

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 23, 2003
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

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

MEMBERS EXCUSED: Christopher Alix

STAFF PRESENT: Elizabeth Tyler, CD Director; Rob Kowalski, Planning Manager; Tim Ross, Senior Planner; Teri Anel, Secretary

OTHERS PRESENT: Gwen Byers, Alan & Anita Cohen, John Dabrowski, Mr. & Mrs. Mike Fancher, Stanley & Kristy Freeman, Gary Gebauer, Vickie Huls, Gerald & Janice Knight, Keith Kuehl, Rich Lake, Carl & Carol Malmgren, Lori Patterson, George & Shirley Perkins, Harry & Marilyn Querry, Patsy Reifsteck, Fred & Mary Reiter, Richard & Miranda Remnek, Warren Rittenhouse, Joe Whelan

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

The meeting was called to order at 7:33 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 Plan Commission meeting held on January 9, 2003 as presented. Mr. Hopkins seconded the motion. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- Letter from Marilyn Querry regarding Plan Case #1848-SU-02.
- Aerial photo of new roads and an unplatted lot in Beringer Commons
- Preliminary Plat Update of Beringer Commons
- Boundary Map of Beringer Commons

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Plan Case #1848-SU-02: Request by Christ Unity Church for a Special use Permit to establish a church at the southwest corner of Interstate 74 and Route 130 (High Cross Road) in the City's R-2, Single-Family Residential Zoning District.

Tim Ross, Senior Planner, presented the staff report regarding this case. He began with a brief description of the proposed lot and of the surrounding properties, including the Comprehensive Plan designation, zoning, and land use of each. He talked about the proposal by reviewing the floor plan, parking and access, and drainage for the site. He noted that the proposed parking spaces would exceed the amount required by the Zoning Ordinance. He mentioned an alternative option for an access road entering the church parking lot from High Cross Road. Although High Cross Road is considered to be a collector street and an access would be allowed, staff would not recommend any additional access be provided onto High Cross Road at the current time. Currently, High Cross Road is a corridor that is under study. The City of Urbana received a grant from the Illinois Tomorrow Fund to study High Cross Road. The City was looking at a long-range transportation component to that, and staff was looking to limit access particularly in the area around the interstate. Mr. Ross reviewed 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. Staff recommended the following:

Based on the evidence presented in the written staff report, and without the benefit of the public testimony, staff recommended that the Plan Commission recommend approval of the proposed special use to City Council for the reasons articulated in the "Summary of Findings" and with the following conditions:

- 1. That the development on the property be in substantial conformance with Exhibit G, Site Plan.*
- 2. That a series of trees be planted and maintained along both sides of the portion of the subject property located between Lots 533 and 534 of the Beringer Commons Subdivision that will have the effect of visually screening the property from the adjacent properties, as determined by the Urbana Zoning Administrator in consultation with the Urbana Arborist.*

Mr. Douglas inquired if the petitioner was still planning on having 77 parking spaces even though they only need about 40 spaces based on occupancy? Mr. Ross responded that the site plan does show 77 parking spaces. The church has indicated that they plan to have a maximum of 200 people in the congregation. The Zoning Ordinance would only require the petitioner to have 40 parking spaces; however, the church intends to have the extra parking.

Mr. Douglas mentioned that this case was similar to the case of the Church of the Living God. One of the main elements is traffic. The main entrance to the Church of the Living God was through industrial areas. He felt that in this case, the traffic would be through residential areas and that is what makes the two cases different. He felt this would also be one of the main concerns. Mr. Ross replied that the two cases are similar. Staff felt that the difference between the two cases was the scale of the development. The Church of the Living God had over 1,000 seats for the assembly area, and it was over 11 acres in size. That particular proposal was more than double in area and more than 5 times the number of people at its maximum. In addition, in that case there was an option that staff support more than they would in the current case, an alternate access to the proposed site. There are public roads already in existence around the site.

Ms. Stake inquired about the how big the lot sizes were in Exhibit G? Mr. Ross answered that based on the approved plat of Phase V, the lots on either side are between 90' x 167' and 90' x 180'. Those lots are slightly wider and larger than some of the other lots in Beringer Commons due to the curvilinear pattern.

Mr. White asked about the requirements of the church meeting the spirit of the covenants of the subdivision? Mr. Ross answered that any obligation that the proposed church would have related to covenants would not be responsible through the City of Urbana. The City does not enforce subdivision covenants. That would be an issue between the property owners and any new property owners within the subdivision. The City does require paved driveways according to the zoning regulations. Mr. White believed that if the proposed church would not meet the spirit of the covenants, then it might not be true that the church would not have a negative impact on the surrounding properties. For example, a pole shed would not fit into the subdivision. Mr. Ross replied that although he understood what Mr. White was saying, staff has to base their analysis on what is permitted in the zoning district. A church would be a special use in the R-2 zoning district.

Mr. Douglas inquired if the City in the past had applied conditions that the builders work with neighborhood groups concerning certain things? Mr. Pollock stated that the special use permit process does allow the City Council to certain conditions during the construction. Mr. Ross said that was correct. Plan Commission can recommend any conditions, and the City Council can approve those conditions. In the past, there have been conditions approved that state the petitioners work with nearby residents. In this case, it is a possibility.

Mr. Kangas asked how binding the Site Plan, Exhibit G, was? In the future, could the congregation size be expanded from 200 to 500? Mr. Ross answered that if the recommended conditions were adopted, the Site Plan would be binding. If the developer wanted to waiver substantially from the site plan, then the developer would need to come back through the Plan Commission and amend the special use permit. That would include the type of increase of size

in the congregation that was mentioned. The church had indicated that 200 would be their maximum congregation size, and that they would not expand the church at the proposed site. Christ Unity Church would look for another site if they reached the point of expansion. It could be articulated as part of another condition, but the proposed site plan would bind the church to a maximum of 200 people.

Ms. Goscha inquired about what type of traffic regulations were currently in force in this area? Mr. Ross responded that internally he was not aware of too many stop signs or other traffic regulations of that nature. He did not know what might happen in the future. He reiterated that the City Engineer stated that this development would not require any additional signage based on the volume of traffic that was expected.

Mr. Kangas questioned if the church envisioned having a daycare center or preschool since there will be six classrooms? Mr. Ross answered that the church had not mentioned anything regarding a daycare center or preschool. The church will have a service on Sunday and a meditation service on Wednesday. They have indicated that occasionally they will have groups meet on other nights, and of course weddings and things like that. Mr. Kangas inquired if it would be possible for the church to run a daycare center without coming back through the process? Mr. Ross stated that staff would look at whether or not that would comply with the zoning regulations.

Ms. Stake inquired if the playing fields were part of the church's site plan? She commented that usually a church does not request playing fields. Mr. Ross said that the church would be able to speak about the purpose for the playing fields. There are other churches that do have some facilities.

Mike Fancher, Co-Chairman for the Building and Grounds Committee for Christ Unity Church, approached the Plan Commission to answer any questions or concerns on behalf of the church.

Mr. Douglas noted that there was a request for six classrooms, which seemed to be a number of classrooms for a church. He asked if Mr. Fancher envisioned any plans for a daycare in the future or does the church currently have a daycare? Mr. Fancher responded that the church does not currently have a daycare at its present location nor do they have any plans to operate a daycare in the future. The church plans to build in three phases. The initial phase would be a small contingency of the requested classrooms. The church envisions that as they grow to a 200-seat capacity, then there would be enough young people that the church would need the extra classrooms.

Mr. Fancher explained some areas on the site plan were labeled as "playing fields". Most of these areas will be grassy areas. With teenagers and young children, those areas would be great for them to run and have fun. These areas will not be used as a baseball diamond or a basketball court.

Mr. White inquired as to how the church would look at the end of the first phase? Would it look completed or will it look like it is partially built? Mr. Fancher replied that the church's vision of this process would be that the first phase would actually be a finished look and build on from

there. The church would work with the Homeowner's Association and gather input from what the residents would recommend as far as looks and things of that nature, so that the church does not build something that would be detrimental to the look of the neighborhood. The intention of Christ Unity Church is to be in conjunction with what will be built in the neighborhood, and that they do not deviate and build something gaudy or unsightly. The church does intend to have a lot of landscaping. Most of the congregation is environmentally conscious and aware of impacts such as traffic flow, etc.

Mr. White questioned if the driveway entering the church would be paved with concrete or asphalt? Mr. Fancher answered that the church would initially use concrete until they get back to expanding the parking lot in a later phase. At that time, they would look at the cost difference between pavement and asphalt. There will be concrete curbs, which he believed was part of the requirement by Urbana Codes. The drainage will be in conjunction with the City of Urbana's requirements as well.

Mr. Kangas inquired if the area is five acres and largely landscaped, then where will the church store lawn mowers, etc.? Mr. Fancher responded that the church would probably have a small storage shed of some kind. As far as lawn care goes, the church will hire a professional to maintain the cutting of the grass and removing the snow in the wintertime, etc. Ms. Goscha asked if the church was planning on maintaining the detention basin as well. Mr. Fancher stated that was correct. Mr. Ross commented that the subdivision already has adequate storm drainage. The proposed retention pond would be a dry pond, which means it will basically be a grassy area.

Mr. White commented that it appeared that some of the drainage would drain into the lots in front of the detention area. If the parking lot were paved, then the surface water drainage would come to the lots in front of the parking lot towards the street. Mr. Fancher stated that Christ Unity Church would ensure that would not happen. They would follow the regulations that are set forth in the City codes. Mr. Ross reassured the Plan Commission that the existing codes would not allow a considerable amount of water to be drained onto an adjacent property. Mr. Pollock asked if a condition could be placed on the Special Use request to require an engineered drainage plan? Mr. Ross replied yes.

Mr. Douglas inquired as to how long the Christ Unity Church has been at its current location on Main Street? Mr. Fancher responded since 1985. Mr. Douglas asked how many members the church currently had? Mr. Fancher answered that there were 68 active members. He noted that was the reason they were requesting a Special Use Permit to be able to build a church to accommodate the number of people that they anticipate joining their church.

Mr. Kangas questioned if the parking and street lighting would be shielded from the neighborhood? Mr. Fancher remarked that they would have to have some kind of exterior lighting in the parking lot areas. That is part of why the church was landscaping along the residential lots, so that the church lighting does not impact the residents adversely at night. The church would not be used late at night. Mr. Kangas asked if the church was willing to work with City staff to come up with some language to say that the church would minimize the light impact on the residential neighborhood? Mr. Fancher replied absolutely. He noted that they were also

willing to work with the Homeowner's Association of Beringer Commons to address their concerns and let them be a part of this process as well.

Mr. Pollock questioned whether there would be buses, vans, or any other vehicles other than car transport bringing people in and out on a regular basis? Mr. Fancher stated that as far as traffic, only single-family cars would be driving to the church. The church does not have a bus service. Mr. Pollock asked if Mr. Fancher had any guess as to what the traffic impact would be if the church were to fully develop to 200 members? Mr. Fancher replied that no one knows how many members will show up at any given time. Christ Unity Church currently in the wintertime conducts two services, which are 1) at 9:30 a.m. and 2) at 11:00 a.m. The church was anticipating that once the 200-seat sanctuary was built, then they would only have one service. In addition, they have one meditation service on Wednesday nights that is lightly attended.

Mr. White inquired as to who holds the lots in front of the proposed site? Mr. Fancher answered that right now those lots are held by the developer, Ivan Richardson, and have not been sold. Mr. White commented that it was not likely then that someone had purchased a lot believing that there would be houses behind him or her and find out differently.

Ms. Goscha asked Mr. Fancher to describe what the three phases would be and the time frame for each. Mr. Fancher referred to the site plan and stated that the center section would be the first phase. It would include the classrooms adjacent to the office and the meeting hall. During the first phase, the parking lot on the south and the turnaround drive will also be constructed. The second phase would be to add the other classrooms on to the west side. During the second phase, the other parking area would be constructed. The third phase would be to build the sanctuary on the east side. As far as the time frame goes, the church does not anticipate building within the next two to four years. The phasing should be done within two or three years. Ms. Goscha asked if they planned to be done between the years 2007 and 2010? Mr. Fancher replied that was correct. Ms. Goscha inquired as to when the landscaping, detention areas, and curbs would be done? Mr. Fancher hoped that when the church does the initial phase, they would do all the landscaping that could be done. Regarding the curbing, the church would put in the turnaround and all of the curbing in the parking lot to the south side during the first phase. The curbing for the other parking lot would be completed during the second phase when the other parking lot was done.

Carl Mongren, of 2906 Rutherford in Beringer Commons Subdivision, mentioned that he was still trying to make up his mind of whether he was in favor of the proposal or against it. He noted that he was a member of the Beringer Commons Homeowner's Board. He first became aware of this proposal when he received a copy of the Special Use Permit notice for a public hearing. He was surprised to hear about the proposal. He noted that he had petitions that a number of the residents in Beringer Commons had signed expressing concerns about the proposal. He gave copies of the petitions to City staff. He mentioned some of the concerns listed on the petitions, which were as follows:

1. Lack of information of what is going on.
2. Traffic is a big concern for the following reasons:

- a. The road that passes to the proposed site onto Beacon Hill Circle and the continuation onto Rutherford is a fairly narrow lane. The main path to get out to Beringer Commons from Downtown Urbana is through Main Street. The quickest route that currently exists is along Rutherford Drive and Beacon Hill Circle. Ivan Richardson had reduced the road from a 31' size down to a 25' size. On a Sunday morning, with 75 cars passing back and forth along there, he believed that would create traffic problems. The entrance to the proposed site should come off of High Cross Road. There are two accesses just across High Cross Road from the proposed site. One access is for a farmhouse, and the other goes into a small subdivision. He had never heard of any accidents happening at either access. Mr. Ross had pointed out that the engineers do not feel that having an entrance off of High Cross Road would present a problem. It would reduce the traffic impact to zero on the subdivision. He felt that having the main entrance or even one of the entrances into the proposed site through the subdivision would indeed be injurious and detrimental to the neighborhood community.
3. A condition should be placed on the Special Use Permit that requires the church to work with the community and the Homeowner's Association Board. It would be a good way for the Homeowner's Association to be able to maintain the nature of the neighborhood community without having it be degraded.

Mr. Mongren recommended that the community be able to have access to the plans and move the entrance from Beringer Commons Subdivision to High Cross Road.

Mr. Mongren noted that staff had mentioned that there are conditions that do not allow unreasonable drainage onto adjacent lots. He asked what an adjacent homeowner should do if they look out over their lot and discovers a lake as the drainage runs off the church parking lot? At this point, it would seem a little late for the church to come in and rebuild the parking lot. How could this be prevented? Mr. Ross replied that the City Engineering Department enforces drainage regulations and make sure that developers meet the standard drainage requirements. Mr. Pollock added that the Plan Commission and the City Council could recommend a drainage plan as part of one condition of the Special Use Permit.

Mr. Mongren had several questions for the church to address, which are as follows:

1. If there the subdivision already has a suitable drainage system, then why is there need for a detention pond?
2. During the two to three years it will take to complete all three phases, will the church maintain a finished appearance at each phase?
3. Regarding the landscaping, he noted that Mr. Fancher had commented that the church would do all the landscaping that they could do. Mr. Mongren asked if it was finances that defined what the church would be able to do? Or was it planning?
4. Using the church at night is variable and comes into the lighting plan. What indeed is the lighting plan to be put in? What impact would the lighting have on the community?

5. Regarding daycare, at what point would the church have to come back before the Plan Commission and the City Council to request a Special Use Permit to allow a daycare?

Mr. Mongren concluded by noting some of the concerns that the neighborhood would prefer to be binding on the church in the Special Use Permit. They are as follows: 1) traffic exit, 2) drainage plan, and 3) for the church to work with the community.

Mr. Douglas questioned if Mr. Mongren felt that if the access to the church were off of High Cross Road, then the traffic impact on the neighborhood would be zero? Mr. Mongren replied that was not necessarily true; however, he doubted if there would be an adverse impact on the neighborhood with an access off of High Cross Road. People tend to take the shortest route, and that would be along High Cross Road.

Mr. Douglas commented that in the past where cases involving churches, the churches were always willing to work with the surrounding neighborhoods. He believed that Christ Unity Church would also be willing to work with the residents of Beringer Commons Subdivision.

Gary Gebauer, of 2909 Rutherford in Beringer Commons, stated that he was opposed to the total project. His wife and he made a conscious decision to move from Urbana Township into the City of Urbana even knowing they would have to pay higher taxes. They moved so that they could live someplace where it was a controlled area with covenants, and so forth. They like their home, and they like living in Beringer Commons. However, had they known that a church was being planned; they probably would have reconsidered moving there. He wants to live in a totally residential area.

Mr. Gebauer believed that one of the biggest concerns was traffic. He felt that the placement in the northeast far corner of the subdivision basically makes all the roads in the subdivision the driveway to the church. If the proposal were approved, he would prefer one entrance off of High Cross Road.

Mr. Gebauer rebutted a couple of statements that Mr. Ross had made. With regards to no other churches in the area, he noted several churches and their locations, which are all within five minutes from Beringer Commons. He stated that Mr. Ross does not see the negative impact on the traffic, because he does not live in Beringer Commons. He was concerned about the future financial impact and the development of the subdivision. He noted that there are eleven contiguous lots to the church property, and there are three more immediately to the right, which brings us a total of fourteen lots. It seemed to him that it would be in the best interest of the City of Urbana to see the subdivision fully developed and fully constructed. At a minimum, those fourteen lots would bring an extra \$70,000 to \$100,000 in real estate taxes.

Harry Query, of 2913 Rutherford Drive in Beringer Commons, expressed concern about the type of material used to build the proposed church. He questioned what would happen to the property in the event that the church would not be able to complete the construction? He asked what would happen to the proposed property if the church were successful in expanding its congregation past 200 members and decided to move to a bigger property? He noted that the

residents had been assured that the subdivision would entirely be residential when purchasing their properties, and now they find out that Ivan Richardson, the developer, was planning to have a church in the subdivision all along. The residents of Beringer Commons Subdivision have not been informed of any of these plans. As a result, they are upset. It seems like it has been a very sneaky operation. Although, he believed it was not attributable to the church, he felt it was to other people involved. He inquired if there was any financial information available such as a budget, etc. Mr. Pollock replied that the Plan Commission had not received any financial information. He was hopeful that any decision on the case would be delayed so that Mr. Richardson would have a chance to speak to the Plan Commission. Those are questions that certainly can be posed to Mr. Richardson; however, he is under no legal requirement to provide that information.

Marilyn Query, of 2913 Rutherford Drive in Beringer Commons, wanted to know the church budget and what funds have they raised thus far for this project. She inquired about what would be the timeline to complete their fundraising? Other property owners in Beringer Commons Subdivision have had to prove their financial status before moving into the subdivision. Mr. Kangas responded that the Plan Commission deals with land use issues and whether that it the proper use of land. Property owners did not have to show the City of Urbana proof of their financial status. The Plan Commission could pose those questions to the petitioner; however, they are not legally obligated to answer financial questions.

Ms. Query commented that the residents of Beringer Commons Subdivision have envisioned a park in the proposed location. A park would be an enhancement to the lots in the subdivision. It would be rather nice to put the church down on the corner where Route 130 and Route 150 intersect. There would be easier access to the church, and give the church more room. Mr. Pollock stated that the Plan Commission could recommend to the City Council whether or not this plan is acceptable and what conditions might make it acceptable. In terms of the other possibilities and other things that the developer may be responsible for or be able to do with the land is really not a land use decision that is up to the City of Urbana to decide.

Ms. Query was concerned with the vagueness at this public hearing. There has not been a traffic analysis done, and yet staff says that the traffic pattern would not be detrimental to the neighborhood. No one knows about the style of architecture that Christ Unity Church plans to use in building the church. She thanked the Plan Commission members for their thoroughness.

Richard Remnek, of 402 Beringer Circle in Beringer Commons, noted that he was a new resident in the subdivision. He had a few concerns regarding the proposal, which were as follows:

1. Why is not the access off High Cross Road instead of through the subdivision?
He did not hear any explanation of why a High Cross Road access was being limited. There are no legal requirements preventing it. He heard that an access off High Cross Road might require a change in the grade to establish an access. He felt that this was a critical concern.
2. The relationship of parking lots to the usage. It was stated earlier in the public hearing that only forty parking spaces would be needed for 200 congregational members. Yet, the church plans to build 77 parking spaces, which means in effect

that there could be 385 people using the church. Christ Unity Church claims that their current usage is 68, and their target is 200. At what point does the church come back to the Plan Commission and to the City Council to ask for another expansion? Is it when they surpass the 200 memberships? Is it when they need additional parking spaces?

3. How does the City of Urbana figure traffic count? The amount of traffic conceivably could be far greater than 200 people. It will really depend on what the facility would be used for. Activities that are very popular could generate fairly large crowds and fill up the entire parking lot. Instead of the usage being 200 people, it could be a lot more. The church may say they only have 200 members in their congregation, but the usage might be quite different. He was unclear about what was being measured. Was it the number of parishioners that attend the church? Or is it the actual usage and the actual traffic?
4. Concerned about whether the special use permit means that the church would remain subordinate to the covenants of Beringer Commons. Everyone who buys a house in the subdivision is subject to those covenants.
5. There may currently be no plans to have any buses; however, churches do charter buses for special events.

Mr. Pollock addressed some of the concerns mentioned above. First, he stated that Route 130 (High Cross Road) is a possible access point although problematic. Who will pay for the construction of the access, which will be extremely expensive? It will not be the City of Urbana. It could be the developer, the church, the neighborhood or some other entity; he did not know. Secondly, he stated that in terms of what triggers a special use permit process again, it is based on the site plan. The site plan in this case calls for a 200 maximum membership, a particular setup of buildings, and an arrangement of parking with a particular number of parking spaces. Any significant change from this layout will trigger a new special use permit process. Therefore, the church could not put in an additional 50-space parking lot without going through another process, because that would significantly change the site plan as it is currently presented to the Plan Commission. Thirdly, Mr. Pollock addressed the issue of control over covenants. He noted that the special use process can require certain conditions be met on the part of the petitioner and can carry those conditions for the life of the development. However, covenants are not within the ability of the City of Urbana to control. The City could pick certain issues that are similar or the same as that in a covenant agreement and make that a condition of the special use permit. But based on the covenants and the homeowner's association, the City has no control over those.

Rob Kowalski, Planning Manger, commented that the City does not review, approve, or enforce subdivision covenants. That is a private matter between the developer and the homeowners. When the City approves a subdivision plat for a phase of a development, it is required that the petitioner submits the covenants, so that they can be recorded with the plat. So far, there have been five sections of Beringer Commons recorded. For each phase, there have been covenants recorded as well. The covenants are the same each time, except for the legal description for each phase to match the phase that is being recorded. The proposed lot has actually not been recorded in any phase of Beringer Commons. This lot is not subject to any special covenants or restrictions that have been recorded for the rest of Beringer Commons. He cannot speak for Mr. Richardson's intentions for any covenants that he wishes to impose as part of the sale of the

property to Christ Unity Church or if he intends to have this lot become part of the Beringer Commons Subdivision. When or if this case is approved and the church is ready to begin construction, the church will need to record a plat that officially creates this lot. Along with the plat, they would need to include any restrictions or covenants, which will be recorded with the plat but not necessarily reviewed and approved by the City.

Ms. Stake suggested that Mr. Remnek and other interested residents of Beringer Commons Subdivision should go to Mr. Richardson to get an answer about any covenants being imposed on the church. It seemed to her that the developer had given the property owners in the subdivision the idea that all of the subdivision would be developed into single-family homes. It seemed to her that there was so much information that was not available. She did not receive a list of the people that were notified about this meeting. Mr. Ross replied that he could supply her with a list of names of the people who received a public hearing notice.

Mr. Pollock mentioned that one of the odd things about this case was that there was a homeowner's association in which there are a lot of homes that have an interest in this case that are not within the usual distance for these types of considerations; as well as a subdivision which the undeveloped part is closer to this proposal. He noted that was one of the reasons why the Plan Commission would continue this case. They wanted to ensure that everyone interested in this case, had a chance to gain information and get most of their questions resolved.

Mr. Kangas clarified that the City of Urbana will not count the number of parishioners or ask for a report. When the church wanted to make a change to the physical layout of the plan, then the church would come before the Plan Commission and the City Council with a request to do so. Mr. Ross stated that the 200 maximum memberships were based on the design as a maximum capacity of the church. The parking requirement for the proposed membership is 40 parking spaces, which the church plans to exceed that requirement. Only if the church wanted to expand the maximum capacity in the sanctuary would they be required both additional parking by the Zoning Ordinance and an additional special use permit through this process. Mr. Kangas added that if the church violated health and safety issues, then the church would have to deal with the Fire and Police Departments.

Mr. White requested a copy of the covenants from the last recorded phase to be sent to the Plan Commissioners.

Ed Perkins, of 2917 Rutherford Drive in Beringer Commons Subdivision, commented that there seemed to be an open end to this in that construction could go on for twenty years. There is nothing that says that the church, in the event if they run out of money, holds off finishing a phase for an indefinite period of time until they raise enough money to do so.

Mr. Perkins stated that Beringer Commons Subdivision has doubled in size since last November. This next phase will increase the subdivision even more. As a result, there will be an increase in traffic. The streets that are in the subdivision are currently handling traffic fine. However, after adding another 150 houses and the church, there could be a traffic problem.

Mr. Perkins pointed out that Christ Unity Church in its current location has 68 members and an approximate 2500 square foot building and the siding is falling off and there is a dirt parking lot only big enough for 7 or 8 cars. He inquired about how the church was able to build a 17,000 square foot structure, finance and maintain it. Once the special use permit was approved and the church begins construction, what happens if the church cannot afford to finish or maintain the building? Would another church be able to takeover? Is the proposed property within the City of Urbana limits? Mr. Ross answered that the proposed property was annexed when the remaining lots in Beringer Commons Subdivision was annexed. Mr. Pollock added that the Plan Commission and City Council could make it a condition of the special use permit to include a time frame for the period of construction.

Kristy Freeman, of 414 North Abbey Road in Beringer Commons Subdivision, noted that the roads in the area where the church is proposed to happen have been scaled back. They are narrower than the rest of the roads. She asked if when staff was looking at the need for a traffic study if they considered that the roads were narrower? Mr. Ross replied that staff posed this question to the City Engineer, and the City Engineer had stated that with there being less than 500 trips and having one main meeting time on Sunday, it falls below the standard of what would trigger the traffic impact analysis. Ms. Freeman asked if the 500 trips was just for the church or did that include the homeowners of properties located near the church and other residents of Beringer Commons Subdivision? Mr. Ross responded that it was his understanding that was the number of trips generated only by the church members.

Ms. Freeman spoke about drainage in the area. She noted that there are ponds in Beringer Commons Subdivision, which serve as drainage ponds for the subdivision. The ponds are collection retention ponds. Even though the drainage may not affect the immediate properties, it will affect the ponds. The Homeowner's Association does have to pay to maintain those ponds. Thus, the drainage could have a financial impact on their Homeowner's Association.

Ms. Freeman mentioned that since none of the surrounding properties had been sold, then people would not have purchased those lots thinking that there would be additional homes built in their backyards. When most of the residents of Beringer Commons Subdivision had purchased their homes, they were presented with a plan for the subdivision to be all residential.

Ms. Freeman said that the proposed plan for the church did not indicate that the only way traffic would be routed was through the subdivision. Therefore, it may impact what some of the property owners in Beringer Commons Subdivision think about the proposal. They may not have understood that this was the one and only way that was planned for the church traffic.

Ms. Freeman asked if the property owners in Beringer Commons Subdivision would get a notice of any future public hearings regarding this case? Or would only property owners within 250' of the proposed property be notified? Mr. Pollock answered that the legal notice would be people within 250' of the proposed property. As the subdivision develops, that would include more people. However, City staff can add names of other interested people to their mailing list.

Stanley Freeman, of 414 North Abbey Road in Beringer Commons Subdivision, questioned if the 500 trips were per day? Per week? Mr. Ross replied that it was per day. Mr. Freeman asked

if Mr. Ross thought that 500 vehicles going back and forth through the subdivision would not impact the neighborhood? Mr. Ross responded that City staff determined that with the size and scale of this development, using public roads fell below what it would normally take to effectively deny the special use permit. Mr. Pollock added that City staff works on the basis of professional standards. It is a valid question that needs to be asked of the developer, the Plan Commission and the City Council. City staff was proceeding based on their professional principles.

Mr. Freeman voiced his concern that 500 trips is the standard to trigger a study; however, there is nothing beyond that at a lower level to inquire whether the increase in traffic would be injurious to the neighborhood. City staff was using the standard for the traffic analysis as a standard to determine that 500 trips or less would not be injurious to the neighborhood. You cannot compare the two.

Mr. Freeman stated that he felt that once this special use permit is approved, then it would be easier for the church to get approval on future special use permits to expand. Mr. Pollock said that was not true. It was not that long ago, when there was a case before the Plan Commission from a church requesting a special use permit to expand an existing property. Based on comments from the neighborhood and previous special use permits that had been issued, that special use permit was denied. Therefore, it is not any easier to get a second special use permit, because it is a brand new case. The Plan Commission reviews each special use permit request with the same integrity and depth study that they would the first request.

In closing, Mr. Freeman asked that any special use permit be conditioned or limited to use with access off High Cross Road.

Lori Patterson, of 306 Abbey Road in Beringer Commons Subdivision, stated that there have been many questions about the financial liability of the petitioners. This has been primarily because if the project is started and not completed, then it will be an eyesore. It may very likely bring the property values down.

Ms. Patterson noted that one of her concerns was that the church might not have the same required standards to build the church by as the residential property owners do. She quoted the following from Section VII-6 of the Urbana Zoning Ordinance: *That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located.....* She commented that when considering whether the proposed church would preserve the essential character of the district, the Plan Commission and the City Council should consider whether the church would be held to the covenants of the district. The residents in Beringer Commons Subdivision are not confident that Ivan Richardson, the developer, will impose the same covenants upon the church. When talking to Mr. Richardson, he said that this was not a matter for the Homeowner's Association. It was very clear that Mr. Richardson knows where to draw the line. Without his involvement and commitment to this, the Plan Commission and City Council could not know that the essential character of the district would be preserved.

Alan Cohen, of 412 Beringer Circle, addressed the three requirements for a special use permit according to Section VII-6 of the Urbana Zoning Ordinance. First, regarding *the proposed church use is conducive to the public convenience at that location*, he interpreted this to mean that the church use should be conducive to the public convenience of the people living in the community...not the public convenience of people who might live elsewhere. This proposal is not at all conducive to the public convenience of the people living in Beringer Commons Subdivision. Most of the people from the subdivision who had spoken thus far had stated that this would be a nuisance and not a public convenience. So, he felt that this was one way in which this does not fit the requirements for a special use permit.

Secondly, he addressed the requirement that states as follows: *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.* A question of whether something is unreasonably injurious or detrimental, he thought could be interpreted as if a property owner felt that the value of his/her property would be diminished or that the character of the community in which he/she lived in would be damaged by an arrival of somebody elsewhere. The character of the community, in a way, might be looked upon as negative.

Thirdly, he addressed the requirement, which states *that the proposed use conforms to the applicable regulations and standards of, and preserves the character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.* He commented that in the written staff report, it claims that the church would be designed to be residential in character. Churches are institutions...not residential buildings. The character of the neighborhood will change entirely and irrevocably from a secular to a religious character. A person buying into a community that has a church is very different from people who would not. He would not have bought a home in a community that contained a church within it. The church will decrease the sale/resale value of a property, because it diminishes the number of people who would be willing to move into the community. He felt that it changes the essential character of the community by definition. Beringer Commons Subdivision is a residential community, and Christ Unity Church is a religious community. He believed that it was injurious and detrimental as a result. Therefore, he did not believe that they met any of the three requirements for a special use permit.

Mr. Cohen talked about some general concerns and ways in which the church would effect the subdivision in other ways, which are as follows:

1. The use of the land should be of value to the people who live in the area where the land is. Although a developer has a right to sell to whom ever he/she feels or needs to, the character of the neighborhood should be maintained. There is a covenant developed when the developer indicates that a community will be a certain type.
2. Who would be responsible for injuries? If a person is on their way to church and get in an accident on the way through the subdivision, will the subdivision be held responsible? If someone is hurt on the playing field, what will happen to the neighborhood? As of now, the proposed land is not considered part of Beringer

Commons Subdivision; however, if the church would become part of the subdivision, would the subdivision have any influence over what happens there?

3. If the church does join the subdivision, do they become part of the Homeowner's Association? And are they subject to following the covenants?
4. It is impossible to predict growth. On one hand, there may be too much traffic, because the church expanded the size of their congregation to 300 or 400 people, and on the other hand, the church may never expand past their 68 members. Will they be able to pay for the property? Neither of these things should be things that the residents in Beringer Commons Subdivision should have to worry about. They have their own lives to lead. However, they are things that would have major impacts on their lives.
5. As a Homeowner's Association, they can stop a property owner from constructing a fence, planting a garden, or a planting a tree. What they cannot do apparently is have any influence on what will happen this institution moving into the area.
6. Mr. Cohen pointed out another problem is that more teenagers in the area could bring about vandalism and other types of problems.
7. Churches creating controversy by taking particular positions.
8. The church indicated the problem with an entry off of High Cross Road/Route 130 had to do with a legal restriction. Actually, it sounds like it might be a problem with cost, which the church does not want to bear.
9. The church would be tax-exempt.

Mr. Cohen suggested that the Plan Commission make it part of the requirement that the church provide a full economic plan submitted, a traffic impact analysis, drainage be submitted, request a time frame and any other information be available before the approval is granted.

Ms. Query re-approached the Plan Commission and presented a brochure that was circulated when a property was for sale in Beringer Commons Subdivision. This brochure was for 2915 Rutherford Drive. Within the packet that new property owners in Beringer Commons Subdivision receive, there is a copy of the plat of the subdivision. The proposed area is numbered 584 on the plat. Therefore, she believed that the area had been platted. She questioned if Beringer Commons Subdivision was what it appeared to be?

Mr. Gebauer re-approached the Plan Commission to clarify that the residents of Beringer Commons Subdivision did not actually receive the packet information from the City of Urbana, because it was only mailed out to property owners within 250 feet. A person who owns farmland within the 250 feet, who happens to live in the subdivision, received the notice. Another person in the subdivision made copies for the residents who live outside of the 250 feet. Mr. Pollock replied that was one of the reasons why the Plan Commission would continue this case to allow the residents of Beringer Commons Subdivision adequate time to get prepared and possibly discuss this at their Homeowners' Association meeting. Mr. Kowalski commented that staff legally notified everyone within 250 feet. Staff was aware that the notice would not be sent to most of the people who live in the subdivision. They learned early on that the notice had been duplicated and distributed to all of the residents in the subdivision, and staff was glad that the notice was getting out. Mr. Gebauer commented that with his history with Ivan Richardson, he believed that this was not unplanned.

Mr. Malmgren re-approached to ask a couple more questions or requests. He inquired if parking on the grass would be allowed? Mr. Pollock replied that was not allowed by city ordinance. Are fences controlled under the special use permit? Do fences need to be indicated in the site plan prior to the special use permit? If the church would decide to build a fence at a later time, would they need to request another special use permit? Mr. Kowalski responded that it would be a judgment of whether it would be a substantial change. The Zoning Administrator would make that judgment. Mr. Malmgren inquired how staff would know if the church put up fences to make the judgment that they should have come back for another special use permit? Mr. Kowalski replied that constructing a fence requires a building permit.

Mr. Malmgren questioned whether specific parts of the covenant could be put in the special use permit as conditions to ensure that the church works with the community and that there is an oversight of the building process and quality that all of the residents in Beringer Commons Subdivision was currently under the control of? Mr. Pollock stated that the Plan Commission could recommend and City Council could approve or disapprove of any particular special requirement that they wish to place. However, it cannot be in the form of a covenant. Mr. Kangas added that the petitioner could then withdrawal if they are not comfortable with the requirements. Mr. Malmgren inquired if the Plan Commission and/or City Council could set a specific time frame for the construction process as a requirement of the special use permit as well? Mr. Pollock replied yes.

Mr. Malmgren noted that all of the lots in Beringer Commons Subdivision within 250 feet from the proposed lot were owned by Ivan Richardson.

He inquired who was responsible for determining whether or not 500 trips were injurious to the community? Mr. Kowalski answered that the City Engineer determines whether a traffic impact analysis is warranted based on the number of trips. That will tell the City Engineer if there would be an impact on the facilities such as a turn lane or stop sign would need to be added. That analysis would not be able to tell if it would have a negative or positive effect to someone looking out there window and watching cars going by. That is a subjective thing, which was the reason why this public hearing was taking place to decide if it would have a positive or negative effect. Mr. Malmgren asked if the Plan Commission would be deciding if traffic would be injurious to the community? Mr. Pollock responded that it was one of the many issues that the Plan Commission would look at. Mr. Malmgren commented that with one road going to the church through the subdivision, it would be the anchor of the church in the subdivision. That anchor would be detrimental.

Mr. Query re-approached the Plan Commission to ask for clarification regarding Lot 584, which was the proposed lot for the church. He asked if the lot was in the City of Urbana limits? Mr. Ross replied yes. Mr. Query asked if the lot was developed in anyway or was it vacant? Mr. Ross answered that the lot was an unplatted piece of land that was zoned R-2, Single-Family Residential. It is currently vacant. There was some earth moved to create a berm along the north. Mr. Query asked if it had nothing to do with Beringer Commons Subdivision although it is adjacent to and contiguous with the subdivision, the lot is not subject to the covenants that the land to the south is. Mr. Kowalski stated that the lot had not been recorded with covenants

consistent to the other covenants in Beringer Commons Subdivision. The five-acre lot had been preliminarily planned to show that it was intended to have single-family lots there. Since, the approval of that plan, Mr. Richardson decided to leave those five acres off and to sell it to the church. Mr. Querry commented that this was typical of Mr. Richardson's conduct throughout the entire developing of Beringer Commons Subdivision. He does as he pleases, when he pleases, regardless of what the covenants say regarding the residents' property. He felt it was immaterial what the Plan Commission chooses to do or what the members of the Homeowners' Association feel is necessary, because Mr. Richardson will do what he pleases. Mr. Pollock noted that it was true that the City could not force or prevent the sale of any land; however, the City of Urbana can direct the use of the land.

Mr. Cohen pleaded with the church to listen to the residents of Beringer Commons Subdivision. Basically, fifty households have indicated that they preferred not to have this project come to their community. He requested that the church reconsider moving to an area where 10 percent or more of the population would rather not have the church there.

Mr. Perkins re-approached to ask for clarification on the public hearing process. He asked if the Plan Commission made a recommendation to the City Council, and then the City Council either approves or denies the special use permit by majority vote? Mr. Pollock said that was correct. Mr. Perkins inquired as to what the legal ramifications were for the residents as individuals if they decided to hire an attorney? Mr. Pollock stated that if this special use permit, with or without conditions, in one form or another was approved by the City Council, then it would become legal for the church to develop the lot as directed. He added that there is a process whereby if a certain percentage of folks within an area oppose the process, they can force a super majority on the City Council. Mr. Kowalski replied that it would be 40% of the property owners within 250 feet of the proposed lot.

Carol Malmgren, of 2906 Rutherford Road in Beringer Commons Subdivision, noted that many of the residents in the subdivision purchased their homes based on a certain set of expectations of the use of the land in the neighborhood. It has come to past that many of those expectations have not been met. For her, this was an end of a long succession of the use of the land in Beringer Commons Subdivision that the homeowners are upset about. There are narrower streets because residents signed a variance that was associated with being annexed into to the City. There are now condominiums around the north end of the lake, where she had been told there would be a lakehouse or some other development that would be attractive to the neighborhood. She was told there would be parks, instead there are 150 more homes being planned to be built. She was told there would be a gazebo on a lake; instead there is a lighthouse.

Ms. Patterson re-approached the Plan Commission to state that there was another example of this situation, which is in Richardson Estates. Although Richardson Estates is significantly smaller than Beringer Commons Subdivision, there is a church located in the subdivision. The church was built after a large majority of the houses were built. There was a large uproar by the community there. Although the church has been there for the last 25 or 30 years, there are still residents who live there who are so upset with the traffic pattern. She suggested that Christ Unity Church speak to some of the residents in Richardson Estates and to the church to find out how it is going.

Anita Cohen, of 412 Beringer Circle in Beringer Commons Subdivision, questioned if it were possible to put a moratorium on issuing the special use permit until most of the lots have been sold to individuals since Mr. Richardson owns all of the undeveloped lots? Mr. Pollock replied no. The Plan Commission could put the discussion, decision, and the recommendation to the City Council off to give everyone a chance. Staff can include more folks on the mailing list. In terms of the City of Urbana telling a petitioner that we will not act on a special use permits because lots have not been sold, it is not in the City of Urbana's purview.

Janice Knight, of 405 Beringer Circle in Beringer Commons Subdivision, stated that many of the homeowners in the subdivision have many concerns of what the church would do to their neighborhood. In spite of all the Plan Commission's time and effort, the homeowners really do not know what the appearance of the church would be on the outside. It has been said that there would be landscaping that would lessen the impact to the neighborhood, but there does not seem to be any assurance that the landscaping would be done. If the special use permit is granted, then what does that leave the neighborhood open to? Once the special use permit is granted and the church cannot follow through with their plans, would any church be able to come in? Mr. Pollock replied that the special use permit would be granted for this use with the proposed site plan. Mr. Kowalski noted that another church could come in if they wanted to follow the proposed site plan. Mr. Pollock added that in terms of landscaping, the site plan calls for specific landscaping, which would be done because it was part of a site plan that was agreed to. The detail of the landscaping can be decided as part of the special use permit, if it was not detailed enough. Questions can be asked about what the building would look like, the types of materials are going to be, and how high the church would be in terms of appearance. It is possible for the City Council to ask those questions and to make certain conditions as to the construction.

Mr. Perkins re-approached to inquire about the super majority vote. He inquired if Mr. Richardson counted as one owner? There is another property owner across High Cross Road that has property within 250 feet. Would Mr. Richardson get more votes because he owns more lots? Mr. Ross clarified that the 250 feet was measured from the proposed site, but it excludes the right-of-way. It would include the residents on the other side of either of the adjacent roads plus any lots within the subdivision that are within the 250 feet. Mr. Kowalski added that there needed to be 40% of the subject lots in opposition to the proposal to force a super majority vote. Mr. Pollock noted that it was pretty clear that Mr. Richardson had any opposition out-numbered in this case.

Gerald Knight, of 405 Beringer Circle in Beringer Commons Subdivision, commented that no one has anything to say about this except Mr. Richardson, so the City of Urbana might as well approve the special use permit. Mr. Pollock explained that was not true. In terms of forcing a super majority vote rather than a simple majority, it appears that Mr. Richardson has the edge in preventing the super majority vote. Mr. Kangas added that the Plan Commission and the City Council could vote anyway they want. Mr. Knight stated that the residents do not have a vote, so does the Plan Commission really consider what the residents are saying? Mr. Kangas explained that the residents could not force a super majority, where two-thirds of the City Council would need to be in agreement for approval of the special use permit. When City Council votes on this, there would only need to be a majority of the members in agreement to deny or approve the

special use permit. Mr. Kowalski mentioned that staff could have a more detailed map of properties exactly 250 feet from the property line of the proposed site and exactly who the property owners are of those lots. Mr. Pollock agreed that would be helpful. Ms. Stake felt that since Mr. Richardson owns the proposed lot and the undeveloped lots surrounding the site in the subdivision, then the 250 feet should begin from where his property ends. Mr. Kowalski stated that it starts from the boundary line of the proposed site. Mr. Perkins suggested that staff check with legal counsel to be sure this was true.

Reverend Julie Fancher, of 404 Spring Circle, stated that she was the minister of Christ Unity Church. She stated that she felt like she had been dropped into the middle of a war zone. She apologized to the residents of Beringer Commons Subdivision. She was totally unaware of any objections. Had the church known in advance about the lack of information, they would have tried to answer most of the questions and address most of the concerns before the public hearing began. She, then, addressed those questions and concerns, which were as follows:

1. The church's intention regarding traffic was to make any maps or directions to the church would be off of High Cross Road onto Beringer Circle and not winding through Beringer Commons Subdivision. The church has no objection to having their own access off of High Cross Road. They were told that was not an option at the time the architect put together this plan. If that is an option, then the church will look into it further, because that would be what they would prefer to do.
2. It was the church's full intention to work with the Homeowners' Association, to structure the building in a compatible way. They have noticed that there are many different types of architecture within the subdivision, and they would probably choose one of those styles and model the church after that. They have no desire to have a church building that looks specifically like a church. It will probably look like either a big home or an office building on the outside. They would have no problem with putting that in writing. In terms of complying with the covenants, that would not be an issue for the church. They want to blend into the community. They do not want to devalue the property.
3. Regarding the drainage, it was the architect's advise that the church show where they could have drainage and that they would plan for drainage should the City of Urbana require the church to have drainage. They will do what is required.
4. The perimeter landscaping will be done in the initial phase. The landscaping directly around the church structure may not be completed immediately. They may wait until the additions are built; so that they would not have to tear it back out for construction purposes.
5. Lighting is a crime prevention type of thing, but not to the extent that it blares into neighboring homes. The lighting could be set on timers.
6. The church has never thought about having a daycare. Christ Unity Church has an extensive Sunday School program and needs six classrooms for the young people who attend.
7. Regarding teenagers, they would always be with adult supervision. The playing fields are simply places for playing "Ring Around the Rosie" or perhaps an educational type activity on a Sunday morning.

8. The closest church in the one-mile radius to the proposed site is their current location at 1206 East Main Street. Down the street from there is the Weber Church. There are some larger churches further down.
9. Regarding their financial plan and how the church would pay for this project, Rev. Fancher commented that the way to prove it was through the bank. If they do not get the loan, then they do not build. Christ Unity Church has spent a year researching how they should go about this.
10. It would be very difficult to give exact times on when the phases will be done. The only thing she could promise is that at the end of each phase, it will look like a finished building.
11. The traffic issue she understood and felt it was a concern. During the weekdays, there will be very little traffic with five to ten cars a day at the most during the mornings and early afternoons. During late afternoons to mid evening, there may be anywhere from ten to forty vehicles.
12. The extra parking spaces were to prove to the City of Urbana and to Beringer Commons Subdivision that there would be "NO PARKING" on the streets. The church wants to exceed the minimum amount of required parking spaces to prevent parking on the grass and streets, because nowadays, family members sometimes drive two vehicles to church depending on the circumstances. They want to be able to provide enough parking spaces for those members. This is not a plot to grow a bigger church.
13. They plan to build a 200-seat sanctuary. In the future, if the church needs more room because they have expanded over that 200 goal, then they would sell the lot to another church.
14. They do not do bingo, and they do not have buses. She does not even want a church van. When their youth groups go places, the parents sign permission slips for their children to ride in other people's cars. They do not do a lot of outside activities. Their primary functions are Sunday services, Wednesday night "Prayer and Meditation" services, and there are some classes in the evening.
15. Regarding the present condition of their current church building, she apologized for the siding falling off. Their goal is to make the church completely sellable. They obtained permits to rebuild the roof. In the process of repairing the roof, they made some modifications inside that they believe will increase the value of the property. Volunteers did all of the work. They ran out of warm weather before they could fix the siding. It will be repaired once the weather gets warm.
16. The reason for moving is obviously because they are land-locked where they are. It is a matter of whether they can grow in the size building, which they currently are using or do they need the size in order to grow. Researchers say it is a little bit of both, which is why they will be phasing the project.
17. The church would maintain the lot once it is purchased before they build. They may even put in some of the landscaping at that point.
18. The intended uses for the church would be Sunday services, Wednesday night classes, weddings and funerals.

Ms. Goscha questioned what the mitigating reasons were for wanting to purchase the proposed lot? Rev. Fancher replied that they wanted to stay in Urbana. She noted that when researching

where to purchase land, the “Growth Development Team” found that most churches are building outside city limits due to the cost of land. Mr. Richardson offered the proposed lot to Christ Unity Church to purchase at a price that the bank will be comfortable loaning to them.

Mr. White inquired if the church had the ability to find out if they could have their own access off of High Cross Road? He noted that where High Cross Road starts sloping up for the overpass could present a problem for entering the site at that spot. Rev. Fancher noted that the hill is also a concern. She believed that everyone should investigate what the options are there. She would prefer to come in off High Cross Road and not bother the subdivision. Mr. Ross replied that legally it was possible. The following are the main concerns that will need to be overcome: the grading and the ditch would need to be leveled, so that the slope was much less.

Mr. Ross clarified some of the concerns that were raised. They are as follows:

1. He noted that the drainage detention would not be required.
2. He stated that the Zoning Administrator would determine whether or not any of the uses are within the request that is approved by the City Council. Some of these small meetings through the week will most likely go along with the church use. If the Zoning Administrator determined a use was beyond what was being approved with this special use permit, then it would require an additional special use permit.
3. He clarified how the parking requirement works. The parking requirement is dictated by the maximum seating. If there is more parking provided, that does not allow the church the ability to expand. The maximum seating of 200 people was what was being requested.
4. Regarding access off of High Cross Road, it does appear to be legally possible. There are significant and expensive things to overcome. From a planning perspective, staff was looking at High Cross Road as a corridor study. At this point, staff was unsure of what that study will yield, and they are not looking to promote additional access near intersections near overpasses. The access would be about 95 feet south from the end of the guardrail.
5. The answer from the Engineering Department, regarding the traffic impact concern, was that nothing else was required as far as signals, etc.

Mr. Ross stated that staff would provide all the information that they could to the greatest number of people they could. In general, he believed that the findings are professional opinion. He felt that this was a good discussion. Staff recommendation would stand as presented.

Mr. Pollock recommended that this case be continued to the second meeting of the Plan Commission in February. Mr. White moved to continue this case for thirty days. Mr. Douglas seconded the motion.

Mr. Kangas suggested the developer, the community, and the church to try to meet with each other outside and prior to the next public hearing to talk about the special use permit and the church’s intentions. He noted that there was not any hostile intent on behalf of the community or of the church.

Ms. Stake requested additional information on drainage, the church's plan with the dimensions of the church, traffic impact, etc. No one was being very specific about what was being talked about at this public hearing, and we need to get specific, so that the Plan Commission would know what conditions to place on the special use permit if needed.

The motion was passed by unanimous voice vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Kowalski reported on the following:

- ✓ Three previous cases regarding the rezoning of 406 East Anthony, Sanitary District Special Use, and the last CCZBA case were all approved by the City Council.
- ✓ The next scheduled regular meeting will be held on February 6, 2003. There will be two text amendments to the Zoning Ordinance that will be presented.
- ✓ At the City Council meeting on February 10th he noted that he would give a presentation about the Portland Streetcar and the trams in Europe. The Plan Commission requested that Mr. Kowalski setup a time during one of the future meetings to give the presentation to the Plan Commission. Following, there was discussion on what part the Plan Commission would play in the decision making process for this project.

Ms. Tyler reported on the following:

- ✓ Greenways and Trails Public Workshop was coming up and would be held at the MTD Illinois Terminal.
- ✓ Long-Range Transportation Plan Public Workshop, which would include regional transportation planning for the whole metropolitan area.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 10:32 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission