

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DATE: April 6, 2000

TIME: 7:30 p.m.

PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

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MEMBERS PRESENT: Dr. John Barry Howell, Ms. Marilyn Upah-Bant, Dr. Randy Kangas, Mrs. Frances Moreland, Dr. Bernadine Stake.

MEMBERS EXCUSED: Dr. Gerrit Knaap, Ms. Phyllis Winters-Williams.

MEMBERS ABSENT: Mr. Christopher Alix.

STAFF PRESENT: Elizabeth Tyler, AICP/ASLA, Asst. City Planner
Jack Waaler, City Attorney
Tim Ross, Planner
Pat Tarte, Recording Secretary

OTHERS PRESENT: Scott Plunk, Susan Taylor, Diane Gordon, and two students from the University of Illinois.

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

The meeting was called to order at 7:30 p.m. A quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes for March 9, 2000 were presented for approval. Dr. Stake moved that the minutes be approved as presented. Mrs. Moreland seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

Birth announcement for Senior Planner Rob Kowalski's new son.

Subdivision Process outline for study session

Existing land use map for Plan Cases 1740-CP-00 and 1740-M-00

Pages from Urbana Subdivision and Land Development Code regarding subdivision process

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 1740-CP-00: Request by Scott Plunk to amend the Comprehensive Plan future land use recommendation for an approximately 19,550 square foot parcel at 403 East Kerr Avenue from High Density Residential to Commercial.

Plan Case No. 1740-M-00: Request by Scott Plunk to rezone 403 East Kerr Avenue from R-3, Single/Two Family Residential to B-3, General Business.

Dr. Howell stated that the two cases would be heard concurrently.

Ms. Tyler presented an overview of the cases concluding with a staff recommendation for approval for both cases.

Ms. Tyler noted, in answer to a question posed by Dr. Stake concerning the current zoning of the surrounding property, that a current land use map had been distributed to the Commissioners at the start of the meeting. She stated that the subject property was currently vacant as was the adjacent property to the west. She also noted that a number of properties to the east and southeast are designated commercial. Dr. Stake stated that she felt the area was primarily single family. Ms. Tyler agreed that there were some single family units to the north but that three of the residential properties along the south side of Kerr are zoned B-3 and the houses on these Lots are considered legally non-conforming. She explained that if anything happened to those existing houses they could not be replaced with new residential housing.

Dr. Kangas asked if the two Lots owned by the petitioner were joined and a business was opened on the Lot how would trucks serving the business get onto the Lot. Ms. Tyler stated that any business operating from the lot would have to provide access. There was a discussion concerning the longevity

of the single family use in the neighborhood. Ms. Tyler noted that the existing commercial zoning indicates that the future will be commercial for those parcels. She noted that the residential uses on the north side of Kerr seem very stable, whereas the south side seems to be more of a mixture. She stated that it is more of a transitional zone to Cunningham Avenue. Dr. Kangas said that the point he wanted to make was that any access to the Lot would have to be from Kerr Avenue and would affect the residential use to the north.

Mr. Scott Plunk, the petitioner, stated that he would like to start a mowing and snow removal business and use the Lot as a place to store mowers and other equipment. He also said that he had given some thought to starting a fencing business. He noted that if he had a need for help it would only involve one additional person. He stated that the kind of business he wanted to start would not have customers stopping by and that therefore, there would not be increased traffic. He noted that there are two curb-cuts already located on the property for easy access. Ms. Tyler noted that because this Lot is a Legal Lot of Record it is possible that a structure could be built that might fit on this Lot without any yard variance. Ms. Tyler explained that for some anticipated uses it would be necessary to apply for a Special Use Permit or a Conditional Use Permit.

Dr. Stake asked if there had been any opposition to this case. There was none from the audience and Ms. Tyler said that she had heard no opposition from the neighbors.

Dr. Kangas moved that Plan Case 1740-CP-00: Request by Scott Plunk to amend the Comprehensive Plan Future Land Use recommendation for an approximately 19,550 square foot parcel at 403 East Kerr from High Density Residential to Commercial be forwarded to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Dr. Howell called for a roll call. The vote follows.

Upah-Bant, yes	Moreland, yes.	Stake, yes	Howell, yes
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Kangas, yes

The motion passed 5-0.

Dr. Kangas moved that Plan Case 1740-M-00: Request by Scott Plunk to rezone 403 East Kerr Avenue from R-3, Single/Two Family Residential to B-3, General Business be forwarded to the City Council with a recommendation for approval based on the LaSalle Criteria. Mrs. Moreland seconded the motion.

Dr. Howell called for a roll call. The vote follows.

Upah-Bant, yes	Moreland, yes	Stake, yes	Howell, yes
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Kangas, yes

The motion passed 5-0.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler introduced Tim Ross, the new Planner, to the members of the Plan Commission and noted that the Plan Division is now fully staffed.

Ms. Tyler reported on the disposition of cases that had come before the Plan Commission in the last few months.

CCZBA-216-99, LaRoe, Logan, and Mack petitioners.

Location: Perkins Road and Carroll Avenue.

Plan Commission recommendation: Protest to the rezoning.

City Council action: Protested the Case.

Ms. Tyler reported that the request has subsequently been split into four requests. Staff has informed the County that the City protest will stand for the separate cases as well.

1731-M-00, Annual Zoning Map Update.

Plan Commission recommendation: For approval.

City Council action: Approved as presented.

Ms. Tyler stated that new color copies of the Zoning Map are being printed and will be made available through the office of the City Clerk at a cost of \$7.00 per copy.

1737-S-00, Wabash Railroad Subdivision No. 2.

Plan Commission recommendation: Motion for approval met with a tie vote.

City Council action: Approved as presented.

Ms. Tyler reported on the APA, Greater Illinois Section meeting held in Champaign. She also informed the Commissioners that a joint meeting of the Champaign, Savoy, and Urbana Plan Commissions will be held on May 11, 2000.

11. STUDY SESSION

Due to the presence of only four commissioners, (Dr. Stake having left early), it was decided that the study session, concerning the Subdivision Process be delayed until a full or nearly full complement of Commissioners could be present.

Mrs. Moreland asked how a tie vote was addressed, as happened in the Railroad Subdivision No. 2 case?

Ms. Tyler said that the case was presented to the City Council without a recommendation from the Plan Commission. She said that the Council did not seem to have a problem receiving the case in that incomplete form. Dr. Howell added that he and staff had discussed whether a tie vote of the Plan Commission would be construed as a defeat of the motion, as a no motion, or as an approval. Mr. Waaler stated that a tie vote is an absence of approval. Mrs. Moreland asked if an abstention is a no vote, a yes vote, or no vote at all. Mr. Waaler noted that the only abstention allowed by the City Council at their meetings is one due to a conflict of interest. He said that if there is no stated conflict, then the abstention goes with the majority. He stated that in Common Law it is regarded by the Court that if you are on a board or commission you have a duty to vote. Dr. Howell, after consulting the Plan Commission bylaws, noted that an abstention is not to be regarded as either a yea vote or as a nay vote, but is only to be recorded as an abstention. Ms. Tyler stated that a study of the proper manner on how an abstention should be dealt with might be an issue that the Plan Commission should revisit when the bylaws are next reviewed. Dr. Kangas agreed as did the other Plan Commission members present.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

April D. Getchius, Secretary
Urbana Plan Commission