

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 9, 2003
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Alan Douglas, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Laurie Goscha

STAFF PRESENT: Elizabeth Tyler, CD Director; Tim Ross, Senior Planner; Teri Andel, Secretary

OTHERS PRESENT: Peter & Diane Alexander, Bonnie Burgin, Sharon Horney, Daniel & Melanie Landgraver, Rick & Tracy Law, Susan McGrath, Dennis Ohnstad, Susan Taylor

Mr. Pollock introduced and welcomed Don White as the newest member to the Plan Commission. He noted that the Plan Commission now had full membership.

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

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes from the meeting held on October 24, 2002 as presented. Mr. Kangas seconded the motion. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Plan Case #1846-SU-02: Request for a Special Use Permit by the Urbana & Champaign Sanitary District for an expansion of the existing wastewater treatment facility at 1100 East University Avenue in the CRE, Conservation-Recreation-Education Zoning District.

Tim Ross, Senior Planner, presented the staff report regarding this case. He began by explaining that this request for a Special Use Permit follows a long-range facilities planning effort by the District, which was endorsed by the Urbana City Council on September 4, 2001 upon recommendations by the Urbana Plan Commission and the Urbana Comprehensive Plan Steering Committee. He gave a brief description of the site and of the surrounding properties including the Comprehensive Plan designation, the zoning, and the land use of each. He stated that the proposed expansion would consist of six components, which he briefly described as construction of a storage pad roof cover, construction of a generator building, masonry building addition, construction of a septage and sludge receiving facility below grade, relocation and replacement of the gas flare, and a roadway addition. Mr. Ross discussed the requirements for a Special Use Permit according to Section VII-6 of the Urbana Zoning Ordinance. He summarized staff findings and read the options of the Plan Commission. He noted that staff recommended the following:

Based on the evidence presented and without any additional public testimony, staff recommended that the Plan Commission recommend approval of the proposed special use permit to City Council with the condition that it substantially adhere to the site plan that was presented in the staff memorandum.

Dennis Schmidt and Susan McGrath, of the Urbana-Champaign Sanitary District, approached the Plan Commission to answer any questions. Mr. Schmidt noted that Mr. Ross had given an accurate presentation on what the Urbana-Champaign Sanitary District (UCSD) was planning to do. He re-emphasized that this was part of the implementation of the long-range plans that the Sanitary District had presented to Urbana's governing bodies in May of 2001. They are in the process of preparing construction plans and specifications for the improvements. He added that this was not an expansion of the District's facilities with respect to making it larger or covering more ground. It is basically rehabilitation and expansion of some of the existing treatment facilities.

Mr. Pollock inquired if all the rebuilding and rehabilitation would be done on land where the Sanitary District's facilities are already operative, then nothing would be built on Parcel #3? Mr. Schmidt responded that the only construction that will take place in Parcel #3 would be the construction of the roof. Mr. Pollock asked if there was any rebuilding planned for the southern portion of Parcel #8 that abuts on Parcel #3? Mr. Schmidt replied no. Mr. Pollock questioned if the Sanitary District had any long-term plans to build on either Parcel #3 or Parcel #8? Mr.

Schmidt answered that the only thing the Sanitary District was looking at long-term would be the need to build an additional digester within the next twenty years. The other thing that the Sanitary District was looking to build in the 20-Year Plan would be the expansion of the pad that is on Parcel #3, which would be extended further west. The Sanitary District's intentions are to keep the facilities on the backside of the hill and not bring anything closer to the residential neighborhood.

Mr. Hopkins pointed out an inconsistency between the proposed site plan and the aerial photo with the parcels numbered on it. It appears that the new roadway on the proposed site plan extends west of Parcel #8 to an unnumbered parcel. Mr. Ross replied that staff drew in the parcel boundaries by freehand, and that the driveway would actually be further south. Mr. Hopkins asked if it was just a graphical error? Mr. Schmidt commented that the roadway and the existing fence would be extended to the west and run north tying back to the pad itself. He added that the fence would be moved to the west approximately 25 feet.

Mr. Hopkins was unclear how the proposed site plan could fit into the parcels drawn on the aerial photo. He inquired as to who owns the unnumbered parcel? Mr. Schmidt stated that the Sanitary District basically owns all of the parcels except for the parcel immediately south of Parcel #8. Mr. Hopkins asked if the Sanitary District owns the parcel west of Parcel #8? Mr. Schmidt said that was correct. He said that the area was formerly Hickory Street right-of-way. There was a joint project about five or six years ago between the Sanitary District and the City of Urbana. The Sanitary District bought all the parcels to the west, and the homes were removed. There is an agreement with the City of Urbana that the parcels west of Parcel #8 would stay as a buffer area for the sewage treatment facility. Mr. Hopkins felt that because part of the parcel west of Parcel #8 would be used that might pose a problem. This particular area should have been included in the definition for the area being proposed. Ms. Tyler believed that the legal description of the proposed area includes that portion of the parcel to the west of Parcel #8. She added that the Sanitary District held a neighborhood meeting to inform the residents in the area of the District's plans to rebuild and rehabilitate this wastewater treatment facility.

Mr. Schmidt clarified that the roadway would be extended to the west of the building labeled 306 on the aerial photo. Mr. Hopkins replied that was not consistent with the proposed site plan. Either the proposed site plan was wrong and the Plan Commission may approve it as a contingent characteristic of their recommendation or something else has happened. Ms. Tyler noted that staff asks for general conformance to the site plan. If there is an error, then it is more likely to be on the aerial, which is not rectified. There would not be an error in the legal description or in the language of the approval.

Mr. Pollock mentioned that the reason for removing the houses was because Hickory Street had no legal way to access. Mr. Hopkins commented that someone might complain that the Sanitary District moving the roadway west into the unnumbered parcel would break the agreement. Mr. Kangas suggested that staff double-check the legal description to make sure that they are correct. Ms. Tyler stated that what was important was that the distance of the buffer would be maintained, and it appears that it would be. It would also be important that the proposed site plan is consistent with the amendment to the Woodland Park Agreement.

Bonnie Burgin, of 914 East Park, inquired whether the new road proposal would be on the existing property or would it become part of Cottage Grove or Hickory Street back to the plant where the Sanitary District was talking about widening it up to the fence? Mr. Pollock’s understanding was that it would not be on the Hickory properties nor would it change as far as its relation to Cottage Grove.

Ms. Tyler passed around the amendment map that was approved to the Woodland Park Plan. The plan shows that Tract 006 (west of Parcel #8) as being part of the amended area that is now allowed to be used for Sanitary District use. The buffer would be maintained. If the Sanitary District does need to go west of Parcel #8 when they build the new road, then they are permitted to do that under the Woodland Park Plan.

Mr. Alix felt that it would be appropriate in a motion to recommend that the case be adjusted before it went to the City Council to indicate that it includes “Tract 006” and to add the legal description for that if indeed the request is to use that lot. Mr. Pollock agreed that was a good idea.

Mr. Kangas moved that the Plan Commission recommend approval of this special use permit to the Urbana City Council with the condition that staff check and verify that “Tract 006” is modified to be included before it goes to City Council and with the condition that the proposed improvements generally conform to the Site Plan, shown as Exhibit G in the staff memorandum. Mr. Hopkins seconded the motion. The roll call was as follows:

Mr. Douglas	-	Yes	Mr. Hopkins	-	Yes
Mr. Kangas	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes	Mr. Alix	-	Yes

The motion was passed by unanimous approval.

Plan Case #1847-M-02: Request by Dennis Ohnstad to rezone 406 East Anthony Drive from IN, Industrial to B-3, General Business.

Elizabeth Tyler, Director of Community Development Services, gave the staff presentation for this case. She began with a description of the site and noted the adjacent land uses and zoning of the nearby properties. She reviewed the La Salle National Bank Criteria as they pertain to a comparison of the existing zoning with that proposed by the petitioner. She summarized staff findings and read the options of the Plan Commission. She noted that staff’s 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 forward this case to the Urbana City Council with a recommendation for approval.

Dennis Ohnstad, petitioner, approached the Plan Commission to answer any questions.

Mr. Alix inquired about the petitioner’s plan for the building on Lot 2. Did the petitioner plan to use Lot 2 in a way that did not require parking? Or would they dedicate some of the existing parking in Lot 3 for the use on Lot 2? Mr. Ohnstad replied that there was more than enough parking available on Lot 2 on the west and the north sides of the building.

Mr. Hopkins felt that the logical thing for the City to do would be to add “mobile home sales” as a conditional use in the IN, Industrial Zoning District. When you look at the IN, Industrial Zoning District and the B-3, General Business Zoning District categories in terms of what their uses are, it would make sense to add “mobile home sales” as a permissible use in the IN, Industrial Zoning District than to remit in this little spot all of the uses that are permitted in the B-3, General Business Zoning District. Many of those uses should not be allowed in the proposed area.

Mr. Alix generally agreed with Mr. Hopkins; however, he felt that with this particular street it would be more desirable for commercial use rather than industrial use based on its proximity to the interstate. In general, he agrees that spot zoning should be avoided. In this case, over the long run, most of the usages along Anthony Drive would be valued more as commercial.

Mr. Hopkins felt that the issue was the list of uses under the two zoning classifications. He believed that the B-3, General Business Zoning District was not meant for interstate facing commercial and industrial. It is not what the classification really is. Ms. Tyler mentioned that many Zoning Ordinances have a highway commercial classification that would fill this gap and cover some of these uses. One of the oddities of the City of Urbana’s Zoning Ordinance is that the industrial designation is rather restricted. It is really focused on manufacturing and does not allow for a lot of uses that have commercial components. At the same time, the B-3, General Business Zoning District classification is very broad and is the most flexible classification. It probably needs to be broken down. It is the “catch-all” designation. Staff would love to overhaul the Urbana Zoning Ordinance. The right time to do that is when the City adopts the Comprehensive Plan update.

Mr. Kangas moved that the Plan Commission forward this case to the City Council with the recommendation for approval of rezoning 406 East Anthony Drive from IN, Industrial to B-3, General Business based upon the La Salle National Bank Criteria. Mr. White seconded the motion. The roll call was as follows:

Mr. Hopkins	-	Yes	Mr. Kangas	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes
Mr. Alix	-	Yes	Mr. Douglas	-	Yes

The motion was passed by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

Plan Case #CCZBA-374-AT-02: Request by the Champaign County Zoning Administrator to amend paragraph 9.1.6.A.1 of the Champaign County Zoning Ordinance to change the limit on the length of time that Zoning Board of Appeals members may serve from a limit of 10 consecutive years to a limit of no more than two consecutive unexpired terms to which the member is initially appointed.

Mr. Ross gave the staff presentation for this request. He began by correcting the language used in the description for the case. He noted that it was actually two consecutive terms and an additional unexpired or partial term. This amendment would allow an appointed person to serve out the remainder of a partial term plus two other consecutive terms. Currently there is a mismatch between the state law and the Champaign County Zoning Ordinance. Mr. Ross stated that staff recommended the following:

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 the findings summarized in the written staff report.

Mr. Kangas questioned whether there was a waiting list for people trying to get on the Champaign County Zoning Board of Appeals? Ms. Tyler speculated that the County might have an easier time staffing boards and commissions because they have many board members that will have people that they would recommend to the Chair for appointment. For the City of Urbana, there are so many busy people. Mayor Satterthwaite puts out calls for applications on a periodic basis. But there are only a few who respond.

Ms. Stake moved 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 the findings summarized in the written staff report. Mr. Hopkins seconded the motion. The roll call was as follows:

Mr. Kangas	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes	Mr. Alix	-	Yes
Mr. Douglas	-	Yes	Mr. Hopkins	-	Yes

The motion was passed by unanimous vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler reported on the following:

- ✓ Status of Previous Cases:
 - ✓ Urbana Assembly of God: The special use permit was approved by City Council.
 - ✓ Historic Preservation Text Amendment to the Zoning Ordinance: City Council approved and adopted the text amendment to the Zoning Ordinance regarding “contributing” versus “non-contributing” definitions.
 - ✓ CCZBA Case #344-AT-02: This reorganization case of the County Zoning Ordinance was not protested by the Urbana City Council.
- ✓ Comprehensive Plan Update: The Planning Division has been spending time on updating the Comprehensive Plan by holding focus groups and internally doing some mapping.
- ✓ Lakeside Terrace: City Council approved a Certificate of Consistency with the Housing Authority’s Annual Agency Plan. They have selected a developer to redevelop Lakeside Terrace.
- ✓ B-1, Neighborhood Business Zoning District: At the request of the City Council, staff has been working on modifying the B-1 Zoning classification. This may come before the Plan Commission in February as a text amendment.
- ✓ Future Plan Cases:
 - ✓ Christ Unity Church is requesting a special use permit for a lot that is zoned R-2 in the Beringer Commons Subdivision.
 - ✓ Text Amendment that was suggested by the City Attorney, Jack Waaler to deal with what happens when there are non-conformities that are a result of right-of-way takes or condemnation.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission