

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: August 21, 2003
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Alan Douglas, Laurie Goscha, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Don White

MEMBERS EXCUSED: Marilyn Upah-Bant

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Teri Andel, Secretary

OTHERS PRESENT: Cecilia Allen, Roger Blakley, Bill Harpole, Mary Landa, Carl & Carol Malmgren, David Monk, Rohit Negi, Theryl Newland, Esther Patt, Harry Querry, Warren Rittenhouse, Susan Taylor, Russ Waldschmidt Mack Weckel, Joe Whelan, Ruth Wyman, Tolga Yilmaz, Marisa Zapata

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

The meeting was called to order at 7:34 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes from the July 24, 2003 meeting as presented. Mr. Hopkins seconded the motion. The minutes were then approved as presented by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Plan Case #1862-M-03: Rezoning of a tract of property at the southeast corner of IL-Route 130 and IL-Route 150 from IN, Industrial to B-3, General Business.

Elizabeth Tyler, Director of Community Development Services Department, presented this case to the Urbana Plan Commission. She began by stating that this was a proposed rezoning of property from Industrial to General Business, and that this really needed to be analyzed and considered with respect to the zoning question and not the speculative question of what potential uses might fit within the existing or potential use. Any specific use that could speculatively go there really should not be part of the discussion. The Plan Commission should discuss more of the whole classification of uses in the two designations, which are guided by the La Salle National Bank Criteria.

Ms. Tyler gave a brief history of the property and described the proposed site, the adjacent land uses and their zoning designations. She discussed the issues of the changing conditions in the area and the Urbana Comprehensive Plan Update. She reviewed the goals and policies of the 1982 Urbana Comprehensive Plan that related to this case. She also reviewed the La Salle National Bank Criteria as they pertained to the proposed rezoning. She summarized staff findings and read the options of the Urbana Plan Commission. She 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 this public hearing, staff recommended that the Plan Commission forward this case to the Urbana City Council with a recommendation for approval.

Ms. Tyler mentioned that she had been in contact with the property owner, Wilmer Otto, and that he was out of the country at the present time; otherwise, he would have attended this meeting. Regarding telephone calls, City staff had contacted CSX Railroad, and they do not have a problem with the proposal, because they are no longer using the property. She noted that she had received a call from Gerald Knight, of 405 Beringer Circle, stating that he believed the proposed property should be zoned residential. He was against any big box or Walmart and does not like North Prospect Avenue. She noted that staff also received a call from Alice Mobley, of 504 North Abbey Road, in support of the placement of a Walmart store at the corner of US-150 and IL-130. Ms. Mobley had mentioned in the phone call that some people in the area had issues with the possible increase in traffic that a Walmart might cause; however, with all the houses being built in the area, there would be an increase in traffic anyway. Ms. Mobley was unable to attend this meeting, but she wished for her voice to be heard.

Mr. Alix noted that throughout the report, staff referred to the change from IN, Industrial to B-3, General Business as “down-zoning”. He asked Ms. Tyler to speak about the basis of this term.

He believed that the trend in industry tended to be for more automated facilities with fewer employees and cleaner emissions. The regulations are changing the typical industrial use from a smokestack type use to more of a high technology type of use. The trend in retail has been more in the opposite direction with larger stores, which are typically large, boxy structures with vast parking lots. Some of the light pollution and noise pollution issues that would maybe once upon a time have been associated with industrial uses are now associated with retail uses. He asked if the “down-zoning” term was used to recognize that the most intensive possible use in industrial would be more intensive than the most intensive use in the B-3 Zoning District? Ms. Tyler replied that the zoning designations have not kept up with the actual uses. The City of Urbana does have an old-fashioned Industrial Zoning District that does not discriminate between the lighter industrial uses or the office/warehouse/light manufacturing uses. In the sense of what would be allowed currently in an Industrial Zone versus what would be allowed currently in a business zone, Industrial would be a heavier zone. Again, the Plan Commission and the City Council should look at the whole classification and not specific uses. There probably should not be a value judgment on the “down-zoning”. It was more reflective of what the zoning districts currently allow. Mr. Alix understood that to mean that the use of the term “down-zoning” was not meant to imply that a typical commercial use to be less intensive than a typical industrial use. It was only a historical usage of the term. Ms. Tyler stated that was correct, but the City still has an extremely permissive Industrial Zoning District, which staff felt would be inappropriate for this location. One way to describe it was by saying that the B-3 Zoning District would be less intense overall. Mr. Alix commented that by virtue of the fact that the most intensive use in an Industrial Zoning District was less intensive than the most intensive use in a B-3 Zoning District. Ms. Tyler responded by saying that was possible, but intensity could be all kinds of things like number of people, light, emissions, etc.

Mr. Alix asked Ms. Tyler to talk about the efforts that staff had made to work with the owners of existing under-developed or abandoned retail properties in the City of Urbana and to talk about how staff expects the addition of this newly commercial-zoned land to impact those efforts, specifically the Sunnycrest area, K-Mart, Jewel, the potential redevelopment of the existing O’Brien Auto Park site, and the potential reuse of the Gill Sports complex. Ms. Tyler mentioned that staff was working very hard in all these venues with the City Council and budget allocations. Staff needs to redevelop underutilized properties, as well as new areas, as they develop. There are many uses that are simply not going to be able to relocate in some of the vacant spaces. She commented that the City of Urbana actually had a pretty low vacancy rate. Staff receives a lot of inquiries that are not able to find suitable sites in the City of Urbana. For example, there are only some types of uses that could fit or meet all of a business’s needs to fit into the Gill Sports building. There is also the expense of purchasing a building, retrofitting it to the needs of the business, and dealing with perhaps environmental issues, Boneyard Creek, poor access, or any number of things.

The City of Urbana needs to have success on all fronts. The rezoning of sites that optimally really should be commercial is just one aspect. For example, in the last few months, the City Council had approved a special fund for low-interest loans and grants for reuse of vacant spaces. That was an initiative from the City’s Economic and Development fund that staff wants to help those uses become reoccupied, specifically the K-Mart and Jewel buildings.

On the current O'Brien Park area, there is a redevelopment proposal for the northeast side that will begin the process for reuse. We will see more shopping center type of environment that was suitable for the edge of downtown, like a drugstore or strip center. There are a lot of uses that would really benefit in this area. This area is also in a Tax Increment Financing (TIF) District, so that gives the City some funds to help with the redevelopment.

In the Downtown Urbana area, there are low-interest loans and grants that the City had recently revamped, which have made a tremendous difference. There has been about a dozen people take advantage of the program in the last year.

Ms. Tyler thought that this was a multi-pronged approach for economic development. This rezoning is one piece, but it is a necessary piece.

Mr. Alix asked if the position of the City staff was that the expansion of commercial uses east along Route 150 would not be detrimental to the ability to remarket the other vacant industrial properties? Ms. Tyler responded that the expansion absolutely would not be detrimental. Mr. Alix inquired if it was based on the size of the parcel? Ms. Tyler answered by saying it was based on size, access, target audience, and some users are going to want to build new.

Mr. Alix stated that a developer could build new on the Jewel or K-Mart sites. Ms. Tyler remarked that it would not be economically viable. Those are good buildings. It would not make sense to purchase the real estate and the property and then demolish it to rebuild a new structure. Reuse of those structures does make sense, because the buildings are in great shape.

Mr. Alix commented that since the petitioner was not present at this meeting, he wanted to ask staff to speak to Mr. Otto's efforts to market this property as an industrial site. Ms. Tyler noted that staff has had contact with Mr. Otto over the years, and marketing efforts are things that are not disclosed. Mr. Otto is in the land development business, and he had made a lot of good efforts, but those are really proprietary and she did not have a lot of information about them.

Mr. Alix noted that throughout the staff memo, it states that effectively the owner had been trying to market this property as an industrial site. There have been no takers, and now with the railroad gone away, it had become even harder. His position was that as long as the railroad owns the right-of-way, and if a customer located on this property wanted rail service, then it would be economically viable for the railroad to extend the tract to serve that facility. Ms. Tyler disagreed. She believed that the railroad tract was abandoned and would become a trail that goes from Urbana to Danville. Mr. Alix inquired if the situation was viewed as that there was absolutely no ability to develop the proposed property as an industrial tract, and therefore, the Plan Commission should allow the landowner to rezone it to commercial for highest and best use? He commented that it was not clear to him that the highest and best use was retail as opposed to industrial. Ms. Tyler disagreed. She added that railroads are disappearing and not being built new. There are fewer users. Although there are still two users in Urbana that use the east-west railroad, she did not foresee a string of industrial users going east of Urbana requesting that the railroad tract be put back in.

Mr. Alix remarked that in lieu of the petitioner being present, the Plan Commission would have to take the City staff's word for it that this property had been deemed not viable as an industrial site. In fact, the petitioner had said that in order to derive maximum economic benefit from this land, the Plan Commission would have to let him successfully rezone the land to commercial, because the owner could not successfully market the land as industrial. Was that a fair statement or was it too extreme? Ms. Tyler replied that the property owner also has people interested in purchasing the land for commercial use. She clarified that the Zoning Administrator was the petitioner. That was with the agreement of the property owner and for purposes of being able to include railroad land to get to the opposite side of the right-of-way, if needed, of Route 150.

Ms. Stake thought that the City had discussed a while back about having two designations: Light Industry and Other Industry. Did that ever come to fruition? Ms. Tyler answered no. She added that another designation that really needs to break out from that is the Airport Zone.

Mr. Pollock stated that staff had mentioned that in the comprehensive planning process, staff had identified other Route 130 activities. He asked Ms. Tyler to briefly cover what the Comprehensive Plan Steering Committee had discussed for this particular area in addition to this property. Ms. Tyler responded by saying that there is a lot of interest in developing, not just this property, but all the way along Route 130 south to Windsor Road. There was nothing along Route 150 North being planned to change. There is a lot of interest in residential and commercial development along the remaining frontages of Route 130 and wrapping around Windsor Road, because there is Savannah Green to the east and interested in potential expansion of a similar type of residential subdivision, Stone Creek building out with a variety of types of uses, and the Rose Farm being built on Stone Creek Commons. Staff can see in two construction seasons that this was going to be completed. There is about another mile and a half of sanitary sewer capacity on the east side of Route 130, and the Committee sees that this is a direction that growth wants to go. There will be limited impacts on residential neighborhoods, the environment, and the capacity of the roadway. This summer, the Illinois Department of Transportation is working on improving Route 130 and also gave the City of Urbana a grant to study Route 130 as a corridor. There seems to be the momentum that this makes sense as a limited growth area for the City rather than further to the north along Cunningham Avenue.

Mr. Pollock stated that the current Comprehensive Plan was about twenty years old. What does it designate the stretch south of this property as being? Ms. Tyler mentioned that this area was covered in the Extraterritorial Jurisdictional (ETJ) Area Plan of 1993. It shows a lot of strips of office park use, some residential and some commercial.

Mr. Pollock questioned if the railroad right-of-way was running along the north edge of the property in Exhibit E? Ms. Tyler noted that there were actually remnants of two railroads and some roadway right-of-way. Mr. Pollock asked if when the railroad abandons this tract, then would the property revert to original adjacent property owners? Who owns that property currently? Ms. Tyler replied that CSX currently owns the property where the railroad tract is.

Harry Query, of 2913 Rutherford Drive, stated that he lives in Beringer Commons. He had not received any information about Walmart regarding size, the parking area, etc. Walmart is growing at tremendous strides and make larger stores all the time. He would like to know how

many 16-wheelers would be bringing in merchandise. All of the merchandise in Walmart stock, which would probably be in excess of 100,000 items including food, would have to be shipped in by truck probably 24-hours a day. He believes that the Plan Commission needs to give serious thought to urban sprawl and look at the other areas that were mentioned, such as Jewel and K-Mart buildings.

Mr. Pollock clarified that Ms. Tyler was talking about those properties being more fitted to reuse, as they exist as opposed to the lack of feasibility of someone buying them for a commercial venture, tearing them down, and rebuilding something in their place. Staff believes that reuse of those buildings would be the best thing. Mr. Query inquired as to how long the buildings have been vacant? Ms. Tyler answered that it had been only a matter of months that both buildings have been vacant.

Mr. Query does not like to buy property and have something reduce the value of his property. He believed that would happen if Walmart came to the proposed area. He said that there was no question of whether a store like Walmart was needed in the City of Urbana. The sales tax and real estate tax would be an immense benefit assuming that the store would be successful. He wished the Plan Commission would seriously consider this. He felt it would be detrimental to the neighborhood.

Cecilia Allen, of 3712 East University Avenue, noted that her family had just recently built their home. He husband had lived in Urbana since 1972, and she had lived here since 1996. They have invested their lives in the City of Urbana.

She noted that some of the major issues, outside of the fact that the residents do not want to be picking up blue Walmart bags out of their yards for the rest of their lives, are as follows:

1. *There are three major business corridors in the City of Urbana, which are: the Cunningham/North Route 45 Area, the Downtown/Main Street/Lincoln Square Area, and the Philo Road Area. All of these venues have large amounts of vacant or underutilized business space. Perhaps expansion and revitalization of existing business districts would be a wiser course of objection.*
2. *If K-Mart could not make it successfully in Urbana, then why would another mega-retailer survive in a somewhat more remote location?*
3. *What about the existing Urbana businesses? Starting any retail development at High Cross Road and Route 150 will not bring potential customers past the Downtown businesses doors.*
4. *How much more can the community realistically support before the sheer volume of competition dilutes the possibility of success for everybody?*
5. *Direct interstate access does not currently exist to this area, and Route 150 has been under construction for the last year and a half. When I-74 is closed, there is an increase in traffic on Route 150. Even barring the frequent closings of the Interstate, the traffic along this road has increased more than three-fold in the last ten years. The improvement of the light at the corner of Route 150 and High Cross Road has decreased the number of accidents there;*

however, traffic continues to tear past her house at routinely in excess of 70 mph.

6. *Does progress have to come in the guise of low paying retail development? Is this really progress? Is there no other kind of economic salvation available?*

Ms. Allen commented that she has no objection to large-scale retail on any particular high-moral ground. For good or ill, they are and will remain part of the economic landscape. However, there about a dozen already located in Champaign.

She remarked that they live in Urbana by choice and are pleased to do so. The City of Urbana has a premier park district including Crystal Lake Park, Meadowbrook Park with its award winning Wandell Sculpture Garden, and the Dog Park. They have a great library currently undergoing extensive expansion, and Urbana has many other qualities that make it a fine community as well.

They chose to live in the rural country, where they could enjoy peaceful time in the studio. The proposed retail development would bring considerable noise pollution, light pollution, large volumes of trash, and even more traffic. All of these would adversely affect the neighbors' lifestyles and their property values.

Ms. Allen asked if this development could even think about bridging the disparity between the sales tax revenues collected by the twin cities? What are the plans for this development? Was the City planning the kind of sprawling bohemia from commercialism that exists on North Prospect Avenue? Does the City of Urbana want that? Is it sustainable or is the City possibly creating a future wasteland of vacant buildings like so many such failed and abandoned enterprises that dot the roadsides all over this country? Will it bring the kinds of jobs that would make the community thrive? Will those \$7 to \$8.00 an hour employees be building new homes and spending their discretionary income in the City of Urbana? Is it truly in the long-term best interest of Urbana, economic or otherwise?

Ms. Allen stated that the City of Urbana was in a rather unique position. The transfer of taxable properties to the University of Illinois, which bounds the City on two sides, regularly erodes tax roles. We are sensitive to the fact that the City has a crying need for development to survive fiscally. She does not have solutions to these problems. Nevertheless, she believed that the creativity and talent exists in this community to develop Urbana with an eye to the future and appreciation for the qualities that make Urbana a unique place to live.

She noted that in the News-Gazette paper, the Chief Administrative Officer, Bruce Walden, was quoted as saying that "this was not rezoning for the developer of a property." Later in the same article, he was quoted as contradicting himself by saying "We are working with the property owner to get it ready for development". She commented that with this action that the Plan Commission was considering they would be setting the course for the future of Urbana. She asked that they consider very carefully the long-term consequences of their actions and leave a legacy of which they could all be proud.

Mr. Alix mentioned that the proposed property was rezoned to Industrial use in 1994. He questioned if Ms. Allen would be more comfortable with the proposed property remaining zoned as Industrial? Assuming that it was to be developed, did she think that an industrial use might be less detrimental to her interest than a commercial use? Ms. Allen responded by saying that she could not say. She knows that the property will be developed somehow. She has been on North Prospect Avenue and seen fields of trash blowing in wind. It is an ugly site. She did not know what she would choose to have there; however, a big mega-retailer would not be it, because it would be detrimental to the value of her property.

Dave Monk, of 115 North Market Street in Champaign, stated that he found a lot of vagueness in the proposal. Knowing Mr. Otto, he believed that Mr. Otto would understand these discussions. There has been a range of plans that have not come onto the board at all yet. Champaign County does not have a plan. Champaign Urbana Urbanized Area Transportation Study (CUUATS) has a plan, but we do not know whether there was a ring road or not. There is Olympian Road and Livingston Drive two blocks west of Interstate 57, and there is some move to put the bottom of the rings through an extension of Monticello Road. There is talk of using Cottonwood Road as a main drag rather than High Cross Road. High Cross Road is dead straight on Urbana's only history. Big Grove was where the first settlers lived and where the first post office and blacksmith shop were located. It has rolling terrain, geology, biology, and history. It is something that belongs to other people.

Mr. Monk pointed out that we do not even have contour maps yet from CUUATS regarding this area. We do not know what the cost would be of taking Route 130 straight North would be. He felt if the City approves this, then the next step would be to take Route 130 North, and maybe even communicate with the Village of Rantoul.

Mr. Monk mentioned that he was President of Heartland Pathways. When they saw the opportunity a few years ago, they made moves to setup an Interim Trail Use Agreement with Conrail, which was supported by many people. He talked about the history and process of turning railroad right-of-ways into a corridor to be used as a trail. One condition to the agreement was that if the railroad company decided to put rail back in, then the trails would be moved over. He noted that there were over a thousand of these trails in the United States that are very successful. There have only been about six of them that have returned to their commercial use.

He noted that CSX had not taken out the 56 miles of rail bed from Danville north to Gary, Indiana. They have kept it afloat and even use it occasionally. He suspects that CSX is looking at hubs and fast tracks. He believed that this line could come back in use from Crawfordsville to Danville to Champaign-Urbana to Bloomington. It was still worth the \$1,000,000 if they are willing to preserve some of the dignity of the prairie and communicate with Vermillion County, where most of Champaign does a lot of its recreating in Kickapoo State Park, Vermillion River, etc. Champaign-Urbana is one of the few communities at the moment that does not have a hub. He talked about the inter-urban lines and gave a brief history of them.

Mr. Monk mentioned that normally, railroads were rather astute and never sell and abandon the trackage close to town. By the MTD, there is about a mile of trackage. Although some of it is

disconnected, the whole intent was to bring that trackage near to industrial sites. To say that this was not serviceable by rail is not right. He sees us in an era of somewhat confusion, and he sees decisions being made here that are beyond comprehensive planning, as he would like to see it. He encouraged the Plan Commission to postpone this until some details were worked out.

Mr. Alix thanked Mr. Monk for his comments. Mr. Monk added that the agreement was not dead. The Interim Trail Agreement was still in place. Mr. Alix stated that was a very useful summary. He had heard for years that the City would prefer if a piece of the CSX track would go away, because it seems to be an impediment to development. He felt quite the opposite. The viability of freight rail across the country in stark contrast to passenger rail, freight rail is doing quite well. Mr. Monk commented that there are three aggressive railroads in this area, which are Union Pacific, CSX, and Norfolk Southern. Mr. Alix felt that the access to relatively low cost freight rail is a considerable industrial asset to the community. Mr. Monk personally was extremely bothered by the fact that there is 600,000 acres of prairie in Champaign County, and there is not one single descent acre left. The Village of St. Joseph and the Township around St. Joseph not only mow the prairie, they also oversize it, so it will never come back again. These 100 feet are tremendously valuable.

Warren Rittenhouse, of 2918 Rutherford Drive, owns land that drains close to this area and rents ground adjacent to the proposed property across Route 150. He noted that he was a Commissioner on the Saline Branch Drainage District. On Exhibit E, you can see where the waterway starts near the west end of the proposed property. There is a lot of surface water that comes in there. There is about a 20" tile that goes through the proposed property. It follows down to the farm on the east side of the proposed property, goes under Route 150, out on the property that he farms, extends over to Cottonwood Road near the corner of Route 150, and angles down to the Saline Branch. The tile has been there in excess of 80 years, and they continually have to do repairs on it. When Route 74 was put in, it created more drainage problems for them, including erosion and damage to crops. When it rained earlier this summer, the State had to come out with inloaders and graders and take a foot of corn stalks and mud off of Route 150 down on the corner. All this water runs through the area that the Plan Commission was talking about rezoning. If a future business puts in a 20-acre parking lot, how much water would they have and how quick will they have it? He could see Route 150 being washed out in that area. He stated that the tile becomes a 30" tile when it reaches the corner of Route 150 and Cottonwood Road. Someday that old clay tile will need to be replaced.

Mr. Rittenhouse explained that when Ivan Richardson built Beringer Commons, Mr. Richardson took into the tile and put it into his holding pond and released it on the other side, which was a very good act. If this proposal goes through, he does not know if a potential buyer would be able to build a holding pond big enough to keep the water from destruction downstream.

He knows that growth happens, and nothing will stop it, but look after the people downstream and not destroy them. They have paid taxes as well, some of them for many, many years. Then, a development comes in and makes their land worth less money because it gets drowned, destroyed, and destructed by water. It takes the tile a long time to drain that farm ground; therefore, it keeps the farmers out of their fields.

Mr. Rittenhouse inquired if Walmart currently owned the property? Or were they taking advances toward purchasing the property? Mr. Pollock assumed that Walmart was interested in the land, because it was in the newspaper. However, he does not know anything for sure. Mr. Rittenhouse asked if anyone had heard about Home Depot being interested in building out there as well? Mr. Pollock did not know. He had not heard anything about it.

Mr. Pollock mentioned that as happened with Beringer Commons, if this property were to be developed, the law requires that retention be designed to protect the people that are downstream from this. The ponds and the retention in Beringer Commons were not put there out of the goodness of the heart of the owner, but by the law.

Mr. Rittenhouse stated that the tile will have to be replaced someday, and it would not be fair that the farm owners would have to pay for that tile when they are not causing the problem. There should be something that enforces any future developer on this site to pay for the drainage, because it would not happen if they did not come in and “butcher up” their drainage system. If this area ends up becoming a model of North Prospect, there will be more problems than just with traffic. Let’s think about water traffic. A driver takes his/her car home and puts it in the driveway or garage, and then its done with it. Unlike a car, water that is dumped into the fields will not be done with. It will flood the fields for two weeks. Therefore, the City really needs to study the drainage issue.

Mr. Rittenhouse inquired what the City’s thoughts were regarding expansion? The University of Illinois has the City shut off to the south. The only directions that the City of Urbana could grow are east or north. He believed that east should be protected for a lot of residential area.

Like people spoke before, there is so much ground that has already been improved that could be utilized for merchants, retail, and businesses. Maybe we do not need to have a super store. There could be several small ones. People in the Village of St. Joseph, who own the hardware store and grocery store, are worried about Walmart coming in to this area.

Mr. Kangas stated that the land was currently zoned as industrial. The decision before the Plan Commission was whether to leave the proposed property zoned as industrial or to recommend to the City Council to rezone it to business. What did Mr. Rittenhouse suggest the Plan Commission to do? Mr. Rittenhouse felt the ground should be used for what was best intended or best utilized as. Either one would be more traffic.

Mr. Pollock inquired if retention on the proposed site was developed adequately, does that mean that the tiles downstream would not necessarily get “blown out”? Mr. Rittenhouse replied yes, as long as the retention holds and controls the water.

Carl Malmgren, of 2906 Rutherford Drive, stated that they bought their home as a residential upon the assumption that it was going to be maintained as a residential area. Some of the comments that the Plan Commission and staff had made about the industrial area and the problems associated with it in terms of traffic and truck traffic as a negative would also be the negative for creating it into a commercial or a business area. It will build up the traffic as they have already seen when Interstate 74 closes, and it will have a negative impact on the residential

neighborhood. Stating that it would not have a negative impact on the residential people is a falsehood, and he was disappointed in hearing that.

In terms of what he would like to see there, he would like to have it zoned as a residential area. It would enhance the area and allow the growth that would increase the tax base in the area much more so than the tax base that the City would get for the sales tax with a Walmart or Home Depot. If the City would take the taxes that they get from Beringer Commons and figure how much they would get from a subdivision in the proposed area, the City would see a substantial amount of money coming into the City. Trying to rezone the area to a residential zoning district would actually increase the tax revenue that the City was so studiously going for. He did agree that the City needed to increase their tax base. There would also not be the sound and light pollution that would be generated by a large business, such as Walmart. A good example of what Walmart and Sams Club would do to the local area is on North Prospect. Take a look at Baytowne. It is now boxed in, and is surrounded by commercial areas. He knows three people, who had purchased land and condominiums in the Baytowne area, who decided to move out when Sams Club came in because the value of their property went down. The amount of noise and light pollution that goes on 24-hours a day is amazing. He believed that Baytowne would be a ghost town in the not-to-distant future, because it is not a quality residential area.

Mr. Alix commented that anytime there is a quirk of the zoning world that we consider agriculture to be very similar to industry in that it was land that would be used as commercial purpose. Everyone would agree that they would not mind having a cornfield as a neighbor. It is a very low use with no traffic.

This piece of property is already zoned as industrial. Because there has been so much talk about Walmart and other potential users there, everybody is instantly visualizing this as either a Walmart or a cornfield. The Plan Commission is not suppose to think about it as a Walmart or as a cornfield, but as a typical industrial use versus a typical business use. Given that restriction based on what the Plan Commission was allowed to consider, did Mr. Malmgren have any guidance as to which way the decision should go? Would it be better for the neighborhood in the long run if the proposed property was developed as an industrial use or as a commercial use? Mr. Malmgren responded by saying that as he looks across the road to where Tatman has put in their new building and where the Post Office is, and he looks at the quality of the land around there. It is not a mess. It is kept up. He does hear trucks going all hours of the night to supply them. Except for the fact that the Post Office has some rather impressive mercury vapor lamps, the other areas do not impinge upon his neighborhood as what he was foreseeing. While the Plan Commission may be limited in its decision, they cannot ignore the reality of the situation. With that in mind, he sees what has gone in at Tatman Court as not being too bad and as being acceptable. He encouraged the Plan Commission to leave the proposed property as industrial and later try to change it to a residential area.

Mr. Monk re-approached the Plan Commission to point out that there has been some move with the Farm Bureau to request the federal government to pay the adjacent owners the equivalent of the amount they would get for the corn and soybeans that do not get produced on that track if the public takes it over for a trail. There was some conflict there. Mr. Pollock clarified by saying that the right-of-way was owned by the railroad. Mr. Monk noted that there were two right-of-

ways, which one was an inter-urban line and the other was a Conrail line owned by Norfolk Southern and CSX. Mr. Pollock asked if the federal government had the first right to buy the land? Mr. Monk replied that was not correct. A community group, like Heartland Pathways or CSX, has the first right to buy that land. However, if a railroad wants to come back in again, then they only have to say the word and the community group would be resumed. The railroad would still have to buy it back for the standard price, but they can come back in. You are looking at the next 60 to 70 years for some of this sort of thinking.

Mr. Alix inquired if the rezoning would apply to the entire area, including the right-of-way? Ms. Tyler replied that when this piece of property was annexed into the City in 1994, it excluded the railroad right-of-way, but included the road right-of-way. We cannot rezone property that is not annexed into the City. Mr. Alix asked if the railroad right-of-way was in the City limits or not? Ms. Tyler remarked apparently not. Mr. Alix questioned that even if it were in the City limits, regardless of what it was zoned, it was still owned by the railroad? By rezoning this parcel to business, it would not deprive the railroad or subsequent purchasers of any rights to the land? Ms. Tyler responded no.

Mr. Alix questioned if the existing property were to develop this property or sell this property for development, then what would be the implications of the existence of the railroad right-of-way on that owner's ability to develop the property? Ms. Tyler answered by saying that it would limit the access from the north. The property owner would need to get permission or get an easement to get across along the north to the proposed property. She added that the frontage to the proposed property was really along Route 130.

Mr. Alix asked for clarification of whether the north edge of the proposed property was really the south edge of the railroad right-of-way? Ms. Tyler said that was correct. Staff did not have a good map to show this correctly. Mr. Kangas wanted to clarify that the railroad on the north side of the proposed property was not part of the development package? Ms. Tyler stated that was correct. She explained that there was another planning effort involving the Greenways Plan that Champaign County was putting together. It exists currently in the form of a map. The Plan was being updated and improved, and the City assumed this railroad right-of-way would be shown as a greenway and not an active railroad. It was an important connection. Mr. Alix stated that according to Mr. Monk, the railroad, even if the railroad right-of-way was deeded or sold as a greenway, could take it back in time of necessity under the federal law. Mr. Monk mentioned that there was a huge rail trail movement in the United States. They have done a lot of sorting out of the laws associated with this. They have also done a lot of planning associated with it.

Ms. Tyler addressed some of the comments that were raised, which were as follows:

Future Land Use. She noted that the map in the packet did not give enough context and was incorrect on one side. She passed around a composite of the Future Land Use Map. She stated that the map shows the proposed site as industry. There are two other industry designations listed in the Comprehensive Plan. One was Heavy Industry, which on the Future Land Use Map, was shown to the east and south of the proposed property. There was an additional Light Industry shown to the south of that. Along Route 130 on both sides on Washington Street, there was a commercial node.

Rail Access. She stated that there were two active users for the east-west rail. For one of those users, it was not adequate access, so they are looking at the north-south railroad as an alternative. In staff's planning efforts for North Lincoln Avenue in the TIF #3 Redevelopment Plan, they are looking at improving rail access locations in that area. It was not that staff was not thinking about good sites for rail in the City of Urbana. The fact was that the best service was currently in the north-south Canadian National line. There was real viable access there, but it needs to be improved with infrastructure in the area.

Drainage. The Plan Commission would address this issue should there be any development on the proposed property. All the rules and regulations in Urbana's Subdivision and Land Development Code would apply including the drainage, whether it was the tension, correction of the tile or getting approval from the Saline Branch Drainage District would be part of the development process.

Traffic. Something of this nature of the retail would require a traffic impact assessment and permission from IDOT because they are the two roadways for access points. Although it was not a complete impact solution, but it would monitor and measure how much traffic there would be. It requires development to address its own impact.

Taxes. Although the Plan Commission was not suppose to be talking about the potential specific uses, she verified that there was a much huger revenue benefit for an intensive retail use than for residential. There was no comparison. In having lost Bergners and K-Mart, the City lost about \$200,000 to the City tax each year. Even if only a third of the proposed site was developed with a retail use, it could generate around \$800,000 per year for the City, which would cover a good portion of the police and fire protection. This was the kind of revenue power that residential development could never bring to the City.

Residential Development. The City has a healthy development of residential areas. Build Urbana had really helped get that going with some high quality homes in Beringer Commons and Stone Creek. However, there are also service costs with residential areas with schools, fire protection, parks, and libraries. The City luckily has enough capacity to provide for the build-out of our subdivisions, so that we are not in a situation where residential was creating a lot of impact that the City would need to look at impact fees.

Balance. The balance of not being able to buy things in the City of Urbana is a problem. It does matter when citizens of Urbana have to shop in Champaign, because the sales tax that they are paying does not benefit our schools, our library, police or fire departments.

Ms. Stake inquired if industry brought in as much tax money as commercial? Ms. Tyler answered by saying that the City could have some really high valued industrial improvements as well, such as the SuperValu expansion on North Lincoln Avenue. It really helps with property taxes, and is one of the City's highest property tax payers. It provides jobs. With industry, you need the good location like on North Lincoln Avenue to the Interstate 74 and to the railroads. The City would like to make it a more hospitable industrial location. There are not subdivisions in that area that would be impacted. Staff sees North Lincoln Avenue as the industrial growth

area. One of the jobs of the Plan Commission was to keep things in balance and keep services proximate to where people live as well. As we look at residential expanding to the east, people will need a place to shop, and hopefully it would not be just North Prospect Avenue for a lot of different reasons.

Mr. Querry re-approached the Plan Commission to ask who was responsible for the cost of developing the proposed site including the roads, the electric, power, gas and water? Ms. Tyler stated that there was no type of incentive being offered to the property owner. It just seems to be a good location for development, because the road had been improved and signals have gone in. The service lines for water and sewer would be completely a developer's responsibility. That was not something that the City would participate in any way.

Mr. Querry asked if staff felt that the present roads would be sufficient to handle the volume of truck traffic that would be coming in there daily? Ms. Tyler remarked that a traffic impact assessment would need to be done for any development, which would consider that as well as the turning radii and volume of traffic. Any development would have to provide for safe and adequate access.

Mr. Querry thought that any retail development the size of Walmart would surely make some demands on the setting, whether it would be tax abatement, utilities or something. Is staff aware of any such demands? Ms. Tyler replied that no one had requested any assistance for this property. Mr. Querry wondered if there were any water lines that the City would have to provide? Ms. Tyler responded that would be privately provided.

Mr. Querry questioned if all this would be less expensive than demolishing some old buildings? Ms. Tyler stated that it would depend on whose costs...there are developer's costs, public costs, etc. She added that there are different users. Some users go for the reuse of existing buildings and other developers that likes to build new. Mr. Querry commented that he just does not like to see farmland continually covered over with concrete and asphalt. It was not in the best interest of the community in looking far ahead.

Mr. Malmgren re-approached the Plan Commission to inquire about the new Farm & Fleet facility. He asked if they were given any tax relief to expand? Ms. Tyler replied that was part of a development agreement with the City of Urbana, Champaign County and the State of Illinois. All parties helped with road improvements for Farm & Fleet, the O'Brien Auto Mall and for the other developable land in that area. It was a very different approach than what could occur in the proposed area. Mr. Malmgren remarked that it was possible that the City of Urbana in terms of negotiation would give in tax and utility help to draw Walmart in. Ms. Tyler commented that was getting off of the rezoning issue.

Mr. Malmgren inquired if the old K-Mart had been given tax or developmental support when it came to Urbana? Ms. Tyler stated that was long before her time. Mr. Malmgren asked about the old Jewel, current IGA, or the current Schnucks? Ms. Tyler stated that Schnucks was a redevelopment. That involved a lot of participation in the TIF District. There was also a lot of clean up for environmental remediation. Mr. Malmgren commented that a lot of the development on North Prospect Avenue was wonderful, but the City of Champaign also gave

away a lot of tax income to draw that in. He believed that when we speak of tax base, indeed it will draw in tax monies to the City, but some of those monies may be given away to draw them in. If you take what he pays a year in property taxes and multiply that times the number of homes in Beringer Commons, it would equal five times as much as the taxes that were lost when K-Mart closed. If you take that the proposed property and zoned it as residential, even with the other costs for schools, police, etc., then it would still be a substantial amount of money. Ms. Tyler mentioned that the \$800,000 she mentioned earlier was just the sales tax. If there was a development agreement of any nature, then it would be a City Council issue that would have a meeting, which would be way in the future.

Mr. Alix encouraged Mr. Malmgren and anyone supporting or opposing viewpoints to bring their issues to the City Council meeting. The charter of the Plan Commission was to consider this more of a land use issue, but the issues of impact on tax base, long-term economic development and long-term health are certainly things that are appropriate in a large development like this.

Mr. White moved that the Plan Commission forward this case to the City Council with a recommendation for approval. Mr. Kangas seconded the motion.

Mr. White inquired if the City of Urbana had a light ordinance? Ms. Tyler noted that the Zoning Ordinance states that light should be shielded away from residential uses. It does not provide any kind of lumens or design requirements. Mr. White commented that generally he would be in favor of keeping regulations to a minimum, because they are hard to enforce. However, it seemed to him that there are some places in the City of Urbana that have a lot of light pollution that was well in excess of what would be useful, and in some places there was enough light pollution that actually interferes with soybean crop production. A lot of people, when they talk about a development such as this, complain about light pollution.

Mr. Pollock questioned if in the event of either an industrial or commercial development occurring on the proposed property, would the City have the ability to review site plans, traffic, lighting, drainage, and all of those issues? Ms. Tyler answered by saying that staff always review site plans for zoning and building code compliance. The Plan Commission would see site plans for special use permits upon occasion. The Zoning Board of Appeals would see some conditional uses come in as site plans. Review of site plans was usually administrative unless it was a special use. But any platting, even if there were no subdivision, the developer/owner would have to comply with the development regulations, which deal with drainage and roadways. Any subdivisions would come before the Plan Commission.

Mr. Pollock inquired if this was commercially developed, would staff expect a replat or subdivision request? Ms. Tyler answered yes.

Ms. Stake stated that this case reminded her of a case two years ago to rezone an area in Northeast Urbana. She did not feel that neither Industrial nor B-3 was appropriate for this area. She objected to making the zoning changes that have such a huge impact on the City of Urbana before completing the Comprehensive Plan Update. This was a controversial area with different ideas of what should be done in Northeast Urbana. People are concerned about what will happen, especially to the High Cross Road area. It was unfair to the residents of Northeast

Urbana and to the residents of the City of Champaign and surrounding towns to make this change before the Comprehensive Plan was negotiated.

The Comprehensive Plan Update was in the formative stages now with the hope of making Urbana a more sustainable, living city, where people can walk and bike. If the City allows a huge box on this property for commercial, people would not walk or bike to it, even though they live close to it, because we would not be setting it up that way.

She felt that the City needed more bike trails. She talked with people, who live in Northeast Urbana, and they expressed a desire for a quiet, rural ambience. In fact, that was the reason that they located near trees, hills, birds, animals and water. They did not locate there to be close to a huge place. It could be Walmart. The High Cross Road area of Urbana is unique. You cannot find another beautiful area like it for miles. Should there be commercial in this area? If so, then B-3 zoning is not the answer.

The City of Urbana has some great businesses and business people. The City should be helping more with the development of Downtown Urbana and the other areas like Sunnycrest, that need more businesses rather than more urban sprawl and more covering of the richest farmland in the world with concrete. If the City was concerned with the neighborhood shopping, then we could consider neighborhood shopping zoning like B-1, not B-3, which could be a huge Walmart, and that was not reasonable.

In this proposal from the City staff, it looks like Urbana had given up on sustaining Lincoln Square and all of Downtown Urbana. She believed with a huge store on Route 130, it would be even harder and too much for Downtown Urbana or any other areas of Urbana. When Walmart locates somewhere, many other nearby businesses go out of business.

If this huge corporation puts up a big box, they will make their wishes known. There will be an access road to Interstate 74 going through the beautiful High Cross Road area destroying the trees, the shrubs, the flowers, the hills, the valleys, people's homes, and also the history. She presented a map that showed the history of High Cross Road. We do not want to destroy the history of Urbana. It would no longer be a beautiful and historical area if we keep putting roads through it and keep accommodating the car for these corporations' benefit.

She noted that there was a huge cost involved in building the access road to the Interstate 74. So, we need the facts and figures. She felt the access road was part of this rezoning. We also need to know the costs to residents in reducing their property values. When the property values are reduced in value, the City of Urbana receives less tax money.

The City of Urbana needs tax money, and there would be sales tax from these large corporations. Sales tax was the most regressive tax. We do need more for schools, parks, libraries, streets and many other services. However, we should not think that all of that tax money that the City would be getting from a new commercial development in the proposed area would be in addition to what the City now gets, because some of the businesses that we are currently getting sales tax from would go out-of-business. We do have some wonderful and ethical businesses in Urbana. We want to keep all of them. We also want to keep the landscape, the history, and the aesthetics.

Large corporations would be located next to single-family residential. Who wants the noise from the traffic, the lights, and the ugliness of a mammoth parking lot near their homes? If the residents do want shopping near them, then the City should consider neighborhood stores and shops.

The Comprehensive Plan Update should soon be finished, and the conflicts over the issues should be worked out with people who live in the area as well as with people surrounding the area who have a stake in preserving the history and beauty of Urbana. More study by many people needs to be done. The City of Urbana needs more parks, especially if we are going to continue to have more and more residential. The Park District could help plan parks, playgrounds and trails in the High Cross Road area.

Mr. Kangas stated that the west half of the property would be the most desirable to develop. He inquired if it was likely that the whole property would be developed? Ms. Tyler felt it would take some careful site planning to allow that to happen. She agreed that the frontage along High Cross Road would be the more developable area of the property. The City's Subdivision Ordinance really requires that developers look ahead and make sure that there are road connections, so we do not end up with landlocked blocks.

Mr. Kangas remarked that Route 150 would not necessarily need to be expanded or could be expanded because of the problems with the railroad there. Ms. Tyler disagreed and said that it would just require some kind of crossing or something of that nature.

Mr. Hopkins followed up on that discussion by saying that in a way the City would arbitrarily be taking an 80-acre chunk of land that happened to be an ownership parcel and deciding that it was a land use category parcel. He felt it was a bad land use category parcel, even though he thought it was probably pretty reasonable to put commercial in this area and it would be better than putting industrial in the area. Considering what was west of Route 130, residential would not go along the east side of Route 130 anyway. Commercial is a likely location there. If the access was purposely and intentionally restricted because there was a bike path continuous right-of-way, then that would also set whatever gets built away from Route 150 and would give it a better separation from the single-family residential to the north.

He realized that there was another problem there in that the parcel to the south of this property was not currently annexed into the City of Urbana. If he were picking an area of land to rezone, he would rezone approximately 80 acres along the east side of U.S. Route 130 from U.S. Route 150 to Washington Street extended. From the Comprehensive Plan point of view, he would also be thinking about rezoning the school parcel that was on the west side of U.S. Route 130, which was less and less likely to be used a school parcel, even though it was institutionally owned.

It seemed to him that in making sense of what the City has gotten so far historically in this place, that a half-mile from Route 150 to Washington Street on U.S. Route 130 should be zoned for commercial development. How could they go about doing it though when the City cannot rezone land that was not currently in the City limits? He believed that they could rezone only half of this property.

Mr. Kangas stated that the Plan Commission has to act on this case one way or another. They might be able to add conditions, but they would not be able to split the block. Mr. Hopkins asked for advice on whether then they should vote it down or not. Mr. Pollock commented that if Mr. Hopkins wanted to zone part of the property differently than the request, then he should vote it down. The City of Urbana is the petitioner and could bring it back with looking at zoning a different portion of the property as commercial, but in this particular case, the Plan Commission cannot do that on the floor and change the request.

Ms. Stake remarked that if Walmart comes in, then they would want the 80 acres. Mr. Hopkins commented that if someone comes in and wants 80 acres, then this was the wrong 80 acres. The Plan Commission should be smart enough, savvy enough, and awake enough to at least bring up the better alternative and never put it on the table. Ms. Stake felt half would be good, because then Walmart would not come into Urbana. Mr. Pollock commented that the point being made was that in denying this, the City even has the ability without the landowner or anyone who was interested in bringing in another case would be to coerce the property to the south as the other half of this. If someone wanted 80 acres, then that would be the choice. Ms. Tyler commented that we would then have a remainder of 40 acres of Industrial without any railroad or road frontage in a split zone parcel. Mr. Hopkins expected that if he voted against this, then he would state why. If that succeeded, then staff would know that part of the idea would be to come back with a different proposal, which might also include what to do with the other half. He was not suggesting that the other half remain as Industrial. He was simply saying that this proposal was a sort of an odd artifact of an ownership parcel. He was willing to challenge that.

Ms. Goscha stated that she agreed whole-heartedly with Mr. Hopkins comments. She saw the positives of adding business to Urbana and felt it was something that we have to do from an economic perspective. As an architect, she understood the economic reality of trying to redevelop existing structures. There is an impact on an owner to do that. It can be done successfully, but not if you want to increase it usually.

She also saw the positives of having business located close to residential, which was something that the City tries to promote through their Neighborhood Business Zoning District. As she looked at the B-3, she thought some of the uses would be acceptable to the residents, such as a bakery, a café, a meat market, restaurant, etc., which may actually be an amenity to people who live there should that go in. The Plan Commission was charged with looking at all of what the zone could be and not just what a hypothetical case is. She saw those as positive uses of this land should it be configured in the direction that Mr. Hopkins was suggesting. The strange shape of how it is right now with access only from the west side seemed completely inappropriate for a business zone. It was also not in keeping with the Comprehensive Plan, which she had a problem with. She agreed with Ms. Stake in that there was some logic in waiting until the Comprehensive Plan Update was approved.

She questioned if there were other areas that were available for business development that might be more viable and more sustainable for a prospect such as a Walmart? Ms. Tyler replied that there was a tract owned by Meijers that would not be built on. To her knowledge it was being held as real estate. Personally, she thought the proposed site was the best site for this type of use.

There was also an access-constrained site that was smaller south of the Park Inn. It would have interstate access, but it would not have the same kind of road.

Ms. Tyler stated that in terms of the property, this was what the property owner owns, and it was critical to anything going forward. It is his ownership and his expectations. The City cannot really control that. The City could control it being split up and developed appropriately over time. She would not be surprised if there were future rezonings as the Area General Plan makes clear what could or could not happen to the east, but this was really just a starting point. The question is really, what is retail wanting in America now? Unfortunately retail does not want to be a "Lincoln Square Mall". She noted that Bergners was still paying rent, so that area in Lincoln Square Mall cannot be re-leased. If you were a new significant user wanting to come to Urbana and wanting to build new, then there would only be one or two places to go.

Ms. Goscha stated that she was not opposed to big business. The City of Champaign had actually seen a resurgence in their downtown due to the fact that they business out on North Prospect and all that sales tax coming in. It just seemed to her that the configuration seemed inappropriate for this property.

Mr. White mentioned that having viewed some of the Comprehensive Plan Steering Committee meetings from the audience, it seemed to him that really B-3 would in keeping with a lot of the discussions of the Comprehensive Plan. Business south of Route 150 and to the east of Route 130 and north of Washington extended seemed to be the just of discussions many times. It was never discussed as being industrial. In the case before the Plan Commission to business from industry seemed to be consistent with the Comprehensive Plan. Many of the people involved in the updating of the Comprehensive Plan, that are really interested in protecting High Cross Road, are interested in protecting north of Route 150, which would be Route 130 extended. That would be where you start hitting the differences in topography, historical sites, etc. He felt this would be a good use for this property.

Mr. Douglas stated that he would not have a problem with voting in favor of the motion, irrespective of whatever use would be developed there and with the potential of the limited access.

Ms. Stake inquired what was happening with the interstate access? This would create another big problem. If a big corporation comes into the area, then they are going to want an interstate access. The interstate access would be one of the things that would really destroy this area. Ms. Tyler stated that her understanding was that there was no concern about needing any kind of completion of that interchange. Apparently, the traffic volumes along Route 130 and Route 150 are such that this is an appealing location because it draws from the City of Urbana, the Village of St. Joseph, Philo, and other surrounding towns. There are higher volumes, unlike the O'Brien site; this would be more state highway draw. She did not see a connection between this and any future push for the interstate completion, at least not with this single property. In the future, with everything maybe accumulatively there could be more demand for that, but she did not think it was necessary for or desired for this particular property. Ms. Stake was concerned about these other small towns as well. They will really suffer from a big-boxed business coming in this area. It is a serious problem, and she wished the City of Urbana would just say "no" to it.

Mr. Alix tried to look at the broader picture when looking at this land use issue. Do we need to do this rezoning? Any time a rezoning request was brought up, there was an obligation on the part of the petitioner to make a compelling argument that what the parcel was zoned for right now is not what it should be zoned for and instead it should be changed. Sort of by default the land stays as it is until there was a compelling argument made for a rezoning. Looking at the broader community, he thought that there was a strong need for obviously additional retail and commercial services in the City of Urbana. On the other hand, he thought that was not a compelling reason to develop this specific parcel. There was a large amount of real estate in and around the City that has the potential to be developed commercially. Even though Ms. Tyler paints a rosy of picture of how staff is one step away from filling all these vacant retail occupancies in the City, he does not see it. There is a lot of under-utilized, commercial property across the street and in Sunnycrest. Although there certainly was a need for additional business, he did not see there being an overwhelming need for additional retail land.

In terms, of the immediate neighborhood around the site, he certainly did not see this as a downzoning. He did not see that the impact on the surrounding neighborhoods would be different whether it was zoned as an industrial use or as a business use.

So, finally he looked at the parcel itself. This is a large tract of land, which less than ten years ago, apparently a compelling enough argument was made that this should be industrial to get industrial zoning for this parcel. He did not find compelling the arguments that this parcel has insufficient access to be industrial developable. It is on a railroad right-of-way, and it is about a mile and a half from the University Avenue interchange on Interstate 74. It is effectively landlocked along its northern boundary, which restricts the ability to access it from the highway. He believed was that the highest and best use for this property was what it was currently zoned as, and he did not believe that he had heard a compelling argument to the contrary. In fact, the existing Comprehensive Plan indicates it was to be industrial. The document that was passed around earlier indicated that it was expected to potentially continue to with industrial zoning. Therefore, he would vote against the rezoning.

Mr. Pollock thanked the Plan Commission and the public for the comments that were made. There have been some very good points brought up about this.

He stated that it was true there was retail space elsewhere in the City that was under-utilized. Unfortunately, the City does not get to decide where a developer wants to build or what a developer wants to build. He noted that he has concerns about this and shares the concerns of the neighborhood about this. He will support the rezoning, despite the fact that he wished it were along a nice, narrow strip going south on Route 130. It would make more sense, but that was not what was brought to the Plan Commission. He believed that if there was a commercial development on this property, then it could spur other development to the south, which would be good for the City of Urbana.

When looking at this proposed rezoning case, he cannot ignore the tax base that something like this might bring; despite the fact that he personally does not like huge stores or big boxes because they do have an impact on small businesses. There are not enough of small businesses

in the City. But, if we want a community that people have talked about having, the public and the Plan Commission, it costs to have fire departments and a police department. It costs to fund redevelopment efforts in Downtown Urbana and at Sunnycrest. There are a limited number of ways to pay for those types of programs, one of which is sales tax. Another option is property tax. A development like this would bring in both.

It helps him to know that a buffer along Route 150 would help protect the residences to the north and Beringer Commons as well. He believed that industrial development most likely would not happen on this tract of land, but if it did, it could be something that would be far more invasive than a commercial development on this property.

It would be at the intersection of two major thoroughfares. If this was not an appropriate place for non-residential development, then he was not sure where else it could be found. Clearly, the City needs this. Despite his reservations in certain areas, he thought overall in terms of land use planning and in terms of what was best for the City, there was no question that this was a rezoning that he needed to support.

Ms. Stake did not believe that it was a good idea to rezone this property to commercial, with it being right next to residential. Mr. Pollock stated that he was aware of that, and most of the time, her and him agreed of what they would like to see Urbana look like and about what was important. But, we are living in a world, in which this City was in competition. He wants the children in this community to be able to go to good schools and be able to fund the City's ability to provide incentives for reuse of Lincoln Square and elsewhere. This was one way to do it, and he was not inclined to tell potential developers to go away at this point. There are a limited number of places where an operation like this is appropriate for the City, and this was one of them.

Ms. Stake stated that she would like to see some cases in other cities and how those cities handle the situation when they have a big box like this and the effects it has on smaller businesses. She would like to keep local businesses rather than the big businesses.

Mr. Hopkins will vote in favor of this for many of the reasons that Mr. Pollock articulated in his discussion, but the message that should go with it is still that the City ought to do this well by doing all the other things that we do at this stage including how the property would be accessed and how the site was laid out. We can do this well.

Mr. Alix responded by saying that he felt rather similarly. However, he was still on the side of voting against this rezoning request. But by doing so, he did not want to communicate that any commercial development at this intersection or in this area would not be appropriate. He thought that the parcel as it sits and as it was brought to the Plan Commission as a large 80-acre parcel with the characteristics that it brings that the rezoning was not appropriate for the parcel as presented. It certainly was not unreasonable to expect or even encourage commercial development in that area on a smaller scale or in a somewhat more appropriate configuration.

Mr. Pollock commented that a real mitigating factor for him was the fact that with a subdivision, this would come back to the City Council, and they will have the ability to look at the issues that need to be looked at in order to protect the neighborhood and do this in the best possible way.

The roll call was as follows:

Mr. Douglas	-	Yes	Ms. Goscha	-	Yes
Mr. Hopkins	-	Yes	Mr. Kangas	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	No
Mr. White	-	Yes	Mr. Alix	-	No

The motion was passed by a vote of 6-2. Ms. Tyler stated that this case would go to City Council on September 2, 2003.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STUDY SESSION

There was none.

11. STAFF REPORT

Ms. Tyler reported on the following:

- *St. Patrick Church's Special Use Permit* was approved by City Council on August 4, 2003.
- *Next Scheduled Comprehensive Plan Steering Committee Meeting* is scheduled for Thursday, September 11, 2003. They will be working on Concept Plans.
- *MOR, Mixed-Office Residential Zoning District Text Amendment* should be presented to the Plan Commission at the September 18, 2003 meeting. Staff has been working on the amendments.
- *Sweetcorn Festival* is this weekend in Downtown Urbana. Please come and join in the fun and activities.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission