

## MINUTES OF A REGULAR MEETING

### URBANA PLAN COMMISSION

### APPROVED

**DATE:** March 9, 2023

**TIME:** 7:00 P.M.

**PLACE:** Council Chambers, City Building, 400 South Vine Street, Urbana, Illinois

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#### PLAN COMMISSION

**MEMBERS ATTENDING:** Dustin Allred, Lew Hopkins, Debarah McFarland, Karen Simms, Chenxi Yu

**MEMBERS EXCUSED:** Andrew Fell

**MEMBERS ABSENT:** Will Andresen

**STAFF PRESENT:** UPTV Camera Operator; Kevin Garcia, Principal Planner; Marcus Ricci, Planner II

**PUBLIC PRESENT:** Wilson Antonio, Dennis Barber, Devan Jones, Sarah Kedas, Hanna Loew, Mia Renna, Maya Robinson, Russell Shaffer, Sharon Shaffer, Austin Shwata, Michael Venardi

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

Chair Allred called the meeting to order at 7:03 p.m. Roll call was taken, and there was a quorum of the members present.

#### 2. CHANGES TO THE AGENDA

There were none.

#### 3. APPROVAL OF MINUTES

There were none.

#### 4. CONTINUED PUBLIC HEARINGS

**Plan Case No. 2468-T-23 – An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance to allow more than one residential building on any lot zoned for multifamily use.**

Chair Allred stated that this case was continued to the next regular meeting.

## 5. UNFINISHED BUSINESS

There was none.

## 6. NEW PUBLIC HEARINGS

**Plan Case No. 2469-SU-23 – An application by 1919 Architects, on behalf of the Housing Authority of Champaign County, for a special use permit to allow renovation of Steer Place apartments at 1202 East Harding Drive, a property in the Southeast Urbana Overlay District.**

Chair Allred stated this case was continued to the May 18, 2023 regular meeting of the Plan Commission.

**Plan Case No. 2470-M-23 – An application by Sharon Shaffer to rezone the parcel at 714 East University Avenue from its current split zoning of R-3 (Single- and Two-Family Residential) and B-1 (Neighborhood Business) to B-3 (General Business).**

Chair Allred opened Plan Case No. 2470-M-23 on the agenda. Marcus Ricci, Planner II, presented the staff report to the Plan Commission. He began by stating the purpose of the proposed rezoning. He gave a description of the subject property and using Exhibit A in the written staff report, he showed where the property is located in the City. He noted the zoning, existing land uses and future land use designations of the subject property and its surrounding properties. He discussed the intended use as an auto detailing business and the previous zoning of the property. He reviewed the rezoning criteria and how they relate to the proposed rezoning.

Kevin Garcia, Principal Planner, talked about criteria #8, which is *the care with which the community has planned its land use development*. He stated that since the 2005 Comprehensive Plan Future Land Use map identifies the subject site as “residential”, this would weigh against the proposed rezoning. He retracted text in the written staff report that he said was “speculative” about other areas with long-established neighborhood businesses being identified in the Comprehensive Plan as “Community Business” or with special text encouraging businesses in otherwise “Residential” areas, and how the staff report said criteria #8 should weigh in favor of the proposed rezoning. Instead, the criteria should weigh against the proposed rezoning.

Mr. Ricci continued his presentation by explaining the notification process that was followed for the case. He pointed out that he received one email in support from Donald Aikman. He summarized staff findings and showed photos from different perspectives of the proposed site and surrounding streets. He read the options of the Plan Commission and presented City staff’s recommendation, which is to recommend approval to City Council to rezone the property to B-2 (Neighborhood Business – Arterial).

Mr. Garcia added that the City’s legal counsel determined that the Urbana Zoning Ordinance gives the Plan Commission the authority to make recommendations on amendments to the Zoning Ordinance. It does not limit the Plan Commission to the requested rezoning, so the Plan Commission can make a recommendation to an alternate zone.

Chair Allred asked if any of the members of the Plan Commission had questions for City staff.

Mr. Hopkins asked if any of the rezonings would result in the current use becoming conforming. Mr. Garcia stated that rezoning the two properties to B-3 (General Business) would make the current use conforming. Waste hauler is not listed as a use in the Zoning Ordinance. The nearest similar use is a towing service, which is a use allowed with approval of a special use permit in the B-3 Zoning District and not allowed in the B-2 Zoning District. Therefore, if the existing use continued, it would still be a non-conforming use in the B-2 district.

Mr. Hopkins asked if the applicants move the waste hauling business to another location and start up an auto detailing business on the subject properties, would the non-conforming use go away? It could not come back, correct? Mr. Garcia said that is correct.

Mr. Hopkins asked if the existing building(s) would be conforming to the B-2 Zoning District. Mr. Garcia believed so. Mr. Hopkins reminded everyone that they would be making a recommendation on the zoning, not on the change in use.

Chair Allred asked if the criteria was applied to the applicants' request to rezone to B-3 or to City staff's recommendation to rezone to B-2. Mr. Ricci explained that it was primarily based on the applicants' request to rezone to B-3. Only when he specifically mentioned B-2 did it vary from the B-3 discussion.

Chair Allred asked which uses would not be an issue for B-3 zoning because of the size of the lot. Mr. Ricci replied farm equipment sales and service and shopping center (general) would not probably fit on the lot.

Ms. Simms asked if there are uses that are restricted if zoned B-2 but would make sense to be located on these two lots. While the Plan Commission does not want to choose a zoning district that would be too big, she would not want to choose a zoning district that would be too contracting either. Mr. Ricci stated that he did not have one that he would be concerned about.

Chair Allred asked if the applicants were amendable to City staff's recommendation to B-2. Mr. Ricci deferred the question for the applicants to answer.

Chair Allred reviewed the procedures for a public hearing. He then opened the hearing for public input. He invited the applicant to speak.

Sharon Shaffer, applicant, approached the Plan Commission to speak. She began by stating that the two properties have been in her husband's family since the beginning of Shaffer Sanitary. She stated that they are from the neighborhood and have known the residents for years. They have never had any problems. She said that she and her husband plan to move the waste hauling business providing they can start up a different business on the lots. They have plans to improve the visual appeal of the property with some fencing and maybe some greenery.

Ms. Shaffer stated that she and her husband just found out that the two properties still have split zoning. They thought it was already zoned commercial. The split zoning creates a deterrent for what they can do on the site. They have a grandson who owns an auto detailing shop in Rantoul and would like to have his shop on the proposed site. It would be a win-win for the family. Their grandson would have an auto detailing shop and would pay them rent so they can help supplement their retirement years.

Mr. Hopkins said that the B-2 Zoning District would allow an auto detailing shop use and many other uses similar to it. Ms. Shaffer replied that they would accept rezoning to B-2 as long as they can have the auto detailing shop.

Mya Renna approached the Plan Commission to speak in opposition of the proposed rezoning. She stated that she is happy to hear that the owners' intent is to change the use of the properties, because the trash has created a major rodent issue in the neighborhood. She mentioned that there is also a lot of trash in the alley.

Ms. Renna expressed concern with other uses that would be allowed that would be unacceptable to the neighborhood should the auto detailing use fail. She would be more in favor of rezoning to B-2 than continuing on with the current use.

Mr. Hopkins wondered if the alley was City-owned. Mr. Garcia said that he made a note to check into this. [Editor's Note: The alleys are City-owned.]

Ms. Shaffer re-approached to address Ms. Renna's concern about trash in the neighborhood. She stated that they have had to call the police to come out because people have dumped garbage bags of trash on their property before. The police came, went through the trash and found who owned the trash, called the owners and made them come get their trash. Shaffer Sanitary does not leave any trash on their property because that would be bad for their business. Other waste haulers come into the neighborhood and pick up residents' trash; however, they [Shaffer's] get blamed for loose trash being in neighboring yards and in the alley. She said this won't be an issue any longer because the waste hauling use will not be located there.

Ms. Shaffer talked about being taxed as commercial for 40 years, so even Champaign County believed they were zoned commercial.

With there being no further questions or concerns from the audience, Chair Allred closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2470-M-23 to the City Council with a recommendation to rezone 714 East University Avenue to B-2 (Neighborhood Business – Arterial). Ms. McFarland seconded the motion.

Mr. Hopkins noted that with regards to the Comprehensive Plan, it is useful to have the notion of "urban residential pattern" and the annotations are useful and they matter.

Roll call on the motion was as follows:

Ms. Simms	-	Yes	Mr. Allred	-	Yes
Mr. Hopkins	-	Yes	Ms. McFarland	-	Yes
Ms. Yu	-	Yes			

The motion passed by unanimous vote. Mr. Garcia noted that this case would be forwarded to Committee of the Whole on March 20, 2023 and to City Council on March 27, 2023.

**7. NEW BUSINESS**

There was none.

**8. PUBLIC INPUT**

There was none.

**9. STAFF REPORT**

There was none.

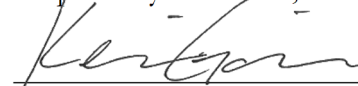
**10. STUDY SESSION**

There was none.

**11. ADJOURNMENT OF MEETING**

The meeting was adjourned at 7:53 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin Garcia', is written over a horizontal line.

Kevin Garcia, Secretary  
Urbana Plan Commission