

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** May 23, 2002

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

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

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**MEMBERS PRESENT:** Christopher Alix, Alan Douglas, Lew Hopkins, Randy Kangas, Michael Pollock, Joseph Rank, Bernadine Stake

**MEMBERS EXCUSED:** Marilyn Upah-Bant

**STAFF PRESENT:** Rob Kowalski, Planning Manager; Libby Tyler, CD Director; Teri Hayn, Secretary

**OTHERS PRESENT:** Norman Baxley, Jeff Ford, Linda Lorenz, Esther Patt, Lori Patterson, Curtis Pettyjohn, Jeff Poss, Mark Welp

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

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared.

**2. CHANGES TO THE AGENDA**

Case CCZBA-331-AT-02 was deleted from the agenda and will come back to the Plan Commission at a later date, because Champaign County staff needed more time to prepare the case.

**3. APPROVAL OF MINUTES**

Ms. Stake moved to approve the minutes from the May 9, 2002 meeting. Mr. Kangas seconded the motion. Mr. Alix requested a clarification regarding a comment he had made about it being reasonable to assume that an accessory use to a fraternity house is necessarily a negative use. The minutes were approved by unanimous vote as amended.

**4. COMMUNICATIONS**

There were none.

**5. CONTINUED PUBLIC HEARINGS**

There were none.

**6. NEW PUBLIC HEARINGS**

**Plan Case #1821-SU-02: Request by the Unitarian Universalist Church for a Special Use Permit to establish a temporary church office and meeting space at 310 West High Street.**

Rob Kowalski, Planning Manager, presented the staff report. He gave a brief introduction and background, including a description of the site and surrounding properties. He explained the proposal by the church to temporarily use the home at 310 West High Street as an office while the church is being remodeled. He discussed the requirements for a Special Use Permit. He reviewed the summary of findings and read the options of the Plan Commission. Mr. Kowalski noted that the staff recommendation was as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission recommend APPROVAL of the proposed special use as presented to the Urbana City Council, for the reasons articulated within the report with the following conditions:*

- 1. The structure at 310 West High Street shall be solely used for the temporary location of the church office and an associated meeting room during the renovation of the Unitarian Universalist Church.*
- 2. The temporary use of 310 West High Street for the purpose of an office and meeting room associated with the Unitarian Universalist Church shall only be permitted until August 31, 2003. Should the renovation of the church not be complete by this date and the temporary office and meeting room not be relocated back into the church, the applicant shall re-apply to the Urbana Plan Commission to amend the provisions of the special use permit.*
- 3. The temporary office and meeting space shall be limited to the existing living room and sun porch of the home at 310 West High Street.*
- 4. There shall be no signs or other obvious indication from the street that structure at 310 West High Street is used for officer purposes.*

Ms. Stake recused herself from voting on this case because she is a member of this church.

Mr. Alix inquired as to whether staff received any communications from the surrounding neighbors? Mr. Kowalski answered that staff received two communications both in support of the request.

Mr. Alix asked what the basis was for condition three limiting the office space to the living room and sun porch? Mr. Kowalski replied that it was the church's proposal to use the living room and sun porch. The house is not very big, and he felt that there was no real threat of this growing into a large facility. When it was first proposed, staff just wanted to be sure that it was simply used for the purposes proposed and not for meeting events and other kinds of services.

Mr. Alix stated that condition one would only allow the church to use the house as office and meeting room. Condition three would only allow use of the living room and sun porch. He asked staff if that meant it would be illegal for the church to have a meeting in the bedrooms? Mr. Kowalski responded that it would be illegal for the church to have a meeting or office in the bedrooms.

Mr. Alix questioned if there were any tax issues involved? Mr. Kowalski replied that there were no tax issues that he was aware of. Churches are exempt from paying taxes. He did not get a chance to check with the tax assessor to find out what the tax status would be on this house during the time that church uses the house for an office and meeting place. He did not believe that it would change.

Mr. Alix asked if there was a precedent for a special use permit that is limited in time? Mr. Kowalski noted that this was the first one that he personally had encountered. It is pretty rare that a special use permit would be requested for a temporary purpose. However, there is nothing that restricts it from being requested that way.

Mr. Alix asked if it would be within the City's statutory right to issue a special use permit, but only for a limited period of time? Mr. Kowalski replied yes.

Mr. Pollock inquired as to whether the house was rented out now? Mr. Kowalski answered that the house was currently rented out until June 15, 2002. Mr. Pollock asked if the church would move their office in after the current resident moved out? Mr. Kowalski replied yes.

Jeff Ford, petitioner, appreciated Mr. Kowalski's work in getting this request prepared and staff recommendation. The church requested that condition three be changed to allow use of the bedrooms. Although, the church only has three staff members (two of which are part-time) who would be using the space, the third staff member is the pastor, who will need a private space to meet with parishioners. The church was hoping to use the central living room for all the photocopy equipment, as a main meeting room, and a place where people could sit and wait to meet with the pastor. Then, the pastor could use the first bedroom to meet with people privately. The church's religious education director has a great deal of material that needs to be stored separately from the rest of the space. Mr. Ford remarked that the church's goal is to be out of the house by next spring or late winter.

Curtis Pettyjohn, of 405 West Illinois, expressed concern about tax dollars. He felt that it had not been fairly investigated; yet the proposal by staff is putting forward a recommendation to put this through. He sees a pattern in the West Urbana neighborhood with the houses disappearing quickly. He would like to see a list of houses that have disappeared within the last year, within the last two years and within the last five years. He, along with every governing body from the federal government down to the school board, is concerned with the lack of tax dollars and with the inability to do what is needed to be done because the tax dollars are not there. The tax dollars are disappearing. He was doubly concerned with churches. Churches do not pay taxes. He is still upset with the First Presbyterian Church for tearing down two houses on Green Street. He wanted to know what happens if the church moves their office and meeting place into the house at 310 West High Street. Will those tax dollars disappear once the church is settled into the house? He was upset that if those tax dollars disappear, then the residents of Urbana have to make up that money. Mr. Pettyjohn was also concerned about the future of the house at 310

West High Street. The church had told him that their long-range goal is to tear the house down to add to the parking lot. He asked if it would be possible for this to happen under the current zoning? Ms. Tyler answered that the church would need another special use permit for that as well.

Mr. Pettyjohn stated that he does not have a problem with the churches, but with what the churches are doing to the neighborhood. He felt that since churches do not add to the tax coffers, then a different consideration should be placed on what the needs are considered to be. He reiterated the disappearance of houses in the neighborhood and the tax dollars associated with those houses. If that does not concern citizens, then he does not understand why it doesn't.

Mr. Pettyjohn would like to know what the tax implications are if indeed the house is changed to a non-taxing status. Would it change back once the church vacates the house?

Linda Lorenz, of 409 West High Street, also heard the rumor regarding the house at 310 West High Street being torn down to build a parking lot in the future. She shares Mr. Pettyjohn's concerns. However, her biggest concern is that she felt like she was living in the middle of a parking lot. When she looks around in her neighborhood, she sees more property owners renting to a large number of people who each drive a vehicle. They park on the lots, on the sides of the homes, in the backyards and front yards. She wanted to know what precedent would be set by allowing the church to use the house as an office, and then the church deciding not to rent the house out again? Mr. Pollock stated that a precedent would not be set. The use for that house outside of the proposed one year period cannot be changed without going through a hearing in front of the Plan Commission and the City Council for a special use permit, if the church wanted to build a parking lot. The church does have the right to tear the house down if they want to.

Ms. Lorenz questioned if the church is allowed to use the house as an office and meeting place, does that mean that it can be altered in some way or not cared for so that it would have to be torn down? Mr. Pollock replied that part of the conditions to be put on this special use permit if it is issued, is that no alterations may be made. Ms. Lorenz asked if the house had to be maintained? Mr. Pollock responded that it would. Ms. Lorenz does not oppose the church using the house as an office and meeting place; however, she does not want a parking lot on this site.

Mr. Pollock asked Mr. Ford what his feeling was regarding the church seeking exemption from paying taxes on the house while being used as an office and church meeting place? Mr. Ford commented that the decision would have to be made by the board. He could not begin to speak for that. He added that the church has every intention of returning the house to a rental property afterwards. There is as much opposition in the congregation to extending the church parking. Having pastored a church and a non-profit organization, he believed it would be pretty difficult to get tax-exempt status on this property for the nine months that the church would be using it, and it would not be worth the church's time.

Mr. Kangas inquired as to how staff would enforce condition three? Mr. Kowalski remarked that was a good question. If staff received a complaint or someone gave reason for staff to believe that the use was being extended past condition three, then staff would investigate it. Mr. Kangas asked what would happen then? Mr. Kowalski responded that the church would be in violation of their special use permit approval and would even have to come into compliance or request a revision to the special use permit. He added that the more he looks at condition three,

considering it is such a small house, he could see where condition three may not be necessary or could be changed in a certain way to be more specific about what the church would have approval to do rather than where they can do it.

Mr. Alix commented that he did not feel it was appropriate at the Plan Commission level to impose conditions on tax equalization on a special use permit. However, the City Council may want to consider it.

Mr. Douglas moved that this case be accepted with the staff recommended conditions except for condition number three. Mr. Hopkins seconded the motion. The roll call was as follows:

Mr. Douglas	-	Yes	Mr. Hopkins	-	Yes
Mr. Kangas	-	Yes	Mr. Pollock	-	Yes
Mr. Rank	-	Yes	Mr. Alix	-	Yes

The motion was passed by unanimous vote.

**Plan Case #1825-T-02: Request by the Urbana Zoning Administrator to Amend Section II-3, Definitions and Table V-1, Table of Uses of the Urbana Zoning Ordinance to add “Methadone Treatment Facility”.**

Libby Tyler, Director of Community Development Services Department, stated that she would give the presentation on this case; however, there would be no action taken on this case tonight. There are three processes going on, which are as follows:

1. Zoning Administrator’s Interpretation: Ms. Tyler, Zoning Administrator, interpreted that the Methadone Treatment Facility use was not included in the Zoning Ordinance. She recommended that a text amendment be pursued and began drafting a copy of the text amendment. However, there is an appeals process for that determination. If there were an appeal, it would go before the Zoning Board of Appeals as stated in the Zoning Ordinance. Potentially if either party is not satisfied, then the appeal would move on to the court system. There is a forty-five day clock for that appeal. The interpretation was issued just recently. So, the very earliest that the Plan Commission would see this would be the end of July. If it does go through an appeal and a second appeal, then it would probably sometime in 2003.
2. Text Amendment: That is the hearing tonight, which is the beginning of this process.
3. Request for Special Use Permit to site a Methadone Treatment Facility in Urbana: Ms. Tyler stated that this process would occur if the text amendment would be approved. She noted that allowing a use by a Special Use Permit in a zone does recognize that it fits within that zone, but that there are necessary causes for site-specific review that may be due to the scale or other aspects of the use.

Ms. Tyler commented that in terms of the zoning interpretation and the siting of such a facility, that staff does need to pursue a text amendment process. This was something that she felt

strongly about as a professional Certified Planner, and it is important to this case to provide some evidence of expertise. She has court certification as an expert in zoning and planning in Illinois, as well as twenty-three years of experience as a planner. Staff has been supported in this direction by the City Attorney and his review of case law and supported by the Planning Advisory Service staff of the American Planning Association. Michael Davidson, co-editor of Zoning News and author of "The Glossary of Zoning Development and Planning Terms" felt that this was an appropriate course for the City of Urbana to pursue.

Ms. Tyler commented on the research performed regarding this case. The research was provided by a research service that the Planner's Advisory Service provides. It is a wonderful resource that planners use. Finally and most importantly, research was provided by the practice of applying the Urbana Zoning Ordinance in the City of Urbana. She listed the uses that the City has amended the Zoning Ordinance to contain in the last two years. She mentioned that staff attempts to maintain a complete, accurate, and up-to-date Table of Uses.

Ms. Tyler began her staff presentation by giving a brief introduction of the request. She presented background information regarding the possible future site for a methadone treatment facility and explained what methadone is used for. She discussed the proposed amendment by defining "methadone treatment facility", which would be added to Section II.3 of the Zoning Ordinance, if approved. She also discussed the table of uses and the proper zoning districts where methadone treatment facilities would be allowed. She talked about methadone treatment facilities in the MIC Zone and reviewed a list of conditions that could be considered for Special Use Permits for these types of facilities. She reviewed the summary of staff findings. She remarked that staff did not recommend action at that time since the appeals process deadline had not expired.

Ms. Stake questioned how this case could be appealed when it has not been passed yet? Ms. Tyler answered that her interpretation as the Zoning Administrator was considered an action, and that her interpretation was what could be appealed during this process. Ms. Stake inquired as to who was appealing the interpretation? Ms. Tyler replied that no one was as of yet. Ms. Stake asked why the Plan Commission could not take action, since no one is appealing the Zoning Administrator's interpretation? Ms. Tyler answered that someone could still appeal, because the public has forty-five days from the date of the interpretation. The problem is that if someone appeals, then the outcome may conflict with the text amendment. The City Attorney advised staff to make sure that the text is consistent with the outcome of the appeal.

Mr. Pollock mentioned that he talked to staff regarding this and thought it would be prudent to open the public hearing, to take testimony, and to continue the public hearing until such time as there is either an appeal or that window of opportunity closes and there is no appeal. He did not think it would be a good idea for the Plan Commission, staff and the Public Health District to go through an entire hearing to find that perhaps somewhere down the road after having made a determination and voted on this that the Zoning Board of Appeals takes some action that makes all of the Plan Commission's efforts an unnecessary inconvenience.

Ms. Stake questioned if the appeal went from the Zoning Board of Appeals to City Council? Ms. Tyler replied no, that the appeal would go to court. She was trying to be expeditious by moving the text amendment along.

Ms. Stake inquired as to what has happened in other cities with methadone treatment facilities? Ms. Tyler responded that the information that the Planning Advisory Service sent to the staff that dealt specifically with methadone treatment facilities included an ordinance from Albuquerque that was pretty rigorous. It was a stand-alone ordinance apart from the Zoning Ordinance. It had specific distance requirements. Indianapolis has a special exception procedure, which is a little more rigorous than our special use permit procedure. Riverside, California requires a conditional use permit for a methadone treatment facility. So, in addition to the PAS materials, these are ones that deal with methadone treatment facilities as a distinct entity.

Ms. Tyler noted that staff had done some follow-up on communities in Illinois. Although there are more to call or hear back from, Kankakee has a facility that has been operating for many years. They would require a special use permit if inpatient service was available. The point is that there are places that allow it by right, and there are places that are very rigorous in their regulations. She felt that this was a moderate path that the City of Urbana was taking, but also very consistent with how the City has dealt with special uses in Urbana.

Ms. Stake asked if the Plan Commission and City Council had voted on this and approved it, would it still go to court? Ms. Tyler replied that if the request passed the appeals process, the Plan Commission approved the case and forwarded it, and then City Council denied the request, and if the applicant felt that the decision was prejudicial, then it could go to court. The appeals process is sort of a separation of government. It is one of the functions of the Zoning Board of Appeals. If the ZBA makes a decision that is not satisfactory, then it could be brought before the Court. She stated that it was all laid out in the Zoning Ordinance. Mr. Pollock added that the Plan Commission could decide to hear this case, make a decision and forward a recommendation to the City Council; however, he does not recommend it.

Mr. Kangas inquired if staff had numbers for the demand of this type of service? Ms. Tyler responded that she believed there were around seventy-five people who needed methadone treatment in the area; however, that would not be everyday. If the service were provided, then there would likely be a greater use over time. One of the aspects for providing a facility like this is called harm reduction, which is one way to get people away from using needles that can be harmful. Another fact that was sad was that there were four individuals in recent months, who came to the Public Health District for assistance or methadone treatments. They were not able to get that, and they subsequently died from infection or overdose. It is a demand that could be fairly substantial. The closest facilities are Kankakee and Springfield, which are both now closed to outside customers.

Mr. Kangas questioned if there were other facilities or amenities that would be associated with a facility like this? Ms. Tyler answered that a physician would be needed to supervise the facility and the physical layout that the Public Health District provided showed that a waiting area and a dispensary would be provided. Mr. Kangas asked if there would be another facility or another agency that should be located next to it that would be related to the methadone treatments? Ms. Tyler replied that there could probably be other accessories necessary, such as counseling, consultation with a physician, and drug testing. She explained that the facility that is planning to move in does the counseling for HIV, TB and STD. There is a lot of telephone consultation. She believed that there were thirteen people who would use that office space. The methadone treatment would be in a portion of that building.

Ms. Tyler explained that it is not a very large building, and there is not dedicated parking. There are some physical constraints to the building. These are all things to look at further down the road.

Ms. Stake did not understand why they would need a special use permit in a Medical Institutional District (MIC)? Why can these treatments not be done in a hospital? Ms. Tyler replied that methadone treatments could be administered in a hospital. The practical matter is that does not happen in a hospital because in order to dispense methadone, a person or facility needs to qualify under specific requirements.

Ms. Stake asked why it would not be okay to have a methadone treatment facility within a MIC? Ms. Tyler reminded the Plan Commission that the whole concept of a special use is that it would be okay; but there are special provisions to be reviewed on a case-by-case basis. She added that a treatment facility like this is appropriate for a MIC.

Norman Baxley, of 510 West Main Street, felt that this was a fascinating subject. He noted that he had two documents, which were the memorandum to Dave King and the Zoning Ordinance interpretation. One of the problems that he had was that there was a discrepancy with the determination sent to Dave King. It stated that based on the research, it was the Zoning Administrator's determination that the current operations of the division of HIV, STD, and TB prevention and management may be permitted by right at the proposed location as a "professional and business office" use. In the Zoning Interpretation, there is a definition of clinic. Clinics and hospitals are permitted uses in the B-3 and B-4 Zoning Districts. The definition of clinic, identified by the American Planning Association, pertains to outpatient services provided by physicians and other health care professionals to sick or injured persons. Mr. Baxley went on to say that if the City could not perceive, identify or define a satellite clinic from a Public Health District, a public body that is a not-for-profit business, then his position would be that this facility would be a clinic. If the treatment facility is defined as a clinic, then the City would be coming very close to taking on a regulatory function in health care by deciding what would be appropriate in a clinic and what would not be appropriate. Mr. Baxley felt that this would open the City and the Zoning Administrator up to politicizing their roles. It opens up the possibility of substituting the methadone treatment facility with any number of options that would send up flags with certain elements of the community.

Mr. Baxley could not see why a Public Health District satellite clinic would be defined as a "professional and business office". There would be nothing commercial about it. This would involve a Drug Enforcement Agency (DEA). The DEA would need to be involved in the layout of the facility and the design of the security.

Mr. Baxley stated that if the City goes down this path, then the City better start defining every permitted function. This would be a danger. It would send up red flags with Provena and Carle if the City started regulating permitted uses what can done in a health care setting. The City would also run the risk of inserting themselves into the patient-physician relationship.

Mr. Baxley noted that in the age of AIDS, Public Health threw civil rights out the window. Methadone is another form of directly observed drug treatment. The City needs to be cautious and look carefully at what constitutes a clinic.



Mr. Baxley commented that the City of Urbana is a liberal community. He felt that the City should be above this kind of action. Just two blocks to the south of the proposed clinic is a court system that has been very efficient at incarcerating thousands of drug users, drug sellers, and people who commit crimes in pursuit of drugs. He felt that if there is a group that is willing to come in, put a program together, do all the licensure, and do everything that is needed, then the City of Urbana does not need to be seen throwing barriers in front of the proposal.

Ms. Tyler responded that the letter to Mr. King referred to the current operations of the Division of HIV, STD, and TB Prevention and Management, which might be permitted by right. She performed a site visit, and it is an office setting, and it was no different than counseling. Ms. Pride, the manager of that unit, assured her that counseling was a function that the unit fulfilled. With a methadone treatment facility, she does not have the specifics of what the Public Health District is proposing since it does not exist as of yet.

Ms. Tyler mentioned that there was a pattern that since roadblocks are anticipated by less open governments, these facilities will just open up. She noted that was close to happening here. There was no consultation for appropriate location or for the Zoning Administrator's interpretation. A lease was signed before the interpretation was granted. The City staff has been more than fair in removing roadblocks given that lack of trust and cooperation on the part of the District. She noted that she had not received any response to her two letters to Mr. King.

Ms. Tyler commented that a lot of the amendments that have been done were to update the Table of Use. Methadone treatment facility is a modern use and should be added as well. The guidance on "clinic" is very poor, and clinic is not defined in the Zoning Ordinance. She felt that the staff was providing better protection to be specific in this case.

Chair Pollock listed the options of the Plan Commission. Mr. Alix felt that it would be appropriate to follow staff recommendation to table this case until such time that the appeals process has been concluded. The Plan Commission agreed; therefore, this case was tabled until a later date.

## **7. OLD BUSINESS**

There was none.

## **8. NEW BUSINESS**

**Plan Case #CCZBA-341-AT-02: Request by the Champaign County Zoning Administrator for a text amendment to amend Section 5.2 of Champaign County Zoning Ordinance as it relates to the table of uses.**

Mr. Kowalski introduced this case by giving a brief introduction and background. He discussed the issues of the proposed omnibus text amendment with regards to the effects it would have on the City of Urbana. He noted the summary of staff findings. He read the options of the Plan Commission. He stated that staff recommended 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. However, staff suggested that the amendments be modified to conform to the regulations set forth in Phase II of the NPDES permitting program.

Ms. Stake moved that the Plan Commission forward this case to the City Council with the recommendation to defeat a resolution of protest. Mr. Alix seconded the motion. The roll call was as follows:

Mr. Hopkins	-	Yes	Mr. Kangas	-	Yes
Mr. Pollock	-	Yes	Mr. Rank	-	Yes
Ms. Stake	-	Yes	Mr. Alix	-	Yes
Mr. Douglas	-	Yes			

The motion was passed by unanimous vote.

## 9. AUDIENCE PARTICIPATION

There was none.

## 10. STAFF REPORT

Mr. Kowalski gave a staff report on the following:

- The Church of the Living God Special Use Permit was granted for Phase I only, which was the church facility, the parking lot, and the detention basin, by the City Council. Phase II, which was the youth development center, the recreation center, and a small equipment building were required to come back for additional special use permits when there are more details about the use of those structures.
- The North Lincoln Avenue Preliminary and Final Plats were both approved by City Council on May 20, 2002.
- CCZBA #331-AT-02 will come back in the future.
- Southridge Subdivision Waivers will be presented to the Plan Commission at a future date.
- Review of By-Laws will occur at a future Plan Commission meeting.
- Methadone Treatment Facility Text Amendment will come back at sometime in the future as well.

## 11. STUDY SESSION

### Extra-territorial Jurisdiction (ETJ) Study

Ms. Tyler presented a power point presentation regarding the extra-territorial jurisdiction. She reviewed the following:

- History
- Scope and Approach
- Vision Statements
  1. Increased communications
  2. Compact and contiguous development
  3. Cost efficient development

4. Agricultural protection and use of flexible development standards
  5. Extension of solutions identified in this project to all relevant governing jurisdictions
  6. Uniform land-use definitions and regulations
- Findings
    1. Need for Regional Planning
    2. Overlapping Land-Use and Development Regulatory Authority
    3. Increasing Pace of Development and Annexation
    4. Fringe Area Road Maintenance Difficulties
    5. Need for Improved Communications
    6. Need for Improved Representation on Advisory Boards
  - Conclusion

Mr. Alix questioned if non-residents of Urbana were permitted to serve on city commissions? Ms. Tyler answered yes; however, if there were nine Plan Commissioners who lived outside of the City, then that would not be very representative. Since the City deals with ETJ issues, having some representation is probably appropriate. There is nothing that prohibits it.

Mr. Alix commented that there were some good recommendations; however, this struck him as the kind of report that one would get out of a planning organization. He wondered to what extent she felt that the problems and perceived problems and conclusions represented the viewpoints of the residents, developers, and land owners, who were probably the primary motivators behind the Big Grove proposal, rather than planners? Ms. Tyler stated that they were right at the table. This was a policy driven document. For all intents and purposes, the township supervisors had a lot to do with this document and its coming to terms. The concepts were concerns that came from the policy makers. The leaders of Big Grove were elected officials in the townships.

Mr. Alix asked if she felt that the Regional Planning Commission had given any guidance as to how they would like to see compact and contiguous development encouraged? He stated that the only method that we have is with the Sanitary District. Ms. Tyler commented that it had been many years since the Champaign County Regional Planning Commission had prepared a regional plan that covered land use. They do regional transportation planning for federal and state transportation dollars. Through their Zoning Ordinance update, there are some relatively recent provisions that limit rural residential subdivision and have in effect tightened down on those rural subdivisions and leapfrog developments. In terms of really promoting compact and contiguous development through policy and through plans, she thought that was part of what they were recommending for the need of regional planning. She felt it would begin to happen in a big way. The Regional Planning Commission has been seeking grant dollars and has begun for the last few years to pursue regional planning. The GIS is a wonderful tool, and they have done very well in finding funding for a large undertaking. They are looking at some transportation planning dollars through Illinois Tomorrow, one of which would include our High Cross Road Corridor. So, that is right in our ETJ area, and that would be done in cooperation with the Regional Planning Commission. We are entering a new era of regional planning.

Mr. Kangas asked if this would be followed up with something on implementation? Ms. Tyler responded that the recommendations are implementation. There is one area that they feel needs more study, which is the other special districts such as city/county relationships, the drainage

district, and other special areas. There are some very specific recommendations in the plan. As far as what more the City of Urbana can do, she felt that the City has hit them all. The City of Urbana has resolved a lot of these differences for the time being.

Ms. Stake asked how they plan to keep the leapfrog from happening? Ms. Tyler stated that it needs to be a combination of policies like the Sanitary District policy, the zoning changes that the County is looking at, and land-use planning that the City of Urbana will be updating. She did not feel that the ETJ Plan provides a good mechanism for that control.

Mr. Alix asked Ms. Tyler to speak in regards to the conflict between the County zoning and the municipal subdivision ordinances. Does the City of Urbana have any ideas on how that conflict might be resolved? Or is it the City's opinion that it should not be resolved and that anything in the ETJ should be developed by the municipal subdivision standards? Ms. Tyler felt more troubled by potential conflicts between County zoning and municipal planning guidance. As long as the County is doing the zoning, and the City is planning, we can get a real disconnect. Zoning and subdivision regulate such different things that we do not often get a direct conflict, although we can. As the County is updating its zoning in a comprehensive way, they have incorporated policies that look more and more like planning rather than zoning. That is further territory for conflict.

Mr. Alix wondered about the rate of growth relative to the one and a half mile limit now that we have seen relatively slow growth of the municipality and the other areas that are in the ETJ. Ms. Tyler responded that perhaps some areas pushed us out way beyond the limits of the current ETJ Plan, which was just adopted less than ten years ago. Already, we are pretty close to having covered that mile and a half area due to Stone Creek to the east and the Frasca Annexation to the north. However, to the south will take a long time to cover because of the sewer limit and University of Illinois plans.

Mr. Alix commented that it seems like an irresolvable conflict if the County residents want to develop and feel that they should not have to develop to municipal standards because they have their own Zoning Ordinance, which takes care of growth planning. It does not seem like the City has any incentive or any legitimate reason for relaxing that requirement for subdivision standards. Ms. Tyler replied that came up when the Route 150 Corridor Study was prepared. The City Engineer and the Village Engineer were not interested in any relaxation of subdivision standards. It is just a bad taste from having to incorporate substandard subdivisions and pay for the upgrades. Until the municipalities can see rural subdivisions that are built to lesser standards that work, it might be a hard nut to crack. At the same time, with the rural residential overlay in Champaign County, which is just about four or five years old, a developer could not do a significant subdivision without going through some pretty strenuous review to essentially rezone and to get a special use permit to make that happen for anything over three or four lots.

Mr. Alix asked if her argument was that the problem might be going away by itself due to the increased regulations of the County? Ms. Tyler stated yes, and it was also due to the increase in annexations. That could swing back. The rural residential restriction could get eased with time, but the development pressure to do an urban development in rural areas could re-emerge. However, if a developer cannot get sanitary sewer and it is hard to get septic permits, then it might be difficult.

Mr. Alix suggested that the Plan Commission should periodically review the Subdivision Ordinance to make sure that are not provisions in there that could be relaxed or that could be perceived as an unnecessary burden on the rural developer. Ms. Tyler mentioned that there were some things in the pending amendment that will make it a little less onerous to do minor subdivisions in rural areas. There is a tool called, the General Area Plan, that our requirements are a little too rigorous for what it must contain. Our regulations do not really seem any different from those for a preliminary plat. It was meant to be a planning document, so staff is looking at revising it. There are some ways that the City is making things a little easier. But in terms of safety and standards, our standards are still in place.

Ms. Stake commented that the City should keep the standards in place, because the City has had so much difficulty annexing. The cost to the City has been tremendous because of annexing areas that were substandard. It does not make sense for the City to pay for what was not done in the County.

## **12. ADJOURNMENT OF MEETING**

Chair Pollock adjourned the meeting at 9:25 p.m.

Respectfully submitted,

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Rob Kowalski, Secretary  
Urbana Plan Commission