

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** May 22, 2014

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

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

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**MEMBER PRESENT:** Andrew Fell, Tyler Fitch, Dannie Otto, Marilyn Upah-Bant

**MEMBERS EXCUSED:** Carey Hawkins-Ash, Maria Byndom, Lew Hopkins, Bernadine Stake

**STAFF PRESENT:** Jeff Engstrom, Planner II; Teri Anzel, Planning Administrative Assistant; Brad Bennett, Assistant City Engineer

**OTHERS PRESENT:** Marcus Harris, Carol McKusick, Roger Meyer, Maogi Sun

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

Chair Fitch called the meeting to order at 7:42 p.m. The roll was called, and he declared that there was not a quorum of the members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

The minutes of the May 8, 2014 meeting were continued to a future meeting for approval.

**4. COMMUNICATIONS**

There were none.

**5. CONTINUED PUBLIC HEARINGS**

There were none.

## **6. OLD BUSINESS**

There was none.

## **7. NEW PUBLIC HEARINGS**

There were none.

## **8. NEW BUSINESS**

### **Plan Case No. 2233-S-14: Country Side Second Subdivision Preliminary and Final Plats**

Chair Fitch opened the case. He announced that there was not a quorum of members present so there would not be a recommendation made during this hearing. However, they would allow City staff to give their presentation and the petitioner to present any additional evidence. Mr. Fell recused himself from the case for conflict of interest.

Mr. Engstrom gave the staff report for the proposed case. He explained that preliminary and final plats for Country Side Second Subdivision were previously approved by the City Council last year; however, the final plat was never recorded due to some difficulties that the petitioner had with providing drainage with the proposed lot layout and due to expenses of constructing a public street. Since then, the petitioner and his engineer have redrawn the lot lines. As a result, they have overcome the hurdles. There will no longer be a public street and there will be an additional outlot that will contain a drainage basin. With the previous concerns addressed, the petitioner is now ready to proceed with the development.

He talked about the zoning and current land use of the subject property and how the proposed development relates to the 2005 Comprehensive Plan with regards to the future land use designation. He reviewed the Preliminary Plat and the Final Plat. He discussed access, drainage and utilities to the subject property. He also discussed the petitioner's request to defer installation of sidewalks along the east side of Cottonwood Road and the north side of Anthony Drive. He noted that the petitioner was present and Brad Bennett, Assistant City Engineer, was both available to answer any questions the Plan Commission may have for them.

Chair Fitch asked the Plan Commission if they had any questions for City staff.

Mr. Otto asked about access to each lot. What does it mean that the petitioner took out a public road from the original plats? Is there an easement? Using a marked up copy of the Final Plat, Mr. Engstrom explained that the pink areas show the access easements. Depending on what the future owners of the lots agree to, the access easement off Cottonwood Road could access all of the lots and/or Lots 13 and 14 could have a shared access easement along the eastern property line off Anthony Drive.

Mr. Otto questioned whether the access easement off Anthony Drive would have to be built according to any specifications for public safety. Mr. Engstrom answered no. It would be considered a driveway and could be as narrow as ten feet wide.

Mr. Otto inquired as to who would maintain the outlot with the drainage basin. Mr. Engstrom explained that the petitioner would be recording a Homeowner's Association Covenants along with the Final Plat. Brad Bennett, Assistant City Engineer, added that the City's Public Works staff requested that the drainage basin be on a separate lot so that a neighboring future lot owner would not take ownership of the basin area and utilize it for their own purposes. The Homeowner's Association will have to mow and take care of it. The future owners will have to sign a detention basin maintenance agreement, which sets forth what they will have to do. It also sets a procedure for the City to take action if the future lots owners do not maintain the basin.

Mr. Otto asked if the proposed drainage swale runs on top of the easement for the driveway access. Mr. Engstrom referred the question to the petitioner's engineer.

Mr. Fitch inquired about the type of material that could be used for the access drives. Mr. Engstrom stated that they can use any materials that the Champaign County allows.

With no further questions for City staff, Chair Fitch opened the case up to hear testimony or comments from the petitioner.

Marcus Harris, petitioner, and Roger Meyer, engineer, approached the Plan Commission. They explained the drainage plan to the Plan Commission. Mr. Meyer stated that they have made it an ingress/egress drainage utility easement to fulfill all purposes. They talked about the access easements. Mr. Harris clarified that future lot owners of properties abutting up to a road will have the option to have an individual driveway off the road or have a driveway off the access easement.

Mr. Fitch inquired about the options if a person bought Lot 13 before Lot 12 was sold. Would the lot owner of Lot 13 have the option to have access from the easement off Cottonwood Road? Mr. Harris said that they would definitely be able to have access off Anthony Drive, but would have to wait until Lot 12 was sold to see if that owner would agree to extend the easement off Cottonwood Road to Lot 13. As long as he owns Lot 12, if the future owner of Lot 13 wanted to work out an agreement to extend the easement, he could make that agreement and pass it on to a future owner of Lot 12. It basically comes down to the future owners of the lots having to work together.

Ms. Upah-Bant wondered if it was unusual to have a homeowner's association in a country subdivision. Mr. Harris stated that it is a newer concept, but he hoped it would not keep anyone from wanting to buy one of his lots. Brickhouse Road Subdivision has a homeowner's association.

There were no additional questions for the petitioner.

Mr. Otto felt that the petitioner and his engineer addressed his concerns and questions about drainage.

Mr. Fitch closed the public hearing and continued it to the June 5, 2014 meeting.

Mr. Fell rejoined the Plan Commission at the dais.

## 9. AUDIENCE PARTICIPATION

Carol McKusick, of 1907 North Cunningham Avenue, stated the following:

- She did not get an opportunity to speak on the case that was before the Plan Commission during the public hearing. Mr. Fitch apologized. Ms. McKusick inquired how the public would know if the storm water management report had been approved by the City Engineer. Mr. Fitch explained that the written staff report for Plan Case No. 2233-S-14 mentions that the City Engineer has given a preliminary approval of the drainage plan. Final approval would not occur until the City Council acts on the case.
- She discussed Article V.5 of the Plan Commission By-Laws which states that *“Any person addressing the Plan Commission during ‘Audience Participation’ shall be allowed five (5) minutes to speak. It shall be the prerogative of the Chairperson to extend the five (5) minute time limit or if the Chairperson does not enforce or extend the time limit, the extension shall be decided without debate by a motion approved by the majority vote of the members of the Commission present.”* She asked for her five minutes to be uninterrupted so she would get the most comments in during her five minutes, and then have the Chairperson respond to her questions after her five minutes is expired. Mr. Fitch said no.
- She talked about a majority vote. Some decisions would be okay to make with less than a quorum such as, changing the agenda, approving the minutes, taking a recess or to reconvene, etc.
- She believes it is important for a meeting to start on time regardless of who is in attendance and regardless of whether there is a quorum or not.
- She feels that the City should have a Board of Government Information.
- She believes that the City should hold meetings even if there is not a quorum. Meetings should not be cancelled because that does not allow for public input/comments.

Mr. Fitch explained that one reason why he waited to start the meeting was to be fair to the petitioner in hopes that another member would arrive late to make a quorum. The reason he opened the meeting and took comments and questions was to be fair to the petitioner and to the members of the public that attended the meeting. He thanked her for attending the meeting and sharing her opinions.

## 10. STAFF REPORT

Mr. Engstrom reported on the following:

- Campus Circle Special Use Permit was approved by City Council.
- New Planners – Two new planners have been hired and will begin working for the City of Urbana soon.

## 11. STUDY SESSION

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

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Elizabeth H. Tyler, FAICP, Secretary  
Urbana Plan Commission