

May 10, 2001

## MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

**APPROVED**

**DATE:** Thursday, May 10, 2001

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

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

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**MEMBERS PRESENT:** Christopher Alix, Marilyn Upah-Bant, Alan Douglas, J. Barry Howell, Randy Kangas, Gerrit Knaap, Joseph Rank, Helaine Silverman, Bernadine Stake

**MEMBERS EXCUSED:** None

**STAFF PRESENT:** Elizabeth Tyler, AICP/ASLA, Planning Manager;  
Tim Ross, Planner

**OTHERS PRESENT:** Angela Dimit, Michael Faiman, Michael Gewirtz, Carl Hill, Michael Lopez, Raymond Norton, Susan Taylor

### 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 with full attendance.

### 2. CHANGES TO THE AGENDA

Mr. Howell requested that Plan Case #1778-7-01 be moved to "Continued Public Hearings" as the second item since it had been opened at the previous meeting. There are no new public hearings.

### 3. APPROVAL OF MINUTES

Mr. Howell stated that the minutes from April 5, 2001 and April 19, 2001 could either be approved together or separately. Ms. Stake motioned to approve the minutes together. Mr. Alix seconded. Those minutes were passed by unanimous vote.

#### 4. COMMUNICATIONS

A letter from the Urbana-Champaign Independent Media Center and a picture of the front of a building were the communications for Plan Case #1778-T-01. For reference to the South Ridge Subdivision, there was an email communication between Ms. Tyler and Richard Rotramel, who is one of the division chiefs in the Fire Department, a letter from Angela Dimit, and a copy of the approved annexation agreement.

#### 5. CONTINUED PUBLIC HEARINGS

##### **Plan Case 1780-A-01. Proposed Annexation Agreement between the Calvary Baptist Church and the City of Urbana to annex 5.0 acres at 2106 East Windsor Road with the Zoning Designation of R-4.**

Ms. Tyler gave the staff report regarding this case. Staff recommended that the Plan Commission forward this case to the City Council with a recommendation for approval.

Ms. Stake stated that she did not understand what Ms. Tyler had said about the bike path. She asked where it was designated on the map. Ms. Tyler stated that it was shown on the future land use guide in the Extra-Territorial Jurisdictional Area Plan. Ms. Stake asked if it would be an extension of something already in place. Ms. Tyler stated that the bike path was not an extension as far as she could determine. The ETJA Plan was adopted prior to the Stone Creek proposal, so Urbana's roadway designations and bicycle pathway designations have been altered in this area.

Mr. Howell then opened up the hearing to the public for comments.

Michael Gewirtz, of 318 West Prairie Street in Sidney, Illinois, approached the Plan Commission. He stated that he represents Calvary Baptist Church as the Chairman of the Deacons. He commented that the members of Calvary Baptist have waited a long while for an appropriate time to ask to be annexed into the city. They feel that now is the time with all the recent development being annexed into the City and being zoned commercial, general business and residential.

Mr. Gewirtz stated that Calvary Baptist Church has opportunities in the future to connect to the sanitary sewer system, which would allow them to develop more of their land for both school and church ministry with an all-purpose gymnasium activity and another sanctuary.

Mr. Alix asked Mr. Gewirtz why Calvary Baptist Church requested a R-4 zoning designation as opposed to a B-3 zoning designation. The properties to the east and the west, which are also along Windsor Road, are zoned for business. Although Calvary Baptist Church appears to not have any immediate plans for moving, it seems that if the church were to outgrow this site, then the land would be more valuable to the church and have more potential for reuse as a B-3 zoning designation. Mr. Gewirtz stated that the Calvary Baptist Church felt comfortable with the recommendation of a zoning designation of R-4 from the Planning Staff. With the surrounding residential neighborhoods, they feel comfortable being there serving people and ministering people. Mr. Alix stated that for the church's purpose, the R-4 zoning designation would be

appropriate. However, someday the church may decide to move or expand and outgrow the space. Mr. Alix commented that he was curious to know how the Calvary Baptist Church chose a R-4 zoning versus a B-3 zoning designation.

Mr. Alix asked if the church was currently on a septic sewer system. Mr. Gewirtz replied yes.

Mr. Howell asked if the church was asking for a straight annexation into the City (no waivers, etc.). Mr. Gewirtz stated that was correct. He stated that the church had invited the Building Department and Safety Department to inspect their property. Those Departments wrote a letter to the church concerning a total of eight safety issues (such as exit lights, egress lights, etc.). Otherwise, the property is up-to-code. Mr. Gewirtz mentioned that the church had talked about what is currently at the property site being "grand fathered in". Ms. Tyler added that in the Annexation Agreement (Page 3; Section 4) it talks about the parking layout, signage, and placement of structures that were approved under the Champaign County Zoning Ordinance be allowed to continue under the City of Urbana. If the church expands the parking or the building, then they would need to comply with the City's Zoning Ordinance.

Ms. Tyler commented on a question Mr. Alix had asked of Mr. Gewirtz in regards to choosing a R-4 zoning designation versus a B-3 zoning designation. Ms. Tyler stated that the Planning Staff and the Calvary Baptist Church were looking for a zoning designation that would fit within the pattern of the area and was the lowest designation that would permit these uses by right. It seems that a church and school are more residential in nature than business in nature.

Mr. Kangas asked how many students attend the school this year. Mr. Gewirtz replied that approximately 64 children attend the school this year. Mr. Kangas asked if the church expected any significant expansion. Mr. Gewirtz responded that the church was not expecting an expansion at the current time. The church limits the enrollment up to about 70 children.

Mr. Kangas asked, in regard to the parade of mini-vans of parents dropping off their children at school, where do the parade of mini-vans park? Mr. Gewirtz answered that the mini-vans come into the parking lot off Windsor Road. There is a circle drive in front of the building. Mr. Gewirtz stated that if you lined the vehicles up by end, there could be 40 vehicles parked in a line before they would be on Windsor Road.

With no other people wanting to speak during the public portion, Mr. Howell then opened the hearing up for the Plan Commission discussion.

Mr. Alix commented that it would make more sense to be zoned B-3, because that is what the other business property along Windsor Road in that area is zoned. There is a natural break behind that with the residential zoning. He would not like to see if a future property owner or the church wanted to conduct business on this site and would have to rezone. Mr. Howell stated that the advantage to having the church zoned as R-4 would be the following: If the land between the intersection of Philo Road and Windsor Road to half way down east Windsor Road towards Route 130 were all zoned B-3, then that would set up a lot of possible curb cuts for strip commercial. It might not be as desirable. Mr. Alix stated the zoning was pretty much that way already. Mr. Alix asked if this would be the only property on Windsor Road that would not be

zoned B-3. Mr. Howell answered that was true to the end of the next parcel. Mr. Alix stated that he had no objections; however, he felt that the R-4 zoning designation was a lower zone than the property owner could have gotten if asked. Mr. Howell stated that the R-4 zoning designation would be more appropriate for the use. Although, the Plan Commission must think of what would be best for the land not the church.

Ms. Stake motioned for the Plan Commission to move the case forward with a recommendation for approval to the City Council. Mr. Alix seconded the motion. The roll call was as follows:

Mr. Howell	-	Yes	Mr. Kangas	-	Yes
Ms. Silverman	-	Yes	Mr. Alix	-	Yes
Mr. Douglas	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Rank	-	Yes	Ms. Stake	-	Yes
Mr. Knaap	-	Yes			

The motion was passed by unanimous vote.

**Plan Case 1778-T-01. Request by the Zoning Administrator to amend Table IX-3 of the Zoning Ordinance, Standards for Projecting Signs.**

Mr. Ross gave the staff report regarding this case. Based on the evidence in the presentation, Staff recommends that the Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance.

Mr. Ross stated that the Downtown Business Owners have seen copies of the staff memoranda, and they have discussed the issue. The business owners have a few concerns in terms of the safety of how the signs would be allowed to be attached to the building. Mr. Ross spoke with Building Safety staff and found that in most cases projecting signs would require engineering. Some of the business owners suggested reducing the maximum area of twelve square feet to nine square feet. There was also some concern in regards to how many signs could be hung per building. The Zoning Ordinance states one sign per business frontage. If there was more than one business in a building and both have a frontage, then they would both be allowed to have a sign. However, if there were a suite of different business sharing the same frontage, then only one sign would be allowed on that particular frontage. Other concerns were in regards to moving and lit signs. Moving signs are prohibited. Lit signs are allowed. However, the lit signs may not have flashing or running strings of light under the sign message.

Mr. Rank stated that all the buildings shown are two story buildings. He was reminded of Roosevelt Road in Maywood (Chicago). There are a lot of one-story buildings that have projecting signs. In order to make the projecting signs work, people built cantilever support structures to hold up the sign. He stated that they are ugly. He commented that there was no mention of support structures to hold the signs up being prohibited. Mr. Ross stated that was one reason to keep the maximum area at twelve square feet. Beyond that, the proposal does not regulate content or design. Mr. Ross stated that another concern of the Downtown Business Owners was what portion of the sign would be included in the maximum area. The policy has been that whatever portion of the sign would be considered integral to that sign would be

considered part of the maximum area. Signs can only be projected five feet out from the building and must be at least two feet back from the curb. Beyond these limitations, it would be up to the Zoning Administrator and the Building Safety Division to determine if a sign met regulations.

Mr. Rank mentioned that most of the potential applications in Urbana are multiple story buildings, and there wouldn't be this issue. Mr. Ross stated that under the "Maximum Number Permitted" in Table IX-3, the upper level is not allowed projecting signs.

Ms. Stake asked if there was a way to make an amendment to resolve Mr. Rank's issue of supporting structures. Mr. Rank stated that the decision of what method for attachment of the signs to be acceptable could be left to the discretion of the City Engineer. Ms. Stake asked if the signs that Mr. Rank had mentioned were unattractive because they were above the roofline. Mr. Rank stated that the signs looked like extension bridges with supports sticking up and guide wires. Mr. Howell stated that this concern was covered under "Maximum Height and Projection of Sign" in Table IX-3. It states that: *9-foot minimum clearance above ground. No sign shall extend above that portion of the roof immediately adjacent to the sign. No sign shall project more than 5 feet from the face of the building to which it is attached.* Ms. Tyler commented that she felt it might not be stated clear enough. She suggested that it be stated as such: "No sign or its associated support structure shall extend above the roofline".

Ms. Silverman stated that she sympathizes with the business owners' need to have their own advertisings, so that customers know where the businesses are. Ms. Silverman stated that her only concern was what the signs will look like in terms of the potential for making Downtown Urbana into a nice, attractive, and desirable place to shop. She feels that the signs should have to be uniform at least on a block-by-block basis. Ms. Silverman asked if it could be done. Mr. Ross stated that the businesses are owned by different people. Currently there is not anything in place to mandate that the signs be uniform to adjacent structures.

Ms. Tyler reminded the Plan Commission of the Downtown Plan Steering Committee that is underway that could look at streetscape issues and recommendations. They could touch on signage and building frontage treatments. The Downtown Plan Steering Committee is currently at a conceptual plan stage. However, the Plan will come to the Plan Commission for review and approval. Hopefully, the Downtown Plan will be adopted as an element of the Comprehensive Plan.

Mr. Howell commented that if you want a certain criteria for a specific area, then you define the limitations to that area as opposed to defining the criteria for the entire city. Mr. Knaap asked if there wouldn't be the problem of imposing the uniform regulations on signs already in use. Mr. Howell stated that as businesses change and as the signs become old and dysfunctional, then they can be replaced with signs that are uniform with the newer signs. Mr. Knaap stated that this issue will eventually be addressed by the Downtown Plan Steering Committee. Ms. Tyler stated that there are not any indications that the Downtown Plan Steering Committee will reach that level of detail. The consultants could recommend some specific design guidelines. We are getting ahead of ourselves, but the issue could be set aside for the future.

Mr. Howell stated that if a single building has two doors entering in to two separate businesses, then each of those businesses are entitled to have a sign. He commented that signs could get highly dense on the front of a building with many different businesses. He added that the signs would blend in together and become unreadable. He suggested two options. The first one would be to regulate by building front as opposed to storefront. The second option would be to limit the size of the signs from twelve square feet to approximately nine square feet. A smaller sign would be more appropriate for safety and aesthetic reasons.

Mr. Kangas asked how the proposal conforms to the City of Champaign's decision regarding this issue. Mr. Ross replied that perpendicular projecting signs are not allowed in their central business district. Awnings and projected signs up to 18" are allowable. Champaign does not allow projecting signs in their central business district.

Mr. Kangas asked if an owner of a business on a corner lot could angle their sign so that it could be seen from both directions. Mr. Howell stated that they would have to have a frontage door. Mr. Alix asked if a business had two doors (frontage), then could they have two signs. Mr. Howell replied that was the understanding of how the ordinance was written.

Mr. Kangas asked if awnings are being discouraged, and if that would be a good or bad thing. Mr. Ross answered by saying that if the advertising is not on the awning, then a business owner can have both an awning and a sign. However, if an advertisement is on the awning, then only the awning will be permitted.

Mr. Kangas commented that there are limitations on the height of a sign, and then he asked if there should be limitations on the width of a sign as well. Ms. Tyler stated that there are pre-standard sign sizes that sign makers make. It is customary for sign ordinances to regulate the square footage of the face of the sign as opposed to the linear dimensions of the sign.

Ms. Tyler, then, replied to one of Mr. Howell's comments in regards to a shared doorway. If two businesses share a doorway, then the business that rents the frontage space would be allowed to put up a sign. Mr. Howell stated that there can be multiple signs for multiple storefronts. Ms. Tyler stated that the businesses have to have street frontage. The measurement of a business frontage is defined as the lineal footage of the lot facing the public right-of-way owned or rented by a person, business or enterprise and intended for business usage.

Ms. Upah-Bant asked if an upstairs business could split the sign's advertisement with the downstairs business. Mr. Ross replied that if the lower level business accommodates the upper level business in place of advertising themselves, then that is allowed. Ms. Upah-Bant asked why the proposal states that upper level businesses are not allowed projecting signs. Mr. Ross answered that was meant to apply to upper level businesses advertising on the upper floor. Mr. Rank commented that the idea was to keep signs from being attached to the second floor, not who advertises on the sign.

Mr. Rank was concerned with the 32 square foot limitations. He stated that most signs will probably be five feet in width (because that is what is allowable) and 6 feet in height. Mr. Ross stated that the 32 square feet limitations would be for the businesses zones under normal

conditions. The twelve square feet comes in if a business owner would try to extend over a right-of-way. In either case, they could be in either vertical or horizontal dimension providing the sign meets the distance required from the curb.

Mr. Knaap asked why these rights are not allocated to the lot with the frontage and not to the businesses. He also feels that the timing issue is important. He stated that he would be in favor of putting this case off until the Downtown Plan Steering Committee has addressed this issue more comprehensively. Mr. Alix agreed with Mr. Knaap in that Mr. Alix feels that this ordinance gives very little control over designs. Mr. Alix asked if a business on the first floor could place a sign on the fourth floor as long as it was below the roofline. Mr. Ross replied that the projecting signs would only be allowed on the first floor. Mr. Alix stated that the ordinance should state that there would be a clearance above the ground between 9 feet and 12 feet (or whatever range that would be appropriate).

Mr. Alix asked if a business owner could have a sign that was one foot in width and twelve feet in length. Mr. Ross stated that the sign might run into being interpreted as being an upper level type of sign. Mr. Alix asked about a triangular sign that stuck out above the door or off the front of the building.

Ms. Tyler commented that since the Downtown Plan Steering Committee does not have sign regulations as part of the scope of their plan, she cannot guarantee that the Downtown Plan Steering Committee would get a chance to review this case and these issues for a while.

Mr. Ross stated that the definition of a projecting sign is a sign other than a wall sign which projects from and is supported by or attached to a wall of a building or structure. A canopy or entrance structure is a shelter or overhang projecting from the wall or doorway.

Mr. Alix stated that his argument is that this case is way too big and too vague. He feels that the Plan Commission by approving this case would be opening the door for a repeat of "Roosevelt Road" in Maywood. Ms. Tyler stated that this amendment would reduce the size of projecting signs allowed in the zoning ordinance. Ms. Tyler added that Staff could bring this case back before the Plan Commission after doing more research on what appropriate sizes and shapes might be.

Mr. Alix stated that he is relatively tolerant to what a business owner wants to do as long as it is attached to his/her own business and not within the public right-of-way. Mr. Kangas stated that Staff has heard the Plan Commission's concerns, and after doing more research in regards to those concerns, Staff could bring this case before the Plan Commission at a future meeting.

Mr. Howell asked when the next Downtown Plan Steering Committee meeting is to be held. Ms. Tyler stated May 15, 2001 from 4:00 p.m. to 6:00 p.m. Mr. Howell asked Ms. Tyler to present this case and the Plan Commission's concerns before the Downtown Plan Steering Committee and give them the opportunity to comment on it. He feels that by doing this, it would give the Plan Commission a better knowledge of how the Downtown Business Owners feel about this issue. Ms. Tyler agreed that would be a great idea, and it would give Mr. Ross a chance to do more research regarding this case.

Mr. Howell asked the Plan Commission if there was any objection to continuing this case to the next meeting. With no one objecting, the case was declared continued.

**6. OLD BUSINESS**

There was none.

**7. NEW PUBLIC HEARINGS**

There was none.

**8. NEW BUSINESS**

**Plan Case CCZBA 273-AT-00. Champaign County Zoning Administrator Request for an Omnibus Text Amendment of the Champaign County Zoning Ordinance.**

Ms. Tyler gave the staff report regarding this case. Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment based upon Staff findings.

Mr. Alix asked if the requested action for just Parts A, C, and D. Ms. Tyler stated that Staff requests all the Parts be moved forward, because the substance of Part B is clear for purposes of City review. She stated that the questions that were made to the State's Attorney and the Planning Staff pertained to the legalities and what is considered a utility under Champaign County regulations. Ms. Tyler stated they were not pertinent to the City's regulations, and it was not something that the Planning Staff recommends to add to the City of Urbana's Zoning Ordinance. Mr. Alix asked even though Champaign County has not yet acted on it, could the Plan Commission move no protest with regards to Part B? Ms. Tyler responded yes.

Ms. Stake motioned to move the case forward to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment. Ms. Silverman seconded the motion. The roll call was as follows:

Ms. Silverman	-	Yes	Mr. Alix	-	Yes
Mr. Douglas	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Rank	-	Yes	Ms. Stake	-	Yes
Mr. Knaap	-	Yes	Mr. Howell	-	Yes
Mr. Kangas	-	Yes			

The motion was passed by unanimous vote.



**Plan Case 1782-S-01. Request by Carl E. Hill and H. Allen Dooley for Preliminary Plat approval for South Ridge V, VI, & VII Subdivisions.**

Ms. Tyler introduced Bill Gray, City Engineer. Ms. Tyler then gave the staff report on this case. Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to approve the Preliminary Plat of South Ridge V, VI, and VII Subdivision, along with the three requested waivers.

Mr. Knaap asked what the code in blue meant in reference to a map that was presented by the Urbana-Champaign Sanitary District (UCSD) at a Special Joint Meeting between the Comprehensive Plan Steering Committee and the Urbana Plan Commission held on May 3, 2001. Ms. Tyler stated that this development is within sewer capacity. Any new development south of this site would require sewer extensions and improvements. Mr. Knaap stated that according to the referred map, the proposed preliminary plat development site was one of the areas shaded blue (meaning that it was outside of the service area). Mr. Alix stated that this site was not clearly serviceable within the range of the current interceptors. The staff of the USCD stated that they would have to look at sewer availability on a case-by-case basis. The USCD staff also stated that there was sewer capacity for the South Ridge development. Mr. Knaap stated that his understanding of that was the approval of the South Ridge development might mean implications for capacity elsewhere in similarly blue shaded areas. Ms. Tyler stated that before moving this case forward the Planning Staff was requested by the district and by both the owners of South Ridge development and the Rose Tract that the City decide and set forth what those development limits might be and document that. This would provide assurances, particularly for the Rose Tract, that they would have adequate sanitary sewer capacity given their development plans. The documentation for that was done and was based on a development pattern on the Rose Tract that would be similar to Knollwood Subdivision. It was dealt with in terms of person equivalence and sanitary sewer use. The Rose Tract is comfortable and knowledgeable about what the limitations are. The South Ridge Subdivision was limited in terms of density by the sanitary sewer capacity. There can be no more duplex/townhouse units than proposed given the sanitary sewer capacity and the need to have a conservative judgment in over-reaching that capacity. At this time, there are no other parcels of land that this use of this capacity would impact.

Mr. Knaap stated that Staff determined that it was okay to close Baronry Drive because there would be adequate north-south access on Philo Road and Myra Ridge Drive. He asked what the basis for that determination was and what adequate meant. Ms. Tyler passed the question over to Mr. Gray. Mr. Gray stated that both streets are designated as collector streets and they are less than a half mile apart, so that would be adequate. It would not be an unduly long length to get to a north-south street (Philo Road or Myra Ridge Drive). Mr. Knaap asked if the same question came up on Ridge Park Drive, which is to the east of Myra Ridge Drive, the same determination would be made. Mr. Gray stated that the same decision would probably be made. Mr. Knaap asked hypothetically if there were any other north-south local streets, then a similar determination could be made because there is adequate access to Philo Road and Myra Ridge Drive. Mr. Gray stated that part of the decision making process was the strong desire not to link the Deerfield Trails Subdivision to the South Ridge Subdivision. However, if all parties involved desired to make Baronry Drive a continuous street, then that would be fine also. Ms.

Stake suggested an alternate name for the street in the new subdivision, which would have been Baronry Drive, had it been continuous. Ms. Tyler commented that the name of the streets in the new subdivision would be up to the developer and reviewed by METCAD so that they are not similar to other street names.

Ms. Upah-Bant asked if the electrical service in Deerfield Trails Subdivision was underground. Mr. Gray replied yes. Ms. Upah-Bant asked why the electrical service in the new development would be above ground. Mr. Gray responded that all the electrical service would be below ground. All the codes require underground electrical services.

Mr. Howell asked a question in regards to a curve in Memory Lane. On the maps each of the curves is labeled "50'R". He asked if that indicates a 50-foot radius. Mr. Gray responded yes. Mr. Howell stated that a concern he has was that the waiver asks for an 80-foot radius. He asked how the two co-exist. Mr. Gray stated that rather than having a 90-degree intersection, the City looks at a 50-foot radius being more acceptable than having a direct two-way intersection as opposed to a three-way or four-way intersection. Mr. Howell stated his concern was that the map does not seem to be consistent with the requested waiver. Ms. Tyler had previously asked Mr. Hill about that inconsistency. Mr. Hill had explained to her that the 50-foot radius shown is just the interior right-of-way, whereas the 80-foot radius is the centerline. The 50-foot radius is a radius to a different point.

Mr. Alix had a question in regards to compliance with the plat. If the Plan Commission approves the plat, then Mr. Hill has to build the streets according to where they are shown on the plat. Mr. Alix asked if Mr. Hill has to actually build the streets. Mr. Gray stated that Mr. Hill has to build the streets as shown on the plat if he wants to final plat the development, either that or bond it. Mr. Alix asked if Mr. Hill has to build all the streets before he sells his first house. After the preliminary plat approval, Mr. Hill would have to come before the Plan Commission for the final plat approval and construction plan approval. He would only be proposing at that point to construct those portions of the streets. Mr. Alix asked if at the time of the final plat approval or construction plan approval would there be a requirement that the streets be built within a specific period of time or that they have to be built as a unit. Mr. Gray replied that is true for the phase that is being suggested. For example, in Phase Five the streets in the heavy black lines on the preliminary plat's first phase would need to be built and/or be bonded before the final plat can be recorded and houses could be sold. Mr. Alix asked if there was a risk that this subdivision might be connected off of Philo Road but not to Myra Ridge Drive or the other way around. He asked if the City grants approval of a phase as a unit. Ms. Tyler added that the final plat would be bonded so if for some reason Mr. Hill stopped development midway, then there would be assurance that the rest of the improvements could be constructed. Mr. Alix asked if a City had ever had to rely on the bond. Mr. Gray responded that to his knowledge, it has not happened in the last eight or nine years. Mr. Howell asked Mr. Gray to explain the process of what bonding means specifically to this development. Mr. Gray explained that if there was a value of \$400,000 for the entire infrastructure in Phase Five of the development, then the developer usually has the development bonded by security of a bank. With a bond in hand, the City would record the final plat. As the streets, sewers, etc. are built, the developer can start selling off lots and building can begin. A bond is assurance to the City that if the developer would happen to go bankrupt or something, then there would still be an ability to complete the necessary streets and

sewers after a final recording would have occurred. Mr. Kangas asked if hypothetically that situation occurred, and the bank gave the City the \$400,000, then would the City be obligated to continue the project. Mr. Alix asked if the City would gain the title to the land. Mr. Gray responded that the bank would become the mortgager assuming that there had been a loan out.

Mr. Knaap asked where else in the City of Urbana hammerheads are located. Mr. Gray answered that there is one at the dead end of Webber. In some situations there is only the space for a hammerhead for a turn-around. Mr. Alix added that there was one on Water Street. Mr. Gray added that the hammerhead on Water Street is east of Poplar Street. He commented that in the King Park neighborhood on Harvey and Gregory north of Fairview Avenue, there are some hammerheads built to not take land out of the park. Mr. Gray stated that hammerheads are not generally desirable. If Deerfield Trails Subdivision was to be built over again and Baronry Drive was to not go thru, then a cul-de-sac would have been built. The City of Urbana is trying to make the best of the situation, which will at least allow trucks and vehicles to do a three-point turn-around.

Mr. Howell then opened the hearing up to the public for comments.

Mr. Carl Hill, of 1913 Trails Drive, commented that he has done a lot of talking and investigating with the Home Owner's Association of Deerfield Trails Subdivision. The residents feel that as long as Baronry Drive is not continued, then they feel comfortable with his development.

In regards to the radius, Mr. Hill explained that the dimension to the inner radius was what was put on the drawing rather than the centerline. It is a 50-foot radius to the smaller inner radius, and 80-foot radius to the centerline of the street.

Ms. Silverman commented that it was really nice that the developer and the residents of Deerfield Trails Subdivision could compromise and in the end be satisfied with the preliminary plat.

Michael Faiman, of 3210 Chatham Drive, approached the Plan Commission. He believes that the Home Owner's Association of Deerfield Trails Subdivision and Mr. Hill are in a "Happy Situation". They are all in agreement that it would be acceptable to close off Baronry Drive. He mentioned a case where there was an accident that occurred on a through street, and as a result the street has been blocked off and a hammerhead built.

Raymond Norton, of 3203 Baronry Drive, approached the Plan Commission. He commented that if Baronry Drive were continued through for easier access for the Fire Department or the Police Department, then it would only be extended for one block. The City would not be gaining anything as far as access. Baronry Drive will continue to be blocked on the north end by the Rose Tract. He stated that Mr. Hill's previous work in phases has worked fine. Mr. Knaap asked what the reason was as to why Mr. Norton did not want Baronry Drive continued. Mr. Norton responded that if Baronry Drive were to be continued it would turn a quiet neighborhood into a main traffic flow. Mr. Knaap asked if the residents of Baronry Drive do not want the traffic on Baronry Drive. Mr. Norton replied that the residents of Baronry Drive do not

particularly want the traffic, because the neighborhood was developed to be quiet. Mr. Knaap asked if Mr. Norton thought that the residents of Myra Ridge Drive wanted the traffic. Mr. Norton replied that Myra Ridge Drive is a collector street. Mr. Knaap commented that the traffic has to go somewhere. Mr. Norton stated that the idea of Baronry Drive being closed off was something that the residents of Deerfield Trails Subdivision asked for and Mr. Hill agreed with it.

Michael Lopez, of 3208 Baronry Drive, approached the Plan Commission. He commented on Mr. Knaap's previous statement. If Baronry Drive would continue through, a vehicle heading off of Baronry Drive would have to immediately turn to go to Philo Road or to Myra Ridge Drive. Either way, traffic will have to come out on Philo Road or Myra Ridge Drive. His reasons for wanting Baronry Drive closed are: 1) the Deerfield Trails Subdivision's layout is quite different from the proposed South Ridge Subdivision, and 2) Marc Trail has become a main collector road that would be used during the development and he would not be exposed to that traffic. He remarked that the last reason was a purely selfish reason.

He had discussed with Mr. Hill the changing of the name of the street in the development on the other side of the soon-to-be hammerhead on the south end of Baronry Drive. Mr. Hill had told him that he could name it Baronry Court, Baronry Street, Baronry Ridge, etc. Ms. Tyler commented in regards to the street name change and her experience with METCAD. METCAD does not like street names that can be confused with other street names. It will be up to METCAD as to what will be an acceptable name.

Mr. Howell commented that in the first meeting there was an issue on the original plat with there only being one exit which was Marc Trail Drive going out to Philo Road. It did not have the Hillshire Drive exit at that time. The concern was that was going to be the only way out of the subdivision at that point. That was how the discussion of the hammerhead came about. Then, the new plat came about. There were two exits, and the format completely changed. Mr. Howell mentioned that Mr. Lopez had made the comment that states as follows: *"It doesn't make any sense to keep Baronry stopped. It would be equivalent to urban sprawl in a new subdivision"*. Mr. Howell asked if Mr. Lopez was now backing off that statement and considering urban sprawl not to be the issue. Mr. Lopez did not recognize using those words in particular, and stated that Mr. Dimit might have said that. He stated that he had previously mentioned that if Baronry Drive did continue through that he did not foresee a lot of traffic turning onto Baronry Drive off of Marc Trail Drive. However, in developing a reason for maintaining Baronry Drive to be blocked, Mr. Hill has removed lots along the northern edge to increase lots' sizes adjacent to the south side of the Deerfield Trails Subdivision. This would be removing another lot that Mr. Hill could build on. Mr. Lopez considers that part of the negotiation in which the residents of Deerfield Trails Subdivision get Baronry closed off and Mr. Hill gets another lot. Mr. Howell stated that Mr. Hill incurs the cost of building the hammerhead on Baronry Drive. Mr. Howell asked if Mr. Lopez would consider putting up the money to build the hammerhead. Mr. Lopez stated that he always likes to know how much things cost before he pays for them. Mr. Howell asked Mr. Lopez if it cost him money to build the hammerhead, then would he be okay with Baronry Drive being continued through to the new development. Mr. Lopez commented that he would still not want Baronry Drive to go through; however, he would still like to know the cost before committing himself. Mr. Howell stated that the definition of "compromise" is meeting

halfway or to give and take. He added that Mr. Hill has given up architectural design, lots that he could build on, etc. Meanwhile the residents of Deerfield Trails Subdivision have not given up anything. They have agreed to things that they have asked for. Mr. Lopez stated that at the moment he could not think of what the residents of Deerfield Trails Subdivision has given up versus what Mr. Hill has given up. However, he felt that he had created solutions that were acceptable to all. Mr. Lopez added that he felt as long as his solutions do not harm anyone, then he did not feel he should have to give anything up. He then asked what the City of Urbana or anyone else would gain by Baronry continuing through. Mr. Howell stated that he was trying to convey that Mr. Hill has already incurred financial loss as a result of the negotiations with the residents of Deerfield Trails Subdivision. Mr. Howell then asked Mr. Lopez, that since the hammerhead benefits him at his request, would he be willing to share the burden of the cost. If not, then it is one of the waivers of the preliminary plat. The City of Urbana will be requiring Mr. Hill to build the hammerhead at his own expense. Mr. Lopez responded that by closing Baronry Drive off, Mr. Hill gains a lot to build a house on. Mr. Lopez asked if the value of the lot with the house on it offset the cost to build the hammerhead. Mr. Lopez stated that he puts sweat equity into the City of Urbana everyday. He added that he would be willing to put his time and effort into digging and laying out for concrete for the hammerhead. However, he cannot commit himself financially until he knows the cost.

Ms. Silverman stated that she believed her role on the Plan Commission was different. She does not believe that her role is to be sympathetic to someone's voluntary desire to take on business risks. To the contrary, the Plan Commission should praise Mr. Hill and the residents of Deerfield Trails Subdivision for coming to an agreement in which both sides have given and taken. She feels that the residents of Deerfield Trails Subdivision have given up a substantial amount of their quality of life to be in that subdivision. She believes that those residents lost a wider protector strip between themselves, their community and South Ridge Subdivision. Ms. Silverman also believes that the residents of Deerfield Trails Subdivision have a right to be sad about the fact that the homes in South Ridge Subdivision will not be as expensive as their homes are. She added that she did not feel that it was Mr. Lopez's responsibility to answer the questions that Mr. Howell had just previously asked, because Mr. Lopez had no reason to defend someone's right to make a dollar. However, Mr. Lopez has every reason to defend his right as a taxpaying citizen of Urbana to have a good quality of life. Mr. Hill has turned out to be a fantastically kind, sensitive developer who will have much success in this community, because he was willing to make some concessions. In so doing, Mr. Hill has shown himself to be a smart businessman, who will have greater success by the goodwill that he engenders in the City of Urbana.

Angela Dimit, of 3206 Baronry Drive, approached the Plan Commission. She just wanted to reiterate that the developer, Mr. Hill, the neighbors, the engineers, and the Planning Staff are all in agreement regarding this proposal. She hoped that would be recognized as a very important point.

Mr. Howell then closed the public portion of the hearing. Mr. Alix commented that if METCAD has a problem with Baronry Drive and requesting a change of the street name in the new development, then they probably would have a problem with Fawn Hill. Fawn Hill Court is the name of the westernmost cul-de-sac in Deerfield Trails. Ms. Tyler stated that METCAD will

review the preliminary plat and will give comments on street names and will be subject to that review.

Mr. Alix commented that he has no objections to the preliminary plat as it is or to the waivers. As a purely aesthetic view, it would be nice if Baronry Drive would go through. As it has been pointed out, a lot of time has passed since Deerfield Trails Subdivision was developed and this land will be developed.

Mr. Alix stated that he does take offense to something that Ms. Silverman had said. He is happy to see that the developers and the neighborhood residents were able to work out their differences and come to a solution that everyone will be happy with. However, to some extent it would be a very dangerous and probably illegal precedent for the Plan Commission to imply that the City of Urbana has an obligation to ensure that residents are entitled to the City's protection in ensuring that no one has lower priced homes, smaller homes, homes on smaller lots or straighter streets in adjacent developments. To say that someone's quality of life is being jeopardized by a development that even in its initial proposal was fully in compliance with the laws of the City of Urbana does a disservice to the City's obligations and its history of protecting the residents of the City.

Mr. Alix stated that he was very pleased with the outcome, but Mr. Hill did not have to go as far as he did to satisfy the requirements that the City would be proper to exercise. The provision of buffering, the removal of lots and the imposition of a minimum square footage for some of these homes that he will build are unusual things for a developer to provide in this situation. Mr. Alix wants to make sure that the Plan Commission will not be setting a precedent saying that the Plan Commission will protect these things which Ms. Silverman called "quality of life". He believes it to be a dangerous road to go down.

Ms. Stake stated that in general, most people seem to have come to the realization they cannot have everything they wanted, but they have something better than what was originally brought before the Plan Commission.

Ms. Stake believed that it was inappropriate for Mr. Howell to talk to Mr. Lopez in the manner which he did. She stated that everybody has the right to come and speak his or her mind and not be intimidated.

Mr. Knaap stated that he was opposed to Baronry Drive being closed off, because it is not the responsibility of the Plan Commission. The Plan Commission's responsibility is to look at the City's interest and the broader interest. The broader interest is that there is benefit in the connectivity of streets. It is not just north-south access. It is bad public policy to stub streets in general. In most examples of hammerheads throughout the City are cases where there is a clear public purpose to close the streets. There would be no public purpose to close off Baronry Drive and build a hammerhead except to benefit the residents of one particular subdivision. Mr. Knaap added that any time there is a reduction in traffic on one street, there must be an increase in traffic on other streets. Mr. Knaap stated that he was opposed to the granting of the waiver for the closing of Baronry Drive.

Mr. Rank commented that he was strongly opposed to the closing of Baronry Drive at the last meeting. He did not feel that he had heard anything at this meeting to change his opinion. He stated that at one time, virtually every neighborhood in the City of Urbana was a subdivision. He is sure that residents had pride in their subdivisions, but the subdivisions connect to the rest of the community. After thirty or forty years, Deerfield Trails Subdivision will not exist in people's minds as something separate and distinct, because it will be part of a greater City of Urbana. He believes by closing Baronry Drive, it is a form of isolation, and that the residents of Deerfield Trails Subdivision are trying to cut themselves off from the community at large. Twenty years in the future, some urban planning class will look an aerial photo of Deerfield Trails and South Ridge V Subdivisions, and they will say that this is a textbook example of bad planning. No one will know the compromise that took place to make this happen. He agrees with Mr. Knaap regarding the opposition to the granting of the waiver for the closing of Baronry Drive.

Mr. Howell stated that his intent was not to intimidate Mr. Lopez, but merely to make a very strong point. Mr. Howell stated that he has a problem with the term "compromise". He believes that the only person compromising in this entire case was Mr. Hill. The residents of Deerfield Trails Subdivision have been trying to isolate themselves from the new development and what occurs in the development. He commented that he understands why they would want to isolate themselves; however, he does not feel that it is a justification for allowing it to occur. He stated that he will not vote for the granting of the waiver for the closing of Baronry Drive, because he feels that it is bad planning.

In addition, he challenged Staff to get the ordinance in the near future before the Plan Commission in regards to the street widths being changed. Thus, there would be no need for a waiver regarding this issue.

Ms. Stake commented that sometimes it is good planning to slow the traffic down and make the area safer for children. Access is important; however this hammerhead will not hurt anyone and will certainly help some people.

Mr. Kangas commented that the real mistake was allowing a leapfrog development, which creates precedents in all the other things way outside the city. As things move around, that is where the problem comes from. That is where incompatible design issues come from and drives the engineers crazy. He stated that he does not know how to solve this problem. Mr. Alix commented that a sanitary district agreement makes it harder to build those developments than before. Mr. Knaap responded that a more specific answer would be to do area planning, in which the street network is laid out long before the subdivisions take place. There are signals in terms of what the street network is intended to do. Baronry Drive was intended to continue through. If the Plan Commission is to maintain a consistency with the signals that the City has sent, then the Plan Commission should let Baronry Drive be continued through. Mr. Howell stated that each resident of Baronry Drive was asked what they thought would eventually happen to Baronry Drive when new development was begun next to them. Each resident stated that they believed Baronry Drive would be extended. The objection was not that Baronry would go through, but what would Baronry Drive go through to. Mr. Knaap stated that the closing of Baronry Drive will not make a huge difference in regards to the future development of Urbana. However, the precedent of setting signals absent area plans and following through on those

signals, and planning the way planning ought to be done and following through is a very important precedent.

Ms. Stake motioned to forward this plan case to the City Council for approval including all three waivers. Ms. Silverman seconded the motion.

Ms. Upah-Bant stated that she understood the point that Mr. Knaap, Mr. Rank and Mr. Howell had made. However, the fact that the developer asked for the waiver granting the closure of Baronry Drive will induce her to vote in favor of the waiver.

Mr. Knaap asked Ms. Stake to withdrawal the waiver granting the closure of Baronry Drive from her motion. Ms. Stake declined.

Mr. Howell stated that he would not vote in favor of the motion. All aspects of the development and the waivers are well planned, except for the Baronry issue. Mr. Kangas asked for the record was Mr. Howell concerned about the precedent or the street itself. Mr. Howell responded that the two go hand-in-hand. Anytime exceptions are made because it works today is wrong. Is the Plan Commission taking care of the current residents' problem or is the Plan Commission doing this in the best interest of the City of Urbana's long-range development. If the motion were passed, then the Plan Commission would be taking care of the current residents.

Ms. Silverman does not feel that the Plan Commission would be setting a precedent if the motion passed. She regards the closure of Baronry Drive resulting from a compromise between the developer and the neighboring residents and should be considered a "special use". She does not believe that Urbana will get that big and how this one case will set a current for other people bringing cases before the Plan Commission.

Mr. Kangas asked if there would be a bike path or a buffer zone at the end of Baronry Drive. Mr. Howell replied yes. Mr. Alix stated that there are reasons for the pathway. One reason is to protect the residents of Deerfield Trails Subdivision against South Ridge V. These two subdivisions are completely different, and it would make no difference to have Baronry Drive connect the two.

The roll was call was as follows:

Mr. Alix	-	Yes	Mr. Douglas	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Rank	-	No
Ms. Stake	-	Yes	Mr. Knaap	-	No
Mr. Howell	-	No	Mr. Kangas	-	Yes
Ms. Silverman	-	Yes			

The motion was passed by a 6-3 vote.

## **9. AUDIENCE PARTICIPATION**

There was none.



**10. STAFF REPORT**

Ms. Tyler stated that there will be a Downtown Plan Steering Committee Meeting on Tuesday, May 15, 2001 from 4:00 p.m. to 6:00 p.m.

There will be a Comprehensive Plan Steering Committee Meeting on Thursday, May 31, 2001 at 7:00 p.m. The members will be looking at the final draft of the Existing Conditions Report before it comes before the Plan Commission as well as looking at a visioning program and a series of public meetings for that. There has tentatively been a special joint meeting between the City Council, the Plan Commission, and the Comprehensive Plan Steering Committee to continue with the discussion on the Sanitary District's Long Range Plan setup for Thursday, June 28, 2001 (Note: This is now scheduled for July 12, 2001).

The Frasca Annexation Agreement is still pending, because the wording of the general area plan or developer sketch plan has not been totally acceptable to the petitioner. It may be availability of the parties to discuss it rather than the substance of the issues.

There will be a possibility of being able to cancel the next Plan Commission meeting due to lack of cases.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

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Elizabeth H. Tyler, Secretary  
Urbana Plan Commission