

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: November 7, 2013

TIME: 7:30 P.M.

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

MEMBER PRESENT: Carey Hawkins-Ash; Maria Byndom, Andrew Fell, Tyler Fitch, Bernadine Stake

MEMBERS EXCUSED: Lew Hopkins, Dannie Otto, Marilyn Upah-Bant

STAFF PRESENT: Rebecca Bird, Interim Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Jim Bray, Alison Colgrove, Jason Eyman, Becky Hess, Jerry and Nancy Hess, Bruce Johnson, Ryan Latvaitis, Carol McKusick, David Monk, Tyler Rouse, Bill and Michele Scott, James and Karen Ward, Gabe Lewis

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

Mr. Fitch called the meeting to order at 7:32 p.m. The roll was called, and he declared that there was a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Fell moved that the Plan Commission approve the minutes from the September 19, 2013 regular meeting. Mr. Ash seconded the motion. The minutes were then approved by unanimous vote as amended.

4. COMMUNICATIONS

- 2013 Republished Zoning Ordinance

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2215-M-13 and Annexation Case No. 2013-A-02: A request by First Federal Savings Bank of Champaign-Urbana to rezone a 0.36-acre tract of property at 2110 North Willow Road from Champaign County R-1 (Single-Family Residence) to City B-1 (Neighborhood Business) as part of an annexation agreement.

Chair Fitch opened the public hearing for this case. He explained the procedures for a public hearing.

Rebecca Bird, Interim Planning Manager, summarized the written staff report for Plan Case No. 2215-M-13 and Annexation Case No. 2013-A-02. She explained the reason for the annexation rezoning request, which is to rezone 2110 North Willow Road to City B-1, Neighborhood Business, upon annexation as part of an annexation agreement. She described the proposed lot as well as the adjacent surrounding lots noting their zoning and existing land uses. She discussed the benefits of bringing the proposed site into the City limits, the proposed rezoning to B-1 and the tax impact of rezoning the property and annexing it into the City. She reviewed the La Salle National Bank criteria that pertain to the proposed rezoning. She read the options of the Plan Commission and presented staff's recommendation.

Chair Fitch took questions from the Plan Commission for City staff.

Mr. Ash asked if City staff believed that rezoning the subject property would likely increase the tax revenue. Ms. Bird said yes.

Mr. Fell questioned in the event of a fire, would the owner need to rebuild in conformance to the R-1, Single Family Residential, or the B-1 Zoning District. Ms. Bird answered that if the proposed rezoning is approved, then the owner would need to follow the B-1 development requirements. However, the owner could build a residential house because there is also a Conditional Use Permit to allow a single-family residence on the lot in the annexation agreement.

Mr. Fitch asked for verification as to where a fence would be allowed as part of the landscape buffer. Ms. Bird explained that a fence could be constructed on the property line or just inside the property line. The owner would then need to provide a five-foot landscape buffer and ten-foot setback from the building to the landscape buffer.

Mr. Fitch stated that the lot is odd-shaped. What would be considered the front-yard and the side-yard? Ms. Bird replied that the subject property has two front –yards; one along Kenyon Road and the second along Willow Road. It depends on which direction a building faces as to where the side-yard and rear-yard would be.

Mr. Fitch noticed that there is a footnote for B-1 development regulations stating that if the height of a building is two stories or exceeds 25 feet, the minimum setback for the side and rear yards shall be increased. Is it possible that the required setback could exceed the ten feet that is specified in the annexation agreement? Ms. Bird said yes. The stricter and more specific regulations would apply when there are two regulations that are slightly different and competing. The Plan Commission could add language to their recommendation to City Council, but it is not necessary because this rule would apply regardless of whether it was included in the annexation agreement. Another thing to keep in mind is that because of the configuration of the proposed lot, any commercial development would be relatively small.

Mr. Fell stated that if the City annexes the property with the existing house, the rear setback is already non-conforming. Should this be noted? Ms. Bird replied that it was not necessary. This occurs throughout the older areas of the City because these areas were built before the current setbacks were established in the different zoning districts. If the house were to burn down and were rebuilt, the owner would need to meet the setbacks for the district.

Chair Fitch asked if the petitioner wished to address the Plan Commission on this case.

Tyler Rouse and Jason Eyman, of First Federal Savings Bank of Champaign-Urbana, spoke as the petitioners. Mr. Rouse stated that the bank does not intend to construct a multi-story building on the subject property. They would just like to update the existing building and make it possible for a small business to use. Mr. Eyman concurred that they have no intentions to demolish the existing building.

Mr. Fitch asked if the petitioners would be willing to work with the adjacent property owner to the south with regards to the construction of a fence not impeding the neighboring driveway or would they be agreeable to adding language in the agreement. Mr. Eyman replied that the fence would be kept on their property. The property line is approximately two or three feet from the edge of the neighbor's driveway.

Ms. Stake asked for verification about the petitioner's intention to keep the use of the proposed site as residential. Ms. Bird explained that the petitioners want to rezone the subject property to be able to sell it. Since the bank has not been able to sell the property as a residential use, they would like to be able to market the property as residential with the possibility of using the property for commercial use. Mr. Eyman stated that the bank has had the property on the market for over a year, and they want to increase the marketability for the property. Mr. Rouse added that the bank has had numerous potential buyers who inquire about the current zoning. When they find out that it is zoned for residential, the potential buyers lose interest.

Chair Fitch asked if there were any other members of the audience who wished to speak in favor of the proposed special use permit. There were none.

Chair Fitch then asked if there were any members of the audience who wished to speak in opposition.

Michele Scott, of 2005 Willow Road, stated that rezoning the proposed site will impact Willow Road as a whole due to an increase in traffic. Willow Road is currently used as a short cut for Cracker Barrel and Steak 'n Shake. She pointed out that only five lots on Willow Road have sidewalks, so vehicles and pedestrians share the road. There are two school bus stops on the road. Willow Road is an oil and chip road, so additional traffic will mean additional wear and tear on the road. There are no storm or sanitary systems, which means if a future buyer constructs more parking on the proposed lot, it will increase the amount of water, which drains down towards Country Club Road.

Ms Scott disagreed with the petitioners' statement that they have not been successful in finding someone who wants to live on the frontage road. She explained that there are other houses along Kenyon Road, which people have purchased and currently live in.

She went on to say that a fence will not buffer or protect the residential house directly to the south of the proposed lot from lighting a parking area if it is used for business. Although the bank does not want to demolish the existing residential house, a future buyer may decide to do so. If a future buyer wants to use the property for commercial, they would still need to repair the roof and update the kitchen. With regards to the rezoning making the subject lot more marketable, there is already a commercial lot where the Bombay Bicycle Club was located on Kenyon Road that has been vacant for many years.

She asked if the bank has tried marketing the proposed lot with the Multiple Listing Service (MLS). Ultimately, she believes the reason the bank wants to rezone the lot is so they can recoup some of the money they have already invested in the lot, which is not the purpose of the Plan Commission or of zoning. We need to maintain the integrity and safety of the residential neighborhood.

Bruce Johnson, of 1801 Willow Road, stated that the proposed rezoning comes down to money. The bank got behind a bad loan and cannot sell the house. It would be easier for the bank to sell the house if it were to be rezoned to commercial. However, the bank has not actively marketed the home with MLS. They put their own sign in the front yard. Like with anyone else who wants to sell their home, if there are repairs that need to be done, then they need to do them. They could at least put a new roof on the home and make it have better curb appeal in order to try to sell the property.

The proposed lot is small, so any business would have to be small unless they purchase adjacent properties. The businesses across the interstate are irrelevant to this case.

The City of Urbana forced the annexing of properties in the neighborhood and promised protection for the property owners. He has not seen any police officers in the area. Drivers speed on the road, and there are no police officers to stop them. It is dangerous for kids walking

to and from the bus stops. For the safety of the neighborhood and to protect their property values he asked the Plan Commission to deny the rezoning request.

Ms. Bird asked if Mr. Johnson had called the police to report drivers speeding in the neighborhood. Mr. Johnson replied yes, but nothing has been done. Ms. Bird said she would pass this information on to the Police Department.

Alison Colgrove, of 1805 North Willow Road, encouraged the Plan Commission to visit the neighborhood before voting on the proposed rezoning case. Willow Road is not very wide and has deep ditches. There are many pedestrians, bicyclists and dog-walkers that share the road with vehicles. Adding another business in the neighborhood will increase the unsafe conditions that already exist. No one knows how a potential buyer will use the proposed site and how invasive the use will be on the neighborhood.

Becky Hess, of 1910 Willow Road, stated that there was a Caution – Children Playing sign posted, but it was removed when the drainage ditches were dug. The Police Department told her that they could not repost the sign because the neighborhood is within the City limits. She has called the police several times regarding speeders. Speeding is the biggest problem they have in their neighborhood, and the City is not doing anything about it.

Karen Ward, of 2102 North Willow Road, inquired if a future owner of the proposed lot is required to install sewer lines, will it force the other property owners in the area to connect to City sewer. Ms. Bird replied that if the subject property did change use, it would require a connection to the City's sewer; however, it would not necessitate the other four properties in the County to connect.

Ryan Latvaitis, of 1708 North Willow Road, confirmed that drivers speed through the area. Sprawl comes to mind when he thinks of the possibility of the subject site being rezoned. A future owner may decide to expand and offer to buy the adjacent property to the south. Before you know it will be commercial throughout this now residential neighborhood. The petitioners are not invested in this property. Once they sell the proposed site, then they will be long gone; however, the neighbors in the audience will still be living in the area.

Chair Fitch asked if the petitioners wished to respond.

Mr. Rouse pointed out that the majority of the issues and concerns raised by the neighbors had nothing to do with zoning. They involved speeding, lack of sidewalks, etc. Mr. Latvaitis stated that the bank has no investment; however, First Federal Savings Bank of Champaign-Urbana is a community bank and has been located here since 1908. Someone offered to purchase the property at a big discount, but they declined the offer, because it would have affected neighboring property values. They felt it was in the best interest of the neighborhood to decline the sale offer.

Mr. Eyman mentioned that the bank owns another property on GH Baker Drive that they have spent money on to repair. They do have a vested interest in the area because they have many

customers who live in the neighborhood and would not want the property values of their customers to decrease.

Mr. Fitch asked if the bank has listed the subject property with an MLS realtor. Mr. Eyman said no. However, the bank works with the realtors every day. So, the fact that it is not listed on MLS does not mean that it is not being marketed. They have turned down at least ten or so offers within the past six months that would have been detrimental to the area.

Mr. Ash inquired as to how much the bank has financially invested in marketing the property. Mr. Eyman replied that he did not have that information.

Mr. Ash asked how much on average does the bank invest in marketing residential properties. Mr. Eyman stated that if a residential property is listed with an MLS realtor, then it would be 3% to 6% of the property value. This amount includes market costs and the realtor's profit as well.

Mr. Ash wondered if the bank typically lists residential properties with an MLS realtor. Mr. Eyman said that this is decided on a case-by-case basis. Mr. Ash asked what made this case different. Mr. Rouse stated that this property is not in very good condition. So, they felt it would have more value as being a commercial property.

Mr. Ash asked how the bank sees the conversion of the proposed site to B-1 impacting the adjacent residential property values. Mr. Rouse felt it would be positive because there is the Cracker Barrel, Steak 'n Shake and the hotel. Mr. Eyman added that a commercial owner will have a vested interest in the property. It will take a significant upgrade on their part, a monetary influx into the property which would not be there if it was sold at a deep discount and turned into a rental property.

Mr. Ash asked if the petitioners thought the subject property being used commercially would not drive the property values of the neighboring residential properties down. Mr. Eyman said that this is their belief. Mr. Ash asked if this has ever happened in the past. Mr. Eyman and Mr. Rouse said that they have never experienced it, but they cannot guarantee anything.

Ms. Stake inquired as to why the bank has not thought about the affect a commercial use would have on the property values that would decrease and the impact it would have on the neighborhood. Mr. Rouse answered that the bank did take this into consideration. They do not believe that the neighborhood would be harmed.

Ms. Byndom asked if there was any harm in listing the property with an MLS realtor. Mr. Rouse replied that they would have to pay a real estate agent. They do not consider the subject property to be an MLS marketable property in its current state.

With no one else in the audience, Chair Fitch asked if the Plan Commission had any further questions for staff.

Mr. Fell asked if the City approves the proposed annexation agreement and rezoning as proposed with the granting of a Conditional Use Permit to allow a residential use in the B-1 Zoning

District, would it be annexed as a business use or residential use. Ms. Bird said that it would be annexed as a residential use, so a future owner would have to bring the current structure up to building code for a business use if they use it commercially.

Mr. Fell inquired why the petitioners did not ask the County to rezone the property instead of the City. Ms. Bird explained that because it is adjacent to the City of Urbana, any change in use would require an annexation agreement via an Intergovernmental Agreement with the Urbana-Champaign Sanitary District.

Mr. Fell asked if this is approved, would the City be able to force annexation of the four other properties currently located in the County. Ms. Bird said no, because they must be surrounded on all four sides in order for the City to force annexation.

Chair Fitch closed the public hearing and asked for any Plan Commission comments or motions.

Ms. Stake commented that the City needs to think about the residential area. It is unfair to the residents to change the zoning of an adjacent property to business. If the neighbors were in favor of the rezoning, then it would be different; but many neighbors have spoken in opposition of this case.

Ms. Byndom wondered if there was a cost analysis to prove whether the subject property in its current unmarketable condition sitting vacant would be more detrimental to the surrounding properties versus having a viable small business locate there. Mr. Fitch felt that there is a difference in opinion in answering this question.

Ms. Stake commented that the bank should make the repairs to the existing house to make it more marketable as residential. She can understand why the property is not marketable if there are a lot of costly repairs that need to be made. It is the owners fault, not the neighbors. Mr. Fitch stated that they are not blaming anyone for its current condition. The house was foreclosed on and the bank now has possession of it. The bank has made a business decision that if they did invest in it and rehabilitate it as a house, then they would not be able to sell it and they would lose their investment.

Mr. Ash commented that there is speculation on what will happen in the end. Although this is not a concern of the Plan Commission, he is skeptical. He realizes that the bank needs to make a profit to keep their door open, but he was not satisfied with the answers to his questions.

Mr. Fitch stated that it is always difficult whenever there is a rezoning from residential to commercial, especially when the adjacent residents are opposed. In a previous case, the Plan Commission approved such a rezoning request, but the key point was that the Comprehensive Plan called for commercial in that location. In this case, the Future Land Use Map shows "Residential" for the subject property, so he is going to follow the Comprehensive Plan.

Mr. Fell commented that the subject property is a piece of property that is in an unfortunate location that makes it less desirable to be a residential property. He feels that it is important for

the City to follow the Comprehensive Plan because it is what the residents can look at as to what our future outlook is for the City.

Ms. Bird reiterated the options of the Plan Commission.

Mr. Ash moved that the Plan Commission forward a recommendation to the Urbana City Council for approval of Annexation Case No. 2013-A-02 without approval of rezoning in Plan Case No. 2215-M-13. Mr. Fell seconded the motion.

Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Ms. Stake	-	No	Mr. Ash	-	Yes
Ms. Byndom	-	Yes			

The motion passed by a vote of 4 ayes to 1 nay.

Ms. Bird stated that City staff would talk with the petitioner to see if they want to pursue the annexation agreement without the rezoning.

8. NEW BUSINESS

There was none.

NOTE: Mr. Ash left the meeting at 9:04 p.m.

9. AUDIENCE PARTICIPATION

Carol McKusick criticized the Plan Commission on the following points regarding forwarding Plan Case 2208-T-13 to the City Council:

- Without the approved Plan Commission minutes of their meeting on August 22, 2013
- Without seeing the Ordinance that is presented to City Council
- Without having a type-faced staff memorandum, which is why she interprets the Plan Commission members relied on Mr. Engstrom’s summarized staff presentation
- Without seeing the changes the Plan Commission made incorporated into the text amendment to check for accuracy
- Based on incorrect staff information about the publication of the Zoning Ordinance. City staff told the Plan Commission that the Zoning Ordinance is republished annually; however, the list of publication dates in the Zoning Ordinance proves otherwise.

She inquired about “Old Business”. Mr. Fitch explained that it is a case or item of business that does not require a public hearing.

Dave Monk expressed his concern about the railroad. The Illinois Department of Transportation (IDOT) is planning to open up the railroad to St. Joseph, Illinois. This means moving the fiber

optics cables and adjacency to the rail trail. The rail trail includes prairie, which can often be invaded by trees. They hoped the trees would be removed. He is looking for some dialog between local park districts, forest preserves and conservation districts to care for the adjacency of the railroad. It is not the world's greatest prairie, but he would like to see the soil and species preserved. He does not want IDOT to be planting invasive road side species that grow in ten days but cost thousands of dollars to remove. He wants people to be concerned about the Kickapoo Trail to Danville.

10. STAFF REPORT

Rebecca Bird, Interim Planning Manager, presented a staff report on the following:

- Annexation Case No. 2013-A-02 – If the petitioners want to continue with the annexation agreement, the case will go forward to the City Council on November 18, 2013.
- Plan Case No. 2213-SU-13 regarding the St. Patrick Church Special Use Permit request was approved by the City Council as recommended by the Plan Commission.
- Robert Myers, Planning Manager, resigned to accept a position in St. Charles County, Missouri. His last day was October 22, 2013. Ms. Bird has been promoted to Interim Planning Manager.

11. STUDY SESSION

Champaign County Greenways & Trails Plan 2013: Active Choices

Gabe Lewis, Transportation Planner with the Champaign County Regional Planning Commission, mentioned that they are updating the existing Champaign County Greenways and Trails Plan. He gave a presentation on the following:

Active Choices: 2013 Champaign County Greenways and Trails Plan Update

- Historic Background: The Roots of the Greenways and Trails Plan
- Member Agencies
- Focus of the 2013 GT Plan
 - Active Transportation
 - Environment
- Literature Review
- Existing Conditions: Greenways
- Existing Conditions: Trails & Bikeways
- GT & the Environment
- Issues & Forces
- Needs Assessment – Greenways & Trails Connectivity and Accessibility
- Goals and Objectives
- S.M.A.R.T. Objectives – Specific, Measurable, Attainable, Relevant, Time-based
- Public Workshop Series #1
- Design Guidelines
- Future Conditions: Transportation

- Implementation
- Future Conditions: Non-Infrastructure
- Future Conditions: Environment
- Public Workshop #2
- Next Steps

Mr. Fitch inquired as to when the final plan would be available. Mr. Lewis replied that they would be submitting the final plan to IDOT and then make any changes that they have. The Final Plan should be available early next year. Ms. Bird added that City staff will be presenting the update as a text amendment to the City's Comprehensive Plan in the near future.

Ms. Stake felt that it is a great that the Champaign County Regional Planning Commission is working on this.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Rebecca Bird, AICP, Secretary
Urbana Plan Commission