

**URBANA CITY COUNCIL MEETING
May 5, 2003**

The City Council of the City of Urbana, Illinois met in regular session at 7:30 p.m., Monday, May 5, 2003 in the Urbana City Council Chambers at 400 South Vine Street.

There being a quorum, Mayor Satterthwaite called the meeting to order at 7:30 p.m.

Present at the meeting were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan (arrived at 7:40 p.m.), and Wyman – 7; absent: none.

Also present were staff members: Eddie Adair, Michaela Bell, Bob Grewe, Steve Holz, Rob Kowalski, Rex Mundt, Libby Tyler, and Bruce Walden.

MINUTES OF PREVIOUS MEETING

Aldерwoman Wyman moved approval of the minutes of the April 21, 2003 regular meeting. The motion was seconded by Alderman Hayes and carried by a voice vote.

ADDITIONS TO THE AGENDA

There were none.

PETITIONS AND COMMUNICATIONS

Peggy Kovacic, 601 South Anderson, addressed the Council to request that the brick sidewalks in front of their property be replaced with concrete.

Frank Veach, 605 East California, addressed the Council in opposition to brick sidewalks due to the hazards they pose.

Bob Leach, representing UCAN, addressed the Council in support of Resolution No. 2003-04-006R: A Resolution Approving the City of Urbana and Champaign/Urbana/Champaign County HOME Consortium FY 2003-2004 Annual Budget.

Alderman Hayes read a letter into the record from Steve Friend and Cuc Bri, 701 East California, requesting that the brick sidewalks in the front of their home be replaced with concrete if they are repaired.

Alderwoman Wyman stated that the Market at the Square opens Saturday, May 10, 2003 at 7:00 a.m. Coinciding with that is the annual Mother's Day Plant Sale inside at Lincoln Square Mall.

Alderman Whelan complimented the MTD on the display of their services and future plans that was held at terminal in downtown Champaign.

OLD BUSINESS

There was none.

REPORTS OF STANDING COMMITTEES

Committee Of The Whole

Alderman Whelan moved to approve **Ordinance No. 2003-04-038: An Ordinance Vacating an Alley (Running 143.88 Feet North from Nevada Street in the 300 Block of West Nevada Street)**. The motion was seconded by Alderwoman Wyman and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Alderman Whelan moved to adopt **Resolution No. 2003-04-006R: A Resolution Approving the City of Urbana and Champaign/Urbana/Champaign County HOME Consortium FY 2003-2004 Annual Action Plan**. The motion was seconded by Alderwoman Patt.

Planning Manager Bob Grewe reviewed the changes made in the action plan. Following debate, the motion to adopt **Resolution No. 2003-04-006R: A Resolution Approving the City of Urbana and Champaign/Urbana/Champaign County HOME Consortium FY 2003-2004 Annual Action**

Plan carried 7-0 by roll call voice. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Alderman Whelan moved to approve **Ordinance No. 2003-04-043: An Ordinance Authorizing the Purchase of Certain Real Estate (914 West Eads)**. The motion was seconded by Alderwoman Patt and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Alderman Whelan moved to approve **Ordinance No. 2003-04-045: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Program Subrecipient Agreement (Housing Authority of Champaign County Project No. 0203-08)**. The motion was seconded by Alderwoman Wyman and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman - 7; voting nay: none.

Alderman Whelan moved to approve **Ordinance No. 2003-04-046: An Ordinance Approving and Authorizing the Execution of a Real Estate Contract With Homestead Corporation of Champaign-Urbana**. The motion was seconded by Alderwoman Patt and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Alderman Whelan moved to approve **Ordinance No. 2003-04-039: An Ordinance Amending Schedule H of Section 23-93 of the Urbana Local Traffic Code Requiring Stop Signs at a Certain Intersection (Vance Road at Northwood Drive, Vance Road at O'Brien Drive, O'Brien Drive at**

Urbana City Council

May 5, 2003

Page 4

Vance Road, East Anthony Drive at O'Brien Drive). The motion was seconded by Alderwoman Wyman and carried by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Alderman Whelan moved to approve **Ordinance No. 2003-04-040: An Ordinance Amending Schedule J of Section 23-183 of the Urbana Local Traffic Code Prohibiting Parking at All Times on Certain Streets (Sunset Drive, Extension of Existing Parking Restriction)**. The motion was seconded by Alderwoman Wyman and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Alderman Whelan moved to adopt **Resolution No. 2003-04-010R: A Resolution Approving and Authorizing the Execution of an Agreement with the Illinois Department of Transportation (Windsor Road from Philo Road to High Cross Road)**. The motion was seconded by Alderwoman Wyman and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

There will be a special meeting of the Committee of the Whole at 6:00 p.m. on Monday, May 12, 2003 to hear presentations from agencies requesting social service grants. The next regularly scheduled meeting of the Committee of the Whole will be at 7:30 p.m. on Monday, May 12, 2003 in the Urbana City Council Chambers at 400 South Vine Street.

REPORTS OF SPECIAL COMMITTEES

There were none.

REPORTS OF OFFICERS

Chief Administrative Officer Bruce Walden stated that the landfill remediation efforts are moving forward.

Mr. Walden stated that there had been concern regarding reliability of the electrical service. There haven't been as many concerns in Urbana as in Champaign. There have been concerns at the engineering level in regard to the responsiveness of Illinois Power regarding planning our projects and our ability to reach those that can make decisions. Mr. Walden has been meeting with Steve Carter and University of Illinois officials regarding this issue and they are working on a joint public hearing with the cities of Urbana and Champaign and the University of Illinois to obtain public comments from those with concerns. The Illinois Commerce Commission will probably be invited to attend. As soon as that meeting is arranged, Council will be notified.

Mr. Walden stated that the budget presentation will be made in its entirety on Monday, May 12, 2003.

Mr. Walden reported that the Parade of Homes would be June 21 and June 22, 2003.

Alderman Wyman stated that she appreciates staff looking in to the Illinois Power issue. There have been several power outages in her ward.

Alderman Whelan questioned if the success of the program with the housing and the taxes implies that a reduction in taxes results in an increase in construction growth. Mr. Walden stated that the program over the past year and the lower interest has been helpful to the City.

NEW BUSINESS

Planner Michaela Bell presented staff report on **Ordinance No. 2003-05-047: An Ordinance Approving a Major Variance (Request a Three Foot Increase of the Allowable Encroachment into the Front Yard Setback in the R-3, Single and Two-Family Zoning District – 605 East Green Street, Case No. ZBA-03-MAJ-3)**. Kerry Helms and Nohra Mateus-Pinnela have requested a variance for a three-foot increase of the allowable encroachment into the front yard setback at 605 East

Green Street to allow for the construction of an unenclosed front porch. They are allowed a five-foot encroachment by right. The Zoning Board of Appeals voted 7-0 to forward the variance request to Council with a recommendation for approval. Staff concurs.

Alderwoman Huth moved approval of the Ordinance. The motion was seconded by Alderwoman Wyman. Following debate, the motion to approve **Ordinance No. 2003-05-047: An Ordinance Approving a Major Variance (Request a Three Foot Increase of the Allowable Encroachment into the Front Yard Setback in the R-3, Single and Two-Family Zoning District – 605 East Green Street, Case No. ZBA-03-MAJ-3)** carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Planning Manager Rob Kowalski presented staff report on **Ordinance No. 2003-05-048: An Ordinance Approving a Major Variance (To allow a nine-foot reduction in the required 15-foot front yard setback along Central Avenue in the R-5, Medium High Density Residential Zoning District - 401 West Park Street – Case No. ZBA-03-MAJ-2)**.

Peter Baska of CLR Lofts has requested a major variance for a 60% reduction in the required front yard along Central Avenue at 401 South Park Street. The petitioner wishes to establish a two-story, eight-unit apartment building on the property and has requested the variance to accommodate the required parking spaces in the eastern front yard. The Zoning Board of Appeals voted 5-2 to forward the variance request to Council with a recommendation for approval, with the condition that the landscaping buffer shown in the site plan be established and maintained as a part of the development of the site. Staff concurs. Council has the following options:

- a. The Council may grant the variance as requested.
- b. Council may grant the variance subject to certain terms and conditions. If Council elects to impose

conditions or grant the variance based on findings other than those articulated, they should articulate its findings in support of the approval and any conditions imposed.

- c. The Council may deny the variance request. If Council elects to do so, they should articulate findings supporting its denial.

Following debate, Alderwoman Patt moved to deny the request based on the following:

1. No special circumstance or practical difficulty with reference to the parcel prevents strict application to the ordinance. Every block has a corner lot. The fact that the parcel is a corner lot does not by itself constitute a practical difficulty or special circumstance.
2. The proposed variance would serve as a special privilege. A smaller structure on the parcel would not require encroachment into the eastern front yard in order to provide the required number of parking spaces.
3. The variance requested is a result of the petitioner planning new construction of greater density that is possible on the parcel.
4. The variance would alter the essential character of the neighborhood by partially impeding the view of Crystal Lake from the south.

The motion was seconded by Alderwoman Wyman. Following debate, the motion to deny the variance failed 3-4 by roll call vote. Voting aye were Members of the Council: Huth, Patt, and Wyman – 4; voting nay: Chynoweth, Hayes, Otto, and Whelan – 4.

Following further debate, Alderman Whelan moved to approve **Ordinance No. 2003-05-048: An Ordinance Approving a Major Variance (To allow a nine-foot reduction in the required 15-foot front yard setback along Central Avenue in the R-5, Medium High Density Residential Zoning District - 401 West Park Street – Case No. ZBA-03-MAJ-2)**. The motion was seconded by Alderwoman Chynoweth.

Following debate, Alderwoman Chynoweth asked that her statement be read into the minutes "that the special circumstance that exists is not necessarily based on the fact that it is a corner lot. I think the situation is that there is kind of a no harm done."

Following further debate, Alderwoman Wyman moved to remove what is listed in #1 where it talks about being located on a corner lot and find that in this case there is a special circumstance due to the fact that the property is located on one side by a business and not adjacent to single-family or duplex residence. The motion was seconded by Alderwoman Patt. Following debate, City Attorney Steve Holz suggested that staff be given additional time to put pertinent information into the ordinance.

Alderwoman Wyman moved to table **Ordinance No. 2003-05-048: An Ordinance Approving a Major Variance (To allow a nine-foot reduction in the required 15-foot front yard setback along Central Avenue in the R-5, Medium High Density Residential Zoning District - 401 West Park Street – Case No. ZBA-03-MAJ-2)** to the May 19, 2003 meeting of the City Council. The motion was seconded by Alderwoman Chynoweth and carried by a voice vote.

The Council recessed at 8:52 p.m. and resumed the meeting at 9:00 p.m. with all Members previously in attendance still present.

Alderman Whelan left the meeting at 9:14 p.m.

Andrea Rudy, Chief Executive Officer of the Alliance and Jill Booth, Chief Operating Officer of the EDC, presented their budgets and informed Council on their operations. (See presentation attached.)

ADJOURNMENT

There being no further business to come before the Council, Mayor Satterthwaite declared the meeting adjourned at 9:50 p.m.

Urbana City Council
May 5, 2003
Page 9

Tod Satterthwaite
Mayor

Phyllis D. Clark, City Clerk

*This meeting was taped.

**This meeting was broadcast on cable television.

Minutes approved: May 19, 2003