SU-08: A request by Trammell Crow Company to amend their existing Special Use Permit for a multi-family dwelling development at 1008, 1010 and 1012 West University Avenue to include a parking lot at 508 North Goodwin Avenue, in the B-3, General Business Zoning District.

Lisa Karcher, Planner II, presented the case to the Plan Commission. She began with a brief introduction of the background and history of the proposed development. She described the proposed site and the surrounding adjacent properties noting their current zoning and land use. She reviewed the proposed site plan and explained the changes from the original site plan submitted in the first special use permit request. She talked about access to the site, retail and residential space, and parking.

Ms. Stake asked if parking would take up more space than the actual building. Using the site plan and the conceptual elevation plan, Ms. Karcher showed that on the first floor, the building is represented by two rectangles on the east end. Commercial space will be located in these two rectangles on the first floor, while the rest of the first floor will be for parking. The residential component of the development will make up the upper floor levels.

Ms. Stake commented that she believes there should not be a parking lot when a building of this size is developed. Parking should be provided for under the building.

Ms. Karcher continued with the staff presentation by discussing the landscape plan. She reviewed the requirements for a special use permit according to Section VII-4 of the Urbana Zoning Ordinance. She 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 Urbana Plan Commission recommend approval of the Special Use Permit in Plan Case No. 2078-SU-08 to the Urbana City Council with the following conditions:

- 1. The development shall be constructed in general conformance with the site plan submitted and attached. The Zoning Administrator shall have the power to approve minor changes necessary for the project to comply with City regulations including building, fire, and site development codes.*
- 2. The design and appearance of the development shall be of a high standard of quality in substantial conformance to the illustration submitted as part of the Special Use Permit application submitted and attached. This condition shall*

include a requirement for masonry construction such as brick, stone, tile and the like whether weight bearing or veneer.

Mr. Grosser stated that it appears the only way to access the residential parking spaces under the proposed building is from the surface parking lot. Is this correct?

Ms. Karcher said no. She understands that there will be a gate at both entrances. There will be a gate between the commercial parking area and the residential parking area so that commercial users will not be able to go into the residential parking area.

With no further questions for City staff, Chair Pollock opened the hearing up for public input.

Robert Walsh and Tim Pellegrini, representatives of the Trammell Crow Company, approached the Plan Commission to answer any questions that they might have. Mr. Walsh explained the reason why the project had not been started. They ran into some difficulties with the property survey. This is also the main reason for the proposed change in the parking. There is a dispute concerning one property boundary, and they felt that they could not construct the underground parking because of the dispute. It is now in litigation and planned to go to trial in August. Meanwhile, they approached Robert Dayton about purchasing his property at 508 North Goodwin Avenue. Mr. Dayton is interested in selling the property. He wants to relocate his business elsewhere in the City of Urbana.

In response to Mr. Grosser's question about accessing the residential parking areas, residents will be able to go from one parking lot to the other. There will be a driveway between the two first floor retail spaces leading to the commercial parking area. There will be a gate separating the commercial and residential parking areas. The gate will allow traffic to go both ways. He stated that one of the advantages of the proposed layout is that they will be minimizing traffic exiting onto University Avenue. Most of the residents will probably be using Goodwin Avenue to exit the development.

Chair Pollock inquired as to whether the proposed changes and the development hinges upon the outcome of the litigation. Mr. Walsh said that Trammell Crow will go ahead with construction of the proposed development as presented in these plans regardless of the outcome of the litigation.

Ms. Stake did not understand why they are now planning to construct another parking lot. Mr. Walsh explained that surveys performed found that most of the lots along University Avenue are 132 feet deep. They also discovered that the utility poles were on Trammell Crow's property, and there were no easements for them. Trammell Crow representatives spoke with the utility company, and they agreed to remove the poles and relocate the utility lines at their expense. Then an adjacent property owner a common property line surveyed, and that surveyor found an extra 4 to 5 feet. The surveyor, according to regulations, split the difference between Trammell Crow's property and the adjacent property. However, Trammell Crow's civil engineering and survey groups did a lot of research going back to the 1800s, and they feel that they have enough evidence to prove that they are correct. As a result, the adjacent property owner is now suing Trammell Crow, and vice-versa.

Consequently, Trammell Crow would not be able to excavate the basement areas and provide the necessary foundation walls at that location without going onto the property in litigation. They are now planning for an alternate way to provide parking.

Mr. Grosser questioned then the real reason for not constructing underground parking. It is because of the property dispute and not because of the sanitary sewer lines as mentioned in the written staff report. Mr. Walsh replied that the underground sanitary line was a problem but they resolved that issue by planning to relocate the sanitary line around the building. Now the sanitary line can remain in place because of the change in the development plans.

Chair Pollock commented that Trammell Crow's choice is to either go ahead with the new plan or wait until the court resolves the litigation which could take a long time. Mr. Walsh said that is correct. Even if the court decides to rule in favor of Trammell Crow, the adjacent property owner could appeal the decision, and it could take a long time.

Mr. Grosser wondered how many bedrooms would make up the residential components of the development. Mr. Walsh said that there would be about 280 bedrooms. They are trying to provide one parking space for each bedroom which is more than what the City of Urbana requires. Ms. Karcher added that her information shows 161 dwelling units – 35 efficiency units, 40 one-bedroom units, and 86 two-bedroom units.

Mr. Grosser questioned if they want to have as much parking as they are planning to provide. Mr. Walsh said yes. Mr. Grosser asked if they expect all of their residential tenants to have vehicles. Mr. Walsh said yes. They expect them to be graduate students or upper classmen. They hope to also attract other people from the hospital in the area.

Mr. Hopkins asked for clarification regarding the commercial parking area. Commercial guests will enter and exit onto University Avenue and will not have access to the exit gate into the residential parking area, correct? Mr. Walsh replied that is correct. This is the way it was previously designed as well when they wanted to provide underground parking.

Ms. Stake wondered how far away the building and the parking lot would be from University Avenue. Ms. Karcher explained that the proposed development essentially complies with the setback requirements for the B-3 Zoning District. Trammell Crow did receive variances for the rear and side-yard setbacks. In the B-3 Zoning District, a residential use requires additional side and rear-yard setbacks based on the height of the building. There is no height requirement. So for the proposed development, they would have been required to have about a 22-foot rear yard setback and approximately 10 or 11 feet for the side-yard setback, which are more than what would be required if it would be a commercial building only. As a result Trammell Crow received a variance to allow them to have a 5-foot side-yard setback and a variance for the rear-yard setback to allow for terrace overhang. Other than this the development would comply with the B-3 Zoning District requirements for a commercial structure.

Ms. Stake commented that the proposed development will be located close to the railroad tracks. Ms. Karcher stated that the surface parking area does meet the required setbacks. It is just the building that required variances.

Ms. Stake said that there will hardly be any open space. Ms. Karcher responded that there are no Open Space Requirements (OSR) for a B-3 Zoning District, so the proposed development will comply with the regulations. Mr. Walsh showed where they plan to have open plazas on each floor between the units.

Mr. Grosser inquired about their intentions to relocate the Odman-Hecker Company. Do they plan to relocate within the City limits of Urbana? Mr. Walsh said that he did not know Mr. Dayton's intentions because he had not spoken to him. His counterpart, Rick Dickerson, indicated to him that Mr. Dayton would like to relocate. Any help in this matter would be appreciated, but Trammell Crow will be helping them relocate their business.

Ms. Stake asked how many feet the litigation was over. Mr. Walsh said it is about 4 feet. After the dispute came up the utility company refuses to touch the utility poles because now a portion of the poles is on the adjacent property.

Ms. Upah-Bant asked for clarification on the retail spaces. Mr. Walsh explained that there will be two separate retail spaces with the driveway access between them. The apartment units will be located above.

Mr. Grosser then asked City staff about the relocation of Odman-Hecker & Company. Ms. Karcher said that she has not spoken with Mr. Dayton about relocating. She has already inquired with Tom Carrino, City of Urbana Economic Development Manager, about doing so. Mr. Walsh noted that Mr. Dayton was in Arizona for the early part of this year and that he just recently came back in May or June.

Chair Pollock opened the meeting to Plan Commission discussion and motion(s).

Mr. Grosser moved that the Plan Commission recommend approval of Plan Case No. 2078-SU-08 to the Urbana City Council with the conditions listed in the staff recommendation. Ms. Upah-Bant seconded the motion.

Chair Pollock then said that it would be proper before any further action to ask if anyone in the audience had any comments or questions for or against this application. No one came forward to speak.

Mr. Grosser stated that he liked the project when it was originally presented. It looks nice and will be a great use of the land. Having spaces for graduate students to live nearby would be a good thing. He is not happy about tearing down a business building to construct a parking lot, but it is clear that the project is not going to be built otherwise. So, if they are going to construct a parking lot somewhere then it might not be such a bad thing to put it here.

Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|---------------|---|-----|
| Mr. Fitch | - | Yes | Mr. Grosser | - | Yes |
| Mr. Hopkins | - | Yes | Mr. Pollock | - | Yes |
| Ms. Stake | - | Yes | Ms. Upah-Bant | - | Yes |
| Mr. White | - | Yes | | | |

The motion was approved by unanimous vote.

Robert Myers, Planning Manager, stated that the case would go before the City Council on August 4, 2008.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- ✦ **Vacancy on the Plan Commission**: The Mayor is looking for someone to appoint to fill the vacant position left by Mr. Ward moving to Arizona. If you know of anyone who may have an interest, please let them know they can apply through the Mayor's office.
- ✦ **Planner's Exchange with Bloomington/Normal** is scheduled for August 1st. The Plan Commission members are welcome to attend.
- ✦ **August 21, 2008 Plan Commission Meeting**: City staff will be presenting a rezoning case for specific properties in the Historic East Urbana Neighborhood Area.
- ✦ **Lincoln-Busey Corridor Design Guidelines** are expected to be presented to the Plan Commission in September 2008.
- ✦ **July 31, 2008 Special Meeting**: City staff will be presenting a rezoning for 804-1/2 West Main Street. An application has been submitted that cannot wait until a regular meeting date due to financial consequences for the applicant.

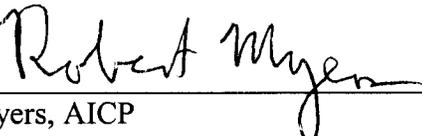
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:08 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A SPECIAL MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 31, 2008

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: None

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Daniel Babai, Jennifer Feucert

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 with all members in attendance.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the July 24, 2008 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Letter from John Douglas Bassett

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2075-M-08: A request by Daniel Babai to rezone 804-1/2 East Main Street from B-3, General Business, to B-2, Neighborhood Business – Arterial.

Jeff Engstrom, Planner I, presented the case to the Plan Commission. He introduced the case by giving a brief background of the proposed site noting the current land uses and zoning designations of the site itself in addition to the adjacent surrounding properties. He explained the purpose of the petitioner's request to rezone the property. By rezoning the property to B-2, the petitioner would be allowed to rebuild the single-family home that currently exists should it be destroyed by natural causes. Under the current zoning of B-3, the petitioner would not be allowed to do so.

He mentioned that the 2005 Comprehensive Plan directs the City to study the zoning inconsistencies in the Historic East Urbana Neighborhood Area. As a result, there will be a future plan case that will propose to rezone several properties in the neighborhood. However, the petitioner for this case needs to get approval of the proposed rezoning now in order to purchase the property.

Mr. Engstrom continued with his presentation by talking about the B-3 and B-2 Zoning Districts. He discussed how the proposed rezoning relates to the 2005 Comprehensive Plan. He reviewed the La Salle National Bank Criteria and how it pertains to the proposed rezoning. 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 forward Plan Case No. 2075-M-08 to the Urbana City Council with a recommendation for approval.

Mr. Hopkins asked if the lot width is 16-1/2 feet. Mr. Engstrom said yes. Mr. Hopkins wondered if it is a legal lot. Mr. Engstrom explained that under the current zoning, a lot similar to the proposed lot could not be created anymore. Mr. Hopkins questioned whether changing the zoning of the lot would solve the issue of being able to rebuild or is the lot not legal to build on either. Mr. Engstrom said that the petitioner would need a variance to rebuild. He would also have to put a fire rated wall between his rebuilt building and the neighboring property. Zoning is what would prevent the petitioner from being able to rebuild. Robert Myers, Planning Manager, added that it is a legal lot of record.

Chair Pollock inquired as to whether the petitioner would need a variance in order to rebuild regardless of whether the property is zoned B-3 or B-2. Mr. Myers said that is correct.

Mr. White commented that the appearance of the building seems to be strange. It seems like the wall to the east is actually part of Ray's Heating and Air Conditioning structure. Someone has

built a second story over the existing structure on the proposed site, and the second story rests on the common wall. The roof of the second story actually hangs over the adjacent property. He is not sure if rebuilding on the lot would be possible anyway. Mr. Engstrom responded by saying that the petitioner would probably not be able to rebuild the roof as it currently is. He might have to construct a shed roof.

Mr. White wondered how the owner of Ray's Heating and Air Conditioning felt about the proposed rezoning. Mr. Engstrom explained that the owner called and asked what was going on with the proposed case. After explaining the case to the owner of Ray's Heating and Air Conditioning, he did not seem to have an opinion about the proposed rezoning. Chair Pollock asked if the owner was notified of the proposed rezoning and of the public hearing. Mr. Engstrom said yes.

Mr. Hopkins inquired as to whether there is an access easement to allow parking in the back of the property. Mr. Engstrom stated that he is not aware of an access easement. It appears to be a legally non-conforming situation. Chair Pollock pointed out that if the vehicles parking in the back belonged to Ray's Heating and Air Conditioning, then the petitioner could tell them not to park there, because it is part of his property. Mr. Engstrom said that is true.

With no further questions for staff, Chair Pollock opened the hearing up for public input.

Daniel Babai, petitioner, approached the Plan Commission to answer any questions that the Plan Commission may have for him.

Mr. Grosser asked what Mr. Babai intended to use the property as. Mr. Babai replied that he plans to live in the back and rent the front to a small business to help offset his expenses.

Mr. White inquired as to how long it has been since anyone has lived in the residential component of the structure in back. Mr. Babai said that there was someone living there less than a month ago. Mr. White commented that it has not been vacant long enough to lose its non-conforming use. Chair Pollock wondered how long it must sit vacant before this would happen. Mr. Engstrom stated that according to Section X-3.b of the Urbana Zoning Ordinance that the amount of time it could be vacant is six months before it would lose its non-conforming use.

Mr. Myers noted that about five years ago, banks would just ask for a letter stating the zoning of a property and whether or not it was grandfathered in. Nowadays, banks want more details. This case is a result of the petitioner's lender wanting more information.

With no further input from the public audience, Chair Pollock closed the public input portion of the hearing. He then opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. White stated that he is having difficulty with this because the purpose of the rezoning is so the petitioner could rebuild if something should happen to the existing structure. However, the upstairs wall appears to rest on the adjacent structure. Chair Pollock pointed out that the Plan Commission is not sure if this is true. The City is not sure if the petitioner would be able to rebuild, but without the rezoning, the petitioner definitely would not be allowed to rebuild.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2075-M-08 to the Urbana City Council with a recommendation for approval. Ms. Stake seconded the motion.

Mr. Hopkins explained that he shares Mr. White’s concerns. This case is much more complicated than the zoning; however, none of the rest of those issues are before the Plan Commission. He sees no reason why the zoning should not be changed, especially since it seems to be consistent with the 2005 Comprehensive Plan.

Ms. Stake commented that since it is a historic area, she feels that it should definitely be rezoned. Therefore, she plans to vote in favor of the motion.

Mr. Myers clarified that if the existing structure were to be destroyed by fire or a tornado and the petitioner wants to rebuild, he is not sure if it could be rebuilt to be exactly as the way it is now. The petitioner would have to get approval of side-yard setback variances and would have to construct a fire wall, none of the building would be allowed to hang over on the adjacent neighboring property, and he would have to deal with stormwater in a way that water would not be going over onto the neighbor’s property. Chair Pollock pointed out that City staff and the Zoning Board of Appeals would be involved in the process.

Roll call on the motion was as follows:

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

The motion was approved by a vote 7 ayes to 1 nay.

Mr. Myers noted that the proposed rezoning case would be forwarded to the August 4, 2008 City Council meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- ✚ **Attendance:** He thanked the Plan Commission for attending the Special Meeting. It was important to hold the special meeting so that the petitioner could move forward with his plans to purchase the property, etc.

- ↓ **August 4th City Council Meeting:** The City Council will be reviewing a special use permit amendment for the Trammell Crow project development.
- ↓ **Regular Meeting – 08/07/2008:** City staff is not sure if there will be a Plan Commission meeting held on August 7, 2008. There is currently a rezoning case for the Champaign County Zoning Board of Appeals that may or may not be withdrawn. If the case is withdrawn, then the meeting will be cancelled. City staff will let the Plan Commission know either way.

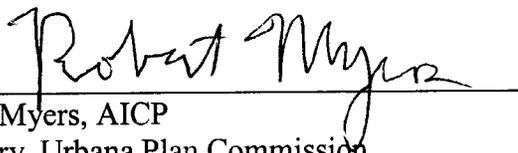
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:51 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A SPECIAL MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: August 21, 2008

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: Ben Grosser, Lew Hopkins

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Lisa Karcher, Planner II, Jeff Engstrom, Planner I; Teri Anzel, Planning Secretary; Bill Gray, Director of Public Works Department

OTHERS PRESENT: Tom Berns, Delores Babel Cole, Chris Billing, Scott Dossett, Marianne Downey, Andrew Durst, Sue Fristoe, Laura Huth, Marsh Jones, Mike Lehman, Margaret Miller, Dale Oakes, Tracy Philbeck, James Reedy, Jason Reedy, Rich Sciortino, Aaron P. Smith, Chris Stohr, Susan Taylor, Julie Watkins, Scott E. Wyatt

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

The Chair called the meeting to order at 7:32 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

City staff requested that they move the item under New Business to be first on the agenda since a representative of the petitioner was present and was from out-of-town. With no objection from the Plan Commission, this item was moved.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the July 31, 2008 meeting as presented. Mr. Fitch seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

Regarding Plan Case No. 2084-S-08

- ✚ Site Plan for Faith Community Church

Regarding Plan Case No. 2080-M-08

- ✚ E-mail from Laura Huth
- ✚ Letter from Scott Wyatt (*Handed out during meeting*)

Regarding Plan Case No. 2082-CP-08 and Plan Case No. 2083-M-08

- ✚ E-mail from Sarah Metheny and Jason Finley
- ✚ E-mail to Tyler Fitch from Jason Finley

Other Communications

- ✚ E-mail from Elizabeth Tyler regarding the 33rd Urbana Sweetcorn Festival
- ✚ Handout for miPLAN Brief no. six
- ✚ Handout for miPLAN Brief no. seven
- ✚ Copy of Planning Commissioners Journal Number 71/Summer 2008

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW BUSINESS

Plan Case No. 2085-S-08: A request by Brinshore Development, LLC for approval of a combination Preliminary and Final Plat for Crystal View Townhomes First Subdivision, located on North Broadway Avenue, North of the Saline Branch Drainage Ditch.

Jeff Engstrom, Planner I, gave the staff report for this case to the Plan Commission. He briefly introduced the case noting that the site was formerly known as Lakeside Terrace. He presented background information regarding the history of the proposed site and how Brinshore Development, LLC is proposing to redevelop the proposed site. He referred to Exhibit E, Overall Site Plan. He pointed out the land uses, zoning and Comprehensive Plan designations of the proposed site and of the adjacent properties. He discussed the following issues: green features, right-of-way vacations, subdivision layout and access, drainage and sewers, and utilities. He talked about the three subdivision waivers that the petitioner is requesting. They are as follows:

- 1) Waiver from Section 21.36(A)1 and Table A to allow the reduction of the pavement width for all streets from 31 feet to 28 feet. Parking will only be allowed on one side of the road;

- 2) Waiver from Section 21-36(C)4 requiring cul-de-sacs to have a minimum 100-foot right-of-way diameter and a minimum 80-foot paved turnaround diameter at the east end of Stebbins Drive. The developer is proposing that emergency and service vehicles may turn around at the parking lot access point located 50 feet west of the cul-de-sac. Construction of a full size cul-de-sac at this location is constrained by the site topography and lot dimensions; and
- 3) Waiver from Section 21-37(A)1 requiring sidewalks on both sides of the street. The developer is proposing this requirement be waived for the south side of Stebbins Drive east of Division Avenue only. An alternative sidewalk route with a five-foot width is proposed to extend along the south side of Stebbins and then north along the east side of Division Avenue for eventual extension north to Kerr Avenue and thence eastward as part of the Greenway Plan. An additional sidewalk connection will also be provided to the east at a location further north so as to facilitate a connection to the adjacent Kerr Avenue development.

He reviewed the criteria according to the Urbana Subdivision and Land Development Code that must be met when a petitioner requests waivers. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Staff recommends that the Plan Commission forward Plan Case No. 2085-S-08, a Combination Preliminary and Final Plat for Crystal View Townhomes First Subdivision to City Council with a recommendation for approval, including the three requested waivers from the requirements of the Subdivision and Land Development Code.

Mr. White stated that on Exhibit E on the east end of Stebbins, there appears to be parking spaces on the south side of the street. Is this correct? Mr. Engstrom said that is correct.

Mr. White asked if the Fire Department and the City Engineer were satisfied with not requiring the developer to construct a cul-de-sac at the end of Stebbins Drive. Mr. Engstrom said that there was a meeting with the Public Works and Fire Departments and with the developers and engineers. They all concurred that they would be able to use the turnaround for the parking access. Mr. White expressed his concern with delivery trucks and garbage trucks having to pull into the parking lot and backing up to turn around. The proposed development is bound to have a lot of little children living there and playing outside.

Mr. White inquired if the parking lot could be moved further north. Mr. Engstrom explained that Barr Avenue is there so it would be considered a front-yard and would have to meet setback requirements.

Bill Gray, Director of Public Works Department, stated that garbage trucks would pull into the parking lot area to do a three-point turnaround and come back facing out.

Mr. Pollock wondered if the dumpster(s) would be located directly at the end of the parking lot access drive. Mr. Gray said yes.

Ms. Upah-Bant wondered if allowing Waiver #3 would set a precedent of any kind. Mr. Engstrom stated that City staff believes the proposed site is really constrained, especially with the topography of the Saline Branch Drainage Ditch on the south side of the property. They will be providing access through the proposed site. Libby Tyler, Director of Community Development Services Department, added that there is some compensation in that the petitioner has increased the width of the sidewalk to five feet (four feet is required), and they will be providing an additional length of eastward extending sidewalk at the City's request to connect the proposed development to the Kerr Avenue development. Consequently there is some compensation for other connections provided for that partial waiver.

Ms. Upah-Bant questioned if it would set a precedent to allow this waiver just because there are no homes being scheduled to be developed on the south side. Ms. Tyler stated that each case is unique and must meet the three criteria according to the Subdivision and Land Development Code. It is not like a variance. It is a technical waiver from the standards. The City does not get too many plats that meet each and every standard. So, it is not the same bar that the City has for zoning variances, where there needs to be a public hearing and the petitioner needs to prove there is a hardship or unique circumstance.

Ms. Stake asked if there is room for more houses to be built. Mr. Engstrom replied no. The Saline Branch Drainage Ditch is there.

Ms. Stake inquired as to how much the City of Urbana is helping pay for the proposed redevelopment. Mr. Engstrom recalled that the City will be paying over \$200,000 in Federal HOME funds and CDBG funds.

Ms. Stake questioned what was going to be redesigned. Mr. Engstrom clarified that the far west side of the proposed site, the lots do not meet the required setback requirements. If the petitioner feels that they cannot redesign the plans for that area, then they will need to get approval of a variance request.

Ms. Stake commented that the entire project looks like a wonderful development for many people. She feels that it is important to have time to think about it. She asked about the proposed path. Mr. Engstrom responded that the Greenways and Trails Plan calls for a path along the Saline Branch Drainage Ditch to go straight from Broadway all the way across Cunningham Avenue. Since there is private property not owned by the petitioner, they could not construct the path all the way to Cunningham Avenue. Even if they could have constructed the path, the City does not want pedestrians and cyclists to cross Cunningham Avenue mid block. Creating a tunnel beneath Cunningham Avenue presents some problems. The Urbana Park District and the City Engineering Division are in agreement that it would be better for pedestrians and cyclists to cross Cunningham Avenue at Kerr Avenue where the crossing is protected by a signal.

Ms. Stake inquired about the right-of-way vacation. Mr. Engstrom explained that there would be a public hearing to vacate the existing rights-of-way of the former development, Lakeside Terrace. The public hearing would be held on September 2, 2008, and he believes that the City Council would then take action at their next meeting.

Ms. Stake wondered how many people would be living in the townhomes. Mr. Engstrom stated that Exhibit E shows the floor plans and elevations. There will be 48 two-bedroom units, 12 three-bedroom units and 10 four-bedroom units. Each unit will house one family. The units are grouped like townhomes.

Ms. Stake questioned whether City staff has heard back from any of the utility companies. Mr. Engstrom explained that whenever staff receives a preliminary or final plat, they send it out to different agencies including Champaign County and utility providers for comments. He has received comments back from Illinois American Water Company regarding the existing water lines. They wanted to know if the petitioner would be vacating the existing water line down Division Street. The developer is planning to install a new water line down Division Street.

Ms. Stake believed that they should receive the Preliminary Plat first. City staff send it out for comments and review, bring the Final Plat back to the Plan Commission along with any comments received and then the Plan Commission make a recommendation to City Council. She argued that the Plan Commission does not get to see all of the information. Ms. Tyler replied that City staff has met with the utility providers. They still have a few more days to respond, but staff is not expecting more responses. The engineers met with the utility providers already.

In terms of whether it is proper to bring both the preliminary and final plats together to the Plan Commission, it is most courteous to allow for grouping. This way the Plan Commission and City Council can see all of the information at one time. The developers are ready to start construction on the proposed development. The developers and the City staff have been working on this project for about five years. City staff had brought some description prior to this meeting to the Plan Commission about four years ago.

Preliminary and final plats are not a one-step/two-step process. They serve different functions. The preliminary plat shows all of the detailed important information, such as utility lines and topography. The final plat is almost inconsequential. It only shows the lot lines. If the Plan Commission approved the Preliminary Plat only tonight, then under the Subdivision Ordinance, City staff could take the Final Plat to the City Council without the Plan Commission reviewing it. The final plat is important in that it is the plat that gets recorded, which is what allows people to buy lots that are legally described. So, for the transfer of property, final plats are important. For planning issues, preliminary plats or general area plans are more important. In this case, City staff felt it was important to bring both the preliminary and final plats to the Plan Commission for review. Ms. Stake commented that when she was on the City Council, they never had both the preliminary and final plats presented to them at the same time. By presenting them at different times, it gives the Plan Commission more time to look at it. Therefore, she objected to both plats coming before the Plan Commission at the same time.

Chair Pollock stated that the overall site plan shows an existing fence line. Is the fence still there? Will there be a fence between the Saline Branch Drainage Ditch and the proposed development? Mr. Engstrom deferred this question to the developer when he came up to speak.

Chair Pollock commented that the Plan Commission and the City staff have talked about sidewalks and about paths. Are they both going to be constructed in the proposed development?

Mr. Engstrom answered that in the proposed development the sidewalks will be extra wide as Ms. Tyler had mentioned. The sidewalks and the paths are one in the same.

Chair Pollock inquired about the connection to the Kerr Avenue development to the northeast. Will this be a path connection or a street connection? Mr. Engstrom explained that it is a proposed path connection. It will be a ten-foot right-of-way, which will allow for emergency access. It will not be a public street.

With no further questions from the Plan Commission for the City staff, Chair Pollock opened the hearing up for the petitioner's representatives and any one else that would like to address the Plan Commission.

Rich Sciortino, President of Brinshore Development, LLC, thanked everyone, especially City staff. He mentioned that the company does many projects down state and in other states in the Midwest, and he felt the Urbana City staff has been the most professional staff that he has ever worked with. They have been working on the proposed development for a long time.

Brinshore Development has tried to blend into the proposed project everything that is important to the City of Urbana from "green" elements to the walkway along Stebbins Drive, etc. They are proud to work cooperatively with the City of Urbana. He believes the Birch Village project in Champaign is a testament of how well the proposed development will run. He encouraged the Plan Commission and anyone else interested to look at the former Birch Village site. It has a waiting list and is a model community. He expects the proposed development to be just as nice.

Concerning the fence along Saline Branch Drainage Ditch, he stated that they intend to keep the fence. There is actually a space between their property line and the fence line. So, they decided rather than improve an area that is a floodplain along the Saline Branch to leave it the way it is and improve the sidewalk and the pedestrian way along south part of Stebbins Drive.

Chair Pollock wondered if the fence runs along the entire length of the southern property line. Mr. Sciortino said yes.

The community building is intended to be a model for green initiatives. The building will have recycled materials, and there will be a wind turbine to help with some of the electricity costs. Everything energy efficiency has a great payback. All of the apartments will have tenant paid utilities so they want to make sure that the utilities are not a burden to their residents. The community building will have a community room which will get used a lot. It will also have a computer center and business center in it. There will be an exercise facility for the residents.

Tom Berns, of Berns, Clancy and Associates, mentioned that they held discussions with the Urbana Park District regarding the sidewalks connecting Crystal Lake Park to Chief Shemauger Park on the east side. If they would have extended the sidewalk to Cunningham Avenue as originally planned in the Greenways and Trails Plan then the pedestrians would have ended up in the wrong place. With how they plan to provide the connection, it will be easier for pedestrians and bicyclists to cross Cunningham Avenue and get to Chief Shemauger Park at the Kerr Avenue intersection.

With no further testimony or public input, Chair Pollock closed the public portion of the hearing. He then opened the hearing for Plan Commission discussion and/or motions.

Mr. White remarked that the Urbana School District #116 has 55% low income. The problem is that the mobility rate is 25%. Champaign School District #4, by comparison, has 47% low income. The state average is 40% low income. The real problem is that the proposed development would be bringing in more low income children. The Equalized Assess Value (EAV) behind each child in Champaign is \$165,000. In Urbana, the EAV is \$115,000. The State of Illinois suggests \$150,000. Therefore, he feels that the City of Urbana has more of this type of development than they can support to really give the children the education that they need to get out of the situation that they are in.

Regarding the cul-de-sac, he is not sure if he likes the cul-de-sac not being built. Chair Pollock shared Mr. White's concern about which side of the street the parking would be on. It seems they might lose a couple of parking spaces, but they would have people facing out when they parked. It might be a better idea.

Mr. White commented that to turn around an UPS truck with ease, it would take 50 feet. A fire truck needs 60 feet. The only thing that one could turn around in the proposed cul-de-sac would be a car. He did not know how to suggest to improve it.

Ms. Stake suggested that the Plan Commission send the case back and have the developer look at the cul-de-sac. Chair Pollock did not feel that this issue would be major enough to not forward the case on. The Plan Commission could send it to the City Council with a recommendation and let the City Council know of their concern with the turnaround on the east end of Stebbins.

Mr. Gray elaborated more on this issue. He pointed out that City staff had a lengthy conversation with the developer about the cul-de-sac. In the beginning, City staff also rejected the plan outright, because it did not meet the 100-foot radius of right-of-way and 80-feet of pavement standard. City staff spoke with the engineer on the project and with the petitioner about various options, which included shortening the street and removing units, etc. If you look at the contours of the area, you can see that there is a very steep drop off, so they cannot make it a large, typical cul-de-sac width. So rather than do nothing, the proposed cul-de-sac would at least be able to accommodate smaller vehicles. When they discussed larger vehicles such as dump trucks, moving trucks, garbage trucks, etc., City staff concluded that if they pull in, then they could do a three-point turn through the large driveway to the parking to the north. It is not ideal, but they would not be pulling into someone's private driveway.

They cannot fit a normal size cul-de-sac in this area, and they did not want to reduce the street width because they want access to the units all the way to the east. They thought the proposed cul-de-sac was the best idea in a tough situation. They even looked at making it a private street versus a public street. City staff gave it a lot of thought and feel like this is the best of all the scenarios.

Chair Pollock asked if City staff had considered not allowing large vehicles beyond the turnoff. Mr. Gray replied that they are going to need to allow larger vehicles to make deliveries. Mr.

White commented that he is concerned about there being a lot of little children playing outside when a driver is trying to back up.

Ms. Stake inquired as to whether they could remove one unit to allow for a larger turnaround area. Mr. Berns explained that they have spent more time worrying about the cul-de-sac than about all the other serious, technical issues. The proposed plan is a product of a long time working with the City staff. If they did not have the cul-de-sac and did not extend Stebbins Drive to the end of the homes then it is more difficult. There is ten-foot high bluff represented by a diagonal line on the overall site plan. Barr Avenue is a long way up there. It is not possible to move anything further east because of the bluff. They were trying hard not to diminish the size of the capacity of the project, but to provide a reasonable accommodation of the right-of-way and to still allow some grass area on the south side of Stebbins before you get to the ditch.

Ms. Stake commented that sometimes developers might have to change their plans and not have as many units as they think they need to have. Ms. Tyler noted that everyone had talked early on about the size of the project. The prior City Council had pushed for more units at this location because of the affordable housing goals. This actually led to their inability to get funding for the project from the State of Illinois. So the developer went back and reduced the number of units to 70. This is the minimum that City Council felt comfortable with because they were looking at maximizing replacement of affordable housing. The previous development on the site, Lakeside Terrace, had 99 units. The last Illinois Housing Development Authority (IHDA) submittal was successful which has locked funding into providing 70 units.

The proposed development has much more green space than Lakeside Terrace did. It will be a much safer, calmer layout than before. The traffic circle is designed to slow down traffic. City staff went back and forth with some of the technical issues on the turnaround. The proposed cul-de-sac is the least objectionable concept.

Mr. Fitch wondered if they had considered angling the units to the northwest. Chris Billing, of Berns, Clancy and Associates responded that he reviewed different scenarios by turning and trying to stack things in different orders, etc. There is no way to get a full-size cul-de-sac within the space that is available. The nice thing about it is that it is a very short segment of street, so there would be very little traffic that will use it. It is as low a volume street segment from a traffic standpoint as one would ever see in Urbana. This just seems to be the best solution.

Chair Pollock questioned if it would help to take out the last parking space to the south. It might be easier for one to access the cul-de-sac if there was not a car parked in the last parking space. Mr. Billing replied that the parking spaces on the south side are for visitor parking, and they are not going to be striped. They could post a "no parking" sign in that last space. There are enough parking spaces on the site.

Mr. White moved that the Plan Commission forward Plan Case No. 2085-S-08 to the City Council with a recommendation for approval including Waivers #1 and #3. He wanted to vote on Waiver #2 separately, so City Council would know that there had been discussion. Ms. Burris seconded the motion.

Roll call on the motion was as follows:

| | | | | | |
|---------------|---|-----|-----------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Chair Pollock | - | Yes | Ms. Stake | - | Yes |
| Ms. Upah-Bant | - | Yes | Mr. White | - | Yes |

The motion was approved by unanimous vote.

Mr. White moved that the Plan Commission forward Waiver #2 to the City Council with a recommendation for approval. Mr. Fitch seconded the motion.

Mr. White commented that he does not like how the cul-de-sac is planned to be built. He would rather eliminate some of the units but he realizes that this is impossible. Chair Pollock stated that he has come to the same conclusion in that although the proposed cul-de-sac is not ideal it appears to be the best solution given the situation. Ms. Upah-Bant agreed. Every idea or suggestion the Plan Commission comes up with has already been thought of and rejected. She would hate to jeopardize the project because we need this development.

Roll call on the motion was as follows:

| | | | | | |
|---------------|---|-----|-----------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Chair Pollock | - | Yes | Ms. Stake | - | Yes |
| Ms. Upah-Bant | - | Yes | Mr. White | - | No |

The motion was approved by a vote of 5-1.

Ms. Stake was curious as to whether the developer planned to remove any of the trees. Mr. Billing said no. All of the existing trees will remain.

Ms. Tyler noted that Plan Case No. 2085-S-08 will be forwarded to the City Council on September 2, 2008.

8. NEW PUBLIC HEARINGS

Plan Case No. 2084-SU-08: A request by Faith Community Church for a Special Use Permit to allow for the construction of an accessory building on an existing church property located at 2105 North Willow Road in the R-1, Single-Family Residential District.

Lisa Karcher, Planner II, presented the case to the Plan Commission. She gave a brief introduction and background of the proposed special use permit request. She described the proposed site, noting its location, zoning and future land use designation as well that for the adjacent surrounding properties. She referred to the Revised Site Plan that was handed out prior to the meeting. She discussed parking and screening requirements. She reviewed the requirements for a special use permit according to Section VII-4 of the Urbana Zoning Ordinance. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission recommend approval of the proposed special use permit in Plan Case No. 2084-SU-08 to the City Council with the following conditions:

- 1. The proposed development shall be constructed in general conformance to the revised site plan.*
- 2. Screening shall be provided along the south boundary of the proposed parking lot to screen the parking from adjacent residential properties. The screening shall be reviewed and approved by the Zoning Administrator and the City Arborist.*
- 3. Additional parking shall be provided that is equal to the amount of parking that is eliminated by the construction of the proposed accessory building.*

Mr. Fitch inquired as to whether City staff expected an increase in the number of events held (i.e. wedding receptions) and if so, would there be adequate parking spaces for the increased activity? Ms. Karcher assumed that they may have an increase because they will have better facilities; however, these types of events will not be occurring at the same time as a church use would be going on. Hopefully there will not be a need to increase the number of parking spaces.

Chair Pollock asked about the subject property. Are all three lots owned by Faith Community Church? Ms. Karcher said that is correct.

Chair Pollock wanted to know if the existing parking lot is lit. Ms. Karcher replied yes.

Chair Pollock inquired as to what type of screening would be required. Ms. Karcher stated that although there is a nice tree line there, parking lot screening will be required to shield car headlights. If vegetation is used it must be at least 18 inches when planted. The City Arborist will review the screening plans.

Marsh Jones, Pastor of Faith Community Church, thanked City staff for working with them on this project. The Church is willing and happy to meet all of the City's requirements. They are planning to plant more trees. The parking lot will be striped and meet the required number of handicap parking spaces. In addition, they are hoping to make the building as green as possible.

Chair Pollock asked about the nature of the lights in the parking lot. Pastor Jones explained that they have lights on the power towers that shine toward the existing building.

Chair Pollock commented that there is a lot of property available to build on. What was the nature of the decision that led the Church to want to build as close to the adjoining residential neighborhood as possible? Pastor Jones stated that there are two considerations. First, they want the building to be accessible out of the existing units so people could walk to the proposed building easily without going clear down to the west end of the property. It would be a long walk through the parking lot. Second, the major power lines crossing the property make it impossible to build under. Ameren IP has an easement which prohibits the Church from building under those lines. The Church is required to build 45 feet off of the center either way.

Chair Pollock asked whether the Church had considered constructing the accessory building on the west side of the existing building. Pastor Jones replied that they had thought of it. The reason for not proposing that is because again it would be a long walk from the entrances/exits of the existing buildings to the new building.

Sue Fristoe, of 2102 Hagan Boulevard, mentioned that she does not live in City limits. She expressed her concern about how far the proposed building would be from the property line. Does this set a precedent for another structure to be built to the west? Chair Pollock answered that if the petitioner plans to construct additional structures on these lots, then they would need to come back through a regular public hearing process depending upon what it is they want to do and whether or not the use would fit into the current zoning.

Ms. Fristoe expressed the concern of a neighbor about noise. Her neighbor had commented to her that she could set her clock on Sunday mornings by the children and the bus honking the horns. Chair Pollock stated because it is a request for a special use permit, the Plan Commission can make certain requirements and demands to protect the neighborhood. There is no noise barrier. The foliage used for screening the headlights in the parking lot might stop some of the noise, but it will not stop it all. Ms. Tyler explained that noise is something the Plan Commission can take into consideration and place restrictions on as far as hours of operation. The City of Urbana also has a noise ordinance to protect against loud, raucous noise. A disturbed neighbor can call the police. The City also limits the hours of construction as well.

Ms. Karcher answered Ms. Fristoe's first question by saying that the proposed building will be about 50 feet from the property line. Ms. Fristoe asked if there would be open areas to the south of the proposed building. Ms. Karcher stated that the drive is located there and will remain the same, which is about ten feet from the property line.

Ms. Stake asked whether the children will be playing in an open grassy area or on the black-top. Pastor Jones said that they would be playing on both places. Ms. Stake asked if the black top was for both parking and for children to play. Pastor Jones clarified that they are talking about two events. They have a small private school, and no one is allowed to drive on the black top on the weekdays when the children would be playing there. They have restrictions on that. However, on Sunday mornings many children play on the front drive, which is north of both existing units. This is where the buses are. He agrees that the children should not be getting on the buses and honking the horns. They try to fight this all the time.

With no further questions or comments from the public audience, Chair Pollock closed the public input portion of the hearing. He, then, opened it up for Plan Commission discussion and/or motions.

Ms. Stake moved that the Plan Commission forward Plan Case No. 2084-SU-08 to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion. Roll call on the motion was as follows:

| | | | | | |
|---------------|---|-----|-----------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Pollock | - | Yes | Ms. Stake | - | Yes |
| Ms. Upah-Bant | - | Yes | Mr. White | - | Yes |

The motion was approved by unanimous vote.

Ms. Tyler announced that this case would be forwarded to City Council on September 2, 2008.

Plan Case No. 2080-M-08: A request by the City of Urbana Zoning Administrator to rezone a number of properties in the Historic East Urbana Neighborhood.

Given the number of properties and area involved in this case, Chair Pollock suggested that after hearing the staff report and taking public input, the Plan Commission continue this case to the next scheduled meeting to allow people who want to speak and are unable to attend this meeting, an additional opportunity to do so. The Plan Commission agreed.

Lisa Karcher, Planner II, presented the case to the Plan Commission. She began by addressing the Comprehensive Plan and explained that the proposed rezoning request is a directive from the 2005 Comprehensive Plan to correct inconsistencies in the Historic East Urbana Neighborhood between the zoning and the land use. She explained the steps City staff has taken that lead up to this point in the process, which are: 1) conducting land use and zoning studies of the areas identified by the Comprehensive Plan; 2) presenting Staff's initial rezoning proposal at a Historic East Urbana Neighborhood Association meeting and a public open house in January 2008; and 3) conducting a property owner preference survey. City staff adjusted the initial proposal during each of these three steps based on the response of property owners.

She explained the proposed rezoning designations from R-4 to R-3. Chair Pollock asked if the City would be turning churches and educational institutions that are part of the proposed rezoning request into non-conforming properties under the proposed zoning. Ms. Karcher answered that technically the property itself would not become non-conforming. The use would be non-conforming in the sense that it would not have a special use permit to allow the existing use. Chair Pollock wondered if a property owner of these types of uses would be allowed to rebuild under the new zoning. Ms. Karcher explained that the property owner would need to apply for a special use permit in order to rebuild. Ms. Tyler replied that City staff wanted to avoid any situation where a property owner could not possibly rebuild, but they did allow some properties to be included in the rezoning request that would require either a conditional use permit or a special use permit to rebuild.

Chair Pollock asked what the down side would be if they do not allow these properties to be rezoned. If something happens to a property of this type, and it was not included in the proposed rezoning, then a multi-family apartment building could be built in its place, correct? Ms. Tyler said yes. The feedback from neighborhood is to correct the zoning to be more compliant with the actual uses and to limit some of the uncertainty in the area that has hampered its improvement. City staff does not want to take away the property rights of the owners, but at the same time, they want a good pattern of the rezoning so that it makes sense and fits the 2005 Comprehensive Plan. Yes, the proposal would create a very few non-conforming properties, but they have also removed some of the non-conformities that currently exist. The proposed rezoning will make the neighborhood more conforming than what it currently is. Being legally non-conforming is not necessarily harmful. Most of us probably live in homes that are legally non-conforming in one way or another.

Mr. Fitch wondered if Ms. Karcher had talked to someone at the Marilyn Queller Child Care Center or at the School of Metaphysics. Ms. Karcher pointed out that the Marilyn Queller Child Care Center is owned by the Webber Street Church, so that was part of their vote. The School of Metaphysics did send in a support of the rezoning of their property. She did not actually call them though.

Ms. Karcher continued with her staff presentation. She talked about the proposed rezoning from R-5 to R-3 and the differences between those zones. She talked about the properties that are being proposed to rezone from R-4 to CRE. She mentioned that the Urbana Park District is in favor of these three properties being rezoned to CRE.

She reviewed the proposed rezoning of the commercial properties on the north side of Main Street from B-3 to R-3. City staff is not proposing to rezone the properties in this category where the owners are opposed to the rezoning. She went on to talk about the proposed rezoning of properties from B-3 to B-2. She listed the major differences between the two districts. She mentioned that the properties who opposed being rezoned to R-3 are being proposed to rezone to B-2.

Ms. Karcher said that Staff tried to limit the number of non-conforming properties that the proposed rezoning would create. The only concerns that City staff have regarding non-conformities are with the School of Metaphysics, the Webber Church and the Marilyn Queller Child Care Center. Article X of the Urbana Zoning Ordinance does address non-conformities. It basically says that by the act of the City rezoning a property, the use would be rendered non-conforming, but it would still be considered as lawful uses and may continue as a non-conformity. City staff mailed property owner preference forms as part of its review of potential nonconformities.

She reviewed the LaSalle National Bank Criteria that pertains to the proposed rezoning case. Regarding the options of the Plan Commission, she stated that the City Attorney's office has indicated that the Plan Commission can recommend the rezoning of properties either individually, in blocks or as a whole.

Ms. Tyler added that Ms. Karcher and Mr. Engstrom have worked very hard over the last several months with the neighborhood. There is a lot of detail work on this. It is the most comprehensive zoning study that City staff has done in years. In addition to being a directive from the 2005 Comprehensive Plan, the Historic East Urbana Neighborhood is the only older neighborhood that isn't zoned single-family residential or single and two-family residential. Most older residential neighborhoods are zoned single-family. Decades ago, planners and developers had big eyes and zoned higher than uses were. There was a lot of multi-family zoning in the various neighborhoods. In recent decades, the City has down-zoned those older areas. In West Urbana, there were two or three different down-zoning efforts into the 1980s.

Regarding the three places where the business or organization would become non-conforming and need either a special use permit or a conditional use permit, should something happen to their building, the Plan Commission could try to grant those permits, but she did think it would be advisable along with the rezoning. The Marilyn Queller Child Care Center, the Webber Street

Church, and the School of Metaphysics each have a right to continue to exist. They are grandfathered.

Mr. White stated that City staff has done a good job on the rezoning case. Chair Pollock agreed.

With no questions from the Plan Commission for City staff, Chair Pollock opened up the public input portion of the hearing.

Chris Stohr, Chairman of the Historic East Urbana Neighborhood Association (HEUNA), spoke in favor of the proposed rezoning case. This is an affordable housing neighborhood. Many of the property owners have put a lot of sweat equity into fixing up and maintaining their homes. It has been distressing for neighbors to see some of the homes fall into neglect and become distressed because of lack of maintenance often because they are being rented. When this happens, the property owner might apply for a demolition permit and construct an apartment building. Some apartment buildings have not fit in with the surrounding properties. There are some where the dumpster and/or the parking lot are located in the front yard. This does not benefit the neighborhood or add value to the surrounding properties. It is the Association's contention that owner-maintained and renter-maintained single and two-family residential properties adds value to the neighborhood, and so they are glad to see the City down zone many of the properties in the Historic East Urbana Neighborhood.

He submitted a letter with some photos attached from a fellow neighbor, Scott Wyatt, who lives at 204 South Grove Street. The letter is in regards to how Grove Street has fallen to developers demolishing single-family homes that add historic value to the neighborhood and building apartment complexes in their places. In his letter, Mr. Wyatt complained about variances being requested "after the fact" and often are to reduce the setback requirements, which allow the multi-family units to encroach even more into the neighborhood. The owner of the apartment complex uses the setback area to erect a self-supporting sign between the sidewalk and the complex. The photos are of two apartment complexes; one at 404 East Elm Street and the other is located at 606 East Elm Street. The so-called increase in property values and taxes is created by the property owner allowing an existing structure to be run down to the point where it has no property value. If they would have maintained the property as a good property owner might, the whole area would benefit.

Deloris Elizabeth Cole, owner of Lipton Animal Hospital, stated that her property is not up for rezoning. However, she wanted to ask the Plan Commission to consider the affect the rezoning would have on her property and the future of her business. She is not necessarily opposed to the rezoning.

Laura Huth, of 408 West William in Champaign, mentioned that she owns a business at 201 West Green Street in downtown Urbana. She pointed out that she had submitted electronic comments in support of the rezoning. She stated that the Historic East Urbana Neighborhood is very supportive of the proposed rezoning. When she moved to the Champaign-Urbana area, she lived at 504-1/2 East Elm Street. She got to know her neighbors pretty quickly, and then they began to leave either because their units were being torn down and replaced with apartment buildings that do not fit into the character of the neighborhood. Many other people chose to leave as the neighborhood began to change. This is one of the reasons why she decided to run

for City Council. She is very supportive of the proposed rezoning. The work that City staff and HEUNA have done is great. She commented that she is also in support of Plan Case No. 2082-CP-08 and 2083-M-08 to rezone 502, 504 and 508 East Elm Street as well.

Scott Dossett, of 501 East High Street, stated that he is not totally supportive of the proposed rezoning case. He is one of the founding members of HEUNA. His concerns have more to do with the integrity and the feel of the planning process and how it relates to citizen expectation and fudging of boundary lines in this specific case. He realizes that City staff has spent a lot of time on this and has met with the neighborhood to get input from the residents.

If you align Exhibit B, C and D, you will note that on Exhibit B in the yellow area marked as the "Historic East Urbana area" and up, it extends the entire way along Green Street to Urbana Street, which is where the pink area starts. In looking at Exhibit C, you will note that the area in yellow that was targeted for neighborhood preservation gets truncated by the block between Urbana and Maple on Green Street. In Exhibit D, we lose another block between Maple Street and South Grove Street. He is particularly concerned about the loss of the last area, which essentially amounts to the 8 or 10 properties that project out to the west. His interest in these properties is magnified by the next two cases, Plan Case No. 2082-CP-08 and 2083-M-08, which are the properties on the north side of the block where three property owners have come together to petition the City to down zone their homes to R-3. Immediately across their properties to the south (in spite of the fact that it was included in the study area) are properties being left zoned R-5. He does not understand why this happened, because two of the homes are small single-family homes that have not been occupied very steadily for many years. His fear is that someone has made offers on these two homes, and the neighborhood is going to get R-5 development there. Therefore, he asked the Plan Commission to look at the inconsistencies in the planning process as they make their deliberations.

Ms. Karcher responded that City staff originally began this case studying the entire area, and when they looked at the Comprehensive Plan, they realized that the areas that were the intent of the City Council and in the Comprehensive Plan were outlined by the dashed lines. This is part of the reason why the block was taken out of the proposed rezoning. The other reason is that City staff has already seen construction plans to convert two properties into apartment structures. These plans have already moved forward regardless of the outcome of the proposed case.

Ms. Tyler added that the dashed line is hard to see on the Comprehensive Plan map. The dashed line goes down Grove Street. It is a border on the map. City staff did not feel that they could second guess what the Comprehensive Plan maybe should have been. The Comprehensive Plan took years to update. These boundaries were drawn and adopted by Ordinance. City staff felt it would be not in keeping with the Comprehensive Plan to extend the boundaries of the proposed rezoning. City staff did study a little larger area and then adjusted the boundaries. City staff did let owners of properties just west of the line that the City would be able to deal with their requests as a separate case.

Mike Lehman, of 608 East Green Street, stated that he is happy to see the proposed rezoning. He has a long term commitment to the area. This started out in 1950, somehow or another. The Illinois Terminal, what we now called light rail, went right down along Main Street. Hopefully, the proposed rezoning will preserve the area in case the railroad comes back.

Almost half of the properties included in the proposed rezoning are single-family owner-occupied homes. Almost 80% are already in conformity meaning duplexes or single-family homes whether rented or owner-occupied. He feels that there is an enormous amount of support for the rezoning. One person complained that they had just bought a house and had big plans. This person felt that the proposed rezoning would hurt the neighborhood. His opinion is that the community does not owe anyone for bad market timing with their investments.

The real question is whether the government is supposed to guarantee people a quick profit or support a viable neighborhood. Sure someone could come in and tear down a house and build an apartment complex and say that the property value went up. It does not take into account the neighboring properties, and if it is 80% of the people, then this needs to be taken into account. He stated that he would like to be able to sell his house someday if he should ever move and make a little money on it, but the bottom line here is a longer term investment where people invest their money, their families and work in rehabilitating and maintaining their homes. These are all strategic investments in building a better community. The majority of the property owners support the down zoning. It makes a lot of sense.

Marianne Downey, of 503 East California Avenue, spoke in favor of the proposed rezoning. She has lived in the area for the last four and a half years, and she loves it. She has seen many young families move in and continue with the efforts of the retirees. She would like to see a balance maintained, not only of the older neighborhood members, but of the new members who move in. She would also like to see a balance between owner-occupied homes and renter-occupied homes. When any of these particular populations get out of balance that is when you see situations in the neighborhood that are not sustainable or wear down the neighborhood in one way or another. Balance is what they are trying to achieve, and the proposed rezoning will help them to continue to bring more balance into the neighborhood.

Margaret Miller, of 501 East High Street, expressed her concern about Maple Street being dropped from the proposed rezoning. She does not want to see more houses be demolished and turned into parking lots or apartment buildings.

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

Ms. Stake asked why Maple Street was not included in the rezoning. Ms. Karcher explained that City staff is essentially sticking to the Comprehensive Plan that shows a dashed line ending at South Grove Street. It goes from Grove Street to Green Street to Glover Street to East Main Street. City staff stayed within this boundary for the actual proposed rezoning.

Ms. Stake wondered why the Comprehensive Plan was planned this way. Ms. Tyler responded that the zoning jumps up to R-5 west of Grove Street. City staff is looking primarily at the R-4 Zoning District. It may be with the next two cases through the City's regular rezoning process that it could be altered.

Ms. Stake wondered if people on Maple Street could then come in and ask for their properties to be rezoned. Ms. Tyler said yes. With the boundary (dashed line) in the Comprehensive Plan,

City staff felt they would be out of line to extend that within the purview of the study. City staff is following the Comprehensive Plan's study area. There may be some subsequent actions occur which would not be surprising.

Chair Pollock announced that this case would be continued to the next scheduled meeting of the Plan Commission on September 4, 2008.

Plan Case No. 2082-CP-08: A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Adams to amend the 2005 Urbana Comprehensive Plan's Future Land Use Map designation for 502, 504 and 508 East Elm Street from Central Business to Residential (Urban Pattern).

Plan Case No. 2083-M-08: A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Adams to rezone 502, 504 and 508 East Elm Street from R-5, Medium High Density Multiple Family Residential, to R-3, Single and Two-Family Residential.

Lisa Karcher, Planner II, presented these two cases together to the Plan Commission. Referring to Exhibit A, she showed where the three properties are located on East Elm Street. She described the proposed uses of the three properties as well as that of the surrounding properties. Also, she noted the zoning of the proposed properties and of the surrounding properties. Exhibit C shows how the proposed rezoning relates to the Future Land Use Map. The properties are part of the Historic East Urbana Neighborhood area. The petitioners have proposed an amendment to the Comprehensive Plan, so that the proposed zoning and its existing use is consistent with the current use of the properties as single-family homes. She reviewed the LaSalle National Bank Criteria that pertain to the proposed rezoning case. She read the options of the Plan Commission, and she presented staff's recommendation, which was as follows:

Staff recommended that the Plan Commission take action on the Comprehensive Plan Amendment prior to taking action on the rezoning. 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 forward both Plan Case Nos. 2082-CP-08 and 2083-M-08 to the Urbana City Council with a recommendation for approval.

Ms. Upah-Bant stated that she is entirely baffled by this case. It appears to her that this would be spot zoning. She understands why the property owners would want to rezone to R-3, but it bothers her that there are two properties zoned R-5 right in the middle of them. How can they approve this? How can they amend the Comprehensive Plan and make a little island of R-5? Chair Pollock commented that "Residential" as indicated in the Comprehensive Plan would cover the R-3, R-4 and R-5 Zoning Districts. These zoning districts are all residential zoning districts. The rezoning would be different though. The Comprehensive Plan would allow us to do this in a uniform way.

Ms. Karcher suggested looking at this in a larger context. City staff is proposing a rezoning of the properties to the east to R-3. Planners like to think in terms of blocks. In the proposed rezoning case, it is consistent in the sense that City staff is proposing to rezone properties east of

Grove Street which would also be zoned R-3. It would be somewhat of a continuation of that rezoning except the two properties in between would remain zoned R-5. Ms. Upah-Bant asked if this is not kind of odd. Ms. Karcher replied said yes and no. South of there, everything is zoned as R-5, but there is still a mix of multi-family and single-family. The applicants are attempting to preserve the use of their properties as single-family and protecting it. Ms. Tyler added that it is not an easy case. Usually people want to up zone, and here we have people wanting to down zone to match what their use is. There is a rezoning study going on nearby.

The harder planning question is about changing the Comprehensive Plan. We cannot meet the LaSalle National Bank Criteria without changing the Comprehensive Plan. One question led to another. Chair Pollock asked if it is fair to say that the HEUNA rezoning case and the fact that this area was left out has spurred the petitioners to want to attach to the HEUNA rezoning. Ms. Tyler said yes.

Mr. White remarked that the community decided in 2005 that they wanted to do through the Comprehensive Plan. He does not understand why staff is messing with it at all. It is a 2005 document and is labeled as such. It is not zoning, and it is not a legal requirement. So let's not keep trying to amend the Comprehensive Plan. As far as the change in zoning, he does not have a problem with it. It does kind of look like spot zoning.

Chair Pollock commented that in the past there have been zoning changes made that did not necessarily match the Comprehensive Plan, and there has not always been a change to the Comprehensive Plan to precede the changes. He inquired as to whether there is some legal jeopardy in doing rezoning without changing the Comprehensive Plan. Why are they going together in this case? Ms. Tyler replied that City staff is trying to be fastidious. She believes that they could rezone without changing the Comprehensive Plan. She did not think it would create legal jeopardy but that staff could check with the Legal Department.

Chair Pollock questioned if they are moving into a direction where if a proposed rezoning is not in line with the Comprehensive Plan designation, then the Plan Commission and City Council should expect to see an amendment to the Comprehensive Plan. Ms. Tyler said yes. This is what they have done in the past. It is the way in which City staff feels they need to bring rezoning requests forward technically. The Plan Commission and/or City Council might feel comfortable with the rezoning but not with the amendment to the Comprehensive Plan. This has happened in the past, and it is okay. Generally, Staff wants the two to be consistent.

Chair Pollock wondered if this is a minor change in direction in terms of looking more regularly at looking at rezoning requests and amendments to the Comprehensive Plan together. Ms. Tyler said that City staff would like to be able to do that. We stopped being able to do that very effectively with the old Comprehensive Plan. The old plan was just so out-of-date. Now, we have a new up-to-date plan, and we really do not want to see a lot of amendments. If there is a big change of direction then staff will bring it forward to Plan Commission and City Council to discuss it. We do need to be able to amend the Comprehensive Plan from time to time for the right reasons. Staff feels it is best to bring rezoning requests and amendments to the Comprehensive Plan together to the Plan Commission and City Council.

Mr. White remarked that the 2005 Comprehensive Plan was approved by City Council without changing the zoning, so why change the Comprehensive Plan when changing the zoning? Chair Pollock suggested that the Plan Commission concentrate on what is before them. They have the opportunity if they do not agree with this to vote on one and not on the other.

Mr. Fitch asked if the block immediately to the south of the proposed three properties was the block that City staff removed from the proposed Historic East Urbana rezoning area. Ms. Karcher said yes.

Mr. Fitch inquired if these three property owners had requested to be included in the Historic East Urbana rezoning area. Ms. Karcher explained that the proposed case before them came out of the petitioners attending the Neighborhood Open House that City staff held regarding the Historic East Urbana rezoning study. The petitioners told staff that they desired to have their properties be part of the rezoning study. City staff told them that unfortunately their properties are not within the study area and that under the Comprehensive Plan, their properties are designated as being "Central Business." These three properties were not included in the Historic East Urbana rezoning for these reasons.

Mr. Fitch questioned if the petitioners had filed the proposed rezoning application prior to City staff removing the block to the south from the study area. Ms. Karcher replied that technically staff did not publish anything in the study area. When the petitioners attended the open house the block to the south was part of the zoning study. Many things changed after receiving input from the neighborhood.

Ms. Karcher reiterated that the proposed rezoning request is different from what they normally see in that the rezoning is going down rather than up. They look at the Comprehensive Plan to see if it supports what is being proposed. Her only recommendation is that if the Plan Commission is thinking about doing a rezoning and not a Comprehensive Plan amendment that they make sure they state why they are doing it. The Comprehensive Plan is a guiding document. Ms. Tyler added that if the Plan Commission did not want to approve the Comprehensive Plan and approve the rezoning, then they make a finding about the timing. It is a good thing to think about in terms of in the long run, what should the Central Business District area be. There is a way to decouple these two cases if the Plan Commission is not comfortable with the Comprehensive Plan aspect.

Chair Pollock stated that they are two different cases. It is his intention, especially after hearing the discussion, to take the cases separately.

Ms. Upah-Bant felt like she was still missing something. She appreciated the explanations that Ms. Karcher and Ms. Tyler have given. However, what if these three property owners had asked to be rezoned to R-7? They are not making any changes based on the zoning change. She felt that this is what the real difference is in the proposed case. No one ever asks to increase their zoning and then not act on it. Now we are down zoning and it will not make any difference. Ms. Karcher explained that it will make a difference to the petitioners because it is their intention to preserve their properties as single-family. Ms. Upah-Bant argued that the petitioners are the property owners so of course they can preserve their properties even without the rezoning. Is this an attempt to reach beyond the grave and make sure that their properties never change? One

might almost think that it is a way to stick it to the two property owners in the middle of these three properties.

With no further questions for City staff, Chair Pollock opened the hearing up for public input.

Jason Reedy, of 501 East Elm Street, explained that he is not one of the petitioners in this case. He owns a property on the other side of Elm Street that refused to participate. He stated that the petitioners do not want to rezone their properties. They think they do because they think they are preserving their neighborhood, but it is too late to preserve the neighborhood, especially now that two more homes to the east are planned to be demolished and rebuilt as multi-family apartment building.

Chair Pollock asked if Mr. Reedy realized that under a lower zoning this would not be allowed to happen. The petitioners in this case want to rezone their properties to a lower designation to protect that area from being redeveloped into multi-family dwellings. Mr. Reedy urged the Plan Commission to deny the proposed rezoning case before them because otherwise the petitioners will be stuck in the neighborhood surrounded by multi-family homes like he is. The difference is that he wants his property to remain zoned as R-5, so he can sell his home easier when he decides to do so. No one wants to live in a single-family home completely surrounded by multi-family apartment buildings. The Plan Commission would be helping the petitioners by denying the proposed rezoning case before them.

He agreed that it would be great if all of the properties in this area were included in the Historic East Urbana rezoning. It would force the R-5 units to become non-compliant. Then if something happened to the apartment buildings such as a wind storm, fire, etc., the property owners would not be able to rebuild the apartment buildings. The neighborhood could have an opportunity to retake these properties and turn them back into single-family homes. But as it stands now, this part of the neighborhood is gone as far as single-family homes. The only thing left to do is sell your house, leave the neighborhood and let it get demolished. It is a shame but that is where it is going.

Christopher Stohr, of 405 East High Street, stated that Ms. Metheny could not attend the meeting because of work responsibilities. He commented that Mr. Reedy's story has been heard time and time again where a property owner has sunk their hearts and souls and money into maintaining and fixing up their properties only to find themselves living next door to an apartment building. It is heart breaking. This is the same reason why Ms. Metheny and the other petitioners want to try and hold onto and preserve what little single-family residential aspects are left in this area. As a part of that neighborhood he supports the petitioners and continues to encourage his neighbors to down zone their properties to preserve what is left.

With no further input from the audience, Chair Pollock suggested that the Plan Commission continue these two cases to the next scheduled meeting to give the petitioners another opportunity to attend the public hearing and address the Plan Commission. With no objection from the Plan Commission this public hearing was continued until September 4, 2008.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Karcher reported on the following:

- ✦ Rezoning of 804-1/2 East Main Street was approved by City Council.
- ✦ Trammel Crow Special Use Permit was approved by City Council.
- ✦ The cases forward at this meeting will go before City Council on September 2, 2008.

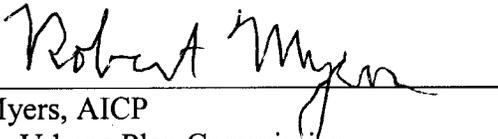
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:33 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: September 4, 2008

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White

MEMBERS EXCUSED: Ben Grosser, Marilyn Upah-Bant

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Robert Myers, Planning Manager; Lisa Karcher, Planner II, Jeff Engstrom, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Katy Balderson, Marianne Downey, Jason Finley, Paul MacCallum, Sara Metheny, Dennis Roberts, Bill Sheridan, Christopher Stohr, Susan Taylor

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

The Chair called the meeting to order at 7:30 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

Mr. White moved to approve the minutes of the August 21, 2008 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2080-M-08: A request by the City of Urbana Zoning Administrator to rezone a number of properties in the Historic East Urbana Neighborhood.

Lisa Karcher, Planner II, briefly restated the purposed of the rezoning. She addressed the issue of the block bounded by Maple, Grove, Elm and Green Streets. She explained that based on the 2005 Comprehensive Plan Map, this block was not included in the rezoning request. Libby Tyler, Director of Community Development Services Department, added that City staff has received telephone calls and e-mails from people expressing their concerns about the boundaries. She apologized for the confusion. Map #10 in the Comprehensive plan is not very clear on the west boundary. There is text on top of the boundary line on the map that obscures the Grove Street western boundary. City staff had sent out some notices outside of the boundary, and there were a field survey map that included areas outside of the boundary. In making a determination on what the true boundaries would be, City staff felt that they had to comply with Map #10 of the Comprehensive Plan since it has been adopted by Ordinance. Staff felt that it would be improper to go beyond that boundary for the broader zoning study.

She went on to say that there were some property owners just west of the study area that are interested in rezoning their properties as well. City staff has accommodated those property owners' requests to rezone as a separate concurrent plan case.

Another concern for the area is the building plans for two properties located at 503 and 505 East Elm to be developed as apartment buildings. There is a concern by the residents of the Historic East Urbana Neighborhood area to include these two properties in the rezoning request. She believes that some of the residents want to include these two properties to cease the construction process. From a legal standpoint, City staff cannot cease the construction of apartment buildings on these two properties because the building permits have been issued, and the building plans are compliant with the zoning of the properties. It was not included in the official study area boundary, and it would likely be considered a taking at this late stage.

These properties have been zoned R-5, High Density Multiple Family Residential, for a long time. City staff recommended studying the area to the east zoned R-4, Medium Density Multiple Family Residential, to correct the zoning down to R-3, Single and Two-Family Residential. It is still seen as a buffer area, and it doesn't mean that it doesn't have other concerns that need to be addressed by the City. One of the things that City staff will be looking at, in addition to the separate rezoning case that will be considered next, is the possibility of applying some design guidelines. Where you have disputed buffer areas and areas that have a lot of pressure, these are good areas to take a look at applying some overlay design review.

The City already has the MOR, Mixed Office Residential Zoning District, where design guidelines have been adopted for any construction of that area. City staff will be bringing the Lincoln-Busey Design Guidelines to the Plan Commission and the City Council in the near future. The properties zoned R-5 in the Historic East Urbana Neighborhood would be a logical third area to apply some design guidelines.

City staff would like to work with the developer for 503 and 505 East Elm Street and with the neighbors to come up with a plan that would allow the apartment buildings to fit better into the area. City staff is encouraged because the last apartment building that the developer built in the City of Urbana fit very well into the neighborhood. It is called Coler Crossing and is located at the corner of Coler Avenue and Green Street.

Mr. Fitch stated he appreciated Ms. Tyler's explanation. He does not want to expose the City of Urbana to a lawsuit. It is unfortunate that they cannot include the block in question in the rezoning request. It is probably the last and best example of why the Historic East Urbana Neighborhood Association (HEUNA) is in favor of the rezoning. He pointed out that the text covering the boundary line on Map #10 of the Comprehensive Plan reads as such, "...Neighborhood Plan to determine appropriate boundaries and desired development." This makes it sound like there is some flexibility to be able to adjust the boundary line. The HEUNA Plan had a vision of down zoning this particular area.

With no further questions for City staff, Chair Pollock opened the hearing up for public input. There was no audience participation so Chair Pollock closed the public input portion of the hearing and opened the case up for Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Plan Case No. 2080-M-08 to the City Council with a recommendation for approval. Ms. Burris seconded the motion.

Ms. Stake asked if the people who are concerned about the boundary propose that the City downzone the area separately from the proposed rezoning case. Ms. Tyler responded that it would definitely be a separate case because City staff has already legal noticed what is shown in the Comprehensive Plan. The HEUNA Plan does not have a map showing the boundaries in it. Such a request would take more time and studying of the R-5 Zoning District. Therefore, it might be a better area to apply design guidelines rather than to down zone it. If individual property owners, such as the petitioners in the next case, want to request a down zoning of their properties, City staff would certainly take their petitions. However, she feels that they do not know enough yet to say whether they should pursue another zoning study for this area. It is not as clear as it was for the proposed area further east where there is so much single-family use in an R-4 Zoning District. It seems like an obvious disconnect between the use and the zoning in the proposed rezoning area. As we get into the area of concern, there are many apartment buildings, it is a higher zone, and there are higher expectations. Therefore down zoning of the R-5 properties becomes much trickier. Staff will certainly think about it and talk about it some more though.

Mr. Fitch stated that he is very much in favor of the proposed rezoning. He thanked City staff for all their work on this case. The survey of the residents was a particularly strong element of the proposed rezoning. The residents expressed overwhelming support.

Chair Pollock commented that the proposed rezoning represents a lot of work, even more than what appears on the surface.

Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|---------------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Hopkins | - | Yes | Chair Pollock | - | Yes |
| Ms. Stake | - | Yes | Mr. White | - | Yes |

The motion was approved by unanimous vote. Mr. Myers noted that this case would go before the City Council on September 15, 2008.

Plan Case No. 2082-CP-08: A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Adams to amend the 2005 Urbana Comprehensive Plan’s Future Land Use Map designation for 502, 504 and 508 East Elm Street from Central Business to Residential (Urban Pattern).

Plan Case No. 2083-M-08: A request by Sara Metheny, Jason Finley, Samuel Santos and Elizabeth Adams to rezone 502, 504 and 508 East Elm Street from R-5, Medium High Density Multiple Family Residential, to R-3, Single and Two-Family Residential.

Lisa Karcher, Planner II, briefly reviewed the two cases. She stated that the two cases could be reviewed together but that the Plan Commission should make two separate recommendations – one for each case.

With no questions for City staff, Chair Pollock opened the hearing up for public input.

Jason Finley, 504 East Elm Street, stated that he is one of the petitioners in these two cases. As Ms. Karcher mentioned earlier, the north half of the 500 block of East Elm Street was not included in the larger rezoning initiative. He and his neighbors are very much in favor of the rezoning initiative so they were instructed by City staff to file the two petitions to rezone their properties separately. Basically, the purpose behind the proposed rezoning request and Comprehensive Plan amendment are the same as those behind the larger rezoning, which is to preserve the low density character of the neighborhood and to bring the zoning more in line with actual use.

He commented that it has been fulfilling to be a part of a community in which people know each other. He previously lived in an apartment building in East Urbana, so he has seen first hand how the lack of motivation of the apartment owners and the tenants of such buildings who do not treat the apartment buildings as their own homes. The motivation to care about appearance or upkeep beyond an immediate short term needs is something that he feels is important for preserving the character of a neighborhood in the long run.

Sara Metheny, one of the petitioners and owner resident of 502 East Elm Street, said that she has lived in her home for 23 years and loves the neighborhood. Thankful to her neighbors who spoke at the previous Plan Commission meeting in her favor. She is glad to hear that City staff is willing to work with the property owner of the two properties across the street from her home when he builds the new apartments. She talked about the big oak trees that were cut down at 406

East Elm Street about eight years ago after the property was purchased and the old house was torn down.

Chris Stohr, Chairman of the Historic East Urbana Neighborhood Association (HEUNA), expressed his gratitude of the efforts of City staff, Alderman Dennis Roberts and Dr. Libby Tyler to come together and work out an agreement.

Ms. Metheny re-approached the Plan Commission to ask for a continuance. She feels it might be a good idea to meet with the property owner of 503 and 505 East Elm Street and with City staff and see what may happen with regards to the construction of two apartment buildings. Otherwise, she and the other petitioners might be shooting themselves in the foot to down zone if there are not some accommodations made. It could put them in a position where it becomes a race to sell their homes as quickly as possible before the property values go down.

Chair Pollock stated that the petitioners are free to continue the case; however, given the amount of time it will take to address these other issues, then this petition may expire. Mr. Fitch commented that if the petitioners continue with their application and wish to sell at a later date, the future property owners could always come back individually and request to up zone the properties again. Chair Pollock said yes. It would require another change to the Comprehensive Plan along with the zoning in trying to keep the two in sync with each other.

Ms. Tyler pointed out that it is easier to try to down zone rather than up zone. It would be a harder path in the future. City staff may be able to hold a meeting with the property owner of 503 and 505 East Elm Street between now and the next Plan Commission meeting. Maybe that would give the petitioners a better sense of the value of their petition. The larger planning issue would take so much time that the petition would become invalid. Mr. Pollock questioned how long the Plan Commission could hold the case open. Ms. Tyler did not believe that there were hard and fast rules. If the petitioners ask for a continuance, then there is more leeway to get more information. They are still on safe ground right now. The City has had continuances of several difficult text and plan cases before. Chair Pollock informed Ms. Metheny that if the petitioners are interested in continuing the cases, then they have the right to do so.

Ms. Burris stated that she understood the petitioners' concern, but the request to continue the rezoning and Comprehensive Plan amendment requests does not sit right with her. If the petitioner wants to rezone, then now is the time to do so. The new property owner of 503 and 505 East Elm Street has already purchased the properties and are planning to build the apartment buildings. She feels that it is admirable of the property owner to be willing to work with City staff for design elements. However, the petitioners cannot assume that the promises made between the City and the property owner of 503 and 505 East Elm Street would be bonding. The property owner could change his mind. Either the petitioners want to protect the rights that they have now or leave it open. Chair Pollock added that they certainly hope the developer, as a good neighbor, works with City staff and the neighborhood in trying to come up with something that fits in well. However, legally the developer does not have to do so.

Ms. Metheny described the apartment buildings across the street. All these apartment buildings are close to the downtown area and to the City building. She would think that the City (with a

world class university) would want to put nice buildings in the downtown area. She realizes that City staff is working on it.

Ms. Tyler replied that City staff has some varied success. Even beyond the City's rules and regulations, City staff has been able to use a good neighbor persuasion. They achieved a great look with Coler Crossing. In other cases, it is more economic. City staff has tried working with other developers in getting a better look, and it has not been very receptive. City staff is optimistic in this case and will definitely give it their best shot with the property owner of 503 and 505 East Elm Street.

Ms. Metheny inquired as to how many units the new property owner plans to build. Ms. Karcher stated that it appears to be five units on each floor, so there could be about ten units per building, but they would need a set of full plans to be sure.

Chair Pollock asked Ms. Metheny what she would like to do regarding the proposed two cases. Ms. Metheny stated that she would like to continue with two petitions as they stand.

With no further questions or concerns from the audience, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s). He reminded the Plan Commission that they need to deal with the two cases separately when making motions.

Ms. Burris commented that she is in favor of the rezoning, but she is against changing the Comprehensive Plan. She does not believe that the Comprehensive Plan should be tampered with. It would set a precedent for future people to try to change the Comprehensive Plan.

Mr. White moved that the Plan Commission forward Plan Case No. 2082-CP-08 to the City Council with a recommendation for denial. Mr. Fitch seconded the motion.

Mr. White stated that the Comprehensive Plan is what it is. He does not agree that someone who files a petition should be able to request a change to the Comprehensive Plan with all the work and input that went into creating the 2005 Comprehensive Plan.

Ms. Stake felt that it was a mistake to not include this section of Urbana when they updated the Comprehensive Plan. Sometimes we make mistakes. However, she does not like the idea of changing the Comprehensive Plan over and over again. So she will probably vote in favor of denying the Comprehensive Plan amendment. She will definitely vote in favor of the rezoning request though.

Chair Pollock commented that the Comprehensive Plan is a snapshot that is not written in stone, so it can be changed. He would not call it a mistake because when they were creating/updating the Comprehensive Plan they were looking at everything in the entire City. The things that came up during discussions of updating the Comprehensive Plan are issues and topics that people are aware of and alarmed by or terribly interested in personally. There are about five to ten specific areas that drew a lot of attention. It is not that every single area in the City was well considered and thought out. It may just not have been addressed at that particular time. He likes the fact that

people in the neighborhood want to protect the neighborhood nature of where they live. If the people who live there want to make a change, he does not see a problem with that, and he applauds them for coming forward.

Mr. Hopkins thought this to be a tricky issue. His reaction is to also not change the Comprehensive Plan. However doing so is also information. The information is that the designations, if they have that much strength, on the maps in the Comprehensive Plan are block by block and not parcel by parcel. This means that they are approximations. In some cases, they were kept separate from apparent parcel lines to avoid this.

This block is already more than two-thirds commercial. It is adjacent to blocks that were intentionally identified to become “Central Business”. Two of the five parcels on this block are multi-family. By not changing the Comprehensive Plan designation, he believes that they are keeping the message that this is what makes sense there at sometime in the future. If they change the zoning down now, then they are acknowledging that someone will come back to the Plan Commission and City Council and ask to bring the zoning back up later. When they ask to bring the zoning back up later, then it will be consistent with the Comprehensive Plan. He stated that this is okay with him, but he does not feel that this is what other people are imagining and accomplishing by not changing the Plan and changing the zoning.

Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|-------------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Hopkins | - | Yes | Mr. Pollock | - | No |
| Ms. Stake | - | No | Mr. White | - | Yes |

The motion to deny was approved by a vote of 4 – 2.

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2083-M-08 to the City Council with a recommendation for approval. Ms. Stake seconded the motion.

Mr. White opposed the proposed rezoning because there is commercial to the north in the same City block. There are apartment buildings going in on two lots across the street as well. There are duplexes and multi-family units to the west. He believes that this block would be a wonderful location for a store. Therefore, he would prefer to leave the zoning as is. He does not believe that rezoning would protect them against anything, because as long as they own the house, they can keep it as a single-family residence.

Ms. Stake felt that the City should rezone the properties, because the petitioners have requested it. One of the things that the City needs to be doing is saving more of the older homes. This is part of our conservation. The City of Urbana has a lot of nice old homes that should be saved. Therefore, she is going to vote in favor of the motion.

Mr. Fitch stated that because of the timing of the larger rezoning, the filing of the proposed petition to rezone and then the filing of the building permit for the two apartment buildings, these

two petitions have been put in a difficult situation. He is going to respect the petitioners' wishes and approve their request to rezone.

Mr. Hopkins expressed two concerns about the rezoning. The first concern is whether or not the rezoning would accomplish what the petitioners wish to accomplish. The second concern is whether the petitioners will be happy with the rezoning once they have it. He understands that the petitioners would like to be able to continue to use their properties the way they use them now. The concerns they raise depend not on how they use their properties, but on how their neighbors use their properties. In other words, it is not a question of "do I not like my house?", it is that "I would not like my house as much if all the neighboring houses became these ugly 5-unit or 10-unit apartment buildings with no trees". Rezoning the petitioners' properties does not deal with this. The way in which this attempts to accomplish this is that three property owners have gotten together and are essentially making a mutual commitment to rezone their properties. The difficulty is that the zoning is not really going to accomplish this because any one of those properties can still come back to the City to get a rezoning individually. There is no actual binding of these three properties together. If the intent is to bind these three properties in a commitment, the way to do that is with a Covenant of Deed. This would have more affect in accomplishing the purpose. So, his inclination is to vote against the proposed rezoning because he does not feel that it works.

Ms. Stake feels that the Plan Commission should vote in favor of the rezoning because it is making a statement that this is a residential area. Ms. Tyler is very good at working with developers, and if she works with the developer of 503 and 505 East Elm Street, then they accept the fact that there would be a mixed residential and larger buildings. This does not mean that they have to say that all the residential properties will become larger buildings. So, she feels this should be a precedent to show that the City really is in favor of saving the older homes. By rezoning the homes, it is one way of saying that we are in favor of keeping the single-family homes as they are.

Ms. Burris saw three petitioners coming together as a community. Although we are talking about a short block and two of the houses are going to be turned into apartment buildings, the petitioners want to preserve the corners and the ends of the block. She feels it is more about community. The idea is to preserve community. If at some point in time, one or two of the properties sell, and the new owners want to build apartment buildings, then they could come back to the Plan Commission and to the City Council and ask to be rezoned back up. Right now, these homes deserve their lifetime, and she would not want to cut it short by denying the rezoning request and causing the property owners to house hunt somewhere else. Ms. Stake agreed with Ms. Burris's comments.

Chair Pollock commented that Mr. Hopkins may in fact be right. This may not accomplish what the ultimate goal is for the petitioners, but the fact is that by coming together and forming a community in this block, if they are making an error in the long term, it is not something that cannot be repaired. The petitioners own their homes, and he is willing to allow them to rezone their properties, so he plans to support the motion.

Mr. White expressed his concern about spot zoning. There would be an R-3, R-5 and Commercial all in the same block. This rezoning would set a precedent; therefore, he would prefer to leave the zoning as it is. Chair Pollock responded by saying that he did not see the precedent as a particular problem. When other rezoning cases come before them, the Plan Commission and the City Council should consider them based on their merit. There may be some cases they agree with and others they do not agree with, but they are not going to decide any other case based on the approval of the proposed case.

Mr. Hopkins felt this is a concern. There is an inference that one could take from some of this discussion, which is that it is reasonable for the City to zone a piece of property for whatever an individual property owner wants because they own it or for a small cluster of property owners want because they own it, and that this is the criteria of zoning. However, this is not the underlying legal authority by which the City backs its zoning authority. The backing for the zoning authority is some reasonable application of principles such as what are set out in a land use plan as the backing for regulation of the use of property. So there is a precedent here that matters.

Ms. Burris stated that the average person buying a home does not look at the zoning of the property when purchasing it. They look at the community and the school. The petitioners purchased their single-family homes in an R-5 Zoning District. They might have thought it was zoned for single-family since that is the type of properties they purchased. So, she is not convinced that this will set a precedent or that it will be detrimental.

Mr. Fitch noted that he has only been on the Plan Commission a short while, but he has seen individuals come in all the time to request a zoning change. It is almost never down zoning requests though. There is usually a discussion on how a rezoning request fits into the public good. In this case, the notion of community and the notion of making a statement is good logic.

Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|-------------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Hopkins | - | No | Mr. Pollock | - | Yes |
| Ms. Stake | - | Yes | Mr. White | - | No |

The motion to approve was passed by a vote of 4 – 2.

Mr. Myers pointed out that these two cases would go before the City Council on September 15, 2008.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Plan Case No. 2086-S-08: A request by Meijer Store Limited Partnership for approval of a Combination Preliminary and Final Plat of the Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision consisting of 30.946 acres located northeast of the intersection of Windsor Road and Philo Road in the City's B-3, General Business Zoning District.

Lisa Karcher, Planner II, presented the request to the Plan Commission. Using Exhibit A, Location and Existing Land Use Map, she showed where the proposed subject property is located. Referring to Exhibit B, Existing Zoning Map, she pointed out the current zoning and land use of the proposed site as well as for the surrounding properties. The Future Land Use Map (Exhibit C) shows the proposed area being designated as "Regional Business". The Preliminary Plat (Exhibit D) shows how the developer plans to divide the property up into nine lots. She discussed the proposed subdivision layout and talked about access to the property. She also talked about drainage for the proposed site in addition to sidewalks and utility easements. She read the options of the Plan Commission.

Ms. Stake asked about walkways to the store entrance. Ms. Karcher referred to Exhibit F, Site Improvement Plan, and pointed out that the sidewalks are indicated by a very faint line in a hatch pattern. She stated that there is a sidewalk that connects with the shared use path along the eastern side of the drive from Windsor Road to the pavement in the parking lot. They have done the same thing on the north side off Amber Lane. Off Philo Road, the developer has provided a sidewalk on the south side of the northern most access drive. The sidewalk leads to the pavement of the parking lot. Pedestrians will then walk through the parking lot as anyone else would who park their vehicles in the lot. So, Meijer has provided for sidewalk connections from each of the roads that they front on.

Ms. Stake asked if there is a berm that will protect the Meijer store from the residential areas besides the roads that are on each side. Ms. Karcher stated that this was part of the annexation agreement. The Planning Manager has been working with the neighbors to the east and with the developer on putting up a fence to shield the loading dock from the residential properties. Essentially there are berms on the north side to shield the development from the residential north of Amber Lane. The developer plans to use landscaping to shield the residential neighbors across Philo Road where outlots will have their parking to the outside.

Mr. Myers stated that the preliminary and final plats comply with the annexation agreement in terms of berms and screening. As you drive around the building on the surrounding streets, one will be able to see the top of the Meijer store but not the parking lot. Behind the Meijer store, there is a low berm and a drop off down to the townhomes. Then there is a row of landscaping in trees. Also, near the loading dock they will construct a fence or wall to provide a little more buffering. City staff has been working very closely with the Ridge Homeowner's Association and with Meijer in terms of what screen would go between the loading area and the townhomes. He said that Meijer still has a few things to comply with in order to make sure that they are good neighbors on the east side. City staff will make sure that these things are finished before Meijer opens their door.

Mr. Hopkins inquired as to whether or not the outlot idea in general was part of the annexation agreement. Ms. Karcher replied that Meijer had a general idea that they would have outlots, but they were not sure about how they would divide them up. The preliminary and final plats are consistent with the Site Plan that was included in the annexation agreement.

Mr. Hopkins wondered if the berms on Philo Road would still exist even if they will not be within the outlots. Ms. Karcher said yes.

Mr. Hopkins questioned where the access to the outlots would be located. Mr. Myers stated that the outlots are not to take access directly from Windsor or Philo Roads. Ms. Karcher added that they would have to comply with the City's Access Management Guidelines for spacing between intersections. So, it is possible for the access to each outlot to be off the main access drives into the proposed site. Mr. Myers pointed out that any driveway to an outlot must be at least 150 feet from the street.

Mr. Fitch inquired about how many access drives there would be and where traffic lights would be located. Ms. Karcher explained that there would be six access drives with two access points from Windsor Road, two from Philo Road and two from Amber Lane. The traffic lights would be located at the intersection of Windsor Road and Boulder Drive, at the intersection of Windsor and Philo Roads, and at the intersection of Philo Road and Scovill Street. There are really only two traffic lights that correspond with accesses to the proposed development.

Mr. Hopkins wondered if there would be left turn access roads that do not have traffic lights. Ms. Karcher recalled that the first entry way from Windsor Road is right turn only.

Chair Pollock asked if there would be a median on Windsor Road. Ms. Karcher said no. They have actually improved Windsor and Philo Roads as part of this project.

Ms. Stake inquired about drainage for the site. Ms. Karcher responded that the City Engineering Division office has reviewed and approved the proposed plats. When the annexation agreement was approved, it was agreed that the developer would do a regional detention basin. In the Eastgate Subdivision, there is a huge detention basin, which was engineered to hold the drainage for the proposed tract as well as everything to the east. Mr. Myers commented that from the very beginning the developer took drainage into account and designed it so the water would go elsewhere.

With no further questions for staff, Chair Pollock opened this item up for public input.

Paul MacCallum, representative of Meijer Store, said that he has worked with Meijer for many years. They make a nice store, and the outlots that they sell are to good end users that help the community.

Ms. Stake asked if he dealt with the drainage. Mr. MacCallum replied that he is a surveyor and not an engineer. He has dealt with drainage on a minimal level; however, he knows that the beautiful detention pond in Eastgate Subdivision was designed really well, because it is very pretty and serves a very good function.

Ms. Stake inquired if the Meijer Store is like the store in the City of Champaign. Mr. MacCallum responded by saying yes. The difference between the two is that the Meijer store in Champaign has a lot of other development around it; whereas, this Meijer store will be a big store by itself. Mr. Myers added that this store is Meijer’s newest prototype store.

Ms. Stake remembered all the opposition there was when Meijer originally submitted plans several years ago. Mr. Myers stated that things have changed since then. The proposed development was on the outskirts of town. He would now consider the proposed project as an infill project.

With no more questions or concerns from the Plan Commission, Chair Pollock closed the public input portion and opened this item up for Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Plan Case No. 2086-S-08 to the City Council with a recommendation for approval. Ms. Stake seconded the motion.

Mr. Fitch commented that we want the Urbana Meijer to be better than the Champaign Meijer.

Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|---------------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Hopkins | - | Yes | Chair Pollock | - | Yes |
| Ms. Stake | - | Yes | Mr. White | - | Yes |

The motion was approved by unanimous vote.

Mr. Myers noted that this case would be forwarded to the Urbana City Council on September 15, 2008.

Plan Case No. 2087-S-08: A request by Urbana, LLC for approval of a Combination Preliminary and Final Plat of the Replat of Lots 2 and 3 of Lincoln & I-74 Resubdivision, encompassing 2.94 acres to be divided into two lots, located at the southwest corner of Lincoln Avenue and Killarney Street in the City’s B-3, General Business Zoning District.

Jeff Engstrom, Planner I, presented the subdivision request to the Plan Commission. He gave a brief explanation for the purpose of the proposed subdivision request. Referring to Exhibits A (Location and Existing Land Use Map), Exhibit B (Zoning Map), and Exhibit C (Future Land Use Map), he described the area noting the current land use, zoning and Comprehensive Plan designation of the proposed site as well as that of the surrounding properties. He discussed access to the proposed subdivision. He also talked about stormwater drainage and sewer mains, water utilities and sidewalk connections. He read the options of the Plan Commission and presented staff’s recommendation, which was as follows:

Staff recommended that the Plan Commission forward the Combination Preliminary/Final Replat of Lots 2 and 3 of Lincoln & I-74 Resubdivision to the Urbana City Council with a recommendation of approval.

Ms. Stake asked whether there was going to be one or two buildings. Mr. Engstrom answered by saying that the developer has not submitted any building plans as of yet. The proposed site is divided into two lots. From his understanding, there will be a hotel constructed on Lot 1, and the developer has not indicated what they plan to build on Lot 2. When the developer submits the building plans, they will go through the plan review process administratively.

Ms. Stake questioned where the sidewalks would lead to. Mr. Engstrom replied that the sidewalks will allow people to get around the site. Generally any subdivision is required to provide sidewalks along the right-of-way.

Mr. Hopkins asked if the access for Lot 101 is by easement on a curb cut to the north of the lot. Mr. Engstrom said that is correct. Mr. Hopkins inquired as to whether the gas station shown on the aerial photo is the old gas station. Mr. Engstrom said no, it is a new gas station. Mr. Hopkins questioned if the curb cut was then used by a current facility. Mr. Engstrom explained that the curb cut leads to the new gas station.

Mr. Hopkins wondered if the gas station lot was big enough for another tenant. Mr. Engstrom said technically yes. However, he is not sure if the property owner is going to develop the property further. Mr. Hopkins asked if the curb cut had been sized or approved as efficient to serve all the lots. Mr. Engstrom said yes.

Ms. Stake questioned what kind of screening would be used on the south to Capstone Condominiums. Mr. Engstrom responded by saying that the developer will submit landscaping plans when they submit the building plans. When the site is proposed to be developed, there is a requirement for screening between lots zoned for business and lots zoned for residential.

Ms. Stake commented that she did not understand why the developer has submitted a preliminary/final plat before submitting building plans. Mr. Engstrom explained that this is the actual subdivision process. Unless a petitioner submits a request for a special use permit or other special zoning permission, then building plans generally do not go before Plan Commission and City Council.

With no more questions for City staff, Chair Pollock opened this item up for public input.

Bill Sheridan, of HDC Engineering, mentioned that they are working on the Site Plan for the proposed hotel. They will address all the screening and access through common ingress/egress easements. The new gas station has been totally redeveloped. There will be no further development on the gas station parcel. The proposed replat is simply a reconfiguration of lots lines. There are no changes other than to extend the sewers.

With no further questions or comments from the audience, Chair Pollock closed the public input portion, and he opened this item up for Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Plan Case No. 2087-S-08 to the City Council with a recommendation for approval. Ms. Burris seconded the motion. Roll call on the motion was as follows:

| | | | | | |
|-------------|---|-----|-------------|---|-----|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Hopkins | - | Yes | Mr. Pollock | - | Yes |
| Ms. Stake | - | Yes | Mr. White | - | Yes |

The motion was passed by unanimous vote.

Mr. Myers noted that this case would go before City Council on September 15, 2008.

CCZBA 622-AM-08: A request by Bill and Marion Smith to rezone 5 acres, located at 1851 County Road, 1475 East, from County B-4, General Business Zoning District, to County I-2, Heavy Industry Zoning District.

Robert Myers, Planning Manager, stated that the owners are expected to withdraw the case. They may resubmit a request to rezone later down the road. He will bring this case forward only if the application continues.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- ↓ Crystal View Townhomes Subdivision Plat was approved by City Council.
- ↓ Faith Community Church Special Use Permit was approved by City Council.
- ↓ Upcoming Agenda Items include the Lincoln-Busey Design Guidelines and the Crystal Lake Neighborhood Plan.

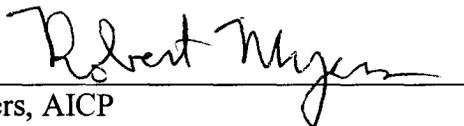
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: October 9, 2008
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Ben Grosser

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner/Historic Preservation Planner; Connie Eldridge, Grants Management Division Secretary

OTHERS PRESENT: Brian Adams, Dick Brazee, Cathy Eastman, Tony and Mary Graham, Medford Johnson, Georgia Morgan, Kent Ono, Beverly Rauchfuss, Marc Rogers, John and Candice Sloan, Shirley Stillinger, Susan Taylor

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

The Chair called the meeting to order at 7:30 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 to approve the minutes of the September 4, 2008 meeting as presented. Mr. Hopkins seconded the motion. Mr. Hopkins recommended changing the word “imaging” to “imagining” in the second to last line of the first paragraph on Page 7. The Plan Commission approved the minutes as amended by unanimous voice vote.

4. COMMUNICATIONS

- ✚ Revision of Section XI-15. Design Review Board of the Urbana Zoning Ordinance

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2088-CP-08: A request by the Zoning Administrator to adopt the Crystal Lake Neighborhood Plan as an element of the 2005 Urbana Comprehensive Plan.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He gave a brief introduction and showed the west study area boundary as Lincoln Avenue and the east boundary as one block east of Broadway Avenue. The northern boundary is Country Club Road, and the southern boundary extends along the rail right-of-way south of University Avenue. He explained that the Plan contains goals and strategies similar to the King Park Plan and the Downtown Strategic Plan. The proposed plan, if approved, will become a guiding document for the planning area.

He reviewed the steps in the planning process that have been completed and what phases are left. The phases involved include:

- 1) **The Background Research Phase** – Research on the neighborhood’s history and existing conditions.
- 2) **The Visioning Phase** - Visioning workshops, resident and business surveys, and open house events to gather public input.
- 3) **The Plan Concepts Phase** - Staff synthesized information from the surveys and stakeholder interviews. They used this information to try to identify with some trends and issues and to try to create some preliminary goals.
- 4) **The Draft Plan Preparation Phase** – Preparation of a draft plan with goals and a map. Staff presented these drafts documents to the public to get more input.
- 5) **Final Plan Preparation Phase** – The draft plan is currently going through the City review process. The proposed plan has been presented to the Community Development Commission and is now before the Plan Commission, which will make a recommendation to the City Council.
- 6) **Implementation Phase** – This will consist of carrying out strategies identified in the plan, and will guide the City’s activities in coming years, help in allocating City funds and prioritize Capital Improvement Plan projects, and provide a basis for review of rezoning requests and building permits.

The plan overview consists of six major components, which are the Background, the Process, Trends and Issues, the Plan Concepts map, Goals and Objectives and the Implementation Strategies, as well as the Appendix.

Mr. Engstrom gave a brief description of the Background and the Process. With Trends and Issues, there are four key topic areas – Land Use and Development, Housing, Mobility and Community Enhancements. He discussed the Plan Concepts Map and the Goals and Objectives. He explained how each of these were created, the comments and ideas of the residents, the stakeholders and City staff that were involved as well as the existing City documents, such as the 2005 Comprehensive Plan and the Development Agreement between the City of Urbana and Carle Foundation Hospital, that support them. The Implementation Strategies are aimed at achieving the Goals and Objectives of the Plan.

Mr. Engstrom discussed the comments and concerns of the Community Development Commission (CDC). During their meeting, a CDC member recommended having homes either facing Crystal Lake Park or on new public open space. The CDC also discussed the potential for a community center. The CDC suggested prioritizing the implementation strategies. Their final comment was that the strategy to promote apartments should be clarified as promoting the maintenance and upgrade of existing apartments.

As for public comments, City staff has received only one comment during the 30 day review period. The comment states that business uses should not expand into the residential areas or into the park, which is something that City staff concurs with.

He read the options of the Plan Commission and gave staff's recommendation, which is as follows:

Staff recommends that the Plan Commission forward Plan Case No. 2088-CP-08 to the Urbana City Council with a recommendation for approval.

Ms. Upah-Bant quoted Implementation Strategy M12, which states, “*Create safe bicycle path along Lincoln Avenue towards campus.*” She recalled discussing this issue extensively when they reviewed the Urbana Bicycle Plan. It was determined then that Lincoln Avenue was not wide enough, and Goodwin Avenue was should have the bike path instead. Mr. Pollock added that south of University Avenue is not included in the boundary of the proposed Crystal Lake Neighborhood Plan, so why is there a strategy listed for outside the Plan area? If the idea is to hook this path up to a broader vision for a bike path that goes through the Plan area, then he would agree that we need to talk about how to accomplish this on the busiest street in Urbana. Mr. Engstrom replied that the issue for a bike path along Lincoln Avenue to campus came up early in the process, and City staff will take a closer look at why it is still mentioned. Robert Myers, Planning Manager, noted that City staff will ensure that this implementation strategy matches the Bicycle Master Plan.

Mr. Pollock feels it is crucial to discuss the replacement of housing that is removed. The Plan states that removed housing will be replaced one-for-one in a “larger neighborhood.” What defines a “larger neighborhood”? Mr. Engstrom explained that City staff had in mind a neighborhood where one could easily walk or bike to Crystal Lake Park or to Carle.

Mr. Pollock referred to H1 in the Implementation Strategies. He did not feel that “encouraging” Carle would be enough to make sure the one to one replacement happens in neighborhoods where homes are removed due to the Carle expansion. The City would need something that would do more than just encourage Carle to do this. Mr. Engstrom responded that Carle will be asking for an amendment to the Development Agreement with the City of Urbana. When this happens, the City would be more specific than just encouraging Carle to be put into the amendment. Mr. Pollock stated that he realizes the proposed plan is kind of a small Comprehensive Plan, and it does not call for this type of specificity. However, he would like to bring this up and make sure it stays at the top of the list.

Mr. Pollock went on to discuss the Community Center. Is any of the planning area inside Tax Increment Financing (TIF) District #3? The purpose for him asking this question is because part of the reason people agreed to take those revenues and use them for business promotion and development was the agreement that some of those funds would get put back into the neighborhood in the form of a community center. He understands that there has been a lot of discussion about this, but this is something that the City committed to years ago already. Mr. Engstrom explained that City staff proposes a community center to go into a larger neighborhood, such as the King Park neighborhood.

Mr. Myers said that he had the answer to Ms. Upah-Bant’s earlier question regarding a bike path on Lincoln Avenue. The Urbana Bicycle Master Plan shows that Lincoln Avenue is not slated for either a bicycle lane or route. Instead it shows Goodwin and Coler Avenues as being routes. So Implementation Strategy M12 will be modified to reflect the Bicycle Master Plan.

Ms. Stake felt it would be a good idea to change “encourage” to “require” in Implementation Strategy H1. She did not think that the Plan Commission should let the proposed plan be approved with “encourage” as part of the language in this case. Mr. Pollock pointed out that this is an amendment to the 2005 Comprehensive Plan, and it is not actually a development agreement with Carle. So, he is not sure if they should change the wording or just keep it on the radar, because the Plan Commission will be reviewing a future amendment to the Development Agreement between the City of Urbana and Carle in the next few months. Mr. Myers added that City staff has spoken with representatives from Carle. Carle recognizes that it is important to the Mayor, the City, and to the residents that houses be replaced one-for-one, so they are willing to see that it happens. However, Carle is not sure what role they would play because they are not developers, but they are in agreement with the concept. City staff feels that this should be pinned down in the Development Agreement Amendment with Carle.

Mr. Engstrom reviewed a map with the Commission showing the boundaries of TIF # 3. It only goes to the east side of the Lincoln Avenue right-of-way. If a community center would be partially funded by the TIF District #3 funds, he understood it would need to be located within the District’s boundaries.

Chair Pollock opened the hearing up for public input.

Cathy Eastman, of 1311 North Berkley Avenue, requested that the Plan Commission table this item to a future meeting to allow City staff to get some additional feedback from the neighbors east of Broadway Avenue. There are a number of issues and changes to North Broadway mentioned in the proposed plan that would affect the neighborhood to the east, such as additional

sidewalks on the north end, additional street lighting, and a multi-use path. She is concerned that there is a need for additional feedback.

Mr. Myers asked if Ms. Eastman was asking that the boundary of the proposed plan be expanded, or does she just want the residents along the east side of Broadway Avenue to have a second opportunity to look at what is being proposed in the Broadway Avenue Corridor? Ms. Eastman replied that she does not know what the neighborhood's options are. Many of these issues will have an impact on the adjacent neighbors. They are not sure if they will have other opportunities to voice their concerns or if this meeting is their only chance.

With no further comments or questions from the public, Chair Pollock closed the public input portion of the hearing. He then opened the hearing up for Plan Commission discussion and/or motion(s).

Chair Pollock asked if this area was originally part of the proposed plan. Mr. Engstrom answered that originally the east boundary for the plan was Broadway Avenue. As part of the feedback from the first visioning session, some neighbors on the east side of Broadway Avenue wanted to be included in the proposed plan, so City staff expanded the boundary to include the block just east of Broadway Avenue. Chair Pollock inquired as to whether the residents in the block where the expansion occurred had been notified about the Plan Commission meeting. Mr. Engstrom said yes. The residents in this area have been notified of every meeting, except for the Visioning session.

Mr. Myers added that if people feel like they need more time for comment, then the Plan Commission could table the item until the next meeting. City staff initially discussed the eastern boundary of the proposed plan quite a bit. They decided that extending the boundary to Cunningham Avenue might dilute the original impetus for the plan, which was a concern for neighbors about the proposed expansion of Carle Hospital.

Chair Pollock realizes that there are other plans in the works at the same time. When we look at what is being planned that would affect the residents along the east side of Broadway Avenue in terms of a multi-use path, sidewalks or other amenities, would that be done in conjunction with the Urbana Park District (UPD) as a reflection of their plan? Is the UPD far enough along that they are aware of what the City is proposing? Or do the changes along Broadway Avenue have anything to do with what the UPD is doing? Mr. Myers responded that the UPD has adopted a long term plan over the next 50 years. The proposed Crystal Lake Neighborhood Plan reflects what the UPD's adopted long-range plan. Subsequent to finishing their plan, some residents have expressed a concern about UPD's plans to purchase properties on Franklin Street, as they become available. But the Crystal Lake Plan reflects the UPD's adopted plan.

Ms. Stake requested that the Plan Commission postpone making a decision regarding this case until the next regularly scheduled meeting. Mr. Fitch agreed. With no objection from the other members of the Plan Commission, Chair Pollock continued this case until October 23, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner, presented this case to the Plan Commission. She began by explaining that there are three reasons for the text amendment, which are as follows: 1) Adopt design guidelines for the Lincoln-Busey Corridor, 2) Amend the Zoning Ordinance to enable design review to take place in specified areas by creating a Design Review Board, and 3) Establish the Lincoln-Busey Design Overlay District.

Ms. Bird described the boundary lines of the proposed Lincoln-Busey Corridor. She reviewed the proposed Design Guidelines pointing out that there are five chapters – 1) Introduction, 2) Existing Conditions, 3) The Design Review Process, 4) Design Guidelines and 5) Photo Inventory.

She stated that the text amendment will add Section XI-15, Design Review Board, to the Urbana Zoning Ordinance. This will create a Design Review Board to enable and administer design review for projects in multiple areas and will establish the Lincoln-Busey Corridor Design Review Overlay District. She referred to the revised Section XI-15 handout, which she passed out prior to the start of the meeting.

She read the options of the Plan Commission and noted that although the three components of the proposed text amendment can be discussed together, they should be voted on separately. She presented staff's recommendation, which is as follows:

Staff recommends that the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation to approve the Lincoln-Busey Corridor Design Guidelines, approve the Zoning Ordinance text amendment creating the Design Review Board, and approve the Lincoln-Busey Corridor Design Review Overlay District.

Chair Pollock commented that this is all within one plan case number. Will the City Council vote on the elements separately in different votes? Ms. Bird said yes.

Mr. Fitch wondered about the process for where the guidelines come from. Were the Lincoln-Busey Design Guidelines basically staff-driven with public input? Ms. Bird replied that is correct. Mr. Fitch asked if this is the process that she would anticipate for future guidelines for other areas. Ms. Bird explained that design guidelines could be appropriate for fragile areas. City staff would work with the residents in the neighborhood or business owners on the design guidelines.

Mr. Fitch stated that he was talking more about procedural protections, such as notice provisions, required public meetings and time tables, etc. He asked how the proposed design guidelines differ from neighborhood conservation districts (NCD). Ms. Bird replied that neighborhood conservation districts are where the property owners come together and decide to apply for a NCD. The proposed design guidelines are really driven by the Urbana City Council.

Mr. Fitch wondered if the proposed Design Review Board would be the arbitrator of any future NCD with design review or would there be a separate review board for NCDs. Ms. Bird said that this is a good question and not something that City staff has discussed.

Chair Pollock asked if a NCD could employ the same type of design guidelines as being proposed in the text amendment. Mr. Myers said yes. The City wrote the NCD Ordinance flexible enough to customize the requirements for the particular needs of an area. Some areas feel that design guidelines are useful while other areas do not. Each area has different needs. Which body would carry out design guidelines would need to be specified for each district.

Chair Pollock questioned if there would be a new design review board for each district. Ms. Bird said no. As proposed, this text amendment would create one Design Review Board that would review design in all areas that have adopted design guidelines. All of the members of the Mixed Office Residential (MOR) Development Review Board except for two (who are specifically appointed to the MOR Development Review Board because they live in or near the MOR Zoning District) would also serve as members of the Design Review Board. There is no requirement that any of the members of the Design Review Board be associated with the neighborhood in which design guidelines have been created for.

Mr. Fitch inquired if one could arrive at the same result using the NCD process or the design review process. Mr. Myers answered yes. However, the Design Review Board deals with one sliver of the planning spectrum. It deals with design for new developments. The NCD is a broader planning tool that could be used potentially for a variety of things.

Ms. Stake wondered if one would change the zoning by adding an overlay district to a property or area. Ms. Bird responded by saying no. This is purely design review to help buildings be compatible with what is located on either side of it. It does not change the underlying zoning. Any project proposals in an overlay district still have to meet the zoning for that particular parcel.

Ms. Stake asked if any of this will come before the Plan Commission or City Council after it has been decided. Ms. Bird stated no.

Ms. Stake commented that it does not help much that the design guidelines “encourage” certain types of development. It should say it either is required or say it is not allowed. Ms. Bird explained that the idea with design guidelines is that each project is going to be unique. If the City writes a set of requirements, then there could be a project that meets all those requirements, but is still a bad project and won’t look good in the corridor. If there are guidelines that give the Design Review Board the ability to interpret them and decide whether a project meets the intent, then there will be better chance for projects be appropriate. The intent is for new construction to be compatible with the existing environment.

Ms. Upah-Bant inquired as to how anyone would go about changing the design criteria once it has been approved. Ms. Bird answered that they would need to file a Zoning Ordinance text amendment and staff would bring it before the Plan Commission and the City Council for approval.

Mr. Hopkins talked about the membership of the Design Review Board. He recalled that an owner of a local small business with fewer than 40 employees made sense for the MOR Zoning District for a particular reason. The reason is to get mixed use small businesses by implication to use existing buildings with small footprints. So the City wanted input and understanding from the type of people we wanted to get involved in using those buildings. It's unclear to him why it would make sense to include this requirement on the Design Review Board.

His second question is "*what is the definition of a "community or residential representative"*". Ms. Bird said that staff may need to include that in the section of the Zoning Ordinance that gives definitions of various words used throughout. Mr. Myers added that a community representative could be from community group. A residential representative may be a resident who lives in a particular block of the City or someone who knows what it is like to live in a specific area. Mr. Hopkins pointed out that the Design Review Board is to serve as a city-wide board, so that could mean anyone then. Thus he does not know what they are trying to accomplish with a "community or residential representative.

Ms. Stake stated that it seems in trying to make the Design Review Board serve the entire City, it has become difficult. The Lincoln-Busey Corridor is very different from much of the other areas in the City. It is very important that we keep the existing residential and most of the buildings. It is important to have design guidelines for developers who demolish some of the buildings and construct new buildings. However, this is not what the rest of the City is like, so she feels that the proposed text amendment is trying to do too many things at once. Ms. Bird asked if she was suggesting that there be a separate Design Review Board for the Lincoln-Busey Corridor. Ms. Stake replied yes.

Mr. Myers commented that there are a couple of different elements in trying to specify the composition of the Board. The first is values and the second is technical expertise. If there is someone representing the neighborhood, then they would know what it is like to live in that area, about quality of life issues, etc. The technical side could be covered by members such as an architect or a realtor. A developer/business owner has both technical expertise and knows what values are important to the development community. City staff can better define the difference between a local developer and a developer representative.

Ms. Upah-Bant asked for clarification in that for every neighborhood there would be a set of design guidelines. Ms. Bird replied no. City staff tried to create a Design Review Board that would be able to accommodate reviewing projects in other areas of the City that required, developed and adopted design guidelines. City staff is not suggesting that we develop design guidelines for every neighborhood. The Lincoln-Busey Corridor is unique in that it is under certain pressures because of its location between the University of Illinois and the single-family neighborhood. So, it is a fragile area that design guidelines would help.

Chair Pollock asked about remodeling and alterations to existing structures. So if someone wanted to add a sunroom onto their existing house, they would come in and fill out an application for a building permit. City staff would decide whether or not the sunroom might infringe upon the appearance of the neighborhood or the integrity of the corridor. If they decided that the proposed sunroom affects the neighborhood, then the Design Review Board would meet to discuss that individual request or application. Ms. Bird said that this is correct. However, it would not be City staff that made the preliminary determination of whether a project would

affect the neighborhood or not. It would be the Zoning Administrator and the Chair of the Design Review Board. If they jointly decided that the project did not require the review of the full Design Review Board, then it would be reviewed administratively. If one or both of them decided that it should go to the Design Review Board for review, then it would go before the entire Board.

Chair Pollock asked if the Chair of the Design Review Board would be appointed by the Mayor or designated as such by the Design Review Board. Mr. Hopkins said that the text amendment states that the position of Chair would be elected by the Design Review Board.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for public input.

Georgia Morgan, of 804 West Nevada Street, stated that she also questioned the make-up of the Design Review Board. What is the importance of having a small business owner on the board? What is a community representative? What is a residential representative? She gathered from listening to comments that part of the impetus behind the design is the anticipation that there will be more overlay districts with their own design guidelines in the future. However, there will only be one board reviewing the cases. Is it possible for the membership of the Design Review Board to have an ad hoc member who would be from whatever district that was being considered in place of the small business owner? This would ensure local representation on the board. She inquired about false divided light windows. What are they and why are they so terrible? Ms. Bird responded by saying that false divided light windows have the snap in muntins or muntins between a single pane of glass. In the design community, they are thought to give a false sense. They also do not provide the same depth that the individual divided light windows do. Ms. Bird explained that this is an example of why they would be design guidelines and not requirements.

Ms. Stake inquired as to whether Ms. Morgan had been notified of the public hearing. Ms. Morgan said yes. Ms. Bird remarked that City staff sent notices to all property owners and tenants in the actual Lincoln-Busey corridor as well as to all property owners within 250 feet.

Kent Oto, of 803 West Michigan Avenue, suggested that the Historic Preservation Commission be the review board for this particular design area (Lincoln-Busey Corridor), because in part of the fragile nature of the area and because of the many historic buildings in the neighborhood. He agreed with Ms. Morgan in that it would be easy enough to bring in two people living in a district to review cases for that overlay district as well as a resident of the adjacent living area. He feels that a resident living outside of a district would also have some interest in protecting their homes from encroachment or from the design possibilities that might occur. Having people with design abilities and aesthetic skills and interest on the Design Review Board could be a very positive thing. He did not think that developers, small business owners or architects would be the best type of people to provide that kind of input. Mr. Oto believes from what he has seen that the proposed text amendment would be a very positive thing. The intent is to protect the residents who live in the area from having an institutional design elements introduced into the work done on homes in the corridor.

Ms. Stake agreed. The historic part of the City of Urbana is right along Lincoln Avenue, so it would be good to have the Historic Preservation Commission review any future cases for this district.

Shirley Stillinger, of 1003 South Busey Avenue, mentioned that as a resident in the corridor, she feels very reassured of the direction that the text amendment is going. There are differences on the details, but the overall intent is very reassuring. It is important to keep the street and the area a good place to live. She expressed her appreciation for the work that City staff has done on the proposed text amendment.

Brian Adams, of 412 West Elm Street, stated that he lives in the MOR Zoning District and they have design guidelines in place for his neighborhood. There is the Development Review Board to monitor and comment on new developments. He feels it is a good thing. He wishes the City would have had the design guidelines in places years ago, because there have been some pretty unsightly buildings constructed in the area that have destroyed the historical and aesthetic character of the neighborhood. Given the design guidelines currently in place for the MOR Zoning District, it would not be possible to build anymore undesirable buildings in the neighborhood.

Ms. Stake wondered how much area the MOR Design Guidelines cover. Mr. Adams replied by saying that it covers Elm Street, part of Green Street and part of Springfield Avenue. He does not know the exact boundaries of the top of his head.

Ms. Stake asked who is on the Development Review Board for the MOR Zoning District. Mr. Adams answered that he is on the board because he lives in the neighborhood. There is a developer, an architect, nearby neighbor, small business owner, member of the Plan Commission and a member of the Historic Preservation Commission.

With no further questions or comments from members of the audience, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Myers noted that there is another element to this proposal. The design guidelines are not only a helpful tool, but having a review process where neighbors can give input can be beneficial as well.

Chair Pollock wondered if the proposed text amendment is flexible enough to allow someone from the neighborhood to serve on the Board. Mr. Myers replied that the text amendment as written calls for a residential representative to serve on the Board, but it does not specify that the representative be from this specific area. However, there will be an opportunity for residents to attend the Board meetings and voice their concerns and opinions.

Ms. Stake asked what the process is for an application. Ms. Bird reviewed the process. When an application comes in, the Zoning Administrator looks at the application and decides whether the application is for a major redevelopment/development, which she would then forward on to the Design Review Board. If the Zoning Administrator has a question of whether or not the application should go before the Board, then she consults with the Chair of the Design Review Board. If they both decided that the proposed project does not require review of the Board, then they would review it and make an administrative decision.

If the application goes to the Board, then City staff would schedule a public hearing, which would involve noticing neighbors and putting up a sign on the property. So, the neighborhood would have a chance to give their input on a project. One example of what could be reviewed administratively would be the addition of a small sunroom on the back of a house. This would be something that would not be viewed from the public street if it was built in scale with the existing house.

Mr. Myers pointed out that the City has a similar process with the Historic Preservation Commission. Minor projects are reviewed administratively, and major projects are reviewed by the Historic Preservation Commission. The Zoning Ordinance specifies what is considered a major project and minor project. The intent of this is to keep very minor changes from going to the Board or Commission. We do not stop the process to discourage maintenance, changes or modifications. Minor changes such as constructing a fence in the backyard shouldn't be a long and difficult process. This also helps City staff manage its workload and devote its manpower to highest priority projects.

Ms. Upah-Bant feels uncomfortable with the appeal process. If an application is denied, it sounds like the only applicant's only choice is to resubmit an application. Ms. Bird stated that there is an appeal process.

Ms. Stake questioned if a person would have to submit an application for work needing to be done if the property is within an overlay district. Ms. Bird said yes. Exterior building projects would need to be reviewed and approved either by the Zoning Administrator or by the Design Review Board depending on the level of the project.

Ms. Stake inquired if there could be someone from the district serve on the Board. Ms. Bird answered that in speaking with the City's Legal Department, the City Attorney did not feel it would be possible to write in the Zoning Ordinance that there would be members switching out. However, it might be possible to write in the text amendment that one of the members is defined in the design guidelines for a district. So, the design guidelines for the Lincoln-Busey Corridor would specify who the person is.

Mr. Hopkins commented that the architect, the developer, the Historic Preservation Commission member and the Plan Commission member makes sense to include on the Design Review Board. This means we would have three empty slots. He doubted that the City would have three districts within five years. So, the additional three slots could be filled by a member from each district. If there are more than three districts, then the City would need to work it out at that point. The text amendment could read, "Citizen representatives must be one from each designated overlay district.

Mr. Fitch expressed concern about the lack of specified process. In other City ordinances, it lists the types of projects that trigger different levels of review. We could borrow some of their ideas. He feels that some sort of procedural depth needs to be added in the formation of the guidelines.

Mr. Hopkins commented that the design guidelines are good. He does not believe that they need to be changed.

With no further comments from the Plan Commission members, Chair Pollock recommended continuing this case to a future Plan Commission meeting. He mentioned that there will not be a public notice for when it comes back to the Plan Commission. Mr. Myers stated that this item will remain on the agenda for the October 23, 2008 Plan Commission meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- ✦ **University Avenue Corridor Study** will be held on November 5, 2008 from 6:00 p.m. to 8:00 p.m. at the Illinois Terminal, 4th Floor. MTD is looking at development that enhances mobility. There are two corridors that MTD is reviewing potential development in. They lead from each of the two major downtown areas to University of Illinois' campus.

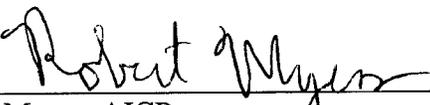
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:23 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: October 23, 2008

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Jane Burris, Tyler Fitch, Ben Grosser

STAFF PRESENT: Lisa Karcher, Planner II, Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner/Historic Preservation Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Paul Debevec, Ann Reisner, Shirley Stillinger, Gail Taylor

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

The Chair called the meeting to order at 7:35 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. Upah-Bant moved to approve the minutes of the October 9, 2008 meeting. Mr. White seconded the motion. Ms. Stake recommended a change on Page 7 to the second line of the second paragraph from the bottom of the page. She proposed that they add the word “not” before the word “allowed”, so that the sentence reads, “It should say it either is required or say it is *not* allowed”. The Plan Commission members approved the minutes as amended by unanimous voice vote.

4. COMMUNICATIONS

- ✚ Copy of the October 9, 2008 Plan Commission Minutes
- ✚ Postcard Announcing Crystal Lake Neighborhood Plan Public Hearing regarding Plan Case No. 2088-CP-08
- ✚ Letter from Andrea Antulov regarding Plan Case No. 2088-CP-08
- ✚ Photos taken of the property at 601 West Green Street for Plan Case No. 2074-T-08
- ✚ Cunningham Avenue Beautification Report
- ✚ Looking for Lincoln Notification

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2088-CP-08: A request by the Zoning Administrator to adopt the Crystal Lake Neighborhood Plan as an element of the 2005 Urbana Comprehensive Plan.

Jeff Engstrom, Planner I, presented an updated staff report for this case to the Plan Commission. He gave a brief recap of the discussion held at the previous Plan Commission meeting. He stated that City staff had met with Cathy Eastman who had at the October 9th meeting requested a continuation so that the North Broadway Neighborhood Association could have another opportunity for input. He discussed the outcome of a meeting subsequently held with the North Broadway Neighborhood residents at the Anita Purves Nature Center. Those topics included the installation of missing sidewalks, the installation of a multi-use path along the western side of Broadway Avenue and along Country Club Road, and street lighting to be installed on the east side of Broadway Avenue.

Mr. Engstrom mentioned an update to Implementation Strategy M12 regarding a bicycle path along North Lincoln Avenue. He also addressed the Plan Commission's concern regarding the language use of the word "required" in place of the word "encourage" in Implementation Strategy H1.

Ms. Stake mentioned that she got a phone call from Andrea Antulov. Ms. Antulov had suggested that City staff put the proposed Plan on display at the Lincoln Square Village Mall and/or at the Urbana Free Library for further public review prior to a decision being made. She also mentioned that one time her property is inside the boundary for the proposed plan, and the next time her property is not included. Ms. Stake asked when City staff took all the surveys, was Ms. Antulov's property included? Mr. Engstrom said yes. Ms. Antulov's property was included in the survey. City staff mailed out a postcard about the public hearing 30 days prior to the October 9, 2008 Plan Commission meeting to all the residents within the proposed plan area, so Ms. Antulov should have received one. He handed out a copy of the postcard that had been mailed out.

Ms. Upah-Bant felt bothered by Carle's reluctance to have the word "required" used in the plan rather than "encourage." She did not understand the difference between having it in the plan and having it in the development agreement. If Carle is going to go along with the plan, then why does it matter whether the word "required" is used or not in the plan? City staff discussed this issue with Carle Hospital administrators, and Carle mentioned that they would be amenable to

this approach in the development agreement amendment. Ms. Stake expressed her concern about this issue as well.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. There was none. Chair Pollock then closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Mr. White commented that Carle is one of the major employers in the City of Urbana. There are many people who come to Carle for medical treatment, and some of them or their families stay in hotels and eat at restaurants in the City of Urbana. The wording of the plan almost sounds like the City does not want Carle to be here because they are taking over some houses.

He really does not want to see healthcare dollars be shunted off to pay for replacement housing. So he is adamantly against anything that somehow recommends or requires anything from Carle. He believes it sends the wrong message.

Ms. Stake replied that the housing would still be there. Are they replacing the housing for free? Mr. Engstrom answered that Carle would be supporting the replacement of housing through various means. For instance Carle has supported some units at the Crystal View Terrace. They were instrumental in getting the application approved for their tax credits, and Carle has also pledged to buy computers for Crystal View Terrace's computer lab. However, they will not be building housing there. Ms. Stake stated that she did not understand how this would be supporting replacement housing. Mr. Engstrom explained that nowadays, it is hard to find the right buyers to purchase affordable housing. Carle plans to use their resources to connect their employees and other people they are involved with to help find buyers. This is one method in which they support replacement housing.

Ms. Stake questioned if Carle would be tearing down housing and supporting new. Mr. Engstrom said that over the long term, Carle would be expanding their campus if they get an amendment to their development agreement. Carle would then be tearing down some of the housing that they own. This will be done in phases. When Carle comes to the City to request an expansion of the MIC Zoning District, City staff will ask for an amendment to the development agreement, in which they will try to work out the specific terms for which Carle will support housing replacement.

Ms. Stake wondered if Ms. Antulov's house would be one that might be torn down. Mr. Engstrom replied no. Ms. Antulov's house is not one of the properties owned by Carle. Carle will only be able to tear down properties which they own, and the City would not use eminent domain. Ms. Stake commented that apparently Ms. Antulov's house is located near some homes that would be torn down then. Mr. Engstrom said that is probably correct. Mr. Hopkins pointed out that when Ms. Antulov mentioned that sometimes she was part of the area and other times she is not, she is probably referring to being invited to the meetings that were held by the City of Urbana regarding this case. Chair Pollock pointed out that Ms. Antulov lives in the Crystal Lake Park area on Busey Avenue, but that she is acting as a neighborhood advocate for the residents along Broadway Avenue.

Mr. Hopkins stated that he has two kinds of reactions regarding Carle and housing. The first reaction is that the current statement is inappropriate and misleading. The notion of one for one replacement usually means in housing policy or eminent domain or urban development projects exactly what it says. Each housing unit eliminated by this project will be replaced somewhere else with a housing unit that somebody will pay for. He understands that this is not what is meant in the proposed plan at all, so the wording needs to be changed.

The second reaction is that the term “encourage” belongs in a plan rather than the word “required”. One for one replacement, in a development agreement would be a negotiated compact of the agreement. In negotiation, you put a lot of things on the table and work it out between two or more parties for what is going to be in the agreement. So it does not help for a plan to pretend to be an agreement when it is not. It would be misleading to people. A plan cannot actually take the action. A plan is a guiding document.

Chair Pollock agrees that Carle is a valuable asset to the local economy, and we certainly do not want to send a bad message. On the other hand, the proposed plan would be an addendum to an agreement that was already agreed upon and approved through a lot of negotiation. Carle does have a responsibility to the neighborhood. Eventually a real agreement or an amendment to the existing agreement is going to come forward. Mr. Hopkins made a great point in that if the City is going to require in the amendment to the agreement that there be some kind of replacement housing that it should be up front, but it does not necessarily go in a comprehensive plan, which is a guiding document. So, at whatever point an amendment to the agreement comes before the Plan Commission and City Council regardless of what they decide to do with the Comprehensive Plan description of this and based on having been involved in negotiations between Carle and the neighborhood, if it does not require housing replacement, then he will not support it at all at that point.

When he reads the proposed plan, when talking about the language that requires Carle to support housing replacement, it does not state that the City requires Carle to build or to develop. It just states that we require Carle to support replacement housing, which can be a very broad application. “Encourage” is okay for a comprehensive plan, but in an agreement, it does not mean anything.

Mr. White moved that the Plan Commission forward Plan Case 2088-CP-08 to the City Council with a recommendation for approval with the following conditions: 1) Remove Objective 13.4, concerning additional street lighting on Broadway, from the Plan and 2) Amend Implementation Strategy M12 to read “Create safe bicycle path towards the U of I campus along Fairview and Goodwin Avenues, as shown in the Urbana Bicycle Master Plan”. Ms. Upah-Bant seconded the motion.

Chair Pollock suggested a friendly amendment to include the following condition in the motion: *Amend Implementation Strategy H3 to read “Encourage investment in existing rental properties such as apartments at Lincoln and Fairview”*. Mr. Engstrom pointed out that this was something brought up by the Community Development Commission to show the position that the City does not encourage the conversion of housing to multi-family, but that we do encourage investment into the existing rental properties. Mr. White accepted the friendly amendment to the motion. Ms. Upah-Bant agreed as the seconder.

Mr. White moved to amend the motion to take out any and all references to Carle Hospital and the replacement of properties and any of the language that deals with one for one replacement housing, because it sends the wrong message to someone who reads this and happens to be interested in setting up a business. If they are going to do it for Carle, then we need to be consistent and do it for others who purchase homes such as the School District and the Urbana Park District.

Mr. Hopkins stated that he would second the motion if it were a little more specific. Mr. Engstrom responded that the two sections that contain language about one for one replacement housing are H1 and Goal 10.1 on Page 45. Chair Pollock read Goal 10.1, and Mr. White restated his motion to amend to remove Strategy H1. Mr. Hopkins seconded the motion to amend.

Ms. Stake commented that there is a long-standing problem between what the City does for Carle and what the City does for the neighborhood. The neighborhood has had a really difficult time because of Carle. This neighborhood is one of the only integrated, low-income areas. It does not hurt to say that Carle can at least look at it or think about replacement housing. Therefore, she would like to send it to the City Council as it currently is worded. We have had problems with Carle destroying some of the low-income housing, and it does not get replaced. Therefore, she would vote no on the motion to amend.

Mr. Hopkins stated that the reason to keep Goal 10.1 and delete H1 is because Goal 10.1 does not identify the responsibility as being Carle's. Implicitly, since it is the City's plan, the City is saying that this is what we are going to do. It is our responsibility to do it in any number of ways, which might include a development agreement with Carle, but it includes a lot more than this.

The reason it is appropriate to remove Strategy H1 is because it is badly and confusingly worded, and because it is not Carle's responsibility. He stated that he would vote in favor of the amendment.

The motion to amend passed by a hand vote of 3-2. So, the motion now reads:

The Plan Commission forward Plan Case No. 2088-CP-08 to the City Council with a recommendation to approve with the following conditions:

- 1. Remove Objective 13.4, concerning additional street lighting on Broadway, from the Plan;*
- 2. Amend Implementation Strategy M12 to read "Create safe bicycle path towards the U of I campus along Fairview and Goodwin Avenues, as shown in the Urbana Bicycle Master Plan";*
- 3. Amend Implementation Strategy H3 to read "Encourage investment in existing rental properties such as apartments at Lincoln and Fairview"; and*
- 4. Remove Strategy H1*

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

| | | | | | |
|-------------|---|-----|---------------|---|-----|
| Mr. Hopkins | - | Yes | Mr. Pollock | - | No |
| Ms. Stake | - | No | Ms. Upah-Bant | - | Yes |
| Mr. White | - | Yes | | | |

The motion was approved by a voice vote of 3-2. Mr. Engstrom pointed out that this case would go before the City Council on November 3, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner, gave the staff presentation for this case to the Plan Commission. She presented a brief recap of the discussions held at the previous Plan Commission meeting and reviewed the revisions made to the text amendment.

The revisions include changes to the language under Membership, Administrative Review, Process Clarification and other minor word changes to clarify the. Other issues that arose included wanting more detail regarding the process of creating a new design overlay district and adopting new design guidelines. City staff envisions this process as being initiated by the City Council and not by members of a neighborhood.

She talked about City staff currently being involved in creating design guidelines for part of the Historic East Urbana Neighborhood. In creating design guidelines for this district, City staff will follow the same process in which the Lincoln Busey Corridor went through with meetings be held in the beginning to gather public input and notifications being sent out to residents inside the district as well as to those within 250 feet of the district for those meetings.

There was one suggestion that the Historic Preservation Commission be the body to administer design review in the Lincoln-Busey Corridor because it is a relatively historic neighborhood. This would present a couple of difficulties in that historic preservation is very well defined legally. The members of the Historic Preservation Commission can only review projects to do with properties that are legally designated as historic landmarks and districts. This would also create a difficulty with having future design review overlay districts. City staff would prefer to create one board than having different boards for each district because administratively it would make things very difficult.

Ms. Stake stated that she did not understand why it would be difficult to have different boards for each district. Ms. Bird clarified that the City already has quite a few boards and commissions to administer. It is a great deal of work to keep the boards and commissions organized. Also, it is quite difficult to get people who are qualified to want to serve on the boards and commissions. Lastly, there is currently not enough City staff to handle five more boards/commissions.

Ms. Stake said that she believes that there are too many members from the development field. There should be more people on the board from the neighborhood. She also would not want someone from east Urbana to decide what would be best for west Urbana.

Ms. Stake wondered what the fee would be to apply for a design review application. Lisa Karcher, Planner II, stated that the fee amount would be set by the City Council when the proposed district would be approved. Chair Pollock wondered how much the Site Plan application for the MOR, Mixed Office-Residential Zoning District is. Ms. Karcher replied that there is a \$150 fee.

Ms. Upah-Bant stated that she is confused about the proposed makeup of the board for the proposed Lincoln-Busey Corridor. Ms. Bird pointed out that City staff is not proposing a design review board specific to the Lincoln-Busey Corridor. It is a City design review board. She explained the reason that City staff left it with two residents (one from each future overlay district) is because the City does not foresee having more than two design review overlay districts. Chair Pollock asked if there were additional overlay districts, then there could be a possibility of a change of two of the seven members. Ms. Bird said yes.

Ms. Stake commented that City staff is recommending that four members would constitute a quorum. However, if one of the four has a conflict of interest, then that would only leave three voting members. She feels that three is not enough. Chair Pollock stated that this means that two of the three voting members could theoretically be making the decision.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input from the audience.

Gail Taylor, of 307 South Orchard Street, stated that the proposed text amendment to add Section XI-15. Design Review Board to the Urbana Zoning Ordinance was lifted from the MOR Ordinance. Living in the MOR Zoning District, she has discovered that property owners have no rights, including the right to have a petition to be heard fairly in a public hearing.

The proposed Design Review Board is setup similarly to the Development Review Board for the MOR Zoning District. The chair of the Design Review Board, depending on their relationship with City staff, could do things to circumvent fair hearings, property owners' rights, and the right to public notice. City staff is only proposing one resident from the proposed district to serve on the Design Review Board. Already it seems like the Board would be stacked.

Ms. Taylor pointed out that even though board and commission members volunteer their time, they still represent different interests in the community. When does a member remove themselves from voting on a case due to conflict of interest?

She talked about the conflict she has with the adaptive reuse of 601 West Green Street and more importantly with the process to get approval for the adaptive reuse. She noted that the Zoning Administrator reviewed and approved the redevelopment plans as a minor work. What is being proposed for the Design Review Board for future overlay districts such as the Lincoln-Busey Corridor mirrors the ordinance for the MOR Zoning District and the Development Review Board.

Ms. Stake wondered if Ms. Taylor had received any notification of what was going to be happening at 601 West Green Street. Ms. Taylor said no. She wants to ensure that the residents and property owners in the Lincoln-Busey Corridor have adequate representation and that there is public notification even if the Zoning Administrator reviews and makes the determination of whether or not to approve a design review application. Chair Pollock pointed out that if there is a basic disagreement with the notification laws on who gets to find out what publicly on any level, then that is within the purview of the City Council. They make those rules and can amend them, and City staff abides by those rules. There is no public notice that is required that does not go out. There is no ignoring of these requirements.

Paul Debevoc, of 708 West California Avenue, commented that the proposed plan is impressive in its detail and in its organization. We should be in favor of the principle of the design guidelines. Fortunately it is a proactive document. There is no controversy or crisis at the moment, so there is no urgency that the proposed plan be adopted immediately. As the previous speaker pointed out, there are parallels between the MOR and the Lincoln-Busey Corridor. He read excerpts from the MOR Ordinance and noted that similar language is in the Design Review Board Ordinance before the Plan Commission. He stated that the difficulty here is in the ambiguity of the language in the two ordinances. He is positive that none of the City staff wakes up in the morning and comes to work with the goal of infuriating the citizens of Urbana. Quite the contrary, he is sure that City staff comes to work with the goal of doing good for the City of Urbana.

He then showed pictures of 601 West Green Street from each of the four directions – north, south, east and west. He commented that the difficulty any one would have looking at the changes being made and wonder how ever could the redevelopment plans not go to the Development Review Board. So he suggested that City staff reword the Ordinance to tell how a project is going to be triggered for review. City staff could choose some parameters. It could be the incremental cost to the building, the amount of the structure that is being dealt with and then choose some level. Quantitative requirements are all over the Zoning Ordinance, such as how tall something can be and what the setback requirements are. So it is not unreasonable to ask City staff to write a statement setting a level for when a project will be forwarded to City Council.

Ms. Stake asked if Mr. Debevoc felt that any redevelopment project should go before the Design Review Board. Mr. Debevoc responded that he did not have enough experience in how onerous that may be. From his own experience, there are many minor work projects (1% effects) that he would not worry about at all. Mr. Debevoc stated that the language in the MOR Ordinance and the language in the Lincoln-Busey Corridor Ordinance are so similar that they do not want to have another divisive, debilitating incident that just recently occurred.

Ann Reisner, of 905 South Busey Avenue, agreed with Mr. Debevoc's comments. There is language in the proposed ordinance that says that joint determinations by the Zoning Administrator and the Chair of the Design Review Board cannot be appealed to the Zoning Board of Appeals. She finds this problematic, because there would be no mechanism to appeal a decision. Ms. Bird explained that this type of determination would be able to be appealed to the Circuit Court, but not to the Zoning Board of Appeals. Ms. Reisner withdrew her complaint about this issue then. She just wanted some mechanism for appeal.

She believes that having an additional resident from the district serve on the board would be a nice balance. She asked City staff to explain their reasoning for taking out the additional resident. Ms. Bird stated that the board was originally envisioned as having a balance between professionals with expertise and residents. The Historic Preservation Commission and Plan Commission members are still citizens even though they serve on a City board. Ms. Reisner stated that she sees a licensed realtor, a developer and an architect might all have interest in growth; whereas the residents would have interest in stability. So, she feels that City staff is balancing off the interest of the neighborhood. So she urged City staff to include one more resident on the board.

With no further comments or questions from the audience members, Chair Pollock closed the public input portion of the hearing. He then asked City staff if they had any additional comments.

Ms. Bird clarified that the MOR design guidelines and text amendment were the starting points used by City staff in creating the proposed ordinance and text amendment. There are some significant differences though. One is that the MOR is a zoning district, and the proposed Lincoln-Busey Corridor would not affect zoning at all. It is purely design, which is significantly different. Another difference is that the Design Review Board would not have the same kind of power that the MOR Development Review Board would have because the MOR Zoning District deals with zoning as well as design.

She pointed out that in trying to address some of the issues that have come up recently with the administrative review, City staff included the language about a decision being made jointly by the Chair of the Design Review Board and the Zoning Administrator. The way that the current MOR Ordinance is written the Zoning Administrator has the authority to grant variances because it is a zoning district. However, no variances would be granted by either the Zoning Administrator or the Design Review Board in the Lincoln-Busey Corridor because it is not about zoning. Therefore any variances a developer/property owner might want would need to go before the Zoning Board of Appeals.

Ms. Bird clarified that the Historic Preservation Commission member, the Plan Commission member, the developer, and the architect that serve on the MOR Development Review Board will also serve on the Design Review Board. The other three members will consist of a realtor and two residents (one from the Lincoln-Busey Corridor Overlay District and one from another neighborhood).

The suggestion that every project go before the Design Review Board would be quite problematic on a number of different levels. One is that for property owners who want to maintain or make minor improvements to their homes, they would first spend a lot of time and effort going before the Design Review Board to get approval. This could create a disincentive for property owners to maintain or improving their properties.

It is also quite a bit of work to prepare the noticing, write memos and give staff presentations to the Board. If this is required so a property owner could repair a step going up to the porch, then it will take a lot of staff time.

Ms. Upah-Bant inquired as to whether “conflict of interest” is legally defined anywhere. What would be an acceptable conflict of interest? Ms. Bird states that the Zoning Ordinance states that a conflict of interest generally has to do with a financial matter. Ms. Upah-Bant stated that if City staff cannot describe what constitutes a “conflict of interest”, then how are we to expect board/commission members to know? Would a member have to benefit financially in order for it to be considered a conflict of interest? She would like to see this defined. Ms. Karcher stated that staff can provide clarification.

Ms. Upah-Bant wondered if City staff had any problem with making the Design Review Board bigger by having more members to allow for an additional resident from within the district to serve on the Board. Ms. Bird explained that the reasons City staff left the number of members at seven was to keep the balance of residents to professionals.

Ms. Upah-Bant stated that she likes Mr. Debevoc’s suggestion that they use a percentage or somehow quantify how much change is required before the Design Review Board becomes involved. Ms. Bird replied that in all of the other city design overlay district ordinances that she has researched, she has found the language to be very vague. She pointed out that the more you pin down what it is that you want, a project could meet all those requirements and still end up being bad. So the language is written with some flexibility so the Board has the ability to make a good decision.

Ms. Upah-Bant stated that she was surprised to hear that a property owner could possibly be required to come before the Design Review Board every time they wanted to make a repair to their home. They should come up with a list of maintenance and repairs that would be allowed without having to come before the Design Review Board.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for Plan Commission discussion and/or motion(s).

Ms. Stake feels the Design Review Board should have more members than seven. There really needs to be at least two people from the district serving on the Board. She really likes Mr. Hopkins’ idea that he mentioned at the previous meeting about having four members – one from each district. Only she wants two from each proposed new district. So, the Design Review Board would keep growing in membership as overlay districts are approved.

She is really concerned about what would be considered a minor project and a major project. Her idea of each is different from other people’s ideas. She drove by 601 West Green Street earlier in the day, and she would consider it to be major work. Ms Stake also does not like the Zoning Administrator being allowed to grant variances. Ms. Bird pointed out that the Zoning Administrator does not have this ability in the proposed Lincoln-Busey Corridor Overlay District. The Zoning Administrator only has the power to grant variances in the MOR Zoning District.

Ms. Stake questioned whether notification would be required in the proposed Ordinance when the Zoning Administrator and the Chair of the Design Review Board review and consider approval of future projects. Chair Pollock answered that if the Zoning Administrator and the Chair of the Design Review Board decides that a proposed remodeling or project does not rise to

the level of needing to go before the Design Review Board, then they can make that decision and construction can take place without design review.

Ms. Bird stated that in the Historic Preservation Ordinance there is a chart listing the level of review for specific types of projects. This chart is a guideline for the Zoning Administrator and Chair of the Historic Preservation Commission when a project comes in to determine the level of review that is needed.

Mr. Hopkins asked where in the Zoning Ordinance is the MOR Ordinance located. Jeff Engstrom, Planner I, stated that the Ordinance pertaining to the Development Review Board is located in Article XI of the Zoning Ordinance, which begins on page 140. Ms. Karcher added that the use regulations for the MOR Zoning District are located in Section V-8, which begins on Page 38. Ms. Bird stated that the MOR Design Guidelines are in a separate document.

Mr. Hopkins commented that part of what is framing the discussion for the proposed case is the case that has happened in the MOR Zoning District. It would be useful to him to clarify a little about what happened in that case. People are talking about variances. Were there actually variances granted? Was development review administratively processed? Ms. Bird explained that the case was administratively processed, and in the process, when the Site Plan was first approved two variances were granted by the Zoning Administrator. Later the developer realized that he needed two additional variances, which the Zoning Administrator granted administratively as well. Two of the variances were for the parking lot, one variance had to do with the exterior staircase on the west side of the building, and the fourth variance was for a handicap accessible ramp on the east side of the building.

Mr. Hopkins stated that a variance is a judgment call on a specific requirement, and is often quantitative. The rest of the development review activity and the kind of design review we are talking about for the Lincoln-Busey Corridor are not about variances. Any variance that arises in the Lincoln-Busey Corridor would then need to go before the Zoning Board of Appeals. It is the MOR Ordinance, itself, that gives the Zoning Administrator the right to grant variances. Outside of the MOR Zoning District, the Zoning Administrator does not have the right to grant variances.

He felt that the Plan Commission should work on the wording of the proposed text amendment some more before making a decision. In his opinion, it would be more effective to work on this than at the Committee of the Whole level. Chair Pollock commented that if there are significant changes that the Plan Commission thinks should be made to in the wording or in other elements of the proposal. He does not feel that the Plan Commission should do this on the floor. Therefore, he suggested that the Plan Commission give some indication or direction to the City staff on what they would like to see addressed, allow City staff time to make changes and then bring it back to the Plan Commission at a later date.

Mr. Hopkins pointed that he heard two major concerns, which are an issue with the process and one with the criteria. Regarding the process, notification of building permits is when they are approved. Ms. Bird noted that they are published in the *News-Gazette* but not by the City. The *News-Gazette* chooses to publish them. However, the City does post them on the City of Urbana website. Mr. Hopkins stated that his point is that the content of a building permit is public knowledge once a building permit is approved.

He commented that it is not clear in the proposed Ordinance how it is determined whether a property owner/developer needs to submit an application. His understanding is that when a person submits a building permit application, City staff looks it over and determines whether that person needs to file a design review application as well. So for example, if someone from the Lincoln-Busey Corridor submits a permit application for plumbing repairs, will the application reach the Zoning Administrator? Ms. Bird explained that the application would reach the Zoning Administrator but because of other reasons, not because of being in the Lincoln-Busey Corridor.

Given all this, Mr. Hopkins stated that if the Zoning Administrator and the Chair of the Design Review Board make a determination that what they have before them in the form of a building permit application and an application for design review, then a notice gets published. However, the ordinance does not require notification be published that a design review determination was made by the Zoning Administrator and the Chair of the Design Review Board. The City could require City staff to do this. Then we will have set up a process where (if the notification actually works and is done in a way that people will actually see it) we will have a more reasonable basis for an appeal process. Chair Pollock asked if the publication should be a blurb in the newspaper or some type of notice mailed out to people within a certain area. Mr. Hopkins stated that he hasn't figured this part out yet. What the notification is, it needs to work. Chair Pollock commented that if there is a little notice in the back of the *News-Gazette*, none of the neighbors of the proposed review and construction will see it.

Mr. Hopkins stated that there is another possible step in this in that if an executive decision is made, then the executive has to report that decision to the Design Review Board. Any member of the Board could challenge that executive decision. This will also allow for public notification to be made.

He pointed out a discrepancy in the language of the proposed ordinance. In H.1. Zoning Administrator Review Procedures on Page 150, it states as follows, "*Joint determinations as to whether the application is to be reviewed administratively or by the Board cannot be appealed to the Zoning Board of Appeals.*" Staff pointed out that an appeal could be filed with the Circuit Court. However, in J.4. Design Review Board Review Procedures, the first sentence states as such, "*Any order, requirement, decision or condition of approval made by the Zoning Administrator or Design Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C.*" He suggested that they note in one of these that an apparent exception exists.

Regarding issues with the criteria, Mr. Hopkins remarked that in design review, it is incredibly difficult to make quantitative thresholds work. We could use a dollar amount. However, one could rewire the entire house without going to the Design Review Board. Rewiring of the house might cost more than a project that would be considered a major work. We could use the criteria of change in square footage. However, we then might miss anything that transforms the face or the design of the building. So he is having a hard time thinking of a way to do this quantitatively.

He believes that the City can still express in some policy fashion the kinds of things we are looking for. One way to do this is by examples. We would want examples of what would and what would not be considered administratively reviewed. They should be focused on trying to

hit the margins of where people would have a tough time of deciding. Another thing that these examples could help make clearer is what is in the Zoning Ordinance by right? And what is in the design review? The design review is not about variances and it is not about whether or not one meets the zoning criteria.

Ms. Stake reiterated that the Design Review Board should have more members, so that there can be two people from the neighborhood serving on the Board. Ms. Upah-Bant agreed. She would think that there would be plenty of people from the neighborhood willing to serve on the Board. Chair Pollock believes that if five of the Board members are to be consistent from one district to another, adding an additional resident should not be a major hurdle, because they are not talking about adding additional professionals.

Mr. White mentioned that the City is currently only talking about two districts. So, we could have two additional residents from each proposed new district serve on the Board. They could add some language to the Design Review Board Ordinance to only allow up to six residents to serve on the Board. He mentioned that having residents from the Historic East Urbana neighborhood working on the Board for the West Urbana area could be very valuable on their input.

Mr. Hopkins talked about the quorum issue. Part of the issue is that conflicts are sometimes announced in the meeting because a Board member discovers a conflict once deliberations begin. He assumed the reason that City staff included language stating as follows, "*Abstaining shall not change the count of Board members present to determine the existence of a quorum*", to prevent holding meetings over and having to restart them if one of the members of a quorum discovered a conflict interest. He is not sure how the City should handle this issue at this time. He did feel it is important to find out how other Boards and Commissions deal with this issue. One solution might be to raise the requirement of a quorum.

Mr. Hopkins does not believe that the proposed Design Review Board will meet that many times. It is very likely that they may only have one agenda item in the three year term. He expressed concern that there might be an agenda item, in which the Board meets on to make a determination without first being trained on what they are doing. He is also concerned about the notion that we could make up multiple committees, because we would get a very different kind of deliberation. Although he is not necessarily in favor of adding more residents, he would much rather add more residents and have a larger committee than have committees that shift in and out for different cases.

His last concern is about residents serving on the Board. We have to be careful about the notion of residents in the area for two reasons. One is the Lincoln-Busey Corridor is an incredibly small area. He imagines that people think the residents must be single-family home-owners in the district. In fact, the proposed current language would allow a condominium owner. In affect, what we are doing, especially if we add two or more residents of that corridor, is giving a kind of localized control of neighbors to a very specific set of people with a very specific set of attributes to tell the rest of their neighbors what they can do. Chair Pollock added that some of them will also have very specific agendas in some instances.

Mr. Hopkins stated that one way to balance this is by the way we design the makeup of the Board. This is one of the reasons why we do not stack it. Therefore, he is reasonably comfortable with the current makeup of the proposed Design Review Board the way it is designed.

Ms. Stake asked if Mr. Hopkins wanted the developers being the ones with the power. Mr. Hopkins replied that there is only one developer being proposed to be on the Board, so they would not have the power. Ms. Stake feels that the developer goes along with the architect, etc. Chair Pollock commented that no matter what commission you are developing and no matter how you do it, it is by Council approval of a Mayor appointment. We need to assume that we have people working on City commissions and boards that work in the best interest of the public.

Mr. Hopkins argued that another way to think about the proposed Board is that it should have one rental property owner, one tenant, one single-family owner, one across the street owner, one future student trying to do finances and trying to find a place to live without high transportation costs, etc., because when talking about whose interests are being dealt with in this district, it is not just the single-family home owners living in the district. Ms. Stake replied that this is correct, but you can see that this has not been the high priority in the community.

Ms. Upah-Bant mentioned that she would like the conflict of interest defined because it is such a small area. Chair Pollock felt it would be very difficult to define this. In general, for one of the Plan Commission members to declare a conflict of interest, it is up to the individual member to make this determination, to declare a conflict of interest and to act accordingly. Mr. Hopkins believes that defining "*conflict of interest*" because the Lincoln-Busey Corridor is a small area and because of the way the board is being defined.

Ms. Karcher summarized the Plan Commission's concerns to be the following:

- 1) Board composition, how a quorum is defined, and how conflict of interest is defined and handled.
- 2) Notification requirements, and
- 3) Parameters or criteria for administrative decisions.

With no further comments by the Plan Commission, Chair Pollock continued the proposed text amendment case to a future meeting date.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Karcher reported on the following:

- ✦ **Rezoning and Comprehensive Plan Amendment for 502, 504 and 508 East Elm Street** were approved by City Council on September 15, 2008.
- ✦ **Meijer Subdivision Preliminary/Final Plat** was approved by City Council on September 15, 2008.
- ✦ **I-74/Lincoln Avenue Preliminary/Final Plat** was approved by City Council on September 15, 2008.
- ✦ **Beautification Corridor Plan for North Cunningham Avenue** was presented to the public and to City Council on October 20, 2008.
- ✦ **University Avenue Corridor Study and the White/Springfield Corridor Study Public Meeting** will be held at the Illinois Terminal. The City of Urbana has contracted with the Champaign County Regional Planning Commission to do the corridor study for the University section. The funding for the study is from an Illinois Department of Transportation (IDOT) grant.
- ✦ **Looking for Lincoln Ribbon Cutting** will be held on Tuesday, October 28, 2008 at 1:00 pm on the corner of Race and Main Streets.

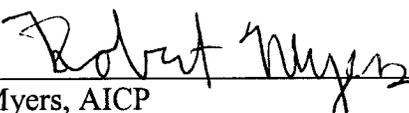
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: November 20, 2008

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Don White

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Rich Cahill, Paul Cheng, Paul Debevoc, Brad Gregorica, Hyun Kyang Lee, Shirley Stillinger, Susan Taylor, Crystal Whitters

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

The Chair called the meeting to order at 7:30 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 to approve the minutes of the October 23, 2008 meeting as presented. Ms. Upah-Bant seconded the motion. Robert Myers, Planning Manager, recommended the following change to the last paragraph on Page 3: Change "Carle" Park to "Crystal Lake" Park. The minutes of the October 23, 2008 were approved as corrected by unanimous voice vote.

4. COMMUNICATIONS

 Email from Georgia Morgan regarding Plan Case No. 2074-T-08

- ✚ Revised Article VI. Development Regulations of the Urbana Zoning Ordinance for Plan Case No. 2063-T-08

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Robert Myers, Planning Manager, presented an updated staff report for the proposed text amendment to the Plan Commission. First, City staff would be willing to add one more resident to the list of members of the Design Review Board. He advised the Plan Commission to think about this. This might increase the chances of the Plan Commission not being able to get a majority vote. An option would be to eliminate one of the professional board members such as the developer or the realtor. Second, staff noted that the language about the prohibition of an appeal of a joint decision of the Zoning Administrator and the Chair of the Board has been eliminated. Third, under administrative review, he recommended striking #3 (*Changing the floor area ratio of an existing principal structure by more than 5%*) from the list of criteria that should be met. Upon reflection, this criteria isn't necessarily related to exterior changes. For instance, attic space converted to a dwelling unit that would change the floor area ratio but would not change the exterior of the property. Most changes to the exterior would trigger a change to the footprint of the existing structure, and this would be covered under Criteria #2 (*Changing the building footprint of an existing principal structure greater than 15%*).

Mr. Grosser questioned what would happen if the Zoning Administrator and the Chair of the Board did not agree. Mr. Myers replied that the Zoning Administrator is designated with making the determinations on the Zoning Ordinance. Consultation with the chair of the Board is necessary, but ultimately the decision would be up to the Zoning Administrator. Like any decision in the Zoning Ordinance, the Zoning Administrator's decision can be appealed. He felt that especially given recent events, the Zoning Administrator will have a heightened sensitivity about whether or not a project is considered a major or minor work and when a project would go before the Board.

Ms. Stake commented that there is not any language in the proposed text amendment that tells them what a minor visible change is. Do other cities have administrative review or do development projects go directly to the Board? Mr. Myers replied that on Page 150 of the Zoning Ordinance, it states that if a project requires a building permit and can be seen from a public right-of-way or alley, if it is construction of a new principal structure, changing of building footprint of an existing principal structure greater than 15% and substantially changing the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Design Review Board Chair, then it will be considered a major work and go before the Design Review Board.

Many cities have administrative review. Some do not and every project goes to the Board. This is not something that City staff or the Board would want however, because there are many

projects that are minor works and do not need full review by the Board. It would take longer and is simply unnecessary. If the approval process is a burden to perform simple projects, then people will stop doing exterior maintenance and repairs on their homes.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing for public input.

Shirley Stillinger, of 1003 South Busey Avenue, mentioned that she lives in the middle of the Lincoln-Busey Corridor. She cannot come to grips with the makeup of the proposed Design Review Board. She does not see the rationale in having a developer serve on the Board. What role would they play? They could remove the developer and realtor and add two more residents and still have a seven member board.

Rich Cahill, of 307 South Orchard Street, stated that he sees many parallels between the proposed ordinance and the MOR ordinance. He finds it good with what City staff has clarified what would be considered for administrative review, but he also feels that there should be criteria regarding parking and another for the removal of trees. The problem with the notification process is that it is impossible to notify everyone when a project is being administratively reviewed. He did not see Urbana connected with the other municipalities mentioned in the chart on Page 2 of the written staff report. None of them, except maybe College Station, Texas, relate to Champaign-Urbana. He does not have an issue with the makeup of the proposed Design Review Board. He understands the purpose for having a developer and a realtor serve on the Board. He asked staff and Plan Commission to consider tightening up the Administrative Review section. He mentioned that he would like to see some of the changes in the proposed Ordinance be proposed to help fix some of the problems with the MOR Ordinance at a future time.

Paul Debevoc, of 708 West California Avenue, expressed his concern about the administrative review section. He talked about the four criteria that City staff is proposing to be met to determine whether a project could be administratively reviewed or whether it requires full review of the Design Review Board. He projected photos of different properties along West Green Street, including 601 West Green Street which is the property that has created much controversy in the MOR Zoning District. He questioned whether the proposed Ordinance for the Lincoln-Busey Corridor is more stringent than the existing MOR Ordinance. Chair Pollock asked if the redevelopment of the existing structure at 601 West Green Street would have required Board review under the proposed ordinance. Mr. Myers replied yes, he believes it would have.

Chair Pollock questioned if the parking behind 601 West Green Street would require Board review. Mr. Myers said that a parking increase would probably fall under the criteria of substantial change, but if the Plan Commission felt it would be helpful to clarify, then they could add another criteria regarding parking triggering Board review.

Ms. Stake inquired if a developer/property owner could change every side of a house without having the Board review the project. Mr. Myers said it would be possible, yes. For instance, they could install siding without going before the Board. They could also change out all of the windows without triggering Board review. However, if they bumped out all four sides of a

structure, then it might trigger Board review if it affects the footprint of the structure by more than 15%.

The Plan Commission discussed why the sides of 601 W Green were boarded up. Although it appeared as if there were not going to be any windows on the first floor, window openings were boarded just during construction. They also talked about the removal of trees. Chair Pollock asked if removal of trees would trigger Board review in the proposed text amendment. Mr. Myers said no because the City does not have a tree preservation ordinance.

Dick Brazee, of 905 South Busey Avenue, stated that he lives in the middle of the Lincoln-Busey Corridor. His property shares a corner of a property that started the issues with parking about four years ago. The issue at the time was the green space and the paving over that upset the residents in the area. He encouraged the Plan Commission and City staff to continue discussing loss of green space, installing parking lots, and removal of trees as triggering design review.

With no further comments from the public audience, Chair Pollock closed the public input portion of the hearing. He then opened it up for Plan Commission discussion.

Ms. Burriss stated that she applauds the work that has been done and understands why, but she is not convinced that the proposed ordinance is the right thing to do. This is not a direction in which she wants to go in, so she cannot support the proposed text amendment.

Mr. Hopkins felt that there is still more work to do on the proposed ordinance. He would not want this for his neighborhood for reasons that Ms. Burriss is talking about. Many of the things that he has done to his house and to his yard would not have been approved by a Design Review Board. Regarding the membership section of the proposed Ordinance, he finds it intriguing that in order to have a voice and serve on the proposed Design Review Board one must own a property in the district and live in it. This country long ago did away with property ownership requirements for participating in government. Also, he understands that the developer and realtor are positions to counter the notion that only single-family owner-occupants in the districts should have a voice. However, there are other ways to represent the rest of the community other than having a developer and a realtor serve on the board. Why isn't there a renter in the district serving on the board? We need to be really careful about the makeup of the membership. He recommended deleting the requirement of it being an owner-occupant who serves on the board.

Chair Pollock suggested changing the language on page 148 of the proposed Ordinance to read, *"Two residents of Urbana. The residents should include one representative from each design review district who owns ~~and~~ or occupies...."*. Mr. Hopkins stated that this raises a very interesting possibility because it suggests that it could be an owner of a rental property or it could be a renter in the rental property. However, making this change will completely change the politics of what people are trying to accomplish with the proposed Ordinance.

Ms. Stake believes that the problem started with the MOR Zoning District. The idea was to keep the history of the structures by leaving them as they were and not by demolishing them and rebuilding structures. That lowers adjacent property values because of the increase in the noise pollution, the increase in the number of vehicles and the decrease of open green space. She is

concerned about the 28% of properties in the district which are single-family, owner-occupied home owners.

Ms. Burris thought the assumption that renters do not care for their homes is absurd. It is the individuals who live in the structures that make the community, not the people who own them. Ms. Stake replied that she is talking about developers coming in and tearing down the existing structures to build something else. Chair Pollock pointed out that the proposed Ordinance does not change the zoning, so it does not ensure that a structure will not be torn down and something else built in its place if the zoning is appropriate.

Chair Pollock stated that from the discussions they have held so far regarding the proposed text amendment, he wonders what the goal of the proposed text amendment is. Why has it come before the Plan Commission? What is the ultimate goal that they are trying to achieve by passing this kind of legislation? It appears that the Plan Commission members, City staff and the public are not in concert on the answer to these questions. Mr. Myers replied that in the fall of 2006, City Council directed City staff to pursue six strategies to improve the quality of life in West Urbana and other neighborhoods. One of the six strategies was design review in the Lincoln-Busey Corridor. Although the vast majority of the West Urbana Neighborhood was down zoned in the early 1990s – meaning that not much more could be built within the neighborhood -- the Lincoln-Busey Corridor was not rezoned. The zoning is still mixed in the Lincoln-Busey Corridor and there are still some higher zoned properties with less intensive uses. Chair Pollock noted that there were in fact a few properties in the Lincoln-Busey Corridor that were down zoned. If the intention is to prevent large scale development in the mixed area, then they need to ask themselves if the proposed text amendment will accomplish this goal. Mr. Myers pointed out the proposed design guidelines are not intended to prevent large scale development, but that if it happens it should respect its neighbors.

Mr. Hopkins stated that the reason the Lincoln-Busey Corridor is of focus is because it is a transition point. It is the border where things change from one thing to something else. It is also a transition in that it is changing. Therefore, he sees the proposed design guidelines and text amendment as a guide to ensure that the changes would be more acceptable to everyone, but it is not designed to stop change.

Mr. Fitch agreed with Mr. Hopkins. He stated that although he could not speak to the Lincoln-Busey area, but he could speak about the next area to possibly use the design guidelines, which is in the Historic East Urbana Neighborhood. Zoning is the key. Design guidelines just guide the development of new structures to fit in more.

He likes the makeup of the proposed Design Review Board. He would accept changing the wording from “property owner” to “resident” in the language of the proposed ordinance that talks about the makeup of the board.

Mr. Grosser agreed with the discussions of the Plan Commission. He addressed Ms. Stillinger’s question about why a developer would serve on the proposed board. A developer can help answer questions about what the possibilities could be other than what is being proposed on a site plan. A developer offers the logistics of what it means to develop a piece of property.

Having said that, he did not see the purpose for having a real estate professional serve on the Board. He agrees with Mr. Hopkins about not restricting the resident board members to only property owners. A characteristic of this area is that many people who live in the area do not own property. So it would make sense to change “and” to “or.” He also would not want this in his neighborhood. However, he feels that it is important that the characteristics of this particular small passage of the City are pretty unique. The people who live in the Lincoln-Busey Corridor want the proposed text amendment as well.

Mr. Fitch suggested the following. Rather than striking #3 in G.4 Applications, they could add to the end “*that substantially change the appearance.*” Second, add language to #4 in G.4, so that it reads as such, “*Substantially changing the appearance and/or scale of an existing building including the building, grounds and parking, as determined by the Zoning Administrator...*”. Third, include language that requires the Zoning Administrator to report any administrative review to the Design Review Board, and provides a mechanism for the Design Review Board to override the Zoning Administrator’s decision forcing the application process and the Board’s consideration.

Mr. Grosser wondered how this would be different from having every project go before the Design Review Board. Mr. Myers responded that Mr. Fitch’s third suggestion would cause the building permit application to delay acting on the permit until the next Board meeting, just to insure that administrative approval wasn’t overridden. This could mean a delay of a month or so for the Board to meet.

In terms of Mr. Fitch’s second recommendation, Mr. Myers said that a building permit application is the trigger for review. A developer and/or property owner would be required to obtain a building permit for everything we’ve discussed except the removal of trees, because the City does not have a tree preservation ordinance. Parking lots have not always required building permits, but this changed about a year ago and are now required.

Ms. Stake inquired about administrative review. Would the developer/property owner still need to show what they are planning to do? Mr. Myers said yes. They would need to submit an application and the application would have to meet the design guidelines. It would also need to include a site plan of what the project would look like when finished.

Ms. Stake commented that maybe the Design Review Board could meet more than once a month. Mr. Myers replied that we do not want to discourage maintenance and repair. If someone is performing a minor repair such as reroofing a house with exactly the same kind of asphalt shingles, do we really want to take up the Board’s time to review it? There is a lot of work that goes on behind the scene. City staff prepares and sends out 60 copies of the packets, notices are published in the *News-Gazette*, hours of preparation of minutes, etc. He suggested that based on comments tonight that parking be added as triggering board review. He feels that along with the other proposed criteria it would catch any major or even medium development project and require it to go before the Board.

Chair Pollock asked if there was any objection to striking #3 criteria (floor area ratio) from the list as recommended by Mr. Myers during his staff presentation. Mr. Hopkins stated that if they

strike #3 from the list, then a case like 601 West Green Street does not necessarily trigger Board review, because the building footprint could be interpreted to include all of the porches. So, if you take all of the porches, it could double the footprint of the building. If you do not have any indicator based on floor area ratio, then there is nothing to trigger with respect to that. So he would be inclined to include such a trigger. But he also feels that 5% may be too small as a change in floor area ratio.

Chair Pollock asked the members of the Plan Commission if they want to send this back to the City staff to make changes, then what do they want to change?

Mr. Hopkins discussed the following issues:

1) G-1 – He feels that this implies that a developer/property owner has to apply for a design review application anywhere in the City. In actuality, it only applies in a design review district. It also begs for a cross reference, where any general rules about applying for a building permit ought to indicate that if a person is applying for a building permit in a design review district, then they are required to apply for design review. They need to either assume or specify that this only applies to projects that require a building permit, and that this is an additional component of a building permit in particular districts. We also need to get the right set of labels associated with triggering this because a building permit does not include plumbing or electrical.

2) G-4a – He suggested changing the language to read as such, “*Design Review Board Review. Applications for the following projects, and ~~where~~ if visible from public rights-of-way other than alleys, shall be subject to review by the Design Review Board.*” On the other hand, he did not believe that this phrase should be included because it begs a whole lot of additional complications that they do not want to deal with. How do they decide if something is visible?

3) Zoning Administrator’s Decisions – There are two types of decisions that the Zoning Administrator can make. The first one is whether a project needs to go before the Board or not. The second is the actual design review decision. He believes that the Zoning Administrator should report a project to the Design Review Board immediately if she decides that it only requires administrative review. Then the Board members could decide to override her decision and require review by the Board. This process would be different than informing the Board of an administrative decision by the Zoning Administrator and the Chair after a building permit has been issued. He pointed out that you cannot make a building permit retractable a month later when the Board finally meets. This would also help clarify what decision of the Zoning Administrator is appealable. The administrative decision of approval of a project does need to be reported, because it is appealable to the Zoning Board of Appeals. Therefore, he feels that the procedural steps need to be clarified.

Mr. Myers stated that the Zoning Administrator makes literally thousands of administrative decisions a year – day in and day out. Permits are issued. Every single day there are dozens of issues that administrative decisions are made on whether or not they meet the Zoning Ordinance or not. He advised against having to notify everyone of all administrative decision made in the district but said that it shouldn’t be a problem just to report to the Board joint determinations of Zoning Administrator and the Chair on design review applications.

Mr. Grosser believed that there should not be any recourse by the Board. So many of the decisions are going to be things that the Board does not want to see or know about. This is the reason why City staff is suggesting that they be administrative review. The answer is to make the administrative review criteria strong, so we are confident that nothing controversial will slip through. We could certainly have the Zoning Administrator report to the Board, the same way City staff reports to the Plan Commission at the end of the meeting. Chair Pollock agreed that by giving the Board the ability to override the joint decision of the Zoning Administrator and the Chair of the Board, they would be compromising the Zoning Administrator's ability to make administrative decisions.

Chair Pollock took a poll to see how many of the Plan Commission members felt the floor area ratio percentage should be higher than 5%. The majority of the Plan Commission agreed.

Chair Pollock took a poll to see how many of the Plan Commission members felt that there should be an additional criteria triggering Board review of parking lots. All of the Plan Commissioners agreed.

Mr. Fitch thought J.2 Application Review Criteria should specify that new guidelines should be reviewed by the Plan Commission as well as amendments to the old guidelines. Mr. Myers stated that he would add that.

Mr. Grosser asked if the design guidelines are part of the ordinance or will it get passed separately. Mr. Myers explained that the design guidelines would be passed at the same time as the Ordinance, except it would be assigned a separate ordinance number.

Ms. Stake inquired about the makeup of the Board again. Mr. Grosser suggested removing the realtor from the list of members. Ms. Upah-Bant believed it might be appropriate to have a real estate agent on the Board, because it would affect their colleagues' income. Mr. Fitch added that a real estate agent could be beneficial in that they could give input as to how a development project would affect the value of the properties around the project site. There was a split in the Plan Commission about whether or not the real estate agent should be removed from the list.

Regarding changing "and" to "or" in C.d.b on Page 148, Mr. Myers pointed out that the current proposed language states that it "should" be single-family owner-occupied residents in the district, but that does not require the two residents to be single-family owner-occupied residents in the district. If they make the requirements too specific, then it makes it more difficult to find people willing to serve on the Board. The majority of the Plan Commission agreed with the language change from "and" to "resident, owner or tenant".

Mr. Fitch asked City staff for a count of the number of building permits that were issued in the Lincoln-Busey Corridor over the last year. Mr. Myers said that they could supply that information for the Board.

Mr. Hopkins raised an issue about the word "should" versus "shall." He did not feel that most of the people would recognize what "should" really means in terms of an ordinance. Chair Pollock

pointed out that it does not say “*must*” and it leaves some leeway for the Mayor to make sure the Board has enough people to function if there are not residents willing to serve.

With no further discussion, Chair Pollock continued this case to the next scheduled meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed changes through Article II when Robert Myers, Planning Manager, suggested continuing this case to the next scheduled meeting to allow time for the staff report on the Cunningham Avenue Beautification Plan, which is scheduled to go before City Council on December 1, 2008.

Chair Pollock asked Plan Commission members to read through the staff report and attachments related to the proposed text amendment. Rather than Mr. Engstrom going through each revision one by one at the next scheduled meeting, the Plan Commission should come prepared with specific questions or concerns. The Plan Commission agreed, and the case was continued to the next scheduled meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

Paul Debevoc, of 708 West California Avenue, talked about the proposed omnibus text amendment for the Urbana Zoning Ordinance in Plan Case No. 2063-T-08. He stated that it is a very long document and very hard for a single individual to review all of it.

Listed below are some of his suggestions:

- ◆ City staff should come up with some mechanism to have someone sign off on every page of the proposed ordinance.
- ◆ He also believes that regarding the zoning map, there should be some list or map available to the public indicating all of the non-conforming properties in the city. There is no easy way to get this information.
- ◆ It would be helpful to have a connection to the Assessor’s database to make it easier to get information regarding properties.

- ◆ An authorized copy of the Zoning Ordinance should be available at the Urbana Free Library.
- ◆ Some typos that need to be looked at:
 - ◆ Figure 1 (Floor Area Ratio) and Figure 2 (Open Space Ratio) – The drawings should be accurate.
 - ◆ Table V-1 (Table of Uses) – Is agriculture really a permitted use in the R-1, R-2, R-3, R-4, R-5, R-6 and R-6B Zoning Districts?
 - ◆ Formula for parking space calculation should be looked at again, because it did not calculate correctly.

Regarding open space ratio (OSR) illustration in the definition section, Mr. Myers stated that a certain percentage of a roof and balconies are included into the OSR. There could be a courtyard on the roof designed for people's use. Also, agricultural uses are permitted use in the R-1, R-2, R-3, R-4, R-5, R-6 and R-6B Zoning Districts. This is not a mistake.

10. STAFF REPORT

Mr. Myers reported on the following:

- ✚ Crystal Lake Neighborhood Plan was adopted by the City Council on November 17, 2008 as an element of the Comprehensive Plan.

11. STUDY SESSION

Review and Comment on the Cunningham Avenue Beautification Final Report

Ryan Brault, Redevelopment Specialist in the Economic Development Division, presented the final draft of the Cunningham Avenue Beautification Plan to the Plan Commission. He gave a brief introduction and provided background information on the proposed plan. He reviewed the general recommendations and design elements of the plan. He talked about the planning implications and the financial impact.

Chair Pollock inquired about the roundabout that the consultants propose for the intersection at Country Club Road/Perkins Road and Cunningham Avenue. He felt this should be stricken from the plan because it would be a disaster. Mr. Brault responded that the roundabout was identified in the plan as an alternative and which the Illinois Department of Transportation (IDOT) would most probably not allow it to be constructed anyway.

Ms. Stake felt it was wonderful to put in public art and planting trees. She asked if they would use trees indigenous to Illinois. Mr. Brault replied that the plan calls for native plantings. The plan would be to use trees that are indigenous to our specific area.

Mr. Grosser felt it important to clarify that the public art recommendations in the report are only suggestions or possibilities. Decisions on specific art would be up to the Public Arts Commission. Mr. Brault explained that every concept in the plan is a suggestion and is not mandatory. It is a concept plan which is intended to be visionary. However, the plan does

provide a design theme, and City staff does want to try to make real ideas fit the theme of the plan.

He pointed out that the public art piece shown extending over Interstate 74 would most likely not be allowed by IDOT as illustrated. IDOT does not want to allow anything in the right-of-way that would be distracting to drivers as they travel over the bridge. IDOT is willing to work with the City on doing other improvements. For instance, IDOT would allow art work that is affixed to the retainer walls on the sides of bridges. It is integral to the bridge, and it is basically decorative railings and landscaping around the bridge.

Mr. Hopkins mentioned that the new bridge on Curtis Road and Interstate 57 supposedly has some of these features. He asked who is spending their money this way. His reaction is that if he was considering how to spend the City budget or a TIF (Tax Increment Finance) budget to which he was contributing as a developer or a land owner, the priorities do not make sense to him. He does not see why park benches should be installed on what is not -- and probably should not be -- a pedestrian corridor.

Chair Pollock asked if a TIF District is not designed to eliminate blight and promote economic development using the tax funds within the district to pay for the improvements. Mr. Brault said yes. Chair Pollock commented that he did not see that the recommendations in the proposed plan do either one of these. It is very nice to look though.

Chair Pollock inquired as to how much it cost the City to do the study. Mr. Brault said it was around \$100,000. Mr. Pollock said that municipalities across the country are suffering because of the current economic situation. It is liable to get worse. He would ask that the City Council question where they spend all revenues such as TIF funds, including the \$100,000 it cost to hire a consultant to draw up the proposed plan. Although he likes some of the ideas that the consultants have come up with, he questions whether this is the best place for the City to be dedicating its shrinking resources.

Mr. Brault stated that he will take the Plan Commission's comments and concerns to the City Council. They have already had an opportunity to study the proposed plan in draft form.

Chair Pollock questioned how much money was spent on the plan to prepare drawings and plans for elements that IDOT has never had any intention of approving. He could never imagine IDOT allowing a roundabout on a four lane major access point into Urbana. Mr. Brault replied that the consultants have done roundabouts in other cities. Mr. Hopkins added that the reason IDOT will not allow a roundabout at this intersection is not because it should not be there, but because people in places like Urbana do not know how to use roundabouts. Elsewhere roundabouts work efficiently, even on four lane highways. Mr. Brault pointed out that even the City of Urbana's Public Works Department was skeptical about the roundabout, which is why City staff insisted that the consultant use other intersection treatments in the proposed plan. The consultant and City staff did not receive feedback from IDOT until after the plan was well underway.

Chair Pollock questioned if City staff has any idea of how much funding and matching funding might be available from the state and/or federal government. What would the remaining amount

of cost be for the City of Urbana? Mr. Brault stated that there is not a definite answer at this time. There may be some grants available. Chair Pollock commented that there would be several million dollars at the responsibility of the City, and it would need to be budgeted within the CIP (Capital Improvement Plan). In the face of the other things that the City needs to do -- in terms of infrastructure, repair and maintenance -- he questions whether this would be a wise expenditure. Mr. Brault remarked that there would also need to be much more investment along Cunningham Avenue before the City would be able to have enough TIF funds to implement this plan. The plan is really meant to provide various idea that the City can pick and choose from to have the most impact and be the most beneficial to the City.

Chair Pollock stated that he did not want to be too harsh and rain on anyone's parade because there are some elements in the proposed plan that would help the Cunningham Avenue Corridor that could be done relatively inexpensive. However, on each step of this, he would ask the question in terms of use of TIF funds, what really is the payback in terms of development and increase in tax revenue within the district for what the expected use of the funds is suppose to be.

Mr. Fitch agreed with the commentary. He asked if any of the merchants along Cunningham Avenue had expressed any opposition about driveway closures. Mr. Brault said no. City staff presented the proposed plan in draft form at one of the North Cunningham neighborhood business group meetings. None of the business owners expressed concern about this. It only refers to unused and unnecessary driveways.

With no further comment, the study session ended.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:16 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: December 4, 2008

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: none

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Merl and Phyllis Mennenga, Susan Taylor, Jane Tigan

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

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

2. CHANGES TO THE AGENDA

Chair Pollock suggested changing the order of the agenda. The first change is to move Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 under Item 7. The second change is to follow these two cases with Plan Case No. 2063-T-08 under 5, Continued Public Hearings. Lastly, the Plan Commission will consider Plan Case No. 2074-T-08. With no objections from the other members of the Plan Commission, these changes were approved.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the November 20, 2008 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- ✚ Memo from Jack Waaler regarding Plan Case No. 2063-T-08
- ✚ Revised Table VIII-3, Widths for Access Drives (Plan Case No. 2063-T-08)
- ✚ Revised Section XI-15, Design Review Board (Plan Case No. 2074-T-08)

5. NEW PUBLIC HEARINGS

Annexation Case No. 2008-A-04: Annexation agreement between the City of Urbana and Mennenga Construction, Inc. for a 0.21-acre tract of property at 109 Country Club Road.

Plan Case No. 2091-M-08: A request to rezone a 0.21-acre tract of property at 109 Country Club Road from Champaign County R-1, Single Family Residential Zoning District to City R-3, Single and Two-Family Residential Zoning District upon annexation.

Rebecca Bird, Associate Planner, presented these two cases together to the Plan Commission. She began by briefly introducing the purpose for the proposed annexation agreement and rezoning requests and by providing background information on the proposed site. She talked about the proposed zoning of the property and reviewed the La Salle National Bank criterion that pertains to the proposed rezoning request. The closest portion of the City, about 600 feet away, is zoned R-3, Single and Two Family Residential, which allows duplexes by right if the property meets certain minimum standards. She reviewed the options of the Plan Commission and presented staff's recommendation for both cases.

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. No one spoke.

Mr. White noticed that the surrounding properties in the County are single-family residential. Ms. Bird pointed out that the property directly to the west is a duplex. Merl Mennenga, Mennenga Construction, Inc., clarified that there are two duplexes immediately to the west of the proposed site.

Ms. Stake wondered how the two duplexes were allowed in a single-family residential zoning district. Ms. Bird that the duplexes may have also been built prior to the change in the County R-1 Zoning District, which now restricts duplexes, or the duplexes might have obtained special use permits in the County under the current zoning.

Ms. Stake commented that none of the maps show what the surrounding properties are zoned in the County. Is it all single-family residential except for the two properties with duplexes on them? Mr. Myers said that prior to this request, the Mennengas applied with Champaign County for a Special Use Permit so they could hear any concerns from their neighbors. Champaign County approved the Special Use Permit application to construct a duplex; however, due to sewer service permit requirements, the petitioner cannot act upon the Special Use Permit until they get an annexation agreement with the City.

Ms. Stake stated that it appears there are still properties available to build on. Is this correct? Mr. Mennenga answered by saying that all of the lots have buildings on them. There are no

vacant lots. Ms. Stake asked if more duplexes could be built on the empty space of each lot. Mr. Myers said that the County allows only one primary structure per lot.

Ms. Upah-Bant inquired as to whether the duplexes to the west were hooked up to the sanitary sewer. Mr. Mennenga replied that the duplexes to the west are in the County.

Ms. Upah-Bant did not understand why they needed to bring this property into the City. She does not like having spot annexations. Mr. Myers explained that the proposed property would not actually come into the City unless the City's boundaries reached the property at some point in the future. The annexation agreement is required because the City of Champaign and the City of Urbana have agreements with the Sanitary District that they will not provide any permits to connect to the sewer system unless a property is either annexed or has an annexation agreement with the appropriate City.

With no further comment or concerns from the public, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Grosser moved that the Plan Commission forward Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 to the City Council with a recommendation for approval. Ms. Stake seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

Mr. Myers noted that these cases would be presented to City Council along with the Plan Commission's recommendation on December 15, 2008.

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed major changes to the Zoning Ordinance. They are as follows:

Article IV. Districts and Boundaries

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article V. Use Regulations

1. *Section VI.3.E* – Remove vehicle repair from the list of allowed home occupations. There are several caveats in the Zoning Ordinance that people who have home occupation permits allowing them to perform vehicular repairs are suppose to follow, but the regulations are very hard to follow. Therefore, it generally creates a nuisance for the adjacent neighbors. Many other cities in the State of Illinois do not allow vehicular repair as a home occupation use.

Mr. Myers added that City staff has received a number of complaints about zoning violations occurring at residences regarding vehicular repair. Many times, the property owners do not have home occupation permits to perform this type of service.

Mr. Grosser wondered if by removing automobile repair as a home occupation use, would it get rid of the option for someone to do an occasional minor or small repair for someone else in their garage and make money. If he wants to help a friend fix their motorcycle in his garage, will this change prohibit that? Mr. Engstrom replied that if he was planning to apply for a home occupation permit to be able to fix motorcycles in his garage at home, then yes it would.

Mr. Engstrom continued with his staff presentation.

Article V-1. Table of Uses

1. Replace older terms with more modern terms
2. Add schools as a special use under Public and Quasi-Public in the B-4 Zoning District. This is currently not permitted at all.
3. Under Miscellaneous Business, permit shopping centers by right in the B-3 Zoning District and as a special use in the Campus Commercial District (CCD) Zoning District.

Mr. Hopkins did not feel it is that simple to permit shopping centers by right in the B-3 Zoning District and as a special use in the CCD Zoning District. He feels it would depend on parking requirements and other things associated with parking in a shopping center. Mr. Engstrom stated that City staff has taken this into consideration. Parking for shopping centers has usually been easily worked out.

Mr. Hopkins recommended putting the list of uses in alphabetical order to make it easier to look them up.

Mr. Engstrom continued with his presentation by discussing the following:

4. Add “*recycling center*” as a special use in Industrial zoning districts.
5. Move “automobile salvage yard (junkyard)” to require a special use permit instead of a conditional use.

Chair Pollock questioned whether staff plans to include a definition of “*recycling center*” in the Zoning Ordinance. Mr. Engstrom replied no. Mr. Myers stated that there is currently a definition for “*junk*” but not “*recycling center*.”

Mr. White inquired as to the difference between a “*junkyard*” and a “*recycling center*.” Mr. Engstrom read the definition of “*salvage yard*” for clarification.

Mr. Engstrom continued pointing out the major changes being proposed, which are as follows:

Article VI. Development Regulations

Section VI-5.B.13 Yards - Revise to add ground mounted solar panels as an exception to be allowed within side and rear yards. These are currently considered a mechanical device and therefore currently not allowed in required yards.

Mr. Fitch asked if there is a width limit for the solar panels. Someone could conceivably install a wall of solar panels in a side yard, for instance. Mr. Engstrom stated that when he was researching solar panels, he did not find any other cities that have a width limit. One is not proposed here.

Section VI-5.E.2 Yards – Mr. Engstrom stated that staff is proposing to clarify a long-standing interpretation regarding vehicles for sale being allowed to encroach up to five feet into the required front yard if they are properly screened. This is what the City allows for any other parking area. Mr. Myers added that this revision specifically has to do with cars. Basically, a business owner is not allowed to store or display merchandise outdoors in the front yard setback. However, what is the difference between a parked car for sale and a parked car for a customer in terms of visually? This is the reason why they are proposing to change this.

Section VI-6.A Screening – Staff is proposing to convert most of the text into tables to make it easier to understand and use.

Section VI-6.C and D Screening – Add proposed language to require screening for new trash containers and for ground mounted mechanical equipment.

Mr. Grosser recommended spelling out OSR (Open Space Ratio) and FAR (Floor Area Ratio) to City staff.

Mr. Hopkins commented that in Footnote 17, seventy-five feet seems high for a building or structure. Is this building height limit new? Mr. Engstrom explained that it is only a verbatim transposition of Section VI-2.B. This is not new language being proposed.

Mr. Hopkins stated that the wording in Footnote 17 is odd in that it refers to uses permitted, and yet most of the uses, except schools, require a special use permit in the R-2, R-3 and R-4 Zoning Districts. Seventy-five feet equals six or seven stories. A six or seven-story building in an R-2 Zoning District, where a large portion is usually single-family houses, would be a pretty big building.

Chair Pollock inquired as to whether schools are subject to zoning regulations. Mr. Myers replied that in terms of building codes, there is a state building code that schools are required to follow. The City does not issue building permits for schools because the State of Illinois does that. In terms of zoning, the City's position is that buildings constructed by a government agency must comply with the City's zoning.

Mr. Hopkins commented that he was not proposing to make a change to the proposed text amendment. However, the City might want to research this issue and make a change to it in the future. He does not want to hold the proposed case up for this issue.

Mr. Engstrom continued with the staff presentation by talking about the following:

Article VII. Standards and Procedures for Conditional and Special Uses

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article VIII. Parking and Access

Table VIII-3. Widths for Access Drives – Staff is proposing to add duplexes to the category that would allow a minimum of 9 feet wide driveways. This would be consistent with the provision that allows duplexes and single-family homes to have vehicles back out onto the streets rather than have to turn around and have a two-way drive.

Section VIII-7. Bicycle Parking – Includes some changes that were recommended in the Bicycle Master Plan.

Mr. Fitch asked about the change to daycare facilities. Does the change alter the meaning of “*daycare facility*” or is it simply adding “*daycare facility*” to Table VIII-7. Parking Requirements by Use? Mr. Engstrom replied that it would be simply add it back into the table. He explained that it was previously in the table but inadvertently removed.

Article IX. Comprehensive Sign Regulations and Article X. Nonconformities

There were no major changes. With no questions from the Plan Commission members regarding changes to these Articles, Mr. Engstrom continued with staff presentation.

Article XI. Administration, Enforcement, Amendments and Fees

Section XI-10.B – City staff proposes to add the notification requirement back into the Zoning Ordinance.

Mr. Myers explained that this is the essential notice performed for all zoning cases. City staff has been following this procedure for years. About two years ago when the Zoning Ordinance was last republished, this language was inadvertently struck. Regardless, City staff has continued to do the same noticing and meeting all the state requirements. Staff realized during

this text amendment process that the language had been removed and will be reinserting it exactly as it was before.

Section XI-12.C – Make some minor word substitutions.

Chair Pollock asked if “*owner-occupant*” refers to owner or occupant or to someone who owns and occupies. Mr. Engstrom stated that it is intended to mean someone who owns and occupies a property in the MOR (Mixed Office Residential) Zoning District.

Section XI-12.E – Change language to allow the MOR DRB (Development Review Board) to meet as needed, rather than monthly.

Section XI-12.F – Change language to allow site plan approval by a simple majority.

Mr. Myers pointed out that the current voting requirements, which require a two-thirds majority vote in favor of approval, have made it impossible to get site plans approved. Since denied cases automatically get appealed to the Zoning Board of Appeals, all the applications have gone to the ZBA. None of the other boards and commissions requires a two-thirds majority vote to approve applications. There needs to be a process in place where the MOR DRB can actually improve plans that are being proposed. If the process is set up so the Board can never pass anything, then can they really improve anything?

Ms. Stake wondered if this is because people do not come to the meetings or is it because of this rule. Mr. Myers stated that it is because of the two-thirds majority rule. There have been times when a majority of the Board members have voted to approve site plans, but because they did not receive a two-thirds majority vote in favor of approval, the site plan request was denied.

Section XI-12.H – Make an appeal of a site plan that is not approved by the MOR DRB to be optional to the applicant. A site plan denied by the ZBA should not automatically be appealed to the Zoning Board of Appeals.

Article XII. Historic Preservation and Article XIII. Special Development Provisions

There were no major changes.

Mr. Engstrom stated that this was the end of staff presentation.

Mr. Grosser asked if City staff has ever received any complaints about a home occupation auto repair business that met all of the conditions of the Zoning Ordinance. Mr. Engstrom replied that during his tenure with the City of Urbana, there has never been an active home occupation automobile repair business. All of the home businesses of this type that he knows about are operating without a home occupation permit.

Mr. Grosser wondered what City staff’s rationale is for removing auto repair as a home occupation use. Mr. Engstrom stated that property owners would not be able to comply with the current regulations. Some of the regulations include the following: 1) only allowed to work on one vehicle at a time and 2) cannot have any other vehicles on their property or on the street.

Mr. Myers added that practically speaking; a vehicle repair business in a residential area is not compatible. Constant problems are revving of engines, cars being worked on outdoors instead of in a garage, car parts outdoors, extra cars parked on the street – that’s a common complaint – engine oil, etc. The last home car repair in Urbana the City dealt with turned out to be a drug house, but in fairness that’s not necessarily because of the type of home occupation.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. With no comments or concerns from the audience, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2063-T-08 to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Grosser did not feel it made sense to remove the auto repair home occupation permit use. At best, it would only penalize anyone who would like to do something that follows all of the rules. City staff has only told them about examples of when people were not following the rules and in fact were not permitted at all. It makes sense to make this a permitted use that could then be enforced than to strike the option entirely. So, he moved to amend the main motion to restore the language in Article V.13.E. Ms. Stake seconded the motion to amend.

Ms. Stake stated that it seems like it would be a chance for some people to have a small business as long as they stay within the rules.

Mr. Hopkins could not envision how a person could come out ahead in such a business and stay within the rules. No major automobile repairs are permitted. He would assume this would exclude most of the repairs that one could make any significant money on in a small shop. No queuing of vehicles outside, which means an auto repair shop owner would have to get rid of the vehicle he just finished working on prior to getting another vehicle to work on. So, he believes that if a person is only going to make \$500 a year doing these types of repairs, then that person is not going to bother to apply for a permit or cause a nuisance. The only people who will bother applying for home occupation permits are the ones who plan to make more than a few hundred dollars per year.

Mr. White agreed with Mr. Hopkins. He added that getting the City to enforce the rules is another issue. If they allow a home auto repair, he would not trust the City to enforce that the rules are being followed. The reason he says this is because there are other ordinances that are not enforced to some extent or another. So, he would assume to take it out altogether.

Mr. Fitch read the definition of major automobile repair. Many of the repairs mentioned remind him more of a body shop service. Mr. Engstrom then read the definition of minor automobile repair.

Mr. Grosser commented that on the viability of this kind of activity, there are different levels of viability depending on what someone does for a living or has available for time. He could envision someone having an interest in this as a hobby. Regarding enforcement, of course City

staff is not going to go all over the City looking for violations. This is something that would be triggered by a neighbor who would call and complain. One reason he would prefer the language to be left in allowing automobile repair as a home occupation use rather than what is being suggested, which is for people to go ahead and do it against the law, is that a neighbor could use knowledge of a fellow neighbor's activity (repairing automobiles out of their garage) to harass that neighbor.

Ms. Upah-Bant inquired as to how much a home occupation permit costs. Mr. Engstrom said \$25 which is a one-time fee.

Ms. Upah-Bant wants to know what the City will do if someone fixes her car in their garage for pay. Mr. Engstrom stated that City staff would consider it a use violation. Staff would send out a letter and try to keep an eye on the property. If it happened again, then staff might issue some fines. Mr. Hopkins added that there is still a way to enforce, because it would be illegal. Mr. Grosser agreed that there is a way to enforce even if the auto repair use is allowed as a home occupation. He remarked that this is why he is suggesting that it be added back in, because by removing it, no one would be able to work on vehicles in their garages or driveways. They have not heard about people who are following the law, so he did not understand why the City would want to take away their option. Ms. Upah-Bant and Ms. Burris both agreed with Mr. Grosser.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend passed by a 6-2 vote.

Roll call on the main motion as amended was as follows:

| | | | | | |
|---------------|---|-----|-------------|---|------|
| Ms. Burris | - | Yes | Mr. Fitch | - | Yes |
| Mr. Grosser | - | Yes | Mr. Hopkins | - | Yes |
| Mr. Pollock | - | Yes | Ms. Stake | - | Yes |
| Ms. Upah-Bant | - | Yes | Mr. White | - | Yes' |

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before the City Council on December 15, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner/Historic Preservation Planner, presented a brief update to the staff report. She reported on the changes made since the last meeting. Those changes include:

- Adding one additional resident to the Design Review Board membership
- Expanding the language to include the installation or enlarging of a parking lot as one of the types of projects that would require review

- Adding language to further clarify what types of projects are subject to what level of review
- Adding language requiring new and amended guidelines to be reviewed by the Plan Commission.

She noted staff's recommendation, which is that *the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval of the Lincoln-Busey Design Guidelines, approval of the Zoning Ordinance text amendment as written in the handout listed under Communications of these minutes, and approval of the Lincoln-Busey Corridor Design Review Overlay District.*

Regarding Section XI-15.F.3, Chair Pollock requested that staff clarify the meaning of the additional language, "...*but in no case shall action be taken by less than 4 votes*" as suggested in the handout. Does this mean that there must be four votes in favor of an action to pass? Or does this simply require four members to vote and a 3-1 vote would pass a motion?

Mr. Grosser pointed out a typographical error on Page 148 under Section XI-15.C.d.b. "*Three*" should be "*Four*" with the revised language adding an additional member. Mr. Hopkins also pointed out that the language in Section XI-15.H.2 and F.3 should be consistent. He pointed out that it is also unclear about whether an abstaining member of the Design Review Board is included in the vote. To be consistent with the MOR Development Review Board, and what was just approved in the previous text amendment, he agreed that an abstaining member should not be included in the vote. He suggested that it read, "*Approval of an application shall require a majority vote of those members present and not abstaining, but in no case shall action be taken by fewer than 4 votes in total.*"

Mr. Hopkins agreed.

Ms. Stake moved that they should change the language in Section XI-15.C.1.d.b to read, "...*The residents ~~should~~ shall include a representative from each design review district who owns ~~or~~ and occupies a residence in the district. If there is only one design review district, other residents ~~should~~ shall own or occupy a residence elsewhere in the ~~City~~ district.*" Ms. Upah-Bant seconded the motion.

Ms. Stake feels it is only fair to have at least one person who owns a home in the district to serve on the board. She believes that a person who lives in the district will be more concerned about what happens in the district than say a real estate agent or a local developer.

Chair Pollock commented that a motion was premature since the Plan Commission had not yet held public discussion on this case yet. The motion and second were withdrawn.

Chair Pollock then asked if there were any more questions from the Plan Commission members for City staff.

Ms. Stake wondered why City staff changed the percentage of an increase in the floor area ratio (FAR) of a building used to determine further review of submitted redevelopment plans by the Design Review Board from 5% to 15%. Robert Myers replied that staff was following through

with a request by the Plan Commission to increase the percentage. The Plan Commission has the could change the percentage.

Ms. Stake inquired as to the difference between the FAR (floor area ratio) and the footprint of a building. Mr. Myers explained that the footprint is the outline of the building on a lot. Typically, the footprint includes any portion of the building that touches the ground or extends below the ground. The FAR is the ratio between the total square footage of the building and the lot area. The FAR comes into play because it essentially defines how tall the building can be in the relationship to the lot.

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

Mr. Grosser would not like to have eight members for the Design Review Board. It gives more power to deny a case. On a seven-member board, it takes four votes to approve or deny a motion. However, on an eight-member board, it takes four votes to deny and give votes to approve.

Chair Pollock pointed out that the eighth person came from the Plan Commission's desire to have more residential representation on the board. Mr. Grosser responded that he understood this, and he mentioned that he did not feel strongly about what a real estate agent could bring to the board.

MAIN MOTION

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

AMENDMENT #1

Mr. Grosser moved to amend the motion by removing the real estate agent from the list of Design Review Board members and keeping it a seven member board in Section XI-15.C.1.d.a (Page 148). Ms. Stake seconded the motion.

Mr. White commented that a real estate professional would be very objective. Ms. Stake pointed out that several citizens have testified at previous meetings expressing their desire to get rid of the real estate agent. She did not feel that a real estate agent was needed either. There is a developer and that is enough.

Roll call on the amendment was as follows:

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

The motion to amend failed by a vote of 4 – 4.

AMENDMENT #2

Ms. Stake moved to amend the main motion by changing the FAR requirement mentioned in Section XI-15.G.4.a.3 (Page 150) from 15% to 10%. With no second, the motion to amend died.

AMENDMENT #3

Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say “*and*” instead of “*or*” and change “*city*” to “*district*”. Ms. Burris seconded the motion to amend.

Ms. Burris recalled having a lengthy discussion during a previous Plan Commission meeting about making the change that is currently in the proposed text amendment. The proposed wording is used because the Plan Commission wanted to allow residents who both rent and own/and live in the area a place on the Design Review Board. Renters should have just as much of a voice as people who own their homes. She feels that the language should remain as it is currently written without any changes. Also, she does not like the idea of changing “*city*” to “*district*” because it is a City board. Some of the members should remain City-wide.

Mr. Fitch agreed with Ms. Burris’ explanation of why the proposed wording is being suggested by staff.

Ms. Stake disagreed with Ms. Burris’ in that the board should not be city-wide. People who care about the Lincoln-Busey Corridor should serve as members on the board. Residents from south Urbana do not care about the Lincoln-Busey Corridor.

Mr. Grosser expressed his concern about the proposed amendment. As currently written, the proposed text amendment would include residents from the Lincoln-Busey district. With the amendment that Ms. Stake is suggesting, if there should ever be three districts, then there would be no option for a renter to serve on the Design Review Board. There would only be owners who occupy their homes serving on the Board. The Mayor will make nominations and the City Council will approve the nominations of the members who serve on the Design Review Board. It is reasonable to presume that the Mayor and the City Council will not approve of a board that has zero owner-occupied residents on it from the district.

Mr. Hopkins understood Section XI-15.C.1.d.b to only apply to the Lincoln-Busey Corridor Design Review Board. If there is another district, then there would be another constitution of a board to serve that district. If this is the case, then the wording proposed in the text amendment does not say this. He mentioned that he does care about what happens in the Lincoln-Busey Corridor, but for different reasons than the residents living there. He cares in that the proposed text amendment is a City ordinance and not a neighborhood self-protection deed restriction. What the City staff is going to enforce and enable to happen in the City affects lots of other things about the City. This includes the City’s tax base and who gets to live where, how far students have to commute to campus, and many other things. To say what the City makes happen in one little neighborhood can be decided just by the people who live that neighborhood, it misrepresents what City action is all about.

Ms. Stake feels that the majority of the people in the City care about the City in some sense or another, but as for every other neighborhood, they do not care as much as the person who lives

next door to something that is being built. This is only design review. It does not include all of the other rules for the Lincoln-Busey Corridor. There is going to be change in the Lincoln-Busey Corridor. Some people may like the changes, but some of the people might be disturbed by it. One of the things that the City can do is to have more residents serve on the board so redevelopment plans can be discussed more so there are fewer controversies about what happens when new issues arise.

Mr. Grosser asked City staff for clarification on Mr. Hopkins' previous comment. Ms. Bird explained that the proposed text amendment creates a Design Review Board. It does not create a Lincoln-Busey Design Review Board. The Design Review Board would review design in any district that has adopted design guidelines.

Mr. Grosser asked if the membership would potentially shift if a second district would be created. Ms. Bird said no, not with the way the proposed text amendment is written. Chair Pollock noted that if the motion to amend was approved, then it would change the makeup of the Board. Mr. Grosser then asked if the motion to amend is approved and three districts are created, is it correct that there could not be a renter on the Board. Chair Pollock said that is correct. The only way a renter would be allowed to serve on the Board would be to increase the number of members.

Ms. Stake stated that this was not her intention. She only wants at least one owner-occupant to serve on the Board. Mr. Hopkins pointed out that if they just make the word changes that Ms. Stake proposed, then it does not accomplish what she describes as her intention. Her intention is that there be three residents on a Busey Corridor Board, not a city wide Design Review Board. One of the three residents must be an owner-occupant. The other two members could be owners or occupants (renters) that live in the district. Ms. Stake withdrew her motion to amend.

AMENDMENT #4

Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say that three members must be residents who live in the district and at least one of the three should be an owner-occupant. If there are other districts, then the members will be the same except for the three residents. Ms. Upah-Bant seconded the motion.

Mr. Fitch felt this goes back to the very first meeting. This was discussed and the consensus was that this might not be workable to have three people rotating on and off of a board. Mr. Grosser understood the motion to amend to apply only to the Lincoln-Busey Corridor. Ms. Stake commented that she did not understand why this could not be for the whole City if only three people change when a new district is added. Chair Pollock explained that the proposed ordinance is written for a city-wide Design Review Board. Her motion recommends that they change that to be specific to the Lincoln-Busey Corridor. Ms. Stake stated that she did not want that. She wants a city-wide Design Review Board, where the three residential members change from one district to the next, but the other members remain the same. Chair Pollock stated that is not what the language says in the motion to amend.

Ms. Burris did not feel that a rotating Board would do well in making city-wide decisions. It would not be stable enough in making consistent decisions.

Ms. Upah-Bant wondered when they changed it from a Lincoln-Busey Design Review Board to a city-wide Design Review Board. Ms. Bird explained that when City Council first asked City staff to look at this, it was specific to the Lincoln-Busey Corridor. This was several years ago, and since then, there have been discussions about design guidelines and a design review district in the Historic East Urbana Neighborhood (HEUNA) area as well. City staff realized that creating a different board each time a district is proposed would not be the right way to go about it. A city-wide Design Review Board is being proposed.

Mr. Grosser pointed out that the MOR (Mixed Office Residential) Development Review Board currently exists. The proposed text amendment would allow for the Lincoln-Busey Corridor Design Review Board, and eventually there will probably be a HEUNA Design Review Board. He understands Ms. Stake's intentions to be that with each new district a Design Review Board is created with some members in common with the other Design Review Boards and the resident members change from district to district. He does not like that someone from one district could not serve on the Board for another district as part of the residential membership. He also feels that if the City ends up with three or four Design Review Boards, it might become difficult to find people who are interested in serving on them.

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

Mr. Hopkins recalled that part of Ms. Stake's motion to amend was to change "*should*" to "*shall*". He remembered the Plan Commission discussing this at a previous meeting, and it is not accidental that the permissive "*should*" is used. Mr. Fitch said that is correct. The rationale is that in case the Mayor and City Council could not find anyone who is willing to serve in a given district that they could fill the board with a resident from elsewhere in the City.

AMENDMENT #5

Mr. Hopkins moved to amend the main motion to delete the second 2 in Section XI-15.G.4.c (Page 150), which states "*Visible from no public right-of-way other than an alley*". Ms. Stake seconded the motion. Chair Pollock asked for a hand vote and the motion to amend passed by unanimous vote.

AMENDMENT #6

Mr. Fitch moved to amend the main motion by changing the language in Section XI-15.C.1.d.b to read, "*A number of residents of Urbana equal to the sum of one resident of each design review district plus one resident from a part of the City not in the design review district.*" This would allow one board that would expand only as new design review districts were created. Ms. Upah-Bant seconded the motion.

Mr. Fitch stated that there would be no distinction between owner occupancy. A person from each design review district would have to serve on the Board. All of the resident members would have to live in the City. At least one resident member would have to live outside of any design review district. With this language, the Design Review Board would start with seven members. Only when and if a second district is created that the board would increase to eight members.

Chair Pollock commented that if the Plan Commission approves this motion, then City staff would have to take a look at it, refine any language legally and look at the question of going to seven members to see if it is mentioned anywhere else in the proposed ordinance. Ms. Bird added that City staff would need to look at how they would word the language under Quorum, etc.

Mr. Hopkins stated that this motion seems to solve a problem or two. It gets away from having an eight person board, which the Plan Commission just demonstrated that four people could object and a motion could fail because of it. It completely simplifies the notion of resident in a way that may actually advantageous because it eliminates the non-resident owner as an option. Therefore, he likes it.

Chair Pollock called for a hand vote on the motion. The motion to amend passed by a vote of 5-3.

AMENDMENT #7

Mr. White moved to amend the motion by deleting #5 in Section XI-15.B (Page 147). Mr. Grosser seconded the motion. Ms. Bird stated that this clause simply outlines the difference between the Development Review Board and the Design Review Board. The Design Review Board would only be allowed to review the design of a development project and not the land use.

Mr. Hopkins felt that the reason to include this clause is in the first part of the sentence. Mr. White stated that the first part of the sentence makes sense and understands why it is included. However, they cannot deny a land use that is permitted by right.

Chair Pollock asked if it was the consensus of the Plan Commission to hand this over to the City staff to make sure this is clarified. The Plan Commission members agreed.

Ms. Stake expressed her concern about the administrative review section on Page 150 in Section XI-15.G.4.b. She feels the language is vague. Chair Pollock recalled the Plan Commission having already discussed this at a previous meeting. It is the consensus of the Plan Commission members that this Section has the correct amount of flexibility and the correct amount of definition on this issue.

SUMMARY

Mr. Fitch summarized what the Plan Commission would like to see changed in the proposed text amendment. The changes are as follows: 1) Fix typographical errors in Section XI-15.C.1.b by changing "*three*" to "*four*"; 2) Clarify that an abstention is not counted toward a vote in Section XI-15.F.3; 3) Strike the second 2 in Section XI-15.G.4.c; 4) Replace language in Section XI-15.C.1.d.b; 5) Clarify that Section XI-15.B.5 is not a limitation on permitted land use possibly by eliminating the clause after the comma; and 6) Clarify meaning of additional language in Section XI-15.F.3.

Ms. Bird mentioned that one of the members had inquired at the previous meeting about the number of building permits that have been applied for in the Lincoln-Busey Corridor in the past year. She stated that there have been zero building permits applied for in this area. Mr. Fitch

recalled that this had to do with a discussion about whether the Zoning Administrator's decisions should be appealable to the Design Review Board.

Following discussion, Chair Pollock continued this case to the next Plan Commission meeting. Plan Commissioners agreed that the next regularly-scheduled meeting on December 18, 2008 could be cancelled unless an important issue came up. This case is therefore continued to the January 8, 2009 Plan Commission meeting.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Engstrom reported on the following:

- ✦ Cunningham Avenue Beautification Plan was adopted by the City Council on December 1, 2008.

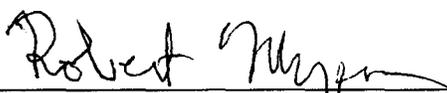
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:58 p.m.

Respectfully submitted,



Robert Myers, AICP
Secretary, Urbana Plan Commission

Recorded Subdivisions

7/1



* 2 0 0 8 R 2 7 8 5 3 7 *

2008R27853

RECORDED ON
11/04/2008 09:14:33AM
CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA
REC FEE: 69.00
RHSPS Fee: 10.00
REV FEE:
PAGES 7
PLAT ACT:
PLAT PAGE: 1

Prepared by and return to:
Jenny H. Park
Meyer Capel, A Professional Corporation
306 West Church, P.O. Box 6750
Champaign, IL 61826-6750
Phone (217) 352-1800

SPACE ABOVE THIS LINE FOR RECORDER

STATE OF ILLINOIS)
)SS
COUNTY OF CHAMPAIGN)

**OWNER'S CERTIFICATE OF DEDICATION FOR
A REPLAT OF LOTS 2 & 3 of LINCOLN & I-74 RESUBDIVISION
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS**

URBANA, IL 0808 LLC, an Illinois limited liability company, being the owner (herein "Owner") of the following described real estate:

A tract of land being part of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, the boundary of which is described as follows, with bearings on the Final Plat of Lincoln & I-74 Resubdivision datum:

Lots 2 & 3 of Lincoln & I-74 Resubdivision.

has caused the same to be surveyed by William E. Sheridan, Illinois Professional Land Surveyor No. 2031, and has subdivided real estate into lots, with utility easements as shown on the annexed plat, (herein the "Plat") bearing the certificate of said William E. Sheridan, under date of October 10th, 2008, said subdivision to be known as A REPLAT OF LOTS 2 & 3 of LINCOLN & I-74 RESUBDIVISION, situated in the City of Urbana, Champaign County, Illinois.

Owner hereby dedicates perpetually the tracts shown on the Plat as utility easements to the public for use by utilities for public utility purposes, including but not limited to water, sanitary sewer, storm sewer and drainage, gas, telephone, electricity, and cable television. All such utility improvements shall be located underground. Further, Owner hereby dedicates and relinquishes to the City of Urbana any and all of the sidewalks to be constructed by Owner along Killarney Street frontage of Lot 102 of A REPLAT OF LOTS 2 & 3 of LINCOLN & I-74

RESUBDIVISION. All grantees of easement rights hereunder shall hereinafter be collectively referred to as "Grantees."

Such Grantees shall have the right to authorize persons to construct, occupy, maintain, use, repair, and reconstruct utilities within said easement and to maintain or authorize the utility to maintain said easement free from buildings, fences, structures, and obstructions of any kind whatsoever, except as noted herein. No person shall obstruct said easement unless the Grantee with authority to do so authorizes said obstruction in writing, except that the Owner, his successors and assigns, and the owners of the lots shall be allowed to pave over such easements. Vegetation, unless otherwise prohibited by law, shall not be considered an obstruction of the easement nor shall post office boxes or other small structures required by law to be placed within the easement; however, the property owner shall bear the cost of repair or replacement of any such items damaged or destroyed as a result of use or maintenance of the easement for utility purposes. The cost of removing unauthorized obstruction shall be borne by the owner of the property on which said obstruction is located. The Grantees shall bear the cost of removing any authorized obstruction and the cost of returning the property to the same condition as it was prior to Grantees' action.

The Grantees of coextensive easement rights shall first determine whether improvements have been constructed by another authorized entity before commencing construction or maintenance hereunder, and shall construct and maintain improvements in a manner so as not to disturb, damage, or impede other preexisting utility or drainage improvements. Breach of the foregoing requirement shall entitle the party suffering damage to recover from the breaching party all costs of repair, as well as costs of collection of same, including reasonable attorneys' fees.

The Grantees hereby indemnify, hold harmless, and defend Owner, his successors and assigns, and the lot owners against any and all claims, suits (including court costs and reasonable attorney fees incurred by the indemnified party) or causes of action for damages, and against any orders, decrees, or judgments that may be entered in respect thereof, as a result of any alleged injury to person and/or property or alleged loss of life sustained as a result of the use of the easements granted hereinabove to or by the indemnifying party, its licensees, invitees, lessees, sublessees, successors, and assigns.

The Grantees will not cause or permit the escape, disposal or release on the subject real estate of Hazardous Substances, nor will such grantees do or allow anyone else to do anything that is in violation of any Environmental Law. "Hazardous Substances" are those substances defined as toxic or hazardous substances, wastes, or materials by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials. "Environmental Law" means federal laws and laws of the jurisdiction where the real estate is located that relate to health, safety or environmental protection. The Grantees hereby indemnify, hold harmless, and defend Owner, his successors and assigns, and the lot owners from and against any and all loss, penalty, fine, damage, liability or expense (including, without limitation, court costs and reasonable attorney fees) arising or resulting from or in any way connected with the breach of the foregoing obligations by the Grantees.

Acceptance of the foregoing grants of easement by the City of Urbana, public utilities, or any other party availing themselves of such easement rights shall bind such party to comply with any obligations set forth herein regarding use of such easement areas.

It is hereby provided, agreed and covenanted that all conveyances of property hereafter made by the present or future owners of any of the above described platted land shall be by adopting the description of land as A REPLAT OF LOTS 2 & 3 of LINCOLN & I-74 RESUBDIVISION, a subdivision in the City of Urbana, Champaign County, Illinois, be taken and understood and incorporated in all such conveyances without repeating the same, that the said lots shall be subject to all easements as shown on the plat above mentioned.

Owner hereby certifies that all of the property described above and included in A REPLAT OF LOTS 2 & 3 of LINCOLN & I-74 RESUBDIVISION is located in Urbana School District Unit 116.

IN WITNESS WHEREOF, this instrument has been executed on this 21st day of October, 2008.

URBANA, IL 0808 LLC,
an Illinois limited liability company

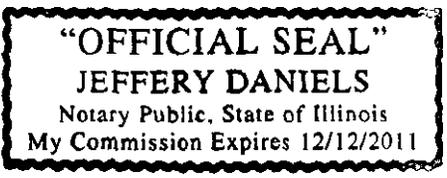
By: [Signature]
Name: MICHAEL P. HOLTZ
Title: PRESIDENT of MPAH-OTCA, INC
IT'S MANAGE

STATE OF ILLINOIS)
) SS
COUNTY OF LANE)

I, THE UNDERSIGNED, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that MICHAEL P. HOLTZ, personally known to me to be the president of URBANA, IL 0808 LLC, an Illinois limited liability company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such president, he signed and delivered the said instrument as president of said company, for the uses and purposes therein set forth; said act being his free and voluntary act and being the free and voluntary act of said company for the uses and purposes therein set forth.

Witness my hand and Notarial Seal this 21 day of October, 2008.

[Signature]
Notary Public



**TAX CERTIFICATE
A REPLAT OF LOTS 2 & 3 OF LINCOLN & I-74 RESUBDIVISION
CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS**

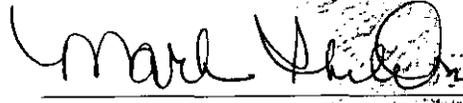
STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN)

I, THE UNDERSIGNED, COUNTY CLERK OF CHAMPAIGN COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT I FIND NO DELINQUENT GENERAL TAXES, UNPAID CURRENT GENERAL TAXES, THE SECOND INSTALLMENT OF REVENUE YEAR 2005 REAL ESTATE TAXES ARE DUE AND PAYABLE BUT NOT DELINQUENT AS OF THIS DATE, DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE TRACT OF LAND DESCRIBED AS FOLLOWS:

See Exhibit A, attached hereto and incorporated by reference herein.

PERMANENT INDEX NO.: 91-21-06-426-015.
 91-21-06-426-009

DATED THIS 26th DAY OF September, 2008.



COUNTY CLERK
CHAMPAIGN COUNTY, ILLINOIS



Exhibit A

A tract of land being part of the Southeast Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, the boundary of which is described as follows, with bearings on the Final Plat of Lincoln & I-74 Resubdivision datum:

Lots 2 & 3 of Lincoln & I-74 Resubdivision.



201 West Springfield Avenue, 3rd Floor
PO Box 140
Champaign, Illinois 61824-0140
BUS 217.352.6976
FAX 217.356.0570
www.hdc-eng.com

RECORDING AGENT DESIGNATION

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN)

I, William E. Sheridan, Illinois Professional Land Surveyor Number 2031, in accordance with PAB7-0705 (The Plat Act) do hereby designate Lisa Karcher or an authorized agent of the City of Urbana as the agent who may record "A Replat of Lots 2 and 3 of Lincoln and I-74 Resubdivision." A true copy of which has been retained by me to assure no changes have been made to said plat.

Champaign County, Illinois

Dated: October 21, 2008

William E. Sheridan
Illinois Professional Land Surveyor No. 2031
License Expires 11/30/08



7/1



* 2 0 0 8 R 2 7 8 5 3 7 *

2008R27853

RECORDED ON
11/04/2008 09:14:33AM

CHAMPAIGN COUNTY
RECORDER

BARBARA A. FRASCA
REC FEE: 69.00

RHSPS Fee: 10.00

REV FEE:

PAGES 7

PLAT ACT:

PLAT PAGE: 1

**Recorder
Champaign County
Barbara A. Frasca**



Lincoln + I 74 Resub Replat of Lots 2 + 3
Subdivision Name

Date: 10-24-08

Instrument: RePlat

Owner: Urbana Il 0808

Surveyor: William E. Sheridan

Legal Description: SE 1/4 of 6-19-9

Return To: Jeff Engstrom - City of Urbana

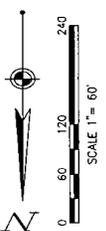
Telephone Number: 384 2440

2009A00858
01/31/2009

**FINAL PLAT
SECOND
REPLAT OF LOTS 1 AND 2 OF
MEIJER URBANA SUBDIVISION**

LOCATED IN PART OF SECTION 21,
TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE
THIRD PRINCIPAL MERIDIAN - CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS
CONTAINING 30.946 ACRES
DECEMBER, 2008

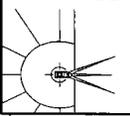
OWNER/DEVELOPER: SURVEYOR
HORIZON SURVEYING, INC.
507 JACKSON LANE
MIDDLETOWN, OH 45044
VOICE: 513-727-4576
E-MAIL: horizon_surveying@yahoo.com



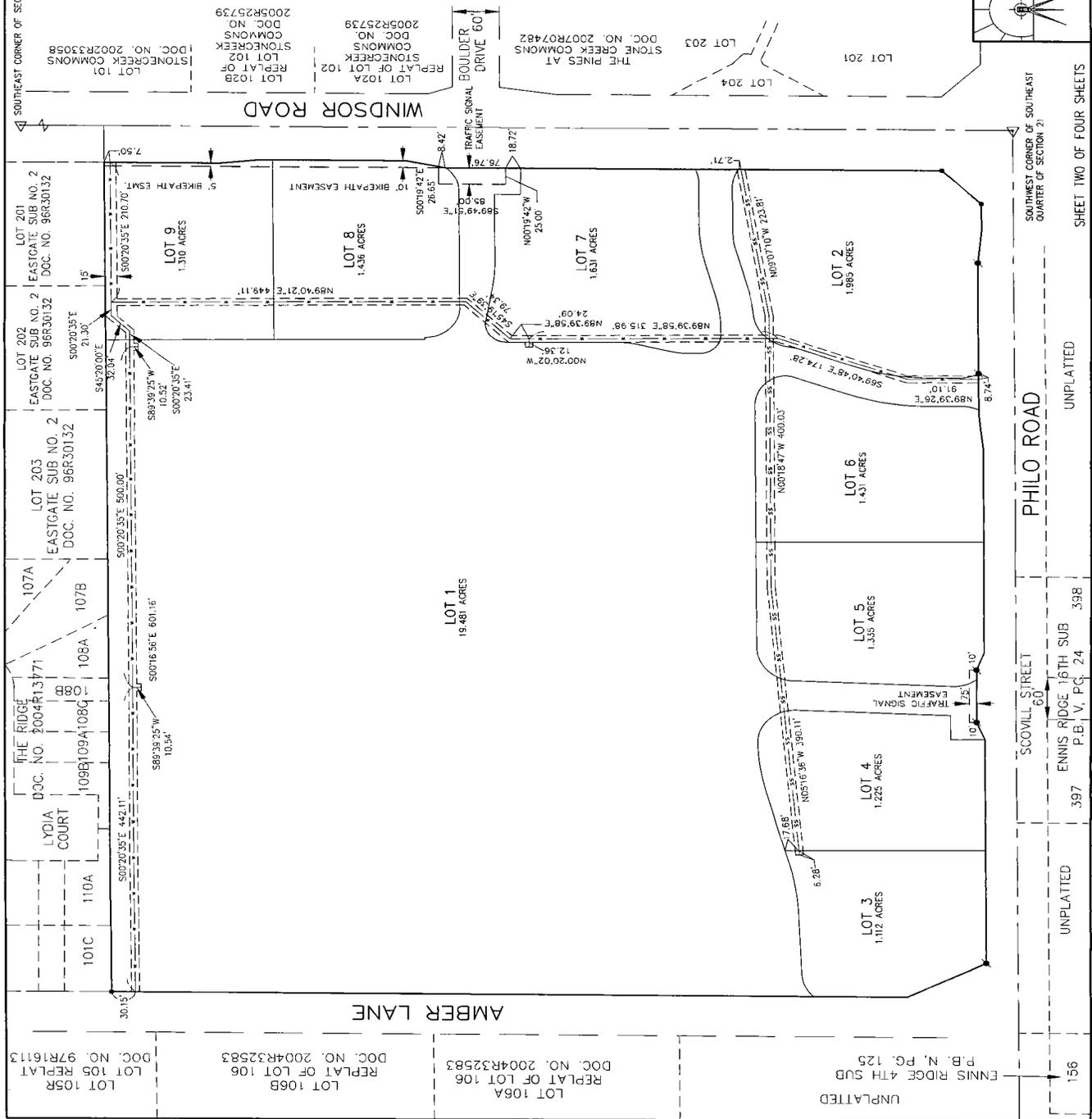
EASEMENT NOTES
1. ALL EASEMENTS ARE 10 FEET WIDE UNLESS INDICATED OTHERWISE.
2. EASEMENTS ARE INDICATED TO THE SOUTHWEST OF THE EASEMENT
CENTERLINE. 15 WIDE EASEMENTS ARE 5 FEET ON EACH SIDE OF THE IMPROVED
CENTERLINE. 15 WIDE EASEMENTS ARE 7.5 FEET ON EACH SIDE OF THE
DASHED CENTERLINE.

LEGEND

- PLAT BOUNDARY LINE
- NEW LOT LINE
- EASEMENT LINE
- WATERMAIN EASEMENT CENTERLINE
- SANITARY SEWER EASEMENT CENTERLINE



HORIZON SURVEYING, INC.
507 JACKSON LANE
MIDDLETOWN, OHIO 45044
VOICE: 513-727-4576
E-MAIL: horizon_surveying@yahoo.com
JOB NO. 1212.01.07



SHEET TWO OF FOUR SHEETS

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

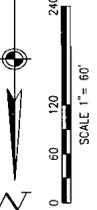
2009R00858
01/13/2009

FINAL PLAT
SECOND

REPLAT OF LOTS 1 AND 2 OF
MEIJER URBANA SUBDIVISION

LOCATED IN PART OF SECTION 21,
TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE
THIRD PRINCIPAL MERIDIAN - CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS
CONTAINING 30.946 ACRES

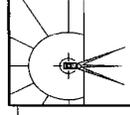
DECEMBER, 2008
OWNER/DEVELOPER
SURVEYOR
MEYER STONES LIMITED PARTNERSHIP
HORIZON SURVEYING, INC.
14500 GRAND AVENUE, SUITE 100
MIDDLETOWN, OHIO 45044
GEO. VANDERKOO 615-751-5055 PAUL MACCALLUM 637-425-2954



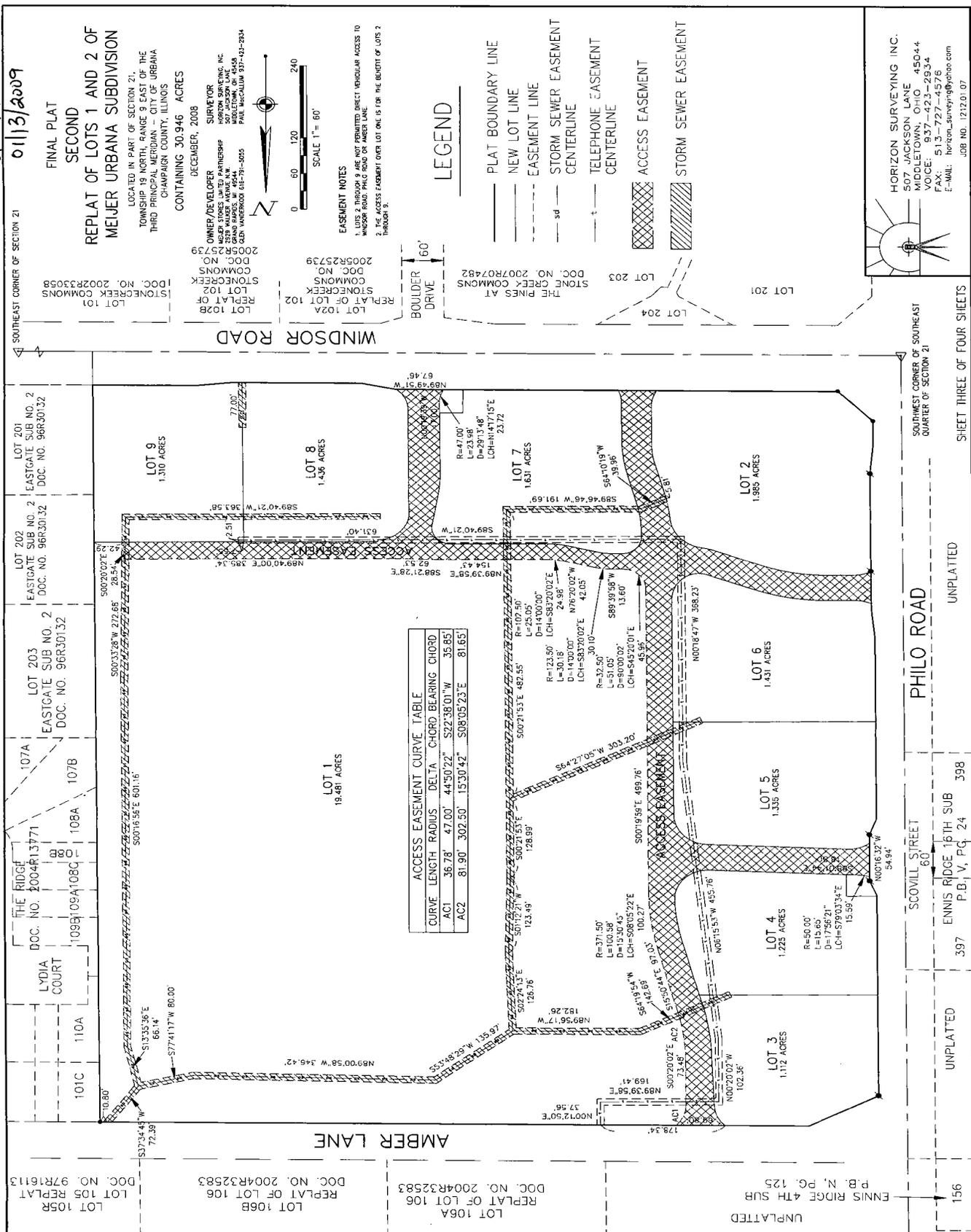
EASEMENT NOTES
1. LOTS 2 THROUGH 9 ARE NOT PERMITTED DIRECT VEHICULAR ACCESS TO
2. THE STORM SEWER EASEMENT OVER LOT ONE IS FOR THE BENEFIT OF LOTS 2
THROUGH 9.

LEGEND

- PLAT BOUNDARY LINE
- NEW LOT LINE
- EASEMENT LINE
- STORM SEWER EASEMENT CENTERLINE
- TELEPHONE EASEMENT CENTERLINE
- ACCESS EASEMENT
- STORM SEWER EASEMENT



HORIZON SURVEYING, INC.
507 JACKSON LANE
MIDDLETOWN, OHIO 45044
VOICE: 937-423-2934
FAX: 513-727-4578
E-MAIL: horizon_surveying@yahoo.com
JOB NO. 1212101.07



| ACCESS EASEMENT CURVE TABLE | | | |
|-----------------------------|--------|---------|-------------------------------|
| CURVE | RADIUS | DELTA | CHORD BEARING CHORD |
| AC1 | 36.78' | 47.00° | 44°50'22" S22°38'01" W 35.85' |
| AC2 | 81.90' | 302.50° | 15°30'42" S08°05'23" E 81.65' |

SOUTHWEST CORNER OF SOUTHWEST QUARTER OF SECTION 21

SHEET THREE OF FOUR SHEETS

PHILO ROAD

UNPLATTED

SCOVILL STREET

UNPLATTED

ENNIS RIDGE 16TH SUB P.B. V, P.G. 24

397

UNPLATTED

ENNIS RIDGE 4TH SUB P.B. N, P.G. 125

UNPLATTED

LOT 105R

LOT 106R

LOT 106A

LOT 106B

LOT 105R

LOT 106R

2009R00858
01/13/2009

SURVEYOR'S CERTIFICATE:

STATE OF OHIO)
) S.S.
COUNTY OF MONTGOMERY)

I, Paul F. MacCallum, Illinois Professional Surveyor Number 035-3123, do hereby certify that at the request of the owner Meijer Stores Limited Partnership, I have caused a survey to be made of the tract of land described as follows:

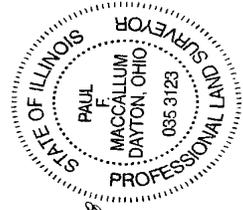
Situate in Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, City of Urbana, County of Champaign, State of Illinois, and being Lots 1 and 2 of Replat of Lots 1 and 2 of Meijer Urbana Subdivision as recorded in Document No. 2008R00776 (all references to deeds, mortgages, plats, surveys, etc. refer to the records of the Champaign County Recorder's Office, unless noted otherwise).

Survey markers have been set at each corner of said tract as erected on this plat, setting forth exact dimensions in feet and decimals thereof. Said subdivision shall be known as Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision, and said subdivision is in School District No. 116. I further certify that based on an examination of Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map, Community Panel Number 70894, 0183 B for the City of Urbana with an effective date of January 16, 1981 the surveyor parcel is in Zone C (areas of minimal or no flooding).

I hereby designate the City of Urbana, and/or representatives thereof, to record this final plat, a true copy of which has been retained by me to assure no changes have been made to said plat.

PAUL F. MACCALLUM
ILLINOIS PROFESSIONAL SURVEYOR #035-3123
LICENSE EXPIRES 11/30/2010

Paul F. MacCallum 12/23/2008



**FINAL PLAT
SECOND**

**REPLAT OF LOTS 1 AND 2 OF
MEIJER URBANA SUBDIVISION**

LOCATED IN PART OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 9 EAST
OF THE THIRD PRINCIPAL MERIDIAN - CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS
CONTAINING 30.946 ACRES
DECEMBER, 2008

DRAINAGE STATEMENT

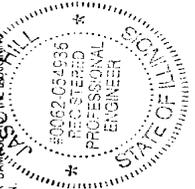
STATE OF ILLINOIS)
COUNTY OF Champaign) S.S.

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION, OR ANY PART THEREOF, THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO PREVENT THE ACCUMULATION OF SURFACE WATER ON ANY PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

ILLINOIS PROFESSIONAL ENGINEER #02-052936
LICENSE EXPIRES: 11/30/2008

GASON DALL
OWNER AND SUBDIVIDER: MEIJER STORES LIMITED PARTNERSHIP
BY: *[Signature]*
ITS GENERAL PARTNER

[Signature]
MICHAEL L. KINSTLE
ITS VICE PRESIDENT-REAL ESTATE



LEGEND

FOR SHEET ONE OF FOUR
SET MAG NAIL

IRON ROD (FOUND)
UNLESS INDICATED OTHERWISE

CONCRETE MONUMENT
TO BE SET

CI CURVE DESIGNATION

BIKE PATH EASEMENT
DOC. NO. 99R32285

PLAT BOUNDARY LINE

NEW LOT LINE

EXISTING RECORDED
EASEMENT LINE

ADJOINING PARCEL LINE

EXISTING CENTERLINE

EXISTING RIGHT-OF-WAY LINE

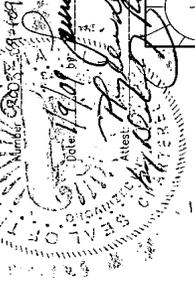
NOTES

- BEARINGS ARE BASED ON THE DEED RECORDED IN DOCUMENT NO. 2001R01023.
- THIS SUBDIVISION IS WITHIN DRAINAGE DISTRICT NO. 3 OF THE TOWN OF ST. JOSEPH.
- THIS SUBDIVISION IS NOT WITHIN 500 FEET OF A POINT ON A WATER COURSE DRAINING OVER 640 ACRES.
- THIS SUBDIVISION IS WITHIN THE CORPORATE LIMITS OF THE CITY OF URBANA.
- ALL DIMENSIONS ARE HORIZONTAL DISTANCES.
- ALL LOT CORNERS EXCEPT THOSE SHOWN AS FOUND, OR SET MAG NAIL ARE 5/8" BY 3/4" IRON RODS WITH A CAP STAMPED "HORIZON".
- RIGHT-OF-WAY (IF ANY) AND EASEMENTS ESTABLISHED BY THIS PLAT ARE DEDICATED TO THE PUBLIC.

CITY APPROVALS

APPROVED BY: The Urbana Planning Commission of the City of Urbana, Illinois
Date: 12/23/08
Chairperson: *[Signature]*

APPROVED BY: The City Council of the City of Urbana, Illinois, in accordance with Ordinance No. 11-008-09-109
Date: 12/23/08
Attest: *[Signature]*
City Clerk: *[Signature]*



HORIZON SURVEYING INC.
507 JACKSON LANE
MIDDLETOWN, OHIO 45044
VOICE: 937-4423-2934
FAX: 513-727-4576
E-MAIL: horizon_surveying@yahoo.com

JOB NO. 1212.01.07

| CURVE | LENGTH | RADIUS | DELTA | CHORD | BEARING | CHORD |
|-------|--------|--------|-----------|-------------|---------|-------|
| 1 | 69.12 | 44.00 | 90.0003 | S44°40'19"W | 62.23 | |
| 2 | 38.75 | 44.00 | 50.2753 | S25°33'35"E | 37.51 | |
| 3 | 35.41 | 203.00 | 39.5937 | S04°40'10"W | 35.36 | |
| 4 | 47.12 | 27.00 | 100.0000 | N40°20'02"W | 41.37 | |
| 5 | 31.52 | 129.00 | 14.0000 | S83°20'02"E | 31.44 | |
| 6 | 23.70 | 97.00 | 14.0000 | N83°20'02"W | 23.64 | |
| 7 | 42.41 | 27.00 | 30.0000 | S44°39'58"W | 38.18 | |
| 8 | 51.57 | 197.00 | 15.0000 | S07°50'02"E | 51.43 | |
| 9 | 62.84 | 240.00 | 15.0004 | N07°50'00"W | 62.66 | |
| 10 | 21.57 | 47.00 | 26.1721 | S13°29'03"E | 21.38 | |
| 11 | 28.84 | 47.50 | 34.4734 | N16°57'10"E | 28.40 | |
| 12 | 25.96 | 100.00 | 14.5321 | N07°51'21"W | 25.91 | |
| 13 | 42.14 | 239.50 | 10.0455 | S10°17'34"E | 42.09 | |
| 14 | 69.12 | 52.50 | 75.2618 | N42°58'15"W | 64.24 | |
| 15 | 19.70 | 102.50 | 11.0036 | S75°11'06"E | 19.67 | |
| 16 | 94.49 | 262.00 | 20.3946 | N80°00'41"W | 93.97 | |
| 17 | 24.97 | 47.50 | 30.0700 | S74°01'31"W | 24.68 | |
| 18 | 23.00 | 47.50 | 27.4444 | S76°28'04"E | 22.78 | |
| 19 | 109.45 | 303.50 | 20.3943 | N80°00'40"W | 108.86 | |
| 20 | 32.61 | 32.50 | 57.2932 | N81°34'26"E | 31.26 | |
| 21 | 44.09 | 47.50 | 53.1036 | N26°14'22"E | 42.52 | |
| 22 | 72.72 | 47.50 | 87.4302 | N44°11'33"W | 65.82 | |
| 23 | 32.61 | 49.00 | 36.0751 | S72°53'01"W | 32.01 | |
| 24 | 76.58 | 47.50 | 92.2228 | N43°27'56"E | 68.55 | |
| 25 | 76.62 | 334.50 | 13.0726 | N09°17'01"W | 76.45 | |
| 26 | 91.91 | 339.50 | 15.3042 | S08°05'23"E | 91.63 | |
| 27 | 37.87 | 47.00 | 46°10'15" | N25°44'20"W | 36.98 | |

SHEET FOUR OF FOUR SHEETS

2009 R 00858
01/13/2009

STATE OF MICHIGAN)
) SS
COUNTY OF KENT)

OWNER'S CERTIFICATE

DECLARATION AND DEDICATION OF SECOND REPLAT OF LOTS 1 AND 2 OF REPLAT OF MEIJER URBANA SUBDIVISION, CHAMPAIGN COUNTY, ILLINOIS

The undersigned, Michael L. Kinstle, Vice President - Real Estate of Meijer Group, Inc., General Partner of Meijer Stores Limited Partnership does hereby certify that they are the Owner(s) of legal and equitable title to the following described real estate situated in Champaign County, Illinois, to wit:

Legal Description: Situate in Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, City of Urbana, County of Champaign, State of Illinois, and being Lots 1 and 2 of Replat of Meijer Urbana Subdivision as recorded in Document No. 2008R00776 of the Champaign County Recorders Office.

And does hereby certify that such land is included in the accompanying plat, and having caused the survey and subdivision to be made thereof by Paul F. MacCallum, Illinois Professional Surveyor No. 035-3123, as shown on said plat, said subdivision to be known as Second Replat of Lots 1 and 2 of Meijer Urbana Subdivision in Champaign County, Illinois, and acknowledges said survey to be correct to the best of their knowledge and belief.

1. RIGHT OF WAY DEDICATION

ALL RIGHT OF WAYS, ROADS, STREETS AND CUL-DE-SAC AREAS SHOWN ON THE PLAT ARE DEDICATED TO THE PUBLIC FOR PUBLIC USE FOREVER.

2. BIKE PATH AND TRAFFIC SIGNAL EASEMENTS

NONEXCLUSIVE EASEMENTS ARE GRANTED TO THE CITY OF URBANA, ILLINOIS ITS SUCCESSORS AND ASSIGNS ("CITY") OVER THE AREAS MARKED "BIKEPATH EASEMENT" AND "TRAFFIC SIGNAL EASEMENT" ON THE PLAT FOR THE PURPOSES OF MAINTAINING, REPAIRING, REPLACING A PUBLIC BIKE PATH AND TRAFFIC SIGNALS RESPECTIVELY, TOGETHER WITH A RIGHT OF ACCESS ON, OVER AND ACROSS THE PROPERTY AS REASONABLY NECESSARY FOR THE FOREGOING PURPOSES. THIS EASEMENT IS SUBJECT TO ALL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD. THE CITY SHALL BE SOLELY RESPONSIBLE, AT ITS SOLE COST AND EXPENSE, FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THE IMPROVEMENTS LOCATED WITHIN THE EASEMENT AREAS, AND SHALL NOT CAUSE, SUFFER OR PERMIT ANY MECHANICS' LIENS TO BE RECORDED AGAINST TITLE TO THE PROPERTY IN CONNECTION WITH ANY WORK CONTEMPLATED HEREIN.

3. TELEPHONE EASEMENT

A NONEXCLUSIVE EASEMENT IS GRANTED TO AT&T, ITS SUCCESSORS AND ASSIGNS ("GRANTEE") OVER THE AREA MARKED "TELEPHONE EASEMENT" ON THE PLAT FOR THE PURPOSES OF INSTALLATION, CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT, AND REMOVAL OF TELEPHONE LINES AND

RELATED FACILITIES LOCATED WITHIN THE EASEMENT AREA, TOGETHER WITH A RIGHT OF ACCESS ON, OVER AND ACROSS THE PROPERTY AS REASONABLY NECESSARY FOR THE FOREGOING PURPOSES. THIS EASEMENT IS SUBJECT TO ALL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD. ALL OF THE TELEPHONE IMPROVEMENTS SHALL BE LOCATED UNDERGROUND TO THE EXTENT REASONABLY PRACTICABLE. EXCEPT IN THE CASE OF AN EMERGENCY, GRANTEE SHALL PROVIDE THE OWNER WITH THIRTY (30) DAYS PRIOR WRITTEN NOTICE BEFORE PERFORMING ANY WORK ON THE PROPERTY DESCRIBED ON THE PLAT AND SHALL SCHEDULE AND COORDINATE ALL SUCH WORK WITH THE OWNER SO AS TO MINIMIZE INTERFERENCE WITH THE BUSINESS CONDUCTED ON THE PROPERTY DESCRIBED HEREIN. GRANTEE SHALL BE SOLELY RESPONSIBLE, AT ITS SOLE COST AND EXPENSE, FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THE TELEPHONE LINES AND RELATED FACILITIES WITHIN THE EASEMENT AREA, AND SHALL NOT CAUSE, SUFFER OR PERMIT ANY MECHANICS' LIENS TO BE RECORDED AGAINST TITLE TO THE PROPERTY IN CONNECTION WITH ANY WORK CONTEMPLATED HEREIN. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS BUT SAID EASEMENT MAY BE USED BY THE OWNER FOR PARKING LOTS, DRIVES, LANDSCAPING AND OTHER PURPOSES THAT DO NOT INTERFERE WITH USE OF GRANTEE CONTEMPLATED HEREIN. AFTER COMPLETING ANY WORK DESCRIBED HEREIN, GRANTEE SHALL RESTORE ALL AREAS OF THE PROPERTY DISTURBED TO THEIR CONDITION PRIOR TO PERFORMING SUCH WORK.

4. SANITARY EASEMENT

A NONEXCLUSIVE EASEMENT IS GRANTED TO CITY OF URBANA, ILLINOIS ("CITY"), ITS SUCCESSORS AND ASSIGNS, OVER THE AREA MARKED "SANITARY EASEMENT" ON THE PLAT FOR THE PURPOSES OF INSTALLATION, CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT, AND REMOVAL OF SANITARY LINES AND RELATED FACILITIES LOCATED WITHIN THE EASEMENT AREA, TOGETHER WITH A RIGHT OF ACCESS ON, OVER AND ACROSS THE PROPERTY AS REASONABLY NECESSARY FOR THE FOREGOING PURPOSES. THIS EASEMENT IS SUBJECT TO ALL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD. ALL SUCH IMPROVEMENTS SHALL BE LOCATED UNDERGROUND TO THE EXTENT REASONABLY PRACTICABLE. THE CITY SHALL COORDINATE ALL SUCH WORK WITH THE OWNER SO AS TO MINIMIZE INTERFERENCE WITH THE BUSINESS CONDUCTED ON THE PROPERTY DESCRIBED HEREIN. THE CITY SHALL BE SOLELY RESPONSIBLE, AT ITS SOLE COST AND EXPENSE, FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THE SANITARY LINES AND RELATED FACILITIES WITHIN THE EASEMENT AREA, AND SHALL NOT CAUSE, SUFFER OR PERMIT ANY MECHANICS' LIENS TO BE RECORDED AGAINST TITLE TO THE PROPERTY IN CONNECTION WITH ANY WORK CONTEMPLATED HEREIN. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS BUT SAID EASEMENT MAY BE USED BY THE OWNER FOR PARKING LOTS, DRIVES, LANDSCAPING AND OTHER PURPOSES THAT DO NOT INTERFERE WITH USE OF THE CITY CONTEMPLATED HEREIN. AFTER COMPLETING ANY WORK DESCRIBED HEREIN, THEY CITY SHALL RESTORE ALL

AREAS OF THE PROPERTY DISTURBED TO THEIR CONDITION PRIOR TO PERFORMING SUCH WORK.

5. WATER EASEMENT

A NONEXCLUSIVE EASEMENT IS GRANTED TO ILLINOIS AMERICAN WATER COMPANY, ITS SUCCESSORS AND ASSIGNS (“GRANTEE”) OVER THE AREA MARKED “WATER EASEMENT” ON THE PLAT FOR THE PURPOSES OF INSTALLATION, CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT, AND REMOVAL OF ITS WATER LINES AND RELATED FACILITIES LOCATED WITHIN THE EASEMENT AREA, TOGETHER WITH A RIGHT OF ACCESS ON, OVER AND ACROSS THE PROPERTY AS REASONABLY NECESSARY FOR THE FOREGOING PURPOSES. THIS EASEMENT IS SUBJECT TO ALL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD. ALL SUCH IMPROVEMENTS SHALL BE LOCATED UNDERGROUND TO THE EXTENT REASONABLY PRACTICABLE. THE GRANTEE SHALL COORDINATE ALL SUCH WORK WITH THE OWNER SO AS TO MINIMIZE INTERFERENCE WITH THE BUSINESS CONDUCTED ON THE PROPERTY DESCRIBED HEREIN. GRANTEE SHALL BE SOLELY RESPONSIBLE, AT ITS SOLE COST AND EXPENSE, FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THE WATER LINES AND RELATED FACILITIES WITHIN THE EASEMENT AREA, AND SHALL NOT CAUSE, SUFFER OR PERMIT ANY MECHANICS’ LIENS TO BE RECORDED AGAINST TITLE TO THE PROPERTY IN CONNECTION WITH ANY WORK CONTEMPLATED HEREIN. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS BUT SAID EASEMENT MAY BE USED BY THE OWNER FOR PARKING LOTS, DRIVES, LANDSCAPING AND OTHER PURPOSES THAT DO NOT INTERFERE WITH USE OF GRANTEE CONTEMPLATED HEREIN. AFTER COMPLETING ANY WORK DESCRIBED HEREIN, GRANTEE SHALL RESTORE ALL AREAS OF THE PROPERTY DISTURBED TO THEIR CONDITION PRIOR TO PERFORMING SUCH WORK.

6. STORM WATER DRAINAGE FACILITIES EASEMENT

A NONEXCLUSIVE EASEMENT IS GRANTED TO CITY OF URBANA, ILLINOIS (“CITY”) OVER THE AREA MARKED “STORM SEWER EASEMENT” ON THE PLAT FOR THE PURPOSES OF INSTALLATION, CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT, AND REMOVAL OF THE STORM SEWER AND RELATED FACILITIES LOCATED WITHIN THE EASEMENT AREA, TOGETHER WITH A RIGHT OF ACCESS ON, OVER AND ACROSS THE PROPERTY AS REASONABLY NECESSARY FOR THE FOREGOING PURPOSES. THIS EASEMENT IS SUBJECT TO ALL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD. ALL SUCH IMPROVEMENTS SHALL BE LOCATED UNDERGROUND TO THE EXTENT REASONABLY PRACTICABLE. THE CITY SHALL BE SOLELY RESPONSIBLE, AT ITS SOLE COST AND EXPENSE, FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THE STORM SEWER AND RELATED FACILITIES WITHIN THE EASEMENT AREA, AND SHALL NOT CAUSE, SUFFER OR PERMIT ANY MECHANICS’ LIENS TO BE RECORDED AGAINST TITLE TO THE PROPERTY IN CONNECTION WITH ANY WORK CONTEMPLATED HEREIN. NO PERMANENT BUILDINGS SHALL BE PLACED ON

SAID EASEMENTS BUT SAID EASEMENT MAY BE USED BY THE OWNER FOR PARKING LOTS, DRIVES, LANDSCAPING AND OTHER PURPOSES THAT DO NOT INTERFERE WITH USE OF THE CITY CONTEMPLATED HEREIN. AFTER COMPLETING ANY WORK DESCRIBED HEREIN, THE CITY SHALL RESTORE ALL AREAS OF THE PROPERTY DISTURBED TO THEIR CONDITION PRIOR TO PERFORMING SUCH WORK.

7. ACCESS EASEMENT

A PERMANENT, NONEXCLUSIVE EASEMENT IS GRANTED TO THE OWNERS OF LOT 2 – LOT 9 THEIR SUCCESSORS AND ASSIGNS (INDIVIDUALLY “GRANTEE”) TOGETHER “GRANTEES”) OVER THE AREAS MARKED “ACCESS EASEMENT” ON THE PLAT FOR THE PURPOSE OF PERMITTING THE ACCESS OF PERSONS AND VEHICLES ACROSS THE ACCESS EASEMENT AREA BETWEEN SUCH LOTS AND (I) WINDSOR ROAD AND (II) PHILO ROAD. NEITHER THE ACCESS EASEMENT AREA NOR ANY PORTION OF LOT 1 MAY BE USED FOR THE LOADING/UNLOADING OF DELIVERY VEHICLES OR FOR THE BACKING UP/TURNING AROUND OF DELIVERY VEHICLES BY A GRANTEE. THIS EASEMENT IS SUBJECT TO ALL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD. THE OWNER OF LOT 1 RESERVES THE RIGHT TO USE THE EASEMENT AREA FOR ANY PURPOSE WHICH IS NOT INCONSISTENT WITH THE EASEMENT GRANTED HEREIN, INCLUDING BUT NOT LIMITED TO THE RIGHT TO USE THE EASEMENT AREA FOR INSTALLATION OF UNDERGROUND UTILITIES. THIS GRANT IS SUBJECT TO THE ACKNOWLEDGEMENT THAT (I) THE OWNER OF LOT 1 USES AND INTENDS TO USE THE EASEMENT AREA FOR MAIN ENTRY DRIVES SERVICING A COMMERCIAL DEVELOPMENT ON THE PROPERTY SHOWN ON THIS PLAT, INCLUDING ADDITIONAL FUTURE LOTS, AND (II) SUCH USE DOES NOT AND WILL NOT CONSTITUTE AN OVERBURDENING OF THE EASEMENT AREA IRRESPECTIVE OF THE AMOUNT OF TRAFFIC GENERATED BY SUCH BUSINESSES.

UPON THE SALE OF EACH LOT, A SEPARATE AGREEMENT AMENDING THIS EASEMENT GRANT FOR SUCH LOT SHALL BE ENTERED BETWEEN THE OWNER OF LOT 1 AND SUCH LOT OWNER THAT ADDRESSES MATTERS INCLUDING BUT NOT LIMITED TO CONSTRUCTION, MAINTENANCE, MAINTENANCE FEES, RELOCATION RIGHTS, INDEMNITY AND INSURANCE REQUIREMENTS.

Dated at Kent County, Michigan, this 6th day of January, 2009

MEIJER STORES LIMITED PARTNERSHIP
BY: MEIJER GROUP, INC., GENERAL PARTNER

BY:



Michael L. Kinstle
ITS: Vice President-Real Estate

LEGAL 
2009 2014

STATE OF MICHIGAN)
) SS
COUNTY OF KENT)

I, LaRae B. Steigenga, Notary Public in the aforesaid County and State, do hereby certify that each of the persons who signed this petition personally appeared before me and acknowledged that they signed the said instrument as their free and voluntary act for the uses and purposes set forth therein.

Subscribed and sworn to before me this 6th day of January, 2009.

LaRae B. Steigenga
Notary Public, State of Michigan, County of Ottawa
My commission expires: 2-17-11
Acting in the County of Kent
LaRAE B. STEIGENGA
Notary Public, ^(seal) Ottawa Co., MI
Acting in Kent Co., MI
My Commission Expires Feb. 17, 2011



SCHOOL DISTRICT STATEMENT

SECOND REPLAT OF LOTS 1 AND 2 OF MEIJER URBANA SUBDIVISION

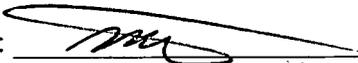
CHAMPAIGN COUNTY, ILLINOIS

The undersigned, representing Meijer Stores Limited Partnership as Owner, and, pursuant to 765 ILCS 205/1 hereby states that, to the best of his/her knowledge, the school district in which the above described subdivision lies is Urbana School District #116.

MEIJER STORES LIMITED PARTNERSHIP

By: Meijer Group, Inc.

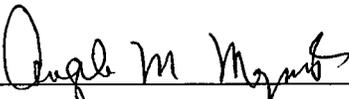
Its: General Partner

By: 
Michael L. Kinstle
Its: Vice President - Real Estate

Legal 
Bus. _____

Subscribed and sworn to before me this

4th day of August, 2008, A.D.


Notary Public

ANGELA M. MAZUREK
Notary Public, Ottawa Co., MI
Acting in Kent Co., MI.
My Commission Expires March 2, 2016

SEAL



STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS

COUNTY CLERK'S CERTIFICATE
MEIJER URBANA SUBDIVISION

I, Mark Shelden, County Clerk in and for the County of Champaign, State of Illinois, and keeper of the records and files of said office, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments, or unpaid current special assessments, against the tract of land described below:

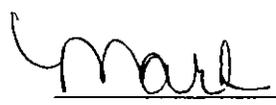
Legal Description:

Situate in Section 21, Township 19 North, Range 9 East of the Third Principal Meridian, City of Urbana, County of Champaign, State of Illinois, and being Lots 1 and 2 of Replat of Meijer Urbana Subdivision as recorded in Document No. 2008R00776 of the Champaign County Recorders Office.

Permanent Index No.

93-21-21-400-014 and 93-21-21-400-016

Given under my hand and seal of said county, at Urbana, Illinois this 13th day of January, 2009.



County Clerk of Champaign County, Illinois



Prepared by:

Paul F. MacCallum
Horizon Surveying
507 Jackson Lane
Middletown, OH 45044



* 2 0 0 9 R 0 0 8 5 8 1 1 *

2009R00858

RECORDED ON
01/13/2009 02:46:30PM

CHAMPAIGN COUNTY

RECORDER

BARBARA A. FRASCA

REC FEE: 73.00

RHSPS Fee: 10.00

REV FEE:

PAGES 11

PLAT ACT:

PLAT PAGE: 1

**Recorder
Champaign County
Barbara A. Frasca**



Meijer Urbana Sub 2ND Replat of lots 1 + 2
Subdivision Name

Date: 1-9-09

Instrument: Plat

Owner: Meijer Group Inc

Surveyor: Paul F. MacCallum

Legal Description: Part of Sec 21 Township 19 Range 9

Return To: City of Urbana

Telephone Number: 384 2440